

Comprehensive Measures to Address the Overall Decentralization of Civil Cases: A Case Study of the People's Court in County S, China

Lan Jia

China Jiliang University, Hangzhou, Zhejiang, China

Abstract: In order to avoid the overlapping functions of four levels of courts and to better construct a fair and just judicial system that serves the people, the Supreme People's Court has issued a notice promoting the reform of the functional positioning of four levels of courts. Among them, grassroots courts handle the highest number of cases, have the largest quantity, and are distributed most widely, making them an important focus in the reform of functional positioning. After the reform, civil cases will be comprehensively decentralized to grassroots courts, which means that grassroots courts will handle the majority of civil cases and gradually become the center for civil case adjudication. However, this also brings significant challenges to grassroots courts. Therefore, in order to avoid the negative impact of the comprehensive decentralization of civil cases on grassroots courts, measures such as guidance from superior courts, alternative dispute resolution mechanisms, optimization of personnel allocation at the grassroots level, and improvement of work efficiency are particularly important.

Keywords: Reform of Functional Positioning; Grassroots Courts; Decentralization of Civil Cases; Coping Measures; Judicial System

1. Introduction

1.1 Background

In order to further clarify the functional positioning of four levels of courts, avoid the confusion of functions among these courts, establish a fair, efficient, authoritative, and reliable judicial system, and promote the unified application of justice, the Supreme

People's Court promulgated the Implementation Measures for the Pilot Reform of Functional Positioning of Four Levels of Courts in 2021. This decision determined to carry out pilot projects for the reform of functional positioning in intermediate and grassroots courts within 12 provinces (municipalities) in China [1].

The court layout in foreign countries mostly follows a triangular pyramid structure, consisting of courts of first instance, appellate courts, and a supreme court. However, in China, there are four levels of people's courts, following a two-instance trial system. These levels are determined primarily based on regional divisions, without a strict distinction based on the courts' trial functions and operational mechanisms [2]. For example, all levels of people's courts in China can handle first-instance cases, and there is no clear boundary between factual determinations and legal applications, which directly leads to the confusion of functions among different levels of courts, without clear differentiation.

1.2 The Impact of Functional Positioning Reform on Courts

The Implementation Measures for the pilot reform of functional positioning identified five aspects of reform that would have implications for the overall function of the courts. These aspects include: 1) The overall decentralization of civil cases; 2) The upgrading of special cases for higher-level examination; 3) The clarification of the application process and requirements for case retrials; and 4) Further improvement of the operational mechanisms of the Supreme People's Court's adjudicative institutions. The purpose of these measures is to establish clear and distinct functional positioning for courts at all levels and to avoid the confusion of functions among them. As a result of the court reform, the majority of civil

cases will be decentralized to grassroots courts, and even complex and difficult cases that grassroots courts have not handled in the past will be decentralized to them as part of the reform of functional positioning. This will have an impact on the adjudicative system of grassroots courts and present new challenges for their judicial personnel. Therefore, this paper explores the impact of the functional positioning reform on grassroots courts in S County, China, from both theoretical and practical perspectives, aiming to promote the ability of grassroots courts to effectively handle the influx of a large number of civil cases and address the challenges posed by more complex cases.

2 Challenges Faced by Grassroots Courts after the Implementation of Functional Positioning Reform

2.1 Comprehensive Decentralization of Civil Cases

In order to achieve a clearer division of adjudicative functions among the four levels of courts in China and avoid the confusion of functions [3], a large number of cases involving factual determinations and dispute resolution have been delegated to grassroots and intermediate people's courts. This means that grassroots courts will gradually become the focal point for the adjudication of civil cases and handle the majority of first-instance civil cases [4]. The purpose of this decentralization is to overcome the shortcomings of the lack of a pyramid structure and the practical disadvantages resulting from the confusion of functions among the four levels of courts. The Supreme People's Court, through its Notice on Adjusting the Criteria for Jurisdiction of First-instance Civil Cases by Intermediate People's Courts issued in 2021, has significantly increased the standards for accepting first-instance civil cases by intermediate people's courts. As a result, the majority of civil cases have been decentralized to grassroots courts, gradually making them the main hub for the adjudication of civil cases.

2.2 Exacerbation of Personnel-Case Contradiction in Grassroots Courts

The issue of "too many cases and too few

personnel" is a widespread problem in China's grassroots courts [5]. In recent years, factors such as rapid economic growth, significant population mobility, increasing legal awareness among the people, and low litigation costs have led to a substantial increase in the number of cases being handled by the courts (as shown in Table 1). However, due to a scarcity of court positions, reforms in judicial staffing, relatively low salaries, and high turnover rates among judicial support staff, grassroots courts continue to face a shortage of personnel. This has resulted in an ongoing contradiction between personnel and case load in these courts. Recently, with the functional positioning reform of the four levels of courts, which has led to the comprehensive decentralization of civil cases to grassroots courts, the personnel-case contradiction has been further intensified. The adjustment of the first-instance acceptance standards for civil cases by intermediate-level courts by the Supreme People's Court has resulted in an increased number of cases, including those involving substantial economic interests and more complex cases, being transferred to grassroots courts. The increase in both the difficulty and quantity of cases, as well as the diversification of case types, poses new challenges for judicial personnel in grassroots courts [6].

2.3 Escalation of Personnel Attrition in Response to Case Decentralization

The workload of civil servants in grassroots courts is greater than that of their counterparts in other administrative units [7]. However, their salary and benefits do not correspond proportionally to their workload. Firstly, the recruitment criteria for court civil servants are more stringent compared to those of general civil servants. Additionally, Chinese courts implement a lifetime responsibility system for judges, indirectly increasing their judicial pressure. Secondly, judges face more restrictions compared to other civil servants, such as prohibitions on engaging in certain professions. Lastly, the promotion system for court judges follows the administrative mechanism with 12 levels, providing limited career advancement opportunities for both leadership judges and ordinary judges. This inadequately meets the career advancement needs of judges in grassroots courts and fails

to stimulate their work interests [8]. The economic remuneration for judges does not align with the level of pressure they face, severely impacting their work enthusiasm and productivity, leading some court personnel to resign as a result.

Table 1. Personnel-Case Situation in S County People’s Court in the Past 5 Years

Years	Cases Received	Cases Closed	Closure Rate	Frontline Staff	Cases per Staff	Closure per Staff
2017	4667	4667	100%	37	126	126
2018	4234	4234	100%	40	106	106
2019	4354	4354	100%	42	104	104
2020	5046	5045	99.98%	36	140	140
2021	5470	5448	99.60%	36	152	151

3 Recommendations for Dealing with the Comprehensive Decentralization of Civil Cases: Based on the Analysis of Case Resolution Methods in S County, China

3.1 Case Resolution Methods in Civil Litigation in China

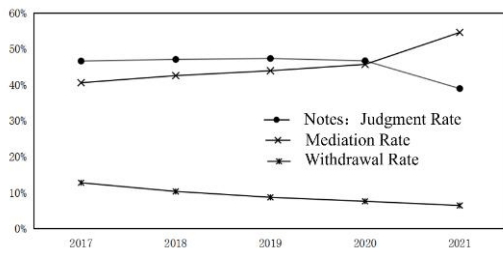


Figure 1. Main Case Resolution Methods for Marriage and Family, and Inheritance Disputes in S County Court from 2017-2021

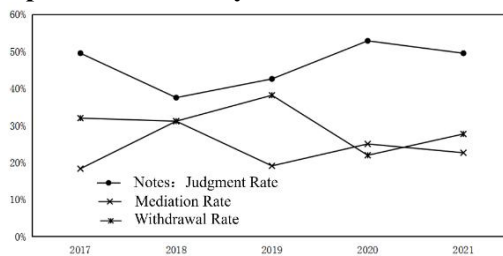


Figure 2. Main Case Resolution Methods for Contract Disputes in S County Court from 2017-2021

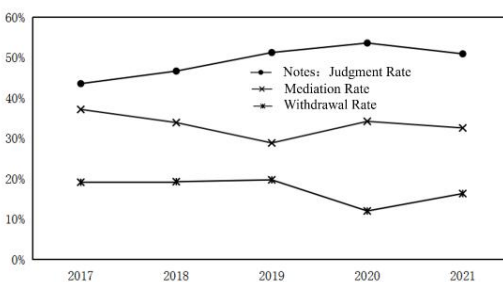


Figure 3. Main Case Resolution Methods for Tort, Ownership, and Other Cases in S County Court from 2017-2021

Figure 4. Main Case Resolution Methods for Civil Cases in S County Court from 2017-2021

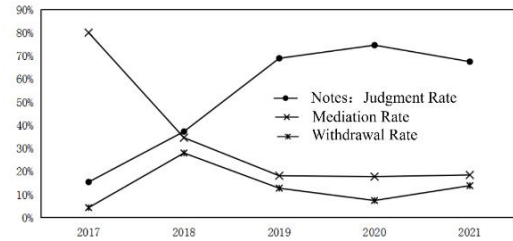


Figure 4. Main Case Resolution Methods for Civil Cases in S County Court from 2017-2021

The main methods of case resolution in civil litigation can be divided into three categories: judgment, withdrawal of the lawsuit, and mediation. These methods can be further classified as voluntary or compulsory, depending on the parties’ attitudes. The former includes withdrawal of the lawsuit and mediation, while the latter refers to judgment. The above charts depict the case resolution methods in civil litigation in S County People’s Court over the past five years. From Fig. 1, it can be observed that approximately 90% of marriage and family disputes, as well as inheritance disputes, were resolved through judgments and mediations. Furthermore, from 2017 to 2021, the number of cases resolved through mediation in marriage and family disputes and inheritance disputes has been continuously increasing. This highlights the growing importance of mediation in handling these types of cases, indicating that the conflicting disputes between the parties involved can be amicably resolved either before filing or during the pretrial proceedings. The handling of contract disputes in S County has shown significant fluctuations over the past five years, with 37% of contract disputes (as shown in Fig. 2) being resolved through judgments. This phenomenon may be attributed to factors such as the subject matter, content, and attitudes of the parties involved in the contracts. Contracts with larger subject matters, complex content, and significant interests at stake may incline the parties towards seeking a judgment ruling. On the other hand, if the contract involves minimal interests and there is no irreparable gap between the parties, they may choose to withdraw the lawsuit or opt for mediation. Figure 3 demonstrates that before 2018, mediation was the primary method of

resolving disputes related to tort, ownership, and other cases. However, in 2018, the proportions of mediation and judgment resolutions reached a balance for such disputes. Subsequently, the main method of case resolution shifted towards judgments. Analyzing the case resolution methods of civil cases in S County over the past five years (Fig. 4), it is evident that the majority of civil cases were resolved through judgments and mediations. Specifically, the judgment rates and mediation rates for marriage and family disputes, as well as inheritance disputes, are comparable. Therefore, it is possible to enhance non-litigation efforts and resolve disputes at an early stage.

3.2 Recommendations for Coping with the Comprehensive Decentralization of Civil Cases in China

3.2.1 Prioritizing non-litigation dispute resolution mechanisms

Based on the main methods of civil case resolution in S County Court from 2017 to 2021, where 28% to 37% of civil cases were resolved through mediation, it is advisable to prioritize non-litigation dispute resolution mechanisms and use mediation to resolve conflicts between parties. Therefore, the establishment of a diversified pre-litigation mediation platform is suggested: Firstly, the court should collaborate with relevant departments and industry associations to formulate joint documents on legal mediation and coordination. Secondly, a corresponding platform for case-mediation coordination should be established. Thirdly, a mediation office or service window should be set up in the civil service center, and a group of politically literate individuals with rich mediation experience, such as people's jurors or retired judges, should be selected as invited mediators. Active efforts should be made to conduct pre-litigation mediation and mediation during the filing process. By expanding the scope of cases eligible for mediation, a more effective response can be achieved regarding the issue of a large number of civil cases decentralizing to lower-level courts following the reform of court functions.

3.2.2 Inclining court personnel towards grassroots and front-line case handling

The reform of the judicial function positioning has resulted in a large number of civil cases

being transferred to grassroots people's courts, leading to an increasing workload for judges at the grassroots level and a decrease in the time and attention devoted to individual cases. Facing the increasing number of civil cases and the influx of complex and challenging cases at the grassroots level, judges may find it difficult to significantly enhance their adjudicative abilities in the short term, potentially resulting in substandard judicial outcomes. To address the "high caseload, insufficient personnel" situation in courts after the comprehensive decentralization of civil cases, it is advisable to promote the allocation of court personnel and positions towards grassroots and front-line case handling. For instance, following the reform of judicial function positioning, the higher-level courts will have a reduced workload, allowing for the moderate reduction of personnel positions at those levels. These positions can then be allocated to grassroots people's courts, thereby alleviating the issue of heavy caseloads and inadequate personnel at the grassroots level and ensuring the quality of case handling.

3.2.3 Introducing judicial support staff

To address the situation of a large number of civil cases being transferred to grassroots courts, resulting in a shortage of personnel at the grassroots level, it is recommended to introduce a system of employable staff at the grassroots level. On one hand, this will help resolve the issue of limited personnel positions at grassroots people's courts. On the other hand, it will alleviate the pressure caused by the influx of a significant number of civil cases to the grassroots level. Judicial support staff will primarily be responsible for reviewing litigation materials, assisting judges in conducting mediation, drafting certain parts of the judgment documents under the guidance of judges, and managing case scheduling. This will relieve the workload of judicial officers, enabling them to work more effectively and improve judicial efficiency.

3.2.4 Strengthening guidance from higher-level courts to grassroots courts

Following the reform of judicial function positioning, a significant number of civil cases, including those involving major interests and complex issues, will be transferred to grassroots people's courts, posing greater challenges to these courts. Judicial officers at the grassroots level may face issues such as

limited judicial experience and a relatively young workforce, focusing more on the determination of factual matters in the process of adjudicating cases, while placing less emphasis on legal considerations and facing a shortage of personnel. Therefore, to ensure the quality of case handling at the grassroots level and effectively resolve disputes between parties in light of the decentralization of cases, it is necessary to strengthen the guidance from higher-level courts to grassroots courts. This guidance will assist in addressing complex and challenging cases, alleviating the pressure faced by judicial officers at the grassroots level in handling civil cases.

4. Conclusions

The purpose of the reform of judicial function positioning at the four levels of courts is to avoid the confusion of functions and establish clearer and more specific divisions of labor among the different levels of courts. After the reform, a large number of civil cases are being transferred to grassroots people's courts, making them the focal point of civil case adjudication and presenting them with higher requirements and greater challenges. The decentralization of civil cases exacerbates the issue of a shortage of personnel at the grassroots level. Therefore, from the perspective of timely dispute resolution, conflict resolution, and stabilizing grassroots social order, it is advisable to further empower the effectiveness of non-litigation dispute resolution mechanisms and improve their connection with litigation, guiding parties to actively choose non-litigation dispute resolution mechanisms. With the reform of judicial function positioning and the increase in standards for intermediate-level courts to accept cases, a significant number of "complex and challenging" cases will be transferred to grassroots people's courts. To further enhance the thorough examination of cases and improve the quality of adjudication, it is necessary to improve the system for evidence collection and enhance the ability of parties to

present evidence.

References

- [1] Zhang wei-ping, Dai shu-cheng. Reflections on the Adjustment of the Function Orientation of the Supreme People's Court. *Study & Exploration*, 2022(6): 69-80.
- [2] Fan yue-ru. Research on the function orientation of four-level courts under the background of judicial reform. *Shandong Judges Training Institute Journal*, 2017, 33(6): 42-51
- [3] Jin dong. Structure and Function: A Study on the Reform of Trial Function Orientation of Four-tier Courts. *Journal of Political Science and Law*, 2022, 39(2): 93-101.
- [4] Zhang liang, Huang mao-kun. Challenges and Macro Countermeasures to the Sinking of the Focus of Civil Trial in China. *Hebei Law Science*, 2022, 40(07): 149-168.
- [5] Zhang hai-yan. The Dilemma of Few Judges for Many Cases and Its Way out: Focusing on the Civil Cases. *Journal of Shandong University (Philosophy and Social Sciences)*, 2018(2): 48-58.
- [6] Tang yun-yang. The Pilot Problem and Perfecting Path of the Reform of the Function Orientation of the Middle and Grassroots Courts in China: Taking the Courts in S Province as an Example. *Journal of Sichuan University of Science & Engineering (Social Sciences Edition)*, 2023, 38(01), 65-85
- [7] Wang wei-wei. Thoughts on human resource management of basic courts. *Human Resources and Social Security*, 2022(16): 113-115.
- [8] Long fei. A Positive Study on the Prioritization of Non-litigation Disputes Resolution Mechanism: with Samples from the Practice of Chongqing Courts. *Journal of Law Application*, 2019(23): 76-88.