

Exploration of the Legal Mechanism for Mediating Family Relationships in Intercultural Marriages

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Abstract: This paper aims to explore the legal mechanism of family relationship mediation in cross-cultural marriage, and analyze its effects and shortcomings in practical application. Firstly, this paper points out the universality of cross-cultural marriage under the background of globalization and the unique challenges it faces, especially the legal problems in family relationship mediation. Then the legal basis and practical mechanism of family relationship mediation in cross-cultural marriage are deeply studied. The results show that the mediation of family relations in cross-cultural marriage is faced with the complexity of legal application, communication obstacles caused by cultural differences and imperfect mediation mechanism. In order to improve the legal mechanism of family relationship mediation in cross-cultural marriage, it is necessary to improve it at the legislative level, clarify the legal status of cross-cultural marriage and formulate more specific and detailed legal provisions. At the same time, the mediation mechanism also needs constant innovation and diversified development to meet the special needs of cross-cultural marriage. In addition, strengthening the education and training of cross-cultural communication and understanding, and strengthening international cooperation and experience reference are also important ways to improve the mediation effect of cross-cultural marriage and family relations.

1. Introduction

Cross-cultural marriage refers to the marriage relationship between two people from different cultural backgrounds, races, countries or religions [1]. This kind of marriage transcends the traditional social and cultural boundaries and has the characteristics of pluralism and inclusiveness [2-3]. In cross-cultural marriage, husband and wife may have different languages, values, beliefs and living habits, which makes their marriage relationship more complicated and rich [4].

Under the background of globalization, cross-cultural marriage has become a common phenomenon [5]. With the increase of international communication and the surge of immigration, more and more people choose to cross cultures and national boundaries and form families with people from different backgrounds [6]. However, although cross-cultural marriage has brought cultural blending and collision, it also faces many challenges, especially in the mediation of family relations [7]. Differences in values, customs and beliefs under different cultural backgrounds often lead to contradictions and conflicts between husband and wife and family members [8]. Therefore,

exploring the legal mechanism of family relationship mediation in cross-cultural marriage will not only help to enhance the understanding of this phenomenon, but also provide legal guidance and support for solving related family conflicts, which has important practical significance and social value.

The purpose of this study is to explore the legal mechanism of family relationship mediation in cross-cultural marriage, and analyze how the mediation mechanism works under the existing legal framework, as well as its effectiveness and limitations in practice.

2. The present situation and challenges of cross-cultural marriage

In recent years, with the acceleration of globalization and the surge of immigration, cross-cultural marriage has shown a rapid growth trend around the world [9]. More and more young people choose to cross cultures and national boundaries to find their other half. This trend is not only reflected in international metropolises, but also gradually permeates small towns and rural areas. Cross-cultural marriage has become an important embodiment of the diversity and inclusiveness of the global society.

Although cross-cultural marriage brings cultural blending and collision, it also faces many challenges in family relations. First of all, differences in values under different cultural backgrounds may lead to differences between husband and wife in family roles, children's education and money management. Secondly, language barriers may affect the communication and understanding between husband and wife and aggravate family conflicts. In addition, the differences in cultural customs and beliefs between the two families may also become the root cause of family conflicts.

3. The legal basis of family relations mediation in cross-cultural marriage

3.1. International conventions and domestic legislation on legal protection of cross-cultural marriage

When discussing the legal basis of family relationship mediation in cross-cultural marriage, we need to understand the legal system related to this topic first. This includes marriage law, family law, private international law and legal provisions concerning human rights and multicultural protection (see Table 1).

Table 1: Legal Framework for Family Relationship Mediation in Intercultural Marriages

| Legal Category | Relevant Content |
|------------------------------|--|
| Marriage Law | Legal provisions concerning the establishment, modification, and termination of marital relationships |
| Family Law | Legal provisions covering the rights and obligations of family members, family property management, etc. |
| Private International Law | Rules for handling legal conflicts involving different countries, such as applicable laws and jurisdiction |
| Human Rights Law | Protects individuals' basic rights in marital and family relationships, such as equality and freedom |
| Multicultural Protection Law | Emphasizes respect and protection for individuals and families from different cultural backgrounds |

These laws not only provide a basic legal framework for cross-cultural marriage, but also provide legal basis and guidance for family relationship mediation.

At the international level, many international conventions and agreements are devoted to protecting individual rights and interests in cross-cultural marriage and promoting family harmony.

For example, both the United Nations Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination against Women emphasize the principles of equality and non-discrimination in marriage and family relations. In terms of legislation in China, corresponding laws have also been formulated to protect cross-cultural marriage. These laws may involve marriage registration, property division, child custody, divorce procedures and other aspects, aiming at ensuring that the rights and interests of all parties in cross-cultural marriage are treated fairly.

3.2. Legal principles and systems of family relationship mediation

As a non-litigation way to solve family disputes, family relationship mediation plays an important role in the legal system of all countries. The principle of mediation is shown in Figure 1:

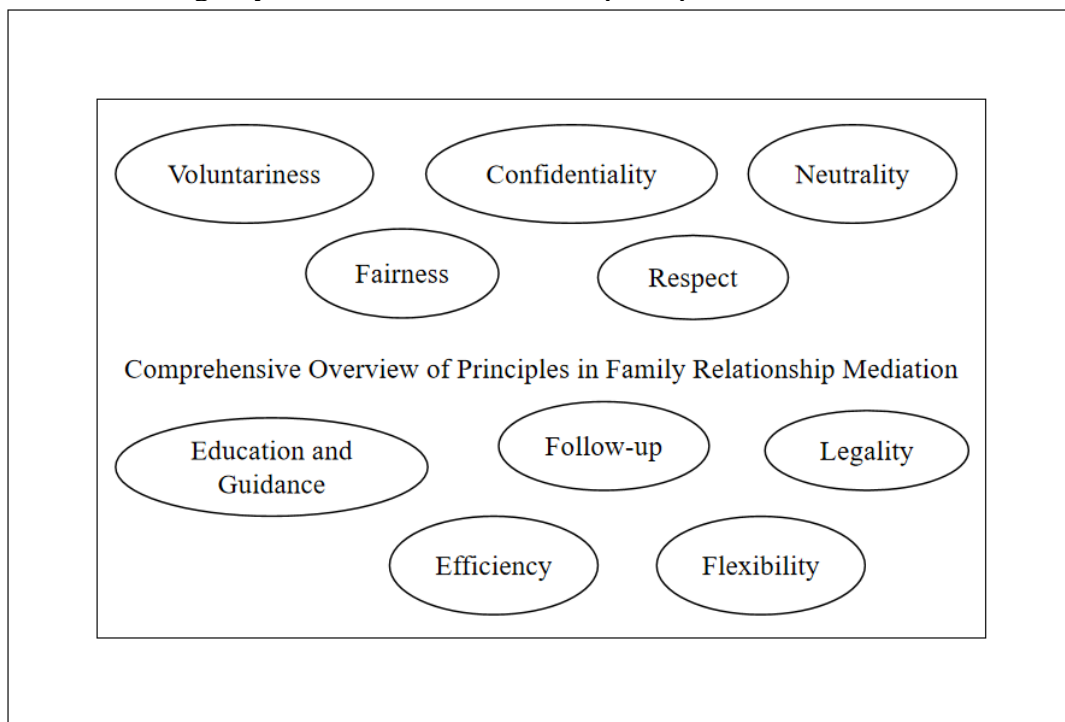


Figure 1: A comprehensive overview of the principles of family relationship mediation

These principles together constitute the cornerstone of family relationship mediation, aiming at effectively solving family disputes through non-litigation and maintaining family harmony and social stability. In the process of mediation, mediators should strictly abide by these principles to ensure the smooth progress of mediation and the effective implementation of mediation results. At the same time, countries have also established corresponding mediation systems, such as setting up specialized mediation institutions and training professional mediators to support the practice of family relations mediation.

3.3. Complexity of law application in cross-cultural marriage

The application of law in cross-cultural marriage is particularly complicated. This is mainly reflected in the conflict between different legal systems, the influence of cultural background on legal interpretation and the connection between international law and domestic law. For example, when a cross-cultural couple owns property in different countries, how to determine the applicable law becomes a thorny issue. In addition, different cultures may have different interpretations of

some legal concepts, which further increases the complexity of legal application.

4. Practice of legal mechanisms for mediating family relationships in cross-cultural marriages

4.1. Mediation procedure and practice

In cross-cultural marriage, the practice of legal mechanism of family relationship mediation involves many aspects. First of all, all countries have set up special mediation institutions to deal with family disputes. These institutions may be affiliated with the court system or independent non-profit organizations. They provide professional mediation services to help cross-cultural couples solve family conflicts. Mediation procedures usually include the steps of applying for mediation, mediator's intervention, negotiation and agreement between the two parties. In the whole process, the mediator will uphold the principles of neutrality and impartiality and help both parties find a common solution.

Because cross-cultural marriage involves the collision of different cultural backgrounds and values, the mediation process needs to pay special attention to cultural sensitivity and adaptability. Mediators need to have the ability of cross-cultural communication and understand the customs and beliefs of different cultures in order to better understand and handle the contradictions between the two sides. At the same time, the mediation process also needs to be flexibly adjusted according to the cultural background of both parties to ensure the fairness and acceptability of the mediation results.

In the practice of family relationship mediation in cross-cultural marriage, there are both successful cases and failed cases. Successful cases usually involve mediators successfully guiding the two sides to understand each other's cultural differences, find common values and reach a settlement agreement. These cases show the positive role of mediation in cross-cultural marriage. However, there are also failure cases, which may include the great cultural differences between the two sides, the lack of cross-cultural ability of mediators or the application of laws and other reasons that lead to the failure of mediation. The case details are shown in Table 2-4:

Table 2: Details of Successful Cases in Intercultural Marriage Family Relationship Mediation

| Case Number | Mediator's Ability | Attitude of Both Parties | Mediation Process |
|-------------|---|---|--|
| SC-01 | Possess cross-cultural communication skills | Willing to listen and understand each other | Focus on finding common values |
| SC-02 | Experienced, understands multiculturalism | Open mindset, active communication | Guide both parties to recognize cultural differences |

Table 3: Details of Failed Cases in Intercultural Marriage Family Relationship Mediation

| Case Number | Cultural Differences between Both Parties | Mediator's Ability | Legal Application Issues | Mediation Result |
|-------------|---|---|--------------------------|---|
| FC-01 | Significant, difficult to reconcile | Lack of cross-cultural communication experience | None | Unable to reach a settlement agreement, mediation fails |
| FC-02 | Large, misunderstandings exist | Insufficient cross-cultural skills | Unclear applicable law | Mediation process obstructed, ultimately fruitless |

Table 4: Comparison of Key Factors in Intercultural Marriage Family Relationship Mediation

| Key Factor | Characteristics of Successful Cases | Characteristics of Failed Cases |
|--------------------------|---|---|
| Mediator's Ability | Possess cross-cultural communication skills, experienced | Lack of cross-cultural communication experience, insufficient skills |
| Attitude of Both Parties | Willing to listen and understand each other, open mindset | Significant cultural differences, difficult to reconcile, misunderstandings exist |
| Mediation Process | Focus on finding common values, guide recognition of cultural differences | Legal application issues lead to obstruction in the mediation process |
| Mediation Result | Reach a settlement agreement, both parties are satisfied, relationship improves | Unable to reach a settlement agreement, mediation fails, ultimately fruitless |

These three tables show the details of successful cases and failed cases in the practice of cross-cultural marriage and family relations mediation, as well as the comparison between key factors. The analysis of these cases will help us to understand the role of mediation in cross-cultural marriage, the challenges it faces and the key factors of success and failure.

4.2. Effectiveness evaluation and improvement suggestions of mediation mechanism

In order to evaluate the effectiveness of family relationship mediation mechanism in cross-cultural marriage, we need to collect and analyze relevant data, including the success rate of mediation, the satisfaction of both parties and the stability of family relationship after mediation. Based on these data, we can objectively evaluate the mediation mechanism and put forward suggestions for improvement. For example, strengthen the cross-cultural training of mediators, improve mediation procedures to adapt to the characteristics of cross-cultural marriage, and strengthen the legal protection of cross-cultural marriage. These suggestions aim to further improve the effectiveness and fairness of family relationship mediation in cross-cultural marriage.

5. Improve the legal mechanism of family relations mediation in cross-cultural marriage.

5.1. Legislative suggestions for improvement

In order to further improve the legal mechanism of family relations mediation in cross-cultural marriage, it is necessary to improve the legislation level: ① The legal status of cross-cultural marriage should be clarified to ensure that it is treated equally in law. ② In view of the special legal problems that may occur in cross-cultural marriage, such as property division and child custody, more detailed and specific legal provisions should be formulated to reduce the uncertainty of legal application. ③ We should strengthen the legal protection of the disadvantaged party in cross-cultural marriage to prevent it from being treated unfairly due to cultural differences or language barriers.

5.2. Innovation and diversified development of mediation mechanism

In terms of mediation mechanism, it also needs constant innovation and diversified development to meet the special needs of cross-cultural marriage. For example, we can explore new mediation methods such as online mediation to provide more convenient mediation services for cross-cultural couples in different countries or regions. At the same time, mediation procedures should be more flexible and diverse to adapt to the collision of different cultural backgrounds and values. In

addition, we can also consider introducing third-party experts, such as cultural consultants or psychologists, to provide professional support and guidance for the mediation process.

5.3. Education and training to enhance cross-cultural communication and understanding

In order to promote family harmony in cross-cultural marriage, it is also very important to strengthen the education and training of cross-cultural communication and understanding. This includes pre-marital education for cross-cultural couples, helping them understand their cultural differences and possible challenges, and providing training in cross-cultural communication skills. Mediators also need to receive relevant cross-cultural training to improve their cultural sensitivity and adaptability in the mediation process.

5.4. International cooperation and experience

Under the background of globalization, international cooperation and experience reference are also of great significance to improve the legal mechanism of family relations mediation in cross-cultural marriage. Countries can strengthen cooperation through international conventions, bilateral or multilateral agreements, and jointly deal with legal issues in cross-cultural marriage. At the same time, we can learn from the successful experiences and practices of other countries in cross-cultural marriage mediation, so as to continuously improve our legal mechanism and mediation services.

6. Conclusions

This study deeply discusses the legal mechanism of family relationship mediation in cross-cultural marriage. Through research, it is found that cross-cultural marriage faces many challenges in family relations, and the existing legal mediation mechanism has certain limitations and shortcomings in dealing with these challenges. Therefore, this paper puts forward some suggestions to improve the legal mechanism of family relations mediation in cross-cultural marriage, including legislative improvement, innovation and diversified development of mediation mechanism, education and training to enhance cross-cultural communication and understanding, and international cooperation and experience reference.

Looking forward to the future, with the deepening of globalization and the increasing number of cross-cultural marriages, it will be more important to study and improve the legal mechanism of family relations mediation in cross-cultural marriages. We expect that in the future research, we can further explore the legal issues in cross-cultural marriage, put forward more specific and feasible solutions, and promote the formulation and implementation of relevant laws. At the same time, we also hope that all sectors of society can pay more attention to family relations in cross-cultural marriage and make contributions to promoting family harmony and social stability.

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