

Research on the Dilemmas and Solutions to the Modernization of Grassroots Rule of Law

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Abstract: The modernization of the rule of law at the grassroots level is the key to the modernization of the national governance system and governance capabilities, and it is also the core practice for the rule of law ideas to take root at the grassroots level. Current academic research on grassroots rule of law has yielded fruitful results, but there are still problems such as in-depth analysis of dilemmas, fragmented countermeasures and suggestions, and insufficient response to digital transformation. Based on the existing research foundation and combined with the development trend of digital rule of law, this article analyzes the root cause of the dilemma of grassroots legal modernization lies in the path dependence of the administrative-led governance model, the imperfect law-oriented evaluation system, and the imbalance between resource allocation and grassroots burden. Based on this, it is proposed to reconstruct the precise institutional supply model to activate grassroots innovation and reshape the performance evaluation system; strengthen collaborative governance entities to create professional teams and build a diverse co-governance community; innovate smart governance methods and digital rule of law to empower the creative transformation of the “Maple Bridge Experience” in the new era, providing academic reference for the modernization of grassroots rule of law in the new journey.

Keywords: Modernization of Grassroots Rule of Law; Rule of Law Thought; Governance Dilemma; Digital Rule of Law; Maple Bridge Experience

1. Introduction

Basically realizing the modernization of the national governance system and governance capabilities is one of the overall goals of my

country's development in 2035. It emphasizes that the rule of law must better play its role in consolidating the foundation, stabilizing expectations, and benefiting the long-term, and comprehensively build a modern country on the track of the rule of law [1]. The level of modernization of the rule of law at the grassroots level directly determines the people's true feelings about the rule of law, and is also directly related to the social foundation of the country's long-term peace and stability. To promote comprehensive rule of law, the focus is on the grassroots level, the foundation of work is at the grassroots level, and the source of vitality is also at the grassroots level. This points the way forward and provides fundamental guidance for promoting the modernization of grassroots rule of law in the new era [2].

At present, academic circles have accumulated fruitful results in research on grassroots rule of law. Some studies focus on a specific area of grassroots rule of law construction, such as grassroots legislative contact points [3], township comprehensive administrative law enforcement reform [4], functional reshaping of grassroots judicial offices [5], and the development of the “Maple Bridge Experience” [6]. There are also scholars who explore the theoretical connotation and implementation path of grassroots rule of law from a macro perspective [7], which provides important theoretical reference for the writing of this article. However, there is still room for expansion in existing research: First, there is insufficient in-depth analysis of the deep-seated and structural root causes behind the dilemma of grassroots rule of law modernization; second, the proposed countermeasures and suggestions are “fragmented” and lack systematic solutions based on the combination of top-level design and grassroots practice; third, there is insufficient systematic discussion of the rule of law thought guiding the modernization of grassroots rule of

law, especially in response to emerging challenges of digital transformation, and theoretical innovation needs to be strengthened. Based on this, this article is theoretically based on the existing research on the modernization of grassroots rule of law in academia, combined with research insights from the emerging legal field of digital rule of law, and strives to seek breakthroughs in the following three aspects: first, systematically sort out the “complex dilemma” of the current modernization of grassroots rule of law in the three dimensions of system, subject, and method; second, in-depth uncover the structural roots of the administrative management system, performance appraisal mechanism and resource allocation pattern behind the dilemma; thirdly, with the rule of law as the core methodology, a set of “three-in-one” solutions covering institutional reconstruction, subject empowerment and method innovation are proposed, in order to provide valuable academic reference for promoting the modernization of grassroots rule of law on the new journey.

2. Keeping Integrity and Innovating: Interpretation of the Connotation and Value of the Times in the Modernization of Grassroots Rule of Law

Accurately grasping the scientific connotation of grassroots legal modernization is the prerequisite for solving its dilemma. The modernization of the rule of law at the grassroots level is not simply “bringing the rule of law to the countryside” or the mechanical application of legal provisions at the grassroots level, but a systematic project that contains profound theoretical logic and practical orientation.

2.1 The Core Connotation of Grassroots Legal Modernization

The modernization of grassroots rule of law is guided by the thought of the rule of law, adhering to the people-centered approach, fully integrating the spirit, principles, and norms of the rule of law into various fields such as grassroots politics, economy, society, culture, ecology, etc., building a grassroots governance legal system with clear rights and responsibilities, efficient operation, and strong guarantees, cultivating a social atmosphere in which all members of society consciously respect the law, learn the law, abide by the law, and use it, and ultimately realize the

modernization of the grassroots governance system and governance capabilities. Under the guidance of the thought of the rule of law, the core connotation of grassroots rule of law modernization can be summarized as “one center, three dimensions, and one goal.”

“One center” means adhering to the people-centered approach. Adhering to the people-centered approach is the starting point and foothold of comprehensively governing the country according to law. Always representing the fundamental interests of the overwhelming majority of the people, ensuring that the people are the masters of the country, embodying the common will of the people, and safeguarding the people's legitimate rights and interests are the essential attributes of our country's national system and national governance system. They are also the basis for the effective operation and vitality of our country's national system and national governance system [8].

The “three dimensions” are governance concepts, governance systems and governance capabilities. First of all, the modernization of governance concepts requires grassroots governance to transform from traditional “managerial” government to “service-oriented” government, from “man-governed” thinking to “rule of law” beliefs, and to establish the concept and values of consciously respecting the law, learning the law, abiding by the law, and using it. Secondly, the modernization of the governance system requires the establishment of a grassroots rule of law implementation system, supervision system and guarantee system with complete systems, clear powers and responsibilities, and efficient operation, including formal legal systems, industry charters, village rules and civil covenants and other social norms, forming a situation of “pluralistic co-governance” with a positive interaction between national laws and social norms. Thirdly, the modernization of governance capabilities requires grassroots governance entities to have the comprehensive ability to use legal thinking and legal methods to deepen reforms, promote development, resolve conflicts, maintain stability, and respond to risks [9].

“One goal” is to achieve good laws and good governance in grassroots society. Good law is the prerequisite for good governance, and good governance is the goal of good law. The modernization of grassroots rule of law pursues not only the strict enforcement of the law, but

also the realization of social fairness, justice, harmony and order through the rule of law. It emphasizes the combination of the rigidity of law and the flexibility of morality, and the organic unity of law, reason, and emotion, ultimately forming a good social atmosphere in which things are done in accordance with the law, people find the law when encountering problems, solve problems using the law, and resolve conflicts by relying on the law.

2.2 The Contemporary Value of Grassroots Rule of Law Modernization

In the grand blueprint of promoting Chinese-style modernization, the modernization of grassroots rule of law plays an indispensable role, and its contemporary value is reflected in at least three levels:

(1) Consolidate the micro-foundation of national governance modernization. The “towering trees” of the national governance system are rooted in the “fertile soil” of grassroots governance. Only when grassroots governance achieves the rule of law, with clear powers and responsibilities, standardized operations, and strong supervision, can the various systems of national governance truly take root and avoid the phenomenon of “nine levels of turmoil above, but no movement below”.

(2) Smooth channels for preventing and resolving social conflicts and disputes. The grassroots level is the “distribution center” and “pressure reducing valve” for social contradictions. A sound legal system at the grassroots level can prevent a large number of conflicts and disputes at the source and resolve them at the grassroots level, prevent small matters from being magnified and major matters from being delayed, effectively reduce social operating costs, and maintain social harmony and stability. This is the core essence of the “Maple Bridge Experience” in the new era.

(3) Ensure the ultimate realization of the fundamental interests of the people. The vitality of the law lies in its implementation, and people's rights ultimately depend on grassroots rule of law. From land acquisition and demolition, environmental protection to labor and employment, marriage and family, most of the most direct and realistic interest issues that the people are most concerned about occur at the grassroots level. The level of grassroots legal modernization directly determines the people's sense of gain, happiness, and security.

3. Appearances and Roots: Multidimensional Dilemmas Facing the Modernization of Grassroots Rule of Law

Despite the remarkable achievements, in order to meet the new requirements of the new era, there are still some deep-seated difficulties that need to be solved in the modernization process of grassroots rule of law. These dilemmas do not exist in isolation, but are interrelated and cause and effect each other, forming a complex “dilemma complex.”

3.1 Disconnection between Institutional Supply and Grassroots Demand: Misalignment between “Superstructure” and “Practical Soil”

Institutional supply is the basis for the operation of the rule of law. At present, our country's legal system is increasingly improving, but deviations often occur during the top-down implementation of good laws. Especially when faced with complex and changeable grassroots practices, the incompatibility between the “rigidity” of the rule of law and the “flexibility” of law enforcement causes many problems.

(1) “One size fits all” in legislation and “selective” in law enforcement. Legal legislation at the national level is often universal and principled, and it is difficult to fully adapt to the grassroots conditions at the township and village levels. For example, laws on urban management are directly applied to towns and villages, which may lead to improper handling of behaviors related to people's livelihood such as occupying roads to sell food and occupying roads for business operations. This kind of “rigid” legal system supply makes grassroots law enforcement officers either fall into the embarrassment of “the law is difficult to blame the public” when facing the vivid grassroots social practice, or they engage in “selective law enforcement” or even alienate into “profit-seeking law enforcement”, which is bound to damage the authority and credibility of the law among the grassroots people.

(2) The “formalization” of assessment and the “involution” of governance. The assessment of grassroots legal work by superior departments often tends to be easy to quantify indicators, such as “administrative review and error correction rate”, “lawsuit rate per 10,000 people”, “number of legal popularization publicity”, etc. This data-centered assessment orientation forces the grassroots to devote a lot

of energy to formalist work such as “beautification of ledgers” and “packaging of materials”, while paying insufficient attention to the complex contradictions that really require investment of time and energy to resolve and cultivate a legal culture. The construction of the rule of law has become a “numbers game”, leading to the “involution” of grassroots governance and getting further and further away from the substantive rule of law goal.

3.2 Imbalance between Subject Capabilities and Functional Requirements: The Realistic Dilemma of “a Small Horse Pulling a Big Cart”

Various functions of grassroots rule of law ultimately need to be undertaken by specific governance entities. However, there is a significant gap between the current capabilities of grassroots legal entities and the onerous functions they carry.

(1) “Professional deficit” and “high turnover rate” of the talent team. There is generally a lack of professionals with systematic legal education at the township and street level. A town often has only one or two judicial office staff, but they have to undertake multiple functions such as legal education, mediation, community correction, and legal aid. Although the reform of comprehensive administrative law enforcement in townships and towns implemented in recent years has integrated law enforcement teams, the legal literacy and procedural awareness of law enforcement personnel still need to be improved. At the same time, due to the high pressure of grassroots work, relatively low remuneration, and limited promotion space, it is very common that legal professionals cannot be introduced and retained, and the professional capabilities and stability of the team are difficult to guarantee.

(2) The “fuzzy zone” and “unlimited responsibility” between powers and responsibilities. The principle of “territorial management” is often generalized in practice, and various work tasks from superiors are pushed down layer by layer through “letters of responsibility”, “one-vote veto” and other forms, causing townships and streets to bear “unlimited responsibilities” that do not match their powers and resources. In the field of rule of law, from petitions to maintain stability, environmental governance, and production safety, almost all issues eventually come to the grassroots level. The unclear powers and responsibilities make it

difficult for grassroots cadres to cope with the situation and find it difficult to concentrate on their core business. The rule of law work is easily marginalized and adapted to the situation.

3.3 Governance Methods and Emerging Challenges Lag Behind: It is Difficult to Find the “New Continent” on the “Old Map”

Society is developing rapidly, and new governance problems are constantly emerging. However, the methods and methods of grassroots governance are slowly updated, showing an obvious lag.

(1) “Governance deficit” in the digital age. The popularity of the Internet, especially the mobile Internet, has profoundly changed the ways of social interaction and the forms of contradictions. New disputes in the digital age have the characteristics of subject virtualization, perishable evidence, and diffuse damage. The traditional territorial jurisdiction, investigation and evidence collection, and dispute mediation models are almost completely ineffective [10]. Grassroots managers often feel helpless when faced with “contradictions at their fingertips”. In addition, how to use big data, artificial intelligence and other technologies to improve governance efficiency and achieve accurate prediction of risks and proactive intervention, there are huge shortcomings in technology, talent and ideas at the grassroots level, forming a significant “digital divide” and “governance deficit”.

(2) The “modernization dilemma” of traditional wisdom. The traditional governance wisdom of relying on the masses and resolving conflicts on the spot, represented by the “Maple Bridge Experience”, still has important value in the new era. However, as urbanization accelerates and population mobility intensifies, the “acquaintance society” structure in traditional rural society gradually collapses, interpersonal relationships become atomized, and interest demands are diversified. In the past, the role of informal dispute resolution mechanisms such as clan prestige and village sage mediation has been greatly weakened. How to revitalize the “Maple Bridge Experience” in modern urban communities and in the online virtual space is a major issue facing the modernization of grassroots rule of law.

3.4 Analysis of the Deep-Seated Root Causes of the Dilemma of Grassroots Rule of Law

Modernization

There are three main structural factors at the root of the multi-dimensional dilemma of grassroots legal modernization.

(1) The administrative-led governance model is deeply rooted. For a long time, my country's grassroots governance has been characterized by a distinct administrative dominance. This model played an important role in specific historical periods, but it also resulted in over-reliance on administrative orders, and grassroots people despised national laws, regulations and policy documents. The rule of law is often regarded as a tool or means to complete administrative tasks, rather than the fundamental principles that must be followed. This is the fundamental reason for the disconnect between the supply and demand of the grassroots legal modernization system and the formalization of assessment.

(2) The rule-of-law-oriented evaluation system is imperfect. The “baton” determines the “direction of action. In the current cadre assessment and evaluation system, “hard indicators” such as economic development, investment promotion, and stability and security dominate, while the construction of the rule of law, as a “soft power,” lacks both weight and scientific evaluation methods. This makes local politicians lack sufficient motivation to promote substantive rule of law construction, and grassroots cadres are more inclined to use administrative means to solve problems because it is more “efficient” and more consistent with assessment logic.

(3) Structural imbalance between resource allocation and grassroots burden. The principle of “power goes with things and money goes with things” has not been fully implemented in reality. A large number of high-quality resources such as staffing, funding, and technology are concentrated in agencies above the municipal level. However, townships and towns with “many things to do but few and heavy responsibilities” have been in a state of resource “poverty” for a long time. This “inverted pyramid” resource allocation structure is the direct cause of the brain drain and lack of professional capabilities at the grassroots level, making the construction of the rule of law at the grassroots level “overwhelming but insufficient.”

4. Integration and Reshaping: The Path to Cracking the Modernization of Grassroots Rule of Law

To solve the dilemma of modernizing the rule of law at the grassroots level, we must adhere to the combination of integrity and innovation under the scientific guidance of rule of law ideas, and coordinate the modernization of systems, subjects, and methods.

4.1 Reconstructing the Institutional Supply Model: Transformation from “Flood Irrigation” to “Precision Drip Irrigation”

The key to solving the problem of disconnection between institutional supply and grassroots demand is to enhance the accuracy, synergy and effectiveness of the system and build a benign interactive mechanism that combines top-down and bottom-up.

(1) Activate the “capillaries” of grassroots legislation and promote “small and fast” system innovation. To implement the requirements of promoting scientific legislation, democratic legislation, and legislation in accordance with the law, on the one hand, we must give full play to the “through train” role of the grassroots legislative contact point of the National People's Congress and feed back the most vivid practical issues and public opinion demands at the grassroots level into the national and local legislative processes. On the other hand, within the scope authorized by the constitution and law, districted cities and even qualified counties (districts) should be given greater “micro-legislative power” or “specific rule-making power”, and encouraged to formulate regulations, rules or normative documents with more local characteristics and operability around grassroots affairs such as urban and rural community governance, city appearance and environmental sanitation, and historical and cultural protection. This kind of “small incision” and “refined” legislation can effectively bridge the gap between the principles of national legislation and the particularity of grassroots practice.

(2) Reshape the rule of law performance evaluation system and establish a “substantial justice” orientation. Reform is the key to solving the problem. The current unscientific assessment indicators for the rule of law must be reformed and changed from “task-oriented” to “result-oriented”. The first is to introduce “third-party evaluation” and entrust universities, research institutions, lawyers associations, etc. to conduct independent and professional evaluations of the regional rule of law situation,

changing the situation of “scoring yourself”. The second is to increase the weight of “mass satisfaction” and use random sampling, household interviews, big data analysis and other methods to use the true feelings of the people as the core yardstick for measuring the effectiveness of the rule of law. The third is to establish a “negative list for rule of law supervision” and implement a “one-vote veto” for regions and units where major rule of law incidents, serious procedural violations, or large-scale legal-related petitions have occurred, forcing those in charge to truly value the rule of law and respect the law.

4.2 Strengthening the Main Body’s Capacity Building: Upgrading from “Individual Combat” to “Multiple Collaboration”

To solve the dilemma of “small horse and big cart”, we must cultivate both internally and externally. We must not only improve the endogenous capabilities of grassroots civil servants, but also be good at integrating external social resources to form a synergy for governance.

(1) Create a professional grassroots legal work team with “one specialty and multiple abilities”. Adhere to the direction of revolutionization, regularization, specialization, and vocationalization, and strengthen the construction of grassroots political and legal teams. First of all, through special recruitment, targeted training, upper-lower exchanges, etc., we will equip townships and streets with sufficient talents with legal professional backgrounds, and set up the position of “rule of law specialist” to ensure that there is a dedicated person responsible for the rule of law. Secondly, implement differentiated and practical training. Change the training model of “reading documents and reading PPT” and adopt methods such as case teaching, court trial observation, and simulated law enforcement to focus on improving the practical ability of grassroots cadres to respond to emergencies, resolve complex conflicts, and apply procedural rules. Finally, we should broaden the career development channels for grassroots legal talents and give them preferential treatment in job promotion, professional title evaluation, and salary and benefits, so that they can “have something to do, something to look forward to, and something to run towards” at the grassroots level.

(2) Build a grassroots legal community of “pluralistic co-governance”. To promote co-construction, co-governance and sharing of social governance, grassroots governments should transform from “all-powerful governments” to “platform governments” and actively link and empower social forces. The first is to establish a mechanism for the government to purchase legal services and outsource some highly professional legal affairs, such as regulatory document review, legal argumentation for major decisions, and complex dispute mediation, to law firms, notary offices and other professional institutions. The second is to deepen “government-court linkage” and establish a normalized docking mechanism between courts and townships and streets. Judges regularly visit communities to conduct trials and guide mediation, forming a positive interaction between justice and administration. The third is to actively cultivate social organizations and encourage retired judges, prosecutors, lawyers, law teachers and other “legal understanders” and “rule of law leaders” to form volunteer service teams to deeply participate in community legal education, legal consultation and conflict mediation, forming a new governance pattern in which the official and private sectors complement each other and combine professional forces with mass forces [11].

4.3 Innovative Social Governance Methods: A Leap from “Passive Response” to “Active Prevention”

In the face of profound changes in social form, we must use innovative methods to deal with new challenges, especially to seize the biggest increment of digital transformation.

(1) Empower the modernization of grassroots governance with “digital rule of law”. Digitalization is a key engine for modernizing governance capabilities. First, build an integrated grassroots smart governance platform. Integrate data from multiple departments such as comprehensive management, petitions, urban management, and justice to break “information islands” and build a “data base” for grassroots governance covering people, places, things, objects, and organizations. Through big data analysis, we can accurately identify social conflict risk points and public safety hazard points, and realize the transformation from “post-event disposal” to “pre-emptive warning”.

Second, promote online diversified dispute resolution (ODR). In response to new and massive disputes such as cyber violence, e-commerce disputes, and small loans, we will vigorously develop online mediation, online arbitration, and online litigation platforms. This can not only break through geographical restrictions and reduce the costs of parties' rights protection, but also use AI technology to intelligently divert and extract elements, greatly improving the efficiency of dispute resolution. Third, promote "smart law popularization". Use short videos, public accounts, mini programs and other new media matrices to transform boring legal provisions into lively, interesting, easy-to-understand graphics, animations, and case stories to achieve precise push and effective coverage of legal education propaganda.

(2) Creatively transform "Maple Bridge Experience" into the new era. The essence of the "Maple Bridge Experience" lies in "no handover of conflicts, no accidents, no lack of services" [12]. In the new era, it must be modernized. First, the deep integration of "rule of law", "rule of virtue" and "autonomy". Guide the revision of village rules and regulations and residents' covenants that are legal, compliant, and reflect public order and good customs at the community and village levels, and play their "soft law" role in grassroots governance. The second is the combination of "mediation" and "psychological counseling". Behind many grassroots conflicts are emotional opposition and psychological imbalance. A social psychological service system should be established, and psychological counselors and social workers should be included in the conflict mediation team to achieve "double solution". The third is the linkage between "online" and "offline". Establish an online "public opinion collection box" and an offline "residents' meeting hall" to smooth channels for expressing demands. For incipient and tendentious problems discovered online, offline grid staff and mediators promptly follow up and intervene, forming a conflict prevention and resolution mechanism for online and offline closed-loop management.

5. Conclusion

The modernization of grassroots rule of law is a long-term and arduous systematic project. It is a must-answer question in promoting Chinese-style modernization, not a multiple-choice question. The multi-dimensional

dilemma we are currently facing is a concentrated reflection of the pain of social transformation, and it also provides an opportunity for us to deepen reform and innovate governance. The solution to this article's research lies not in piecemeal repairs, but in initiating a profound change in concepts, systems, and technology with the rule of law as the overall program. This requires us to jump out of the traditional administrative mindset and shift to a governance logic with the rule of law as the core; we must abandon the formalistic assessment "baton" and establish a value orientation based on people's satisfaction; we must reshape the "top-heavy" resource allocation pattern to truly empower, empower and reduce burdens on the grassroots. By reconstructing "precise" institutional supply, cultivating "collaborative" governance subjects, and innovating "smart" governance methods, we can promote the grassroots rule of law construction to achieve a leap from quantitative change to qualitative change, spread the sunshine of the rule of law to every corner, and build the most solid and warm rule of law base for realizing the Chinese dream of the great rejuvenation of the Chinese nation.

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