

## **Research of Termination System of Letters and Visits Involved in Litigation from the Perspective of Social Governance**

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**Abstract:** In reforming the system of petition work, the Third Plenary Session of the Eighteenth Central Committee of the Communist Party of China clearly put forward that petition concerning lawsuit should be settled on the track of the rule of law and that the system of termination of petition concerning lawsuit should be established. At present, there are some problems in the termination system of complaints and petitions concerning law, which can be legalized and standardized from three aspects: establishing legal principles, defining the subject of responsibility and strict termination procedures.

### **1. Introduction**

Social governance is an important part of national governance. As an important work of the Party and the government and the basic work of social governance, petition work is an indispensable part of promoting the modernization of the national governance system and governance capacity. At present, social contradictions and letters and visits are prominent in our country. Letters and visits will remain high and frequent for a long time. How to adapt to the requirements of promoting the "four comprehensive" new situation and reform and improve the system of letters and visits has become a major issue of common concern and exploration in the current theoretical and practical circles.

### **2. Analysis from the Perspective of Social Governance**

The Third Plenary Session of the Eighteenth Central Committee of the Communist Party of China put forward the important decision of "promoting the modernization of national governance system and governance capacity", and regarded it as one of the general objectives of deepening the reform in an all-round way. It is a major strategic plan made by the new central leadership group under the new situation. As an important support for the modernization of state governance, the Third Plenary Session of the Eighteenth Central Committee of the Communist Party of China put forward "innovative social governance system" and expounded a new ruling concept - social governance. Since then, "social governance" has gradually replaced "social management". In the second half of the 20th century, with the popularity of the new public management theory, the concept of "governance" has been favored by academia and political circles. Social governance is a process in which multiple actors use their authority to regulate, coordinate and serve social organizations, social affairs and social life within a given space. Its purpose is to meet social needs and maintain social order. There are significant differences between the concepts of social governance and social management: in concept, social governance is emphasized as a science, dialectics is emphasized, and the relationship between vitality and order is handled well; in method, systematic governance, law-based governance, comprehensive governance and source governance are emphasized; in means, it is emphasized that we can not simply rely on suppression, control and control. In order to maintain rigidity and stability, attention should also be paid to mediation and resolution, flexibility and stability; in the main body, attention should be paid to mobilizing and organizing social forces to participate together. Undoubtedly, as an important part of social

governance, the reform of petition system must embody the concept of social governance, follow the principles of social governance, and innovate the way of social governance[1].

### **3. Overview of the Termination System of Letters and Visits Involving Lawsuits**

#### **3.1. Basic Concepts of the Termination System of Letters and Visits Related to Laws**

The system of termination of petitions involving lawsuits refers to cases that belong to the people's courts, people's procuratorates, public security departments and judicial administrative departments according to law, and which have met the relevant termination conditions through public hearings, public cross-examinations and public replies when the reasonable demands have been really solved and the practical difficulties have been properly solved. After examination and verification by the political and legal organs at or above the provincial level, the final decision shall be made in accordance with the relevant provisions, and the procedure of petition concerning lawsuits shall be withdrawn. The petition system of acceptance, handing over and notification shall no longer be adopted by the political and legal organs at all levels[2].

#### **3.2. Historical Evolution of the Termination System of Letters and Visits Involving Laws**

##### **3.2.1. The first stage focuses on the applicable conditions for the termination of lawsuit-related letters and visits**

The Regulations of the People's Republic of China on Letters and Visits (hereinafter referred to as the Regulations) officially implemented on May 1, 2005, together with the Measures for the Termination of Letters and Visits Involving Laws issued by the Central Political and Legal Commission in the same year, formed the rudiment of the system for the termination of Letters and Visits Involving Laws. It includes four aspects: completing statutory relief, satisfying reasonable demands, the same reasons for letters and visits, and limiting to objective conditions.

##### **3.2.2. The second stage emphasizes the concretization and institutionalization of the termination of complaints and visits involving law**

In 2009, the Central Political and Law Commission's Opinions on Further Strengthening and Improving the Work of Complaints and Visits Involved in Law, transmitted by the Central Office and the State Office, put forward for the first time at the central level the establishment of a system for the termination of Complaints and Visits Involved in Law. In 2012, the Central Political and Law Commission's Opinions on Improving the Termination Mechanism of Complaints and Visits Related to Law specifically stipulated six aspects of the significance, basic principles, subject of responsibility, verification and identification, follow-up work and responsibility investigation of the system.

##### **3.2.3. In the new stage, the legalization of the end system of letters and visits involving lawsuits is put forward**

In 2013, the Third Plenary Session of the Eighteenth Central Committee of the Communist Party of China adopted the Decision of the Central Committee of the Communist Party of China on Several Major Issues Concerning the Comprehensive Deepening of Reform, which clearly stated that "letters and visits involving lawsuits should be brought into the orbit of the rule of law to solve, and the system of terminating letters and visits involving lawsuits. For the first time, the decision raised the issue of legalization of the system of termination of complaints and visits involving law at the central level, and put forward new ideas for the reform of the system of termination of complaints and visits involving law[3].

### **4. Realistic Problems of the Termination System of Letters and Visits Related to Laws**

#### **4.1. Lack of legitimate legal basis for the termination system of petitions involving lawsuits**

The system of termination of petitions involving lawsuits is a specific restriction on public rights.

Articles 27 and 41 of the Constitution of the People's Republic of China indicate that the Constitution of China guarantees the right to express public appeals. The petition system is the concrete manifestation of citizens' orderly political participation and safeguarding their own interests. However, at present, the legal basis for the system of termination of complaints and petitions involving law is only the Regulations promulgated by the State Council and the administrative normative documents forwarded by the Intermediate and State Office. The legal basis of this rank is insufficient to support the system's ability to restrict citizens' right to appeal and express their rights. At the same time, "petition agencies are generally established and petition functions prevail". Administrative regulations and administrative normative documents can only provide weak legal support for the huge termination of letters and visits[4].

#### **4.2. Lack of effective control over the power of petition termination by the system of petition termination involving lawsuits**

In the normative documents issued by the Central Committee of Political Science and Law, the system has strong policy and task in principle and vagueness and arbitrariness in the confirmation of the final audit. For example, Article 9 of the Central Political and Law Commission's Opinions on Improving the Termination Mechanism of Complaints and Visits Involved in Law promulgated in 2012 stipulates that "public hearings should be organized for petitions and petitions with repeated pestering visits and causing certain social impacts." Among them, the broad terms of "certain social influence" and "general" provide an opportunity for the petition authorities to end the abuse of power. At present, under the situation of high incidence of complaint and petition cases involving law, all levels of organs have always regarded maintaining stability as the focus of petition work, and over-intensified the final conclusion of key petition cases. The power to terminate complaints and petitions involving law is easily abused under the dual influence of the pressure of assessment and the demand for social stability[5].

#### **4.3. The termination system of petitions involving lawsuits may intensify unreasonable visits, pestering visits, petitions and mass incidents**

The end of petitions involving lawsuits means that the petition case will not be accepted, handled or notified from now on, and will withdraw from the petition procedure and enter into the work of local education guidance and stability control. On the one hand, the comparison between the satisfaction expectation and the end of reality of the petitioners is very easy to form a petition. At the same time, its fuzziness and arbitrariness will have a negative impact on the legal authority belief of the petitioners. On the other hand, the termination of the system also provides a system gap for lawsuit-related petitions. "At present, in the Party and government system of our country, the quantification degree of target management responsibility system and performance appraisal system is getting higher and higher." Under the pressure of higher authorities and the control of media and public opinion, party and government officials have to skip the tedious and lengthy legal procedures to quickly settle the petitions and disputes[6].

### **5. Ways to Break through Difficulties in the Operation of the Termination System of Letters and Visits Related to Laws**

#### **5.1. Perfect the guarantee mechanism for the termination of letters and visits and ensure the systematic implementation of the termination of letters and visits**

##### **5.1.1. Constructing the Cooperative Mechanism of Letter and Visit Ending**

The letters and visits organizations at all levels should not only perform their duties and responsibilities, but also strengthen cooperation and close cooperation, and communicate with each other to form an overall joint force to solve letters and visits. Communication is very important in the three-level termination procedure of letters and visits. The handling and review organs should timely communicate and report with the higher review organs on the handling and review situations, especially complex and difficult problems, strive for the guidance and supervision of the higher

review organs, ensure the proper application of laws and policies, legitimate and standardized processing procedures, and lay a good foundation for effective review and review work. Form a mechanism to guarantee the termination of letters and visits.

#### **5.1.2. Strengthening Informatization Construction of Letter and Visit Termination Work**

The central political and legal commission, the central political and legal units, the State Letter and Visit Bureau and the Office Letter and Visit Bureau of the Standing Committee of the National People's Congress should establish as soon as possible a unified, compatible and interoperable database of cases involving lawsuits and petitions. For the terminated cases involving lawsuits and petitions, the central political and legal units shall timely input the case information into the termination database and regularly transmit the relevant units in the form of written and electronic data; the relevant units shall timely put the data into the database and communicate within the system to achieve information sharing. Avoid the problems of multiple, duplicate handover and transfer caused by the lack of information sharing and unobstructed access, and effectively improve the efficiency of the end of letters and visits.

#### **5.1.3. Revising the System of Letter and Visit Reception Days for Leading Cadres**

The system of letters and visits reception day is quite human-governed, so it needs to be amended appropriately. Leading cadres should be freed from the trivial daily reception of letters and visits and devote more and more energy to the study and solution of outstanding problems in the work of letters and visits. Even if it is a major unexpected visit that must be received, it is not appropriate to give instructions at will. It is necessary to crack "Leader's instructions fly all over the sky without leadership's instructions. At the same time, it reduces the blind expectation of petitioners and visitors for the leaders to receive visits, and promotes the masses to establish a universal belief in the spirit of the rule of law.

#### **5.1.4. Improving the Professional Quality of Letters and Visits Staff in an All-round Way**

We should strengthen the training of legal professional knowledge and ability of petition staff, promote them to improve their legal professional accomplishment and the level of policy theory, firmly establish the awareness of the rule of law such as procedural justice and safeguarding human rights, and effectively improve the level of petition termination[7].

### **5.2. Improving the accountability mechanism for the termination of letters and visits and strengthening the standardization of the termination of letters and visits**

First of all, we should improve and implement the three-level termination responsibility mechanism of handling, reviewing and reviewing letters and visits. This requires that in the process of handling and reviewing letters and visits, the staff members must conduct in-depth field investigation and evidence collection, conduct investigation and Research on dispatchers'questionnaires, ascertain the basic facts related to letters and visits, and put forward comprehensive and objective opinions on handling and reviewing in accordance with relevant laws and policies. In the process of review, we must exercise the right of review prudently, give full play to the "checking" role of the review procedure, and try to avoid the occurrence of wrong termination decisions. Secondly, we should incorporate the termination of petition matters into the performance appraisal system (focusing on the quantitative assessment of acceptance rate, settlement rate and interest rate), and effectively implement the mechanism of retrospective investigation and investigation of the fault liability of the leaders and staff of the responsible units in the termination of petition work at all stages of the three-level termination procedure. For those who do not strictly follow the criteria and procedures for termination and arbitrarily terminate, leading to serious consequences such as qualitative analysis and handling errors, the discipline inspection and supervision department of the political and legal organs shall seriously investigate the responsibility of relevant units and personnel; for those who violate discipline and illegal acts, they shall be submitted to the relevant units for serious treatment in accordance with relevant provisions. We should ensure that the retrospective investigation of legal liability runs through the

whole process of the petition termination procedure, so as to enhance the consciousness of procedure standardization, fault liability and risk prevention, and enhance the standard operation level of the petition termination system.

### **5.3. Implementing the due process mechanism for the termination of letters and visits and enhancing the credibility of the termination of letters and visits**

The due process mechanism for the termination of letters and visits includes public hearings, public replies, public cross-examination and explanation of reasons. Openness and transparency are the main means to win public trust in the end of letters and visits. Through the implementation of such working mechanisms as public hearing, public reply and public cross-examination, the right to know and appeal of letters and visitors is fully respected and guaranteed, and the situation of letters and visits can be understood by all sectors of society, so as to strive for the supervision and supervision of public opinion. Support, at the same time to create psychological pressure for unreasonable petitioners, to promote the ideological transformation of petitioners, reduce pestering, petitioning and other abnormal petitions. In addition, the reasons should be fully and reasonably explained in handling, reviewing and reviewing the written replies, which can not only improve the persuasion of the written replies, facilitate the understanding and understanding of the letters and visitors and the public, but also reduce misunderstandings and alleviate the confrontational feelings of the visitors to a certain extent. It is true that the three-level termination of letters and visits is not only a procedure, but also a fundamental purpose of resolving contradictions and solving the practical difficulties of the masses, so as to effectively enhance their social credibility. Therefore, we should adhere to the principle of combining the termination of letters and visits with solving practical problems, softening treatment with hard treatment, and urge the letters and visitors to truly realize the suspension of visits and termination of cases at the same time as the termination of the three-level termination procedure, so as to maintain a good social order[8].

## **6. Conclusion**

In a word, innovating social governance based on the system logic of rule of law is the only correct direction to effectively end the problem of complaint-related letters and visits involving law. In fact, it is to return to the nature of complaint-related letters and visits involving law and the rule of law of the operating mechanism itself, and to respect the inherent and intrinsic nature of judicial law enforcement agencies in dealing with complaint-related letters and visits involving law. Value function is the starting point, not only the utilitarian recognition of its tool value (mainly to maintain stability); in particular, we should not reverse the consequences as a cause and priority, and sacrifice the function of the judicial law enforcement agencies to settle disputes as the basic and starting point for the end of complaints and petitions involving law.

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