

Study on Legal Popularization in Ethnic Villages of China

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Abstract

Legal literacy is a long-term basic work in China. Due to its special characteristics, ethnic rural areas are a major difficulty in the popularization of law. The work of law popularization in ethnic rural areas faces the dilemma of lack of legal awareness, difficulty in dismantling traditional concepts, and backward construction of law popularization institutions and personnel teams. Strengthening the economic development of rural areas, shaping the culture of rule of law, and conducting activities to send the law to rural areas are reasonable paths to get rid of the dilemma of law popularization and enhance the effectiveness of law popularization.

Keywords: rural areas, legal literacy, ethnic minorities, rule of law

1. Introduction

So far, excluding the ongoing "8th Five-Year Plan", China has completed seven large-scale legal literacy education activities.

1.1 History of Law Popularization

From 1986 to 1990, the "First Five-Year Plan" popularized the law. During this period, the country had just emerged from political turmoil, and the social order was still in an unstable state, and laws were urgently needed to stabilize the social order. Since China's legal system was relatively backward and the legal system was not sound, the content of the popularization of law could only be general knowledge of law.

From 1991 to 1995, the "Second Five-Year Plan" popularized the law. During this period, China was in a period of stable development, and all aspects of economic and social construction were on the right track. With the development of the legal system, legal education began to change into legal propaganda education, and the newly formulated and implemented laws became the main content of the popularization of law.

From 1996 to 2000, the "Third Five-Year Plan" was popularized. In the context of building a socialist market economy, China's economy developed rapidly. At the same time, Jiang Zemin proposed the concept of "rule by law", and legal propaganda and education formally became a long-term basic work for the comprehensive rule by law.

From 2001 to 2005, the "Fourth Five-Year Plan" was popularized. China further stabilized the overall situation of reform and development, and strengthened the construction of a socialist state under the rule of law. Leading cadres as the focus of the popularization of law, socialist market economy laws and regulations are still the main content of the popularization of law.

From 2006 to 2010, the "Fifth Five-Year Plan" popularized the law. China put forward the goal of building a harmonious socialist society. The main content of the popularization of the law increased the laws and regulations related to maintaining social harmony and stability and promoting social justice. Civil servants and farmers became the key targets of the popularization of law.

From 2011 to 2015, the "Sixth Five-Year Plan" popularized the law. China put forward the strategic task of adhering to the road of socialist cultural development with Chinese characteristics and striving to build a socialist cultural power. The construction of socialist rule of law culture has become the focus of the popularization of law.

From 2016 to 2020, the Seventh Five-Year Plan will be popularized. China is about to achieve the goal of building a moderately prosperous society in all aspects. "Legal propaganda and education" was changed to "rule of law propaganda and education", the main task of the popularization of law for in-depth study and propaganda of General Secretary Xi Jinping's important statement on the comprehensive rule of law; the main goal is to improve the mechanism of legal propaganda and education, enhance the effectiveness of the rule of law

propaganda and education.

1.2 The Essence of Popularization of Law

The State defines the popularization of law as "propaganda and education on the rule of law", which is "a long-term basic work for the comprehensive rule of law". State organs transmit general knowledge of the law to the residents of the country through publicity and education, organize activities, etc., so as to enhance citizens' literacy in the rule of law and promote the whole society to respect, learn and abide by the law.

There is a controversy among the academic circles about the essence of the popularization of law. Regarding the essence of popularization of law, the mainstream view of the academia is to approve the official definition of popularization of law, but there are still some scholars who have made an in-depth analysis of popularization of law. Among them, some scholars think that Pfaff itself is full of contradictions. Professor Song Xiao believes that the essence of the popularization of law is contradictory, and there are paradoxes at the level of will, purpose and knowledge in the popularization of law, and the activities of the popularization of law are superficially conducive to improving citizens' rule of law literacy, but in essence will hinder the long-term development of the rule of law, and the popularization of law itself is a problematic concept (Song, X., 2009). Ling Bin believes that the popularization of law does not enable the public to truly understand the law, and that the simple submissive relationship between the public and the state in the popularization of law education ignores the subject position and the active role of citizens (Ling, B., 2004). Professor Wang Taixian also thinks that the current popular law education ignores the rationality of the law and the subjectivity of the audience, making the popular law a false proposition (Wang, T.-X., 2006). Other scholars believe that the popularization of law is a political activity of the state. For example, Su Li points out in "Sending the Law to the Countryside" that "'sending the law to the countryside' is an attempt by the state power to establish or strengthen its authority by judicial means in the margins of its effective rights, so that the order intended by the state power can be implemented" (Su, L., 2000). Xu Zhangrun thinks that the activity of popularizing the law is "a top-down reconstruction of order which is manifested by the efforts of legalism, and it is also a modern baptism of the national mind" (Xu, Z.-R., 2008).

The author is inclined to the view that popularizing the law is a political activity of the state. First of all, in the "First Five-Year Plan", the state indicated that it would regard the popularization of law as an important matter in political activities. Secondly, according to the history of law popularization in China, the goal and task of every law popularization activity are related to the policies implemented by the state at that stage. The state hopes that through top-down publicity and education, citizens' behavior will conform to the state's intentions, so as to promote the realization of the state's goals. The expression of national law popularization activities has changed from "popularizing legal knowledge", "publicizing and educating the legal system" and "publicizing and educating the rule of law" in turn, which not only shows the continuous improvement of the country's legal system construction and governance concept, but also reflects the continuous change of the country's political purpose.

1.3 Necessity of Popularizing Law in Ethnic Rural Areas

Regardless of whether the popularization of law is regarded as the publicity and education of the rule of law or the political activities of the state, the popularization of law in ethnic villages is an indispensable part of the popularization of law, which is determined by the particularity of ethnic villages. Ethnic rural areas are economically backward, which makes it difficult to provide a good economic guarantee for the popularization of law, and it is difficult for the popularization of law to be carried out effectively. The villagers' traditional concept is deeply rooted, their modern legal awareness is weak, it is difficult for villagers to understand and apply the law, their demand for the law is not high, and their participation in law popularization activities is not high; The transformation of ethnic rural society is slow, the degree of modernization is not high, the social ties among villagers are still dominated by consanguinity and ethnic affiliation, and the "differential order pattern" of local society is obvious, so it is difficult for modern rule of law to enter smoothly, and it is difficult to carry out legal popularization work. Nowadays, in the Eighth Five-Year Plan, it is clear that rural areas are the focus of law popularization, and ethnic rural areas are also the important and difficult points in law popularization in rural areas. The law popularization work in ethnic rural areas determines the effect of the whole law popularization work, and the law popularization problem in ethnic rural areas must be solved.

2. The Dilemma and Causes of Popularizing Law in Ethnic Rural Areas

Taking Meilin Township, Sanjiang Dong Autonomous County, Guangxi as an example, the author explores the dilemma of law popularization in contemporary ethnic rural areas and its causes. Through the field investigation in Meilin Township, Sanjiang Dong Autonomous County, Guangxi, it is known that the local villagers' legal awareness is still in a relatively backward stage; Traditional ideas still have great influence on villagers; The construction of legal institutions and legal teams is relatively backward.

2.1 Villagers' Legal Awareness Is Weak

Villagers are backward in legal awareness, and when disputes occur, villagers rarely choose to solve them by legal means. Villagers think that it is too troublesome to solve disputes by law, which requires a series of procedures; Some things can't be solved by law, but can only be solved by other ways; Sometimes the law will shield the obviously immoral party in a dispute.

The root cause of villagers' lack of legal consciousness lies in the special social environment of frontier ethnic villages. Due to the slow social transformation of frontier ethnic villages, the characteristics of "local society" are obvious. Villagers live in the same area and know each other well, so everyone's social relations are like ripples, spreading out and intersecting with each other. "The local society is a society that has been relocated, born, raised and died in Sri Lanka. However, the population movement is very small, and the land that people take for resources rarely changes." (Fei, X.-T., 1998) This kind of local structure is very stable, because the villagers are familiar with each other, there is almost no turnover of people, and they have been attached to the land for generations. The primitive countryside is almost a "static society". Therefore, the ritual order and acquaintance relationship in local society have a profound influence on ethnic villages. When people have disputes, they first rely on the local prestigious clan elders to mediate, and only when there is no way will they seek legal help. Thus, the law is just a tool for the villagers to solve disputes, and they think that there are many shortcomings in the law and they have an exclusive attitude towards the law. In this environment, it is difficult for people to form faith in the law, and their legal consciousness is naturally backward.

2.2 Deeply Rooted Traditional Concepts

Some traditional concepts in the ethnic rural areas are in obvious conflict with the law and violate the provisions of the law. For example, the Dong people still have the tradition of arranged marriage by parents, which is totally against the principle of freedom of marriage in China; regarding the marriage age, the law in China clearly stipulates that men should not be less than 22 years old and women should not be less than 20 years old, but early marriages are common among the Dong people, and it is common to see men and women getting married before the legal marriage age; the Dong people also have the bad habit of intermarriage of collateral blood relatives, and marrying one's daughter to one's brother's son is It is the tradition of Dong people, which is totally against the law of China.

The reason for the conflict between the traditional concept and the law is that the traditional concept itself is closed, and it is difficult for the law to completely dismantle it. The traditional concept is formed by the villagers through the accumulation of long life experience and the practical test of generations of villagers, which is in line with the culture and value beliefs of the villagers and fits the actual life of the villagers, and has become part of the villagers' thinking and behavior. Some of the laws are contrary to the traditional concept, and the real judicial injustice is serious, which aggravates the villagers' rejection of the law. The forcible intervention of the law does not completely dismantle the tradition of vernacular society and enable China to embark on the path of modernization. On the contrary, "the introduction of laws and courts to the countryside alone has resulted in the disadvantages of destroying the ritual order before the benefits of the rule of law order have been gained." (Su, L., 2016)

2.3 The Backwardness of Law-Prevention Institutions and Law-Prevention Team Construction

The population of Meilin Township of Sanjiang Dong Autonomous County in Guangxi is 10,304, and the actual number of people working in Meilin Township Government is 20, the number of people working in the Judicial Office, which mainly undertakes the task of law popularization, is only 1, and the number of people working in the Cultural Radio and Television Station, which undertakes the function of propagating the Party's line, guidelines, policies and laws and regulations, and conducting socialist and patriotic education, is only 2. The number of law-promoting personnel is obviously insufficient to meet the needs of the law-promoting audience.

The reason for the backwardness in the construction of law-prevention institutions and teams is that the frontier villages are remote and economically backward, and in the absence of financial support, it is difficult to afford the construction of institutions and the introduction of talents. The financial allocation of Meilin Township Government for 2021 is 9,706,174.02 yuan, and the expenditure on personnel expenses alone accounts for 70% of allocation, which is not enough to support the frontier villages to vigorously build law-prevention institutions and law-prevention teams. Chinese legal talents are mostly concentrated in the eastern urban areas, compared to the remote location, poor infrastructure construction, and low wages and benefits of the border ethnic villages, which make it difficult to attract talents.

3. Path Options for Legal Literacy in Border Ethnic Rural Areas

3.1 Vigorously Develop the Economy of Frontier Ethnic Rural Areas

The effective implementation of legal literacy work requires good economic conditions, and vigorous economic

development can provide a good environment for legal literacy. The state should give financial support to rural areas and provide special financial support for the work of legal literacy in rural areas. While promoting the development of existing industries, rural governments should also open new industries with local characteristics and requirements of the times to further promote economic development. With sufficient financial guarantee, the construction of law-prevention institutions and teams can be strengthened, and law-prevention activities can be carried out efficiently to meet villagers' demand for law-prevention, so that villagers can truly understand the law and use it to protect their own interests.

3.2 *Shaping the Culture of Rule of Law*

Rule of law culture is a kind of people's way of thinking, living and behaving, which contains the pursuit of the spirit of rule of law, the concept of rule of law and the value of rule of law. Through the integration of rule of law and traditional concepts, a new culture environment of rule of law is created in the villages to strengthen villagers' faith in the law. "The so-called tradition refers to the social attitudes, beliefs, customs, and institutions with certain characteristics that have been handed down from history." "Tradition is something that has been formed in history. Therefore, it is easy to equate tradition with the past. In fact, tradition is not only something of the past, but also something that can have a directional and prescriptive influence on the present and the future. That which belongs only to the past, which has long since ossified and died, cannot be called tradition." (Fu, Z.-T., & Xiao, W., 2017) On the basis of respecting traditional concepts, we should discover the parts of traditional concepts that are in line with the spirit of the rule of law, integrate them into the rule of law culture, promote the evolution of traditional concepts to modern rule of law, and transform villagers' faith in traditional concepts into faith in law.

3.3 *Delivering the Law to the Countryside*

The modern rule of law has universal applicability and is the bottom line to be observed for the rules of governing society and maintaining social harmony, which is the goal of building the rule of law in contemporary China. Sending the law to the countryside is not only the simple popularization of legal knowledge, but more importantly, justice to the countryside. The delivery of law to the countryside not only makes villagers understand the law better, but also lays a realistic foundation for villagers to use the law to solve problems. The delivery of law to the countryside further develops the dispute resolution mechanism in rural areas, which absorbs a range of comprehensive social governance forces. Various types of regulation can play their respective roles in disputes. After this series of governance, the harm caused by disputes can be effectively dissolved or mitigated, thus promoting social stability and development. Villagers appreciate the effectiveness of the law, the convenience and protection brought to them by the law, so that their willingness to learn about the law will be strengthened, and the legal literacy activities will get twice the result with half the effort.

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