The Difficulties and Countermeasures of Legal Aid Work from the Development of Colleges and Universities

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Abstract. The legal aid work was originally for helping vulnerable groups as the theme of community public welfare activities, but in the actual implementation after a period of time, the legal aid work is in a state of stagnation. In this paper, combined with the actual situation, the difficulties and countermeasures to carry out the legal aid is analyzed.

The Appearance and Development of the Legal Aid Work

Following the comprehensive implementation and the implementation of the rule of law concept, people’s legal knowledge has been raised to a higher level, but in some legal disputes, the vulnerable groups’ rights are not effectively maintained and have brought certain problems to perfect the legal system construction. Based on this, some university students, under the guidance of teachers, set up legal aid center in colleges and universities, and offering certain judicial assistance for vulnerable groups has become a trend. Legal aid of colleges and universities is as an important part of our country’s legal aid system, and in fact, before the government legal aid institutions were established, the establishment of Wuhan university social weak rights protection center can be traced back to 1992. This is also our country’s earliest civil legal aid institutions, since then, Beijing university and others have set up their own legal aid institutions, by the end of 2012, relying on colleges and universities nearly 40 legal aid institutions have been set up, as well as 350 legal aid workstations, and they provide legal advice, legal agent and other legal services for social weak groups.

The Legal Aid Work Face Difficulties

According to common sense, the legal aid work, when college students have abundant legal theory knowledge, should promote sound development momentum, but through the survey of some of the legal aid institutions, colleges and universities found that their work is facing many difficulties. Firstly, there is no actual work that can be carried out. Although under the advocacy of teachers in colleges and universities and part of the university organization team, the legal aid agencies are geared to the needs of social vulnerable groups supporting work, but at present there are only a part of the daily work of the legal aid institutions to carry out theoretical research of law, rarely involved in the actual legal disputes, not to say the relevant the effective legal aid. Secondly, the legal aid center staff does not have corresponding qualifications to participate. Even today in the regional scope of the legal aid institutions in colleges and universities, in the process of participation for the solution of some judicial disputes, because the staff do not have the corresponding qualifications in theory, they are not able to provide the perfect legal service and legal aid, so a few colleges and universities must therefore form cooperation with social organizations to complete the some legal aid work, thus to some extent, it has violated the original intention of colleges and universities to provide legal aid.

The Cause of Difficulties of the Legal Aid Work

Colleges and universities’ legal aid work is in a “bottleneck”, which is not easy to reverse in the short term, but in essence, this kind of problem is still of the special social resource allocation problem caused by the unreasonable structure of supply and demand. The so-called “supply” means
providing legal aid to students, teachers, although the starting point is good, but because of the lack of legal permission, even it is again good planning, it can not be effectively implemented, and the so-called “need” refers to people involved in legal disputes, who often subconsciously believe that only through their entrusted agent can they truly realize maximization demands, it is hard to think of the legal aid agencies for help except when as a last resort.

The Legal Aid Work Efficiency Improving Measures

Summary of the legal aid center work difficulties are relatively easy to face, after all the facts are clear, and the summarized cause is more simple, but in order to fundamentally solve these problems thoroughly, indeed there is a certain degree of difficulty, because there are some problems left over by history, which is not to be achieved overnight, especially some can be obtained through perfecting legislation. However, after the measures to solve these problems are listed, on the one hand it can help experts with further theoretical research of law, on the one hand, it can help the sociologist deepen its actual operational after considering comprehensive factors, which basically can to a certain extent, ease the dilemma of legal work of colleges and universities. Related work can roughly follows the four directions:

Firstly is to perfect legislation system, and make clear the status of legal aid in colleges and universities. On September 1, 2003, the legal aid ordinance (hereinafter referred to as the regulations), set the legal aid in the form of national legislation in our country’s legal system, but for the status of civil legal aid institutions, there is no explicit expression, which makes the legal aid institutions once only affiliated “star volunteer unit” for the related work, compared to Europe and the United States, this shows obvious lack of perfect legal aid system. Through the revision of the regulations to clarify the legal status of the legal aid institutions in colleges and universities, on the one hand it can make the relevant legal aid work have a legal basis, on the one hand, it can let staff have a legal practitioner qualification, which can greatly improve the work efficiency.

Secondly, try to carry out the “grading type” legal aid model. This is to reverse the legal aid work difficulty, which is an important reform. The legal aid work according to the actual content is divided into several levels, and for more complex cases, legal aid agencies, according to the needs of work progress, not only arrange dedicated team to provide a complete set of legal aid solutions, but also according to the basic demands of the parties to adjust the focus of legal aid work, to make the legal aid more practical, especially for related legal specialized student, they can according to their own major knowledge, to provide several alternative solutions of legal aid for the parties, so that the clients feel the conveniences and understand the legal aid center’s advantages. For the more popular cases, legal aid agencies can, according to the actual case, provide g reference basis for the parties, in this process they can take the form of “mentoring”, not only to encourage the new legal aid center personnel actively involved, but also the parties to understand their own legal aid. For relatively simple cases, legal aid agencies can cooperate with communities or streets, in the form of providing legal aid within the capabilities, so that on the one hand, it can effectively save manpower resources spending, to direct more resources into other legal aid work, and on the one hand, strengthen the cooperation with grassroots units, to regularly carry out the basic knowledge of the lawful propaganda, which will greatly improve the legal aid institutions’ social influences.

We need to pay attention to emphasize here is that a small number of students engaged in legal aid, in the face of the interests of the temptation of time can’t correct attitude, the improper benefit transfer behavior, as the legal aid institutions in this case must be punished severely and constraints, absolutely can’t because of the complexity of the case is disguised or indulge the behavior of the personnel engaged in legal aid for unjust enrichment, it is totally against legal aid institutions intended to open colleges and universities, but also in social level, the root cause of bad effects on the legal aid institutions in colleges and universities.

Thirdly, optimize personnel and organizational structure. University legal aid center belongs to the public, but in order to maintain daily operation, it will produce part of spending, or spending, as part of the colleges and universities, the school should actively and properly solve the difficulty. In addition, you can also use the power of the social and other public welfare organization, to
effectively alleviate the legal aid center’s burden. On this basis, try to optimize personnel and organizational structure, make public welfare organization form the “chain” so on the one hand, in legal aid work, it can solve some other practical needs, on the one hand, it can let more people involved in the legal aid work actually, to a certain extent, carrying out the lawful propaganda.

The coming of the information age has brought new opportunities for the legal aid work, the form of online use of Internet combining with the laws of the resources providing real-time information consultation, on the one hand, can effectively save the time of the parties, as far as possible, shorten the cycle of legal disputes, and on the one hand, it can make the legal aid less abstract and shows more and more specific content, thus to some extent, promoting the regional social influence of the legal aid institutions in colleges and universities. The most main point is, because of the legal aid service’s online communication, strong timeliness, it greatly saves the legal aid center’s actual spending, alleviating the legal aid institutions’ problem of making ends meet.

Conclusion

The Italian jurist Beccaria thought that “majesty of law does not lie in its severity, but that it is inevitable”. Colleges and universities form a professional team of legal aid, in order to fundamentally solve related needs, thus to some extent lay a certain foundation for the dissemination work, the difficulties is not to be afraid and we need to take effective measures to solve it, improving the legal aid work not only plays a positive role, but also builds a harmonious and civilized social environment for more remarkable achievements.

References