

Revitalization Insights of the People's Mediation System: A Case Study of the Ganquan 'Fan Jiuping' Brand Mediation Room Construction

Fan Wang, Shuo Zhang, Chong Niu, Zhongqi Lu

*College of Humanities and Social Development, Northwest University of Agriculture and Forestry,
Yangling District, Shaanxi Province, 712100, China*

Keywords: People's Mediation System, Brand Mediation room, Litigation Source Management, Non-litigation Dispute Resolution Mechanism

Abstract: In the new era, the surge in lawsuits has become a significant obstacle to the establishment of the rule of law. Establishing a non-litigious dispute resolution mechanism and resolving disputes at the grassroots level are inevitable demands of our time. Developing the people's mediation system is a crucial step in this process. The challenge of revitalizing the stagnant people's mediation system is a response to the call of the era. Through a field investigation of a mediation room in Ganquan County, the author seeks to explore the inevitable path of the people's mediation system's development. This exploration is from the perspective of constructing a brand mediation room. The aim is to empower the source of litigation and promote the construction of a China governed by the rule of law, as illustrated by the 'Hans Standard'.

1. Introduction

As a vital component of the alternative dispute resolution mechanism, the people's mediation system has long held a significant place in China's judicial landscape. However, amidst the rapid economic growth and the increasingly robust construction of the rule of law, the formal governance path epitomized by litigation has progressively encroached upon the sphere of people's mediation. Citizens are increasingly turning to litigation to resolve their disputes, thereby relegating the people's mediation system to a secondary role.

Nevertheless, given the current pace of the rule of law development in China, it is unrealistic to expect litigation to fully replace people's mediation in the short term—or perhaps ever. The formal nature of litigation and the accessibility of people's mediation mean that both are destined to coexist in a state of dynamic equilibrium, their respective advantages complementing each other. Yet, the current "litigation fever" in China has led to a deluge of disputes overwhelming the courts, while the number of judges in basic people's courts falls far short of the growing demand for litigation. This has created a dilemma of too many cases and too few judges, posing a significant challenge to the construction of the rule of law ["litigation explosion" has become a major problem hindering the construction of the rule of law in China].

In response to this situation, there is a growing call for greater attention to alternative dispute

resolution mechanisms. Consequently, the state has introduced the concept of “governance of litigation sources” and is working to establish an alternative dispute resolution mechanism with the people’s mediation system at its core. This includes the comprehensive management of social contradictions and disputes, focusing on prevention, investigation, resolution, and emergency disposal [1]. The aim is to enhance the multi-layered prevention and resolution mechanism for grassroots conflicts, with mediation at its heart. At the same time, the Supreme People’s Court and the Ministry of Justice have also issued a series of documents, emphasizing the unique role of the people’s mediation system to give full play to promote the governance of the source of complaints.

However, there remains a significant gap between the ideal and the reality. The implementation of these policies needs the test of time. According to the author’s research, the development of the people’s mediation system in rural areas is not satisfactory. Mediation organizations are not established, and the system is idle—a reality faced by most areas. The ability and authority of people’s mediation organizations to resolve disputes have weakened, making mediation no longer the first option for villagers to resolve disputes. Even in some rural areas with poor economic development and insufficient young and strong labor force, dispute settlement is in a blank state [2]. The decline of people’s mediation is still an undeniable reality [The decline of people’s mediation is still an undeniable reality].

To explore the path for the people’s mediation system in the new era, the author conducted a research on the “Fan Jiuping” mediation room in Ganquan County, which has been developing in full swing. Through unstructured and semi-structured interviews with township cadres, people’s mediators, village cadres, and villagers, the author sought to clarify the role and value of building a brand mediation room in revitalizing the people’s mediation system.

2. Formation and characteristics of the “Fan Jiuping” mediation office

The “Fan Jiuping” mediation room was initially established in Qiaotong Township with the aim of addressing the “urgent, difficult, sad, and hopeful” issues of the masses. This initiative serves as both the starting point and the endpoint of its efforts. Based at the comprehensive governance center, the mediation room has innovated and launched the “Fan Jiuping style” of mediation, establishing itself right at the doorstep of the community. This strategic location enables the timely and effective resolution of the populace’s troubles.

As of 2024, the “Fan Jiuping” mediation network has expanded to include 106 linked mediation rooms and 163 mediation experts who are “on call.” These experts cover a comprehensive range of 13 areas, including marriage and family disputes, labor disputes, and more, forming a multi-level mediation pattern. This network has become a well-known brand in grassroots governance, not only within the county but also across the city.

2.1 Formation of “Fan Jiuping” Mediation Office

The “Fan Jiuping” mediation office was first established in 2014, and its development to date is the result of collaborative efforts from many parties. Qiaozhen Township, located 52 kilometers northwest of Ganquan County, is the most remote township in the area. To this day, there are only two buses to Ganquan County each day. For villagers seeking judicial assistance, whether through litigation or arbitration, the time and economic costs are quite high. However, the residents of Qiaozhen Township have a strong character, which creates a greater demand for dispute resolution. It was this environment that inspired Fan Jiuping to create a mediation room.

Fan Jiuping’s exceptional mediation skills and the strong support from the Qiaozhen Township government have established the “Fan Jiuping” mediation room’s reputation. Its influence has spread to the county and even surrounding cities and counties, with people from other provinces seeking Fan

Jiuping's mediation services. Each year, nearly 300 cases are mediated, almost equal to the number of cases handled by the Basic Court, making it a dazzling business card in the field of justice in Gantuan.

Taking Qiaozhen Village as an example, the first established mediation room has been committed to grassroots work since its inception in 2014. It focuses on resolving conflicts and disputes between people, striving to nip contradictions in the bud and build stable, harmonious neighborly relations within the framework of the law. Fan Jiuping not only possesses superior mediation skills but, more importantly, has a high sense of responsibility and mission. Regardless of time or place, as long as the masses need assistance, Fan Jiuping rushes to the scene. Their ability to endure hardship and willingness to suffer has elevated the prestige of the Nine Ping mediation room in the hearts of the people. Even the court and the Procuratorate refer some cases to mediation before the litigation process. As a result, Fan Jiuping has been honored with titles such as "National Model People's Mediator" and "National Outstanding Party Worker."

The "Jiu Ping style" mediation fully utilizes the people's mediation system, offering flexible methods, convenient procedures, and a approach that does not harm personal feelings. It effectively integrates voluntariness, consensus, and high efficiency, covering areas such as marriage and family, neighborhood disputes, ownership disputes, private lending, and industrial development. In collaboration with grassroots courts, it has formed an accurate and efficient case diversion mechanism, truly realizing the principle of "adjust as much as possible, judge when necessary." In 2020, the "Fan Jiuping style" mediation model was shortlisted for the National Innovative Social Governance Typical Case Selection, highlighting it as one of the most effective and efficient ways to achieve the goals of people's mediation.

2.2 Characteristics of "Fan Jiuping" Mediation Office

The "Fan Jiuping" mediation office stands as a distinctive emblem within Ganquan County's judicial landscape, epitomizing the synergy between normative structures and local dynamics. This office not only addresses the demands of local social transformation and adheres to compliance but also emphasizes the leveraging of community resources, showcasing a deep-seated localization. It is a hybrid creation, blending vernacular elements with judicial functions, and straddles the realms of civic and quasi-official domains, effectively bridging the gap between local customs and the judiciary.

Under the auspices of the People's Mediation Law of the People's Republic of China, people's mediation organizations, positioned as subsidiaries of village committees, inherently possess a robust folkloric character. Mediation, at its core, is a fusion of reasoning and legal principles. Unlike the often impersonal nature of judicial proceedings, mediation is deeply invested in the restoration of amicable relations between parties, prioritizing reconciliation over procedural justice.

Fan Jiuping's approach to mediation is marked by its flexibility, unbound by time or location constraints. To foster genuine consensus, mediations frequently occur in the homes of the parties involved, underscoring a user-centric approach. Moreover, Fan Jiuping, as a mediator with a charismatic authority within the village, enjoys greater acceptance and psychological rapport with the parties. This rapport, coupled with a sympathetic understanding of the parties' "face" (dignity and social standing), not only aids in resolving disputes but also fortifies mutual trust, steering the mediation process towards openness and mutual understanding.

Beyond its vernacular roots, the "Fan Jiuping" mediation room is tinged with semi-official hues. Distinct from other village-level mediation bodies, it has evolved into a specialized institution with a structured internal training regimen, encompassing legal education, normative guidance for mediation conduct, and supervision of mediation instruments. Externally, its mediation practices are governed by specialized business processes, working instruments, and uniform standards for performance

evaluation.

In terms of external engagement, the office maintains robust linkages with courts, procuratorates, and local governments. It even hosts a dedicated mediation room within its premises, operating under judicial guarantees. The mediation outcomes are meticulously documented, often resulting in written files that receive official court confirmation, thereby circumventing potential challenges in the implementation of mediation results.

3. Institutional advantages of branded mediation offices

The brand effect, to a certain extent, enables a brand mediation office to rapidly concentrate social resources. This enhances the reputation capital of both the mediation office and its mediators, thereby endowing the mediation organization with increased trust and attractiveness. Additionally, to leverage the scale effect, the accumulated practical wisdom can be effectively transferred through the organization's inheritance mechanism. This facilitates the realization of a people's mediation system that breaks new ground in the current era.

3.1 Leading the general situation and controlling the direction of mediation

Mediation should be a systematic mode of work; without clear direction and awareness of the overall situation, it will fall into confusion, making it difficult to truly realize the institutional value of mediation. To fully mobilize the initiative and enthusiasm of mediation work, it is essential to provide a clear orientation and development direction. This should be based on the actual needs of villagers in rural areas, implementing a people-centric approach, safeguarding the interests of the parties involved, and addressing people's content conflicts correctly. We should take the development needs of China's rule of law as the fundamental basis, adhere to socialist core values to guide mediation work, and integrate mediation into the systematic project of China's rule of law construction. It is crucial to grasp the core direction of development from political, ideological, and organizational levels, gather consensus, and firmly establish the people's work of mediation. Gradually strengthening the people's mediation organizations' awareness of the overall situation and their sense of social responsibility ensures that mediation work aligns with the state's laws and regulations. This helps to promote the construction of the countryside under the rule of law and builds a harmonious countryside.

The "Fan Jiuping" mediation office closely follows the real needs and institutional requirements in its development. It integrates the core essence, spiritual essence, and basic viewpoints of rule of law construction into the entire process of mediator training. Actively promoting the coverage of mediation work in terms of organization, systematization, and standardization, it takes perfecting the mechanism for resolving disputes in the countryside as its own responsibility. The office strives to realize the combination of rule of law construction and people's mediation organizations with the construction of the rule of law in the countryside, aiming for a harmonious countryside in accordance with the rule of law. It widely absorbs village sage model representatives as people's mediators, creating a grid area of responsibility and building a "grid area of responsibility - villagers group - model central household" three-tier structure, with a "1+1+1+1" model. This model realizes work leadership within the grid, system publicity, mediation supervision, mediation room deliberation and consultation, comprehensive joint mediation and resolution within the area, and synergistic promotion under the scope of coverage.

3.2 Exemplary and advanced, building public reputation

People's mediators with solid professionalism are the cornerstone of the people's mediation system

and also serve as the grassroots guarantee for the development of branded mediation rooms. The fundamental logic is to construct an organizational system with exemplary people's mediators at the core, focusing on public and brand effects. This is a strategy of corporatism aimed at expanding the reproduction of social capital—mediation skills of excellent mediators—and the organizational innovation of the corresponding reputation mechanism construction. [4] In terms of their mediation work, a truly effective people's mediator may not necessarily have a professional legal education, which is also the distinction between mediation and litigation. The mediation process is a continuous one of reducing the psychological distance between the two parties. Hard legal jargon can bewilder both parties, leading to a stalemate in mediation work. Instead, mediators who speak the local dialect can often rely on their rich social experience, starting from common ground, gradually lowering psychological defenses, and encouraging parties to reveal their inner thoughts. Based on the "reasoning" recognized by the entire village, the mediator can make a "reasoning" that aligns with the village's consensus. This approach ensures that the mediation result meets the psychological expectations of the common people, allowing both parties to reconcile and make peace once the conflict is resolved. Of course, this does not mean that mediation work does not require legal knowledge. In the new era, a qualified people's mediator must be legally literate and have professional acumen; otherwise, they will eventually be phased out. Therefore, mediation work is a process of integrating morality and law, complementing each other.

However, this is not an easy process. A national model mediator, Fan Jiuping, relied on extensive experience from his early years and later on, the spirit of learning to master a large amount of legal knowledge. He gradually accumulated the "five hearts, ten laws" mediation skills, which are pure gold. Of course, being an exemplary representative is not just about professionalism; mediation work requires those who are willing to endure hardship to excel and be rewarded. In Fan Jiuping, we see what it means to have a heart filled with concern for people, working from dawn to dusk without time to eat, rushing to the next mediation task. Additionally, with a high sense of responsibility, impartiality, and a public heart, Fan Jiuping has garnered significant prestige, which is the most crucial aspect of people's mediation work. Leveraging the symbolic capital of Fan Jiuping, the "Fan Jiuping" mediation room has established an institutionalized expansion mechanism, making this brand deeply rooted in people's minds.

3.3 Perfect system, sound mediation process

Mediation is not merely a straightforward connection; it should involve a comprehensive process with effective upstream and downstream mechanisms. The first aspect is case intake, which is essential for the survival of mediation organizations. Without cases, they face inevitable decline. The "Fan Jiuping" mediation room has three avenues for case intake: First, it leverages its high prestige to attract the public to seek mediation services proactively, thanks to the free nature of mediation work and the brand reputation of the mediation room, which even draws parties from other provinces to seek mediation services. Second, it actively engages in mediation when it becomes aware of disputes and contradictions. Third, it collaborates with courts and procuratorates, relying on a well-established diversion mechanism to receive transferred cases. Through the combined efforts of these three approaches, the Fan Jiuping Mediation Office has achieved significant success, with a case completion rate that is essentially equivalent to that of grassroots courts.

The second aspect is the follow-up tracking mechanism, which addresses the primary challenge of most mediation efforts: ensuring the implementation of agreements. The "Fan Jiuping" mediation room relies on a "system + supervision," "assessment + evaluation" work model. It conducts follow-up visits to mediation cases to understand the parties' thoughts and continues to carry out legal propaganda and ideological education. It urges both parties to fulfill their agreements, ensuring that

cases are closed with satisfaction among all involved. For cases involving large sums of money or complex issues, the court proactively provides judicial confirmation, granting legal force to the agreements. Within one month after the agreements are reached, each case is archived with a file, ensuring that mediation work is traceable.

In contrast to other mediation organizations that lack systematic approaches, the "Fan Jiuping" mediation room has developed a detailed workflow. Relying on the "registration-acceptance-investigation-mediation-return-visit-filing" model, the mediation office has resolved over 2,000 disputes of various types in nine years, with a success rate of more than 96%. It has genuinely addressed contradictions and disputes at the grassroots level. A robust institutional mechanism is vital for the long-term development of people's mediation organizations. By focusing on institutionalization and standardization, the organization has been able to harness the synergistic power of dispute resolution. Taking the construction of the mediator team as the foundation, it has enhanced the regularity and operational effectiveness of mediation work, propelling the mediation system to a new level in the governance of disputes.

3.4 Multi-dimensional co-governance, constructing a large mediation pattern

The resolution of conflicts and disputes is a complex process that requires a multifaceted approach. It involves the collaborative effort and integration of resources from various departments to promote the integrated development of different dispute resolution mechanisms. These include mediation, arbitration, litigation, people's mediation, administrative mediation, and judicial mediation, as well as multi-party linkage. The goal is to establish a dynamic, systematic, and orderly mechanism for resolving conflicts and disputes in a coordinated manner.

Administratively embedded mediation leverages village cadres as mediators, utilizing their roles within village committees and grid management systems. Township leaders are specifically responsible for overseeing people's mediation work, implementing a case management system where leadership is tasked with following up on the progress. This is encapsulated in the "three firsts" principle: "grid members must report first, village cadres must respond first, and branch secretaries must manage first." This responsibility system interweaves administrative mediation with people's mediation, enhancing the authoritative nature of administrative mediation and lending a certain majesty and trustworthiness to people's mediation. Personal charisma plays a role in convincing parties to accept mediation outcomes.

For judicial articulation in mediation, a robust diversion mechanism is essential to prevent overlap between mediation and trial processes. This avoids the repetition of cases moving between mediation and prosecution, which can lead to unnecessary consumption of judicial resources and undermine the credibility and authority of mediation. By combining the impartiality of litigation with the civilian nature of mediation, a more efficient and convenient convergence procedure can be established. This harmonizes the relationship between impartiality, authority, and the civilian nature, granting people's mediation greater autonomy and enhancing public trust in the system, thereby better facilitating the governance of litigation sources.

Multiple synergies can better highlight the value of people's mediation, increasing public trust and accessibility. Enhancing its professional orientation is crucial. The coordination of various dispute resolution mechanisms is the practical foundation for maximizing the role of the people's mediation system. Accurately positioning the hierarchical quadrant of various types of dispute resolution is essential for orderly allocation of judicial resources and for truly revitalizing the people's mediation system.

4. Conclusion and Outlook

In a time when mediation systems worldwide are in disarray and exist in name only, the development of branded mediation rooms presents a viable approach to reinvigorating people's mediation. However, it must be acknowledged that branded mediation rooms are not a perfect solution, and several shortcomings continue to hinder their development.

The essence of a brand mediation room lies in the star mediator with a high reputation. The smooth operation of the mediation room is inseparable from the corresponding symbolic capital, thus forming the "charisma domination" that Weber refers to in the framework of the rule of law for legal mediation. This, however, poses a problem: concentrating all resources on one individual means that the rise and fall of the mediation room are tied to that person. The development of the mediation room is also linked to the individual's interests, which is an unhealthy development model. Moreover, if the star mediator becomes embroiled in a scandal, it could lead to the collapse of the entire mediation office.

Regarding the work mode, parties, out of interest considerations, will often only designate the star mediator to participate in the case, excluding other mediation workers. As a result, the star mediator's workload is extremely large. However, for mediation organizations aiming to achieve a significant breakthrough and create an influential mediation room nationally, it is necessary to transition away from the star mediator's influence towards nurturing new talent. This leads to the second issue: the inheritance of mediation room skills. The development of a brand mediation room cannot be separated from the personal qualities of the star mediator, which cannot be effectively inherited. Unlike judges, prosecutors, and other legal professions, the training of mediators is far more complex than we might think. When faced with a fault line, people's mediation is bound to decline. How to smoothly transfer mediation skills to the younger generation is a challenge each mediation room must face. Additionally, issues such as the lack of systematic logistical support, the inability to attract young talents, and the lack of specialization in mediation also constrain the development of people's mediation.

Of course, these pitfalls cannot overshadow the unique advantages of brand mediation rooms. In the era of information technology, leveraging the star effect of brand mediation rooms may be the most effective measure to break through the people's mediation system. With advancements in scientific and technological means, and continuous improvements and supplementations in administrative, judicial, and legislative areas, the continuous tilting of resources will eventually be resolved one by one. The revitalization of people's mediation is a requirement of the times and the construction of the rule of law. I believe that in the near future, the "Flower of the Orient" will bloom across the land of China.

References

- [1] Chu Chenge. *Analysis of local practice and improvement path of comprehensive management mechanism of grassroots social conflicts and disputes in China*[J]. *Leadership Science*, 2022,(07):139-142.
- [2] Lu Jianwen, Huang Ziyi, Li Honggui, et al. *Exploring the Dilemma and Way Out of Rural People's Mediation--Taking Ya'an City of Sichuan Province as an Example*[J]. *Continental Bridge Perspectives*, 2024,(02):61-64+67.
- [3] Lv Dewen, Wu Huanhuan, Xu Yuru. *Modern Transformation of Semi-Formal Governance--The Case of Ninghai's "Old Lady's Uncle People's Mediation Center"*[J]. *Journal of Hangzhou Normal University (Social Science Edition)*, 2023, 45(02): 108-117.
- [4] Luo Houru. *Playing the Fundamental Role of People's Mediation to Promote the Modernization of Social Governance* [J]. *People's Mediation*, 2024, (07):8.
- [5] Chen Yifeng. *Study on the Path of Serving Rural People's Mediation Team Construction of Special Colleges under the Perspective of Rural Revitalization--Taking Ningbo Mediation College as an Example*[J]. *Journal of Ningbo Open University*, 2024, 22(01):6-10.