

## Research Article

# Social Governance Through Civil Justice: A Study of Rule of Law on Social Governance

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## Abstract

Social governance through civil justice stems from the foundation of modern social order, the means of national social control and the need to achieve social integration. China's judicial governance has continued from the revolutionary period to the present and has experienced development from administrative concurrent jurisdiction over judicial affairs to specialization. However, China lacks a tradition of civil judicial governance. In ancient times, the logic of criminal judicial governance was emphasized. Nowadays, the excessive power of criminal justice brings many problems. Civil justice is the need for the state power to achieve social governance. To achieve civil judicial governance, we should take the pursuit of a better life for the people as the starting point, standardize and protect private rights, overcome our own deficiencies, innovate participation methods, build a diversified dispute resolution mechanism, and rely on the joint participation of the state, society and individuals to achieve social harmony and stability.

## Keywords

Civil Justice, Social Governance, Dispute Resolution, Judicial Governance, State Power

## 1. Introduction

“A judge is the gate through which law passes from the realm of spirit to the realm of reality to control social relations. Law descends to the earthly world through judges.” [1] The influence of judicial activities is by no means limited to the judgment of the rights and obligations of the parties. It also lies in enabling social life to have standards and bases through the dissemination of the media, thereby continuously changing and renewing people's behaviors. The legalization of social governance not only realizes good laws and good governance through legislation, but also enables the public to feel fairness and justice through individual cases, thereby strengthening the concept of the rule of law among the whole people. With the development of the media, many cases that

actually affect the social lives of ordinary people have entered the public's field of vision and caused strong repercussions through various information channels. In recent years, cases that have had a significant impact on society through court judgments. <sup>1</sup> While highlighting the judicial adjudication

<sup>1</sup> Typical examples include the case of Li Qiuyue and Li Yueru violating the duty of safety guarantee ((2018) No. 4942 of the final judgment of the Guangzhou Intermediate People's Court). An old man climbed a tree to pick bayberries without permission and died from falling. His family demanded more than 900,000 yuan in compensation from the manager. The court ruled that the victim should bear the main responsibility; the case of Gu Yang and Du Yonghua v. Huitian Daily Necessities Supermarket in Chongchuan District regarding the right to life, health, and physical integrity ((2021) No. 189 of the final judgment of the Nantong Intermediate People's Court). The victim's act of hiding two eggs without checking

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thinking, it is expected that it will also guide social public opinion and regulate people's behaviors for a long period of time, allowing people to act according to rules. "Law is the scale of the state and the yardstick of the times." [2] After judicial activities transform written law into law in action, civil trial activities fully demonstrate that justice is not only a way to resolve disputes, but also highlights the autonomous consciousness of civil justice participating in social governance. Even so, on the premise of the understanding that the characteristics of judicial activities are not active but passive, not dominant but recessive, how should we view judicial governance from the perspective of national governance modernization? Why achieve social governance through civil justice and how to achieve social governance through civil justice? On the premise of the understanding that the characteristics of judicial activities are not active but passive, not dominant but recessive, clarifying the above issues still requires returning to its essence to answer.

## 2. Why Is There a Need for Judicial Activities

Legislation is usually lagging. Although the existing quantity of legislation has increased significantly, which stems from the need for social regulation and the delegation of legislative power. Even in local legislation, one still has to face extensive legislation that is better to be general rather than detailed. Moreover, in the democratic legislative process, people often actively or passively distance themselves from the legislative procedures. As the saying goes, people tend to ignore matters that don't concern them directly. In such a situation, legal norms that pertain to the interests of the general public may fall into a state of being ignored due to the absence of the "general public" as the main body. Except for state organs involved in legislation, drafters, or demonstration experts, etc., to a certain extent, this also leads to the resulting legal norms after the operation of the legislative procedures not being well-known in society. At the same time, more crucially, judging from individual cases or judicial practices, legal interpretations issued by judicial organs or administrative organs attract more attention from people. This is because such legal interpretations directly regulate the rights of state organs or individuals. Legislative organs often essentially relinquish part of their legislative power through authorizing

such legal interpretations, thus directing social contradictions or the focus of public opinion to judicial organs. This may be a problem of configuration in the power balance. On the other hand, judicial organs need to stand on the front line facing the public and adhere to adjudicating cases in accordance with the law, which is not wrong in itself. However, if they blindly adhere to legal provisions and even if there are no problems in litigation procedures, they may still attract social criticism due to result-oriented thinking. Therefore, whether intentionally or unintentionally, the judicial practice of judicial organs is itself participating in social governance.

Truly, the necessity of judicial governance lies in the foundation of modern social order, the means of national social control, and the effective exercise of achieving social integration. [3] Social governance through the judiciary is an important field of national governance. The modernization of the judicial governance system and judicial governance capacity under the modernization of the national governance system and governance capacity has become a significant measure for reflecting on national governance. Building a perfect judicial governance system and improving good judicial governance capacity thus become important ways to comprehensively promote the modernization of the national governance system and governance capacity. [4] However, the derivation of the above understanding is by no means a sudden whim of slogan shouting. Instead, it comes from the long-term experience and lessons of administrative governance. In ancient China, there was a lack of substantive civil and commercial laws and regulations and a lack of civil judicial procedures that respected parties. The handling of civil cases was realized through the administrative law enforcement of grass-roots political power following the principle of "local governments handling litigation on their own." Handling civil and commercial disputes did not become the main work of grass-roots political power. There was a lack of legal basis for handling, and one could only rely more on written documents between parties. The civil and commercial customs that have been influential among the people throughout the generations are more the basis for individual or industry autonomy. Although recognized by the official, they can never become the formal basis for civil rights. The transformation of various systems throughout modern society starting from the legal reform in the late Qing Dynasty did not complete the task of the state transforming society. The "administrative absorption of the rule of law" model that simply relies on administrative power to build a government ruled by law is difficult to solve problems such as goal conflicts and power supervision. [5]<sup>2</sup> The logical development of conceptual changes is slow. The governance logic rooted in concepts does not necessarily change with the changes in social actions. Only under the revolutionary regime led by the Communist

out triggered the supermarket's dissuasion behavior. The victim suddenly fell to the ground and died. His family demanded more than 380,000 yuan in compensation from the supermarket. The court ruled that the supermarket did not constitute infringement. Having fulfilled its duty of safety guarantee, it should not bear compensation liability; the case of Jiang Qiulian and Liu Nuanxi regarding the right to life ((2019) No. 9592 of the first instance of the Chengyang District People's Court of Qingdao City). The court determined that Liu Nuanxi, as Jiang XX's good friend and the person being rescued, not only did not show gratitude after the incident and offer sympathy and comfort to the relatives of the deceased, but instead provoked them with improper words, further aggravating their pain. Her behavior is contrary to common sense and human feelings and should be condemned. She should bear civil compensation liability and bear all case acceptance fees.

2 According to Mao Zedong's investigation in Hunan back then, "The judicial system in Hunan is still that the magistrate concurrently handles judicial affairs." For specific reference, see Editorial Committee of the Central Party Literature, Selected Works of Mao Zedong (Volume 1), People's Publishing House, 2016, p. 25.

Party of China, after the failure of the cooperation between the Kuomintang and the Communist Party, did people gradually realize the importance of farmers as the main body of the revolution and develop the “magic weapon” of the mass line and apply it to social governance during the revolutionary period.<sup>3</sup> Civil judicial work with the purpose of serving the people is an important part of social governance, fundamentally realizing the possibility of the state integrating society. And this social governance logic that originated in the revolutionary period, while establishing the dependence of judicial work, also establishes the foundation and orientation of judicial governance.

During the revolutionary period, the work model of administrative concurrent jurisdiction over judicial affairs continued. Although on the surface, it seemed no different from the focus of maintaining imperial rule in ancient China in terms of maintaining the survival and development of the revolutionary regime, throughout Chinese history, the state has never achieved closeness with society. Based on the need for simple governance, officials appointed by imperial power could only reach the county level. Administrative power could not penetrate deep into rural society, and civil disputes were more left to folk mediation. In rural society, reasoning and admonishment were intertwined with private punishment, thus realizing the order of propriety. [6] In the traditional framework of dispute resolution in ancient China, more importance was attached to identity ethics. The legal reforms in modern times gradually changed from identity to contract, from family to individual, and from ethics to rights. The seemingly legalized logic could not withstand the test of the Kuomintang government's inability to sink into grass-roots society. Naturally, grass-roots judicial work during the Republic of China period could not achieve social governance through effective operation. <sup>4</sup>Only during the new democratic revolution period led by the Communist Party of China, the creation of Mao Zedong Thought realized the Sinicization of Marxism-Leninism. The victory of the revolution required the alliance of workers and peasants, relying closely on the masses, and penetrating the power will of the revolutionary regime into the folk. Through judicial work, the goal of the broad masses of the people supporting the revolutionary regime was achieved, thus making it possible to achieve social governance through the judiciary. During the period of socialist modernization construction, judicial work gradually

separated from administration. Under the one-power system of the people's congress, the institutional arrangement of “one government and two courts” was formed. The professionalism of judicial activities became increasingly prominent. From the power design to the functional arrangement of the Supreme People's Court.<sup>5</sup> To the transformation of the central tasks of local people's courts at all levels.<sup>6</sup> Under social transformation, media attention brought by the information age has made the Supreme People's Court and local courts increasingly important. [7] This attention has promoted judicial activities to become increasingly specialized, professionalized, and elitist. The “three major disclosures” promoted by the Supreme People's Court. <sup>7</sup> Demonstrates the norms of judicial activities. The significance of advocating the rule of law it has promotes social governance under the premise of rules: by establishing group rules to avoid individual selfishness and short-sightedness and ensure the cooperation of social groups, and through judicial adjudication, rewards the good and punishes the bad, activating and forming social norms in the public domain.

Western society entered a new era of democratization after World War II. The relationship between the government and society changed. The role of the government in intervening in society became stronger. The increase in the social public domain made the relationship between the government and society construct more complex intermediary factors. [8] Law is a part of society. As a norm, law regulates social actions and maintains social division of labor and unity by defining the roles, organizations, positions, and corresponding rights and obligations in the norm, and becomes people's expectations for action. The modernization of social governance capacity means the standardization, institutionalization, and legalization of social governance. Important institutional elements of the social governance system inevitably include social control, power, and management methods, and law can be fully reflected in these three aspects. Black proposed that “law changes inversely with other social controls.” Legislators should strive to fill the gaps caused by the decline of families, clans, and villages, thus increasing the importance of the state. [9] Judging from the development process of law in society, there is always a gap between ideals and reality. The incompleteness of legal governance determines that we cannot forget to draw successful experience in dispute resolution from Chinese traditions. [10] On the other hand, we cannot forget the legal discourse system standing among powerful

3 Xi Zhongxun, then the leader of the Suide region, required judicial workers to have the determination to go out of the “Yamen” and go deep into the countryside. While changing the work style, it is also an expansion of judicial governance space. For specific reference, see Xi Zhongxun. *Implementing the Correct Direction of Judicial Work*. Selected Works of Xi Zhongxun, compiled by the Editorial Committee of Selected Works of Xi Zhongxun, Central Party Literature Press, 2013, p. 10.

4 After the establishment of the government of the Republic of China, the system of magistrates concurrently handling judicial affairs was still used, and the county judicial office was set up in the county government. It was not until after the victory of the Anti-Japanese War that the system of county magistrates concurrently handling judicial affairs was completely abolished. For specific reference, see Wang Jibao: *A History of Judicial Affairs in the Republic of China*, Commercial Press, 2013, pp. 16-17.

5 The constitutions of 1954 and 1982 have the same positioning for the Supreme People's Court: “The Supreme People's Court is the highest judicial organ. The Supreme People's Court supervises the judicial work of local people's courts at all levels and special people's courts. Higher-level people's courts supervise the judicial work of lower-level people's courts.”

6 Before 1978, the central task of the courts was to consolidate the fruits of the revolutionary victory and protect the peaceful construction of New China. After 1978, it was to escort the market economy. For specific reference, see Shi Fei. *The Changes in the Political Tasks of the Supreme People's Court—Centered on the Work Reports of the Supreme People's Court from 1950 to 2007*. Open Times, No. 1, 2008, p. 123.

7 That is, the disclosure of trial processes, the disclosure of judicial documents, and the disclosure of enforcement information.

neighbors of countries in the world. We should not only see the legal texts in official expressions but also observe judicial practices in actual operation. Transforming from ideal law to actual law. The resolution of disputes in society itself is the stage for demonstrating legal effects. Since China has never experienced a strong Western-style legal tradition, in the context of the world's "economic discourse," national governance with the goal of democracy, prosperity, or modernization constitutes the only dimension in the process of realistic rationalization. [11] In the result of the interaction between the state and society, the state needs to adapt to society. As a means of national political control, law increasingly incorporates social conditions, customs, and clan rules and family laws. [12] Today, when people's interests, beliefs, and statuses are constantly torn apart, the basis for seeking to reach a general consensus lies in law as the moral bottom line. Conflicts between people's words and actions can only be resolved within the legal framework. Only in this way can the modernization/legalization of the social governance system and social governance pattern become possible in future construction.

### 3. Why Civil Justice

Based on the historical development of the civil litigation system in mainland China, it can be seen that China has always lacked the tradition of civil judicial governance. Under the premise that the official ideology blindly advocates non-litigation as the ideal social state, when civil disputes cannot be resolved through private litigation, from the perspective of being a "parent official," the only options are mediation or suppression. In terms of the form of prosecution, the date of accepting cases, and the handling methods, etc.,<sup>8</sup> it everywhere reflects the restriction on the litigation rights of the parties. Certainly, it can be considered that the suppression of civil litigation by the official is to promote the law of reason and sentiment for resolving disputes. However, officials have no intention of establishing rules through cases and realizing standardized governance. In terms of contracts that best reflect the rights and obligations between parties, the law has no obligation to guarantee. "Rely on private contracts, and the officials will not deal with it."<sup>9</sup> Even "In case of disputes in transactions, the court makes the decision, and only relies on contracts." [13] The official can refuse to hear cases without written contracts.

On the other hand, in ancient China, the governance logic of criminal justice was emphasized. Whether it is the Nine Chapters of Law, Annotations to the Tang Code, or the Song

Penal Code, and the Ming Great Pronouncements, the main content of the codes in the so-called prosperous periods still focuses on maintaining imperial rule. The content of criminal and administrative management occupies a dominant position. Although there was a transformation from associations to society in ancient China, association organizations have always been the product of a centralized government form. [14] Folk social organizations have never been prominent. This management thinking has continued into modern and contemporary society. The protection of civil rights has never occupied a major position in the field of national governance. Although in the early days of the founding of New China, proposals for formulating a civil code were put forward, but the continuation of the revolution and continuous political turmoil interrupted the process of legalization. Only after the reform and opening up, social progress and economic development gave birth to a series of legal bases for civil justice such as the General Principles of Civil Law and the Civil Procedure Law. However, relatively speaking, criminal justice, as an important tool for governing the country closely related to national governance. [15] Completing social governance through criminal justice is still the main task in national governance.

Justice is a system established to protect the rights and freedoms of individual citizens. [16] The operation of criminal justice is also to ensure that the legitimate rights of criminal suspects and defendants are not violated in the process of state organs exercising prosecution rights. However, while criminal justice overcomes the defects of "non-rule of law" in different historical periods and emphasizes governance according to law, the active preventive criminal governance model is still prevalent. [17] Admittedly, there are indeed multi-dimensional concerns such as the transformation of a risk society, terrorist crimes, and the network society. But this cannot be a reason for realizing social governance through active and dynamic criminal justice. The excessive power of criminal justice itself affects individual rights. In the situation where the path dependence of realizing social governance through criminal justice in our country has been solidified, legislative organs have frequently revised the criminal law and added criminal charges, which has become a habit. Criminal laws are transforming towards active risk prevention, behavior regulation, and social governance, resulting in the expansion of criminal prosecution and the dilemma of the legitimacy of punishment. [18] The risk of generalization of criminal governance that has continued to this day still lingers. The abrupt intervention of criminal judicial power into an individual's normal social life breaks the basic marginal equilibrium between judicial power and civil rights. [19] This is incompatible with the future vision of modernization of national governance and also makes the goal of the judicial system setting in an awkward situation, resulting in the compression of individual rights, the ineffectiveness of administrative legal norms, and the waste of judicial resources. [20] The contraction of criminal judicial power does not mean

8 The way of prosecution should meet the requirements of "bao gao (抱告)". The date of acceptance is defined as several tens of days after the busy farming period. Prosecution against officials can be accepted only under certain conditions. Prosecution that does not meet the requirements is not allowed. For specific reference, see Zhang Qin. Research on the Changes of Civil Judicial System in Modern China - Taking Fengtian Province as an Example, Commercial Press, 2012 edition, pp. 78-90.

9 Annotations to the Tang Code - Miscellaneous Opinions.



conservatism at the level of social governance. Instead, it is to determine the legal boundary of power exercise under the background of modernization of national governance capacity and complete scientific procedural construction under the discourse system that emphasizes the integration of self-governance, rule of law, and rule of virtue. Different from the construction logic of the revolutionary period, the modernization of national governance emphasizes standardized governance. The comprehensive consideration of resolving conflicts, making decisions, economic factors, and space requires society to implement centralization. Civil justice is also the need and manifestation of the judicial function of state power. It is even more the need for state power to realize social governance through civil justice. The social nature of civil disputes makes it necessary for the dispute resolution mechanism to respond. Only in this way can it better fit the social nature of disputes and ensure that the procedural construction of civil litigation that is social in nature is more reasonable and legitimate. [21]

#### 4. How to Achieve Civil Judicial Governance

The definition of the main social contradictions at present highlights people's pursuit of a better life. The ultimate starting point and foothold for realizing the modernization of national governance through civil justice is precisely based on this, thus creating a solid foundation for strengthening the consciousness of the Chinese nation community. From the perspective of the socialist market economy, national governance should not overly intervene and interfere in controlling economic life through society. Facing the market, legislative power and administrative power should always be vigilant not to overstep the necessary boundaries. To a certain extent, the prosperity of social life is the result of the contraction of power. Therefore, market supervision should only be responsible for the most important parts and leave as much broad space as possible for civil and commercial subjects to achieve great things. Even let market entities stimulate vitality and spontaneously form behavioral norms that regulate market entities themselves in the process of orderly participation in economic life. As a law of rights, the Civil Code promotes the consensus of the people across the country on the rights and interests of various civil and commercial entities. While unifying the basis for adjudication and ensuring the fairness of adjudication in civil judicial practice, it also responds to people's expectations and demands. By standardizing and protecting private rights in accordance with the law, civil judicial activities continuously change and update people's actions in accordance with the law. Establishing social governance through civil justice as a regular governance method does not mean that civil judicial governance is omnipotent. Because on the one hand, it is the need to integrate into the

world's legal discourse system.<sup>10</sup> On the other hand, we must also be vigilant and avoid falling into the rut of Western expressions of rights. In the power intersection network, civil judicial activities also need to overcome and avoid their own deficiencies. By innovating ways to participate in social governance, establish the concept of a community for social governance, and create a new pattern of civil judicial governance work that is jointly built, jointly governed, and shared.

In the construction of a diversified dispute resolution mechanism, modern social governance increasingly emphasizes the exemplary role of judicial relief. As the subject applying the law, judges are called the kings of the legal empire in the West. [22] Judicial power exists as a power that restricts each other with legislative power and administrative power. Although the background for the emergence and application of China's legal system is not the same, thousands of years of historical development and the experience and lessons of the Communist Party of China leading the country still lastingly illustrate that governing the country and society requires institutionalized laws to define the relationship between the state and society and realize the legalization of social governance. Otherwise, it is impossible to understand why the core values of still advocating non-litigation, advocating social harmony, and maintaining stability are still promoted today. If traditional Chinese judicial governance emphasizes "blocking" more, then today's China, which is moving towards modern governance, is constantly learning from experience and lessons. Judicial governance abandons the thinking of opposition between officials and the people and chooses the construction path of a governance pattern of joint construction, joint governance, and shared benefits from individuals to organizations and from society to the state. This makes judicial governance no longer just a gateway to resolving potential disputes and a node for unblocking contradictions. Instead, it evolves into a governance model that modern social governance relies on under the concept of legalization. The current political system in China guarantees long-term stability and development, but the instability of social order is also a harsh reality that cannot be ignored. The transformation of the governance model from administrative governance to judicial governance represents the overall transformation of the social governance system. [23] In the process of transformation, the role of courts as a positive force for legalization has always been underestimated. After judicial reforms continuously strengthen the specialization of trials, reduce external interference, and overcome judicial inertia, courts with greater legitimacy will inevitably be more helpful for local governments to achieve social governance. [24] People's attention cannot only be inclined to focus on centralization and top-down reforms. Today, when the quality of local governance has become the foundation of people's

10 For completing global governance through domestic judicial governance, see specifically Huo Zhengxin. On Domestic Courts in the Global Governance System. Chinese Legal Science, No. 3, 2018, p. 269.

livelihood, social governance urgently needs the participation of diversified local forces. Local courts can often act as mediators of interests between local governments and the people. As long as the community for social governance representing diversified subjects is determined to formulate and abide by rules, they can work together to make local social governance more harmonious and stable.

## 5. Conclusion

If we pay attention to the work effectiveness of the court system in dealing with disputes and cases, we can feel that with social progress, disputes over interests frequently become the daily routine of going to court. The increasing number of cases turns into a burden for the courts. The problem of “many cases but few judges” seems to have not improved much since it was raised.<sup>11</sup> Even after the implementation of the judge quota system reform, the problem is still prominent.<sup>[25]</sup> Round after round of judicial reforms, while continuously adjusting the allocation of judicial resource elements, often fall into the cycle of past dilemmas. Certainly, each round of judicial reform always leaves some experiences worthy of promotion, forms several judicial documents, judicial interpretations and even legislation. However, in the face of emerging and increasing disputes and cases, even a well-functioning judicial system will sigh in vain. However, just sighing is not the way to solve the problem. While “sympathetically understanding” the judicial system.<sup>12</sup> People cannot help but deeply feel that litigation, as one of the ways to resolve civil disputes, may not be the best choice for resolving disputes. Or it can be said that simply emphasizing judicial relief as the last relief channel cannot cope with the surging wave of disputes. This is also the reason why the court system has continuously emphasized the governance of dispute sources in recent years.<sup>13</sup> However, the practice of governance of dispute sources by local courts has a trend of anomie. The countermeasure can only be to emphasize the non-central position of the courts and the judicial adjudication function, and emphasize the integration of the concept of social governance into judicial adjudication and the embed-

ding of judicial work in grid governance.<sup>14</sup> This not only comes from the criticism of governance of dispute sources by the academic community, but also makes the court system internally realize the limitations of the courts unilaterally emphasizing governance of dispute sources. The first solution lies in relying on the party committees and governments, adjusting grass-roots organizations and social forces, promoting good governance in grass-roots society, and thus avoiding and reducing the occurrence of disputes.<sup>15</sup> Therefore, the resolution of disputes is no longer a solo effort by the courts. It needs to rely on the power of the state, society, and individuals to form a community for social governance and jointly participate in resolving disputes and realizing social harmony and stability. Judicial governance exists as an organic part of social governance. This means that when looking at the resolution of disputes, we cannot just focus on litigation procedures and judicial organs. The realization of a diversified dispute resolution mechanism requires a broader perspective to pay attention to the subjects, processes, and effects of dispute resolution.<sup>16</sup> The report of the 20th National Party Congress proposed “promoting multi-level and multi-field governance in accordance with the law and raising the level of legalization of social governance.” The weakening of the organizational function of maintaining justice is the danger of social governance.<sup>[26]</sup> How to realize the modernization of the national governance system and governance capacity by strengthening organizational construction and giving full play to organizational functions requires that the dispute resolution mechanism always adapt and adjust following the change of national policy orientation and the endogenous situation of society.<sup>[27]</sup> The alienation phenomenon of disputes caused by the failure of the legal mechanism has already shown that the resolution of disputes needs to be included in the category

11 The debate on “too many cases but few judges” has lasted for more than 30 years since the last century. The problem of “too many cases but few judges” was first reported in 1982. For specific reference, see Meng Qingkui. Attach Importance to and Strengthen Civil Trial Work. *People's Justice*, No. 9, 1982, p. 12.

12 Sympathetic understanding means putting oneself in the other's shoes, considering for the other, and paying attention to the state of mind and situation when paying attention to the other's words and deeds. As a research stance or attitude, it is also necessary to distinguish between self and others in order to complete the research task of rational criticism.

13 According to existing data, the court that first proposed the governance of dispute sources should be the Pujiang County People's Court in Chengdu City, Sichuan Province. For specific reference, see Xie Lixin. Innovative Measures for the People and Explore New Mechanisms for Resolving Disputes. *People's Court Daily*, November 5, 2013, p. 8. Later, it was valued by superior courts and promoted nationwide. At the same time, it is hailed as the reproduction of the “Fengqiao Experience” in the court system. See Chen Junling. The “Fengqiao Experience” Takes Root in Sichuan. *People's Rule of Law*, No. 17, 2018, p. 83.

14 The existing practice has ethical risks that undermine the “neutral” role of judges and exceed the boundaries of active judicial action, legal risks that undermine the case registration system, blur the boundaries between mediation and reconciliation in litigation, and impact the functional division of state organs, as well as technical risks that induce non-substantive resolution of disputes and ineffective alleviation of the contradiction between cases and judges. For specific reference, see Zhou Suxiang. The Alienation Risk and Prevention of Court's Governance of Dispute Sources—Based on the Research Perspective of Functionalism. *Journal of Huazhong University of Science and Technology (Social Science Edition)*, No. 1, 2020, p. 28.

15 In Chengdu City, where governance of dispute sources was first proposed, the intermediate people's court has made a new interpretation of the basic content of “governance of dispute sources.” It is believed that “governance of dispute sources” that meets the requirements of the new era is an important measure to promote the modernization of the national social governance system and governance capacity. For specific reference, see the research group of Chengdu Intermediate People's Court, Sichuan Province. Internal and External Co-governance: A New Path for Chengdu Courts to Promote “Governance of Dispute Sources”. *Journal of Law Application*, No. 19, 2019, p. 15. The Central Political and Legal Affairs Commission also proposed to adhere to carrying out governance of dispute sources under the leadership of party committees and governments and promote the creation of “litigation-free” villages (communities). See Zhou Bin and Cai Changchun. Strive to Solve Three Major Reform Difficulties and Enhance the Credibility of Law Enforcement and Judicial Organs. *Legal Daily*, July 20, 2019, p. 1.

16 There is a symbiotic and coexisting relationship between the two systems of dispute governance and dispute resolution. See Zhang Weiping. “Dispute Governance” and “Dispute Resolution”: Differences, Symbiosis and Correspondence. *Modern Law Science*, No. 1, 2024, p. 20.

of social governance and a dispute resolution mechanism with the participation of multiple forces needs to be constructed. [28] This gives the attention and research on the diversified dispute resolution mechanism under the leadership of the judiciary a perspective of observation and analysis from the perspective of social governance.

## Author Contributions

Wang Gali is the sole author. The author read and approved the final manuscript.

## Conflicts of Interest

The authors declare no conflicts of interest.

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