

The Capacity Dilemma and Improvement Path of Grassroots People's Mediators

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Abstract: *The "last mile" of the rule of law construction lies at the grassroots level. As a key mechanism for resolving social conflicts and promoting grassroots good governance, people's mediation is an important part of the grassroots legal service system. At present, the team of grassroots people's mediators is facing prominent problems such as weak legal professional foundation and aging age structure, which lead to practical dilemmas such as "experience dependence" and "mediation without resolution", resulting in a series of chain reactions including low performance rate of mediation agreements and weakened mediation credibility. From the perspective of system theory, this paper analyzes the formation mechanism of the above dilemmas and puts forward three coordinated improvement paths: improving the system guarantee system; optimizing the talent training system; constructing an AI intelligent auxiliary system to make up for the capacity shortcomings through functions such as intelligent retrieval, similar case push and automatic agreement generation. The research shows that only through the coordinated efforts of system, talent and technology can the capacity dilemma of grassroots people's mediators be effectively solved.*

Key words: *People's Mediators; Capacity Dilemma; System Guarantee; Talent Training; AI Auxiliary System*

0 Introduction

Entering the new era, with the in-depth advancement of socialism with Chinese characteristics, grassroots governance is facing a profound transformation. The continuous adjustment of the interest pattern in grassroots society, the accelerated changes in social structure and the diversified differentiation of values have overlapped, making grassroots conflicts present new characteristics of diversified subjects, complex demands and professional types. As an important part of the socialist rule of law system with Chinese characteristics, people's mediation plays an irreplaceable basic role in resolving grassroots conflicts and participating in social governance. Rooted in the grassroots and close to the masses, people's mediation has the unique advantages of "convenience and efficiency, free public welfare and no harm to harmony". Compared with litigation procedures, people's mediation is not subject to strict procedural constraints, with a short mediation cycle and low cost, which can realize the

rapid response and timely disposal of contradictions and disputes. By resolving a large number of civil disputes in the bud, people's mediation effectively prevents the intensification and escalation of contradictions and eases the pressure of "more cases and fewer people" in the judicial system.

Although the people's mediation system has gradually evolved towards specialization, standardization and legalization in practice, there are still problems of "mediation without resolution" caused by experience dependence and mediation deviation. One of the deep-seated reasons is that the capacity building of mediators lags behind the evolution of dispute forms. Article 14 of the People's Mediation Law of the People's Republic of China, promulgated in 2010, stipulates that people's mediators shall be adult citizens who are fair and upright, enthusiastic about people's mediation work, and have a certain level of culture, policy and legal knowledge. By the end of the "14th Five-Year Plan" period (2025), there were 696,000 people's mediation committees and 3.1 million people's mediators nationwide. This large team has formed a mediation organization network covering urban and rural areas and key fields, and is an important force in grassroots social governance.

1. Composition of People's Mediator Talents

1.1 Combination of Full-time and Part-time, with Part-time as the Mainstay

The people's mediation system has long adhered to the development policy of "combining full-time and part-time", and the dominance of part-time mediators is a historically formed normal state. Part-time mediators are mainly composed of members of village (community) "two committees", grid workers, retirees, "five elders" and other groups. They are familiar with grassroots conditions and have mass prestige, and have unique advantages in resolving traditional neighborhood disputes, family conflicts and other aspects. By the end of 2025, there were about 470,000 full-time mediators, accounting for only 15%. This structural feature reflects the basic pattern of people's mediation of "combining full-time and part-time, with part-time as the mainstay".

1.2 Low Proportion of Personnel with Legal Professional Background

The problem of weak legal professional foundation of the grassroots people's mediator team is very prominent. According to statistical data from many places across the country, the proportion of personnel with legal professional background in the mediator team is generally low. Taking Garzê Tibetan Autonomous Prefecture as an example, only 11% of the existing mediators have a legal professional background; among 2,515 mediators in Gucheng County, only 46 have a legal professional background, accounting for less than 2%. Among more than 60,000 mediators in Inner Mongolia Autonomous Region, 61% have a high school education or above, but the proportion of mediators who have passed the national unified legal professional qualification examination is even lower [1]. This structural shortcoming directly affects the standardization level and credibility of mediation work.

From the perspective of professional qualifications, personnel who have passed the national unified legal professional qualification examination are even scarcer in the mediator team. Investigations in many places show that except for those newly recruited in recent years, most of the personnel who have long been engaged in mediation work at the grassroots level have not received systematic legal education. This reality makes it difficult for mediators to cope with cases involving complex legal relations such as land transfer, labor disputes and property disputes.

Legal professionals are more inclined to choose career development channels such as lawyers, judges and prosecutors. The "low return, low guarantee and low recognition" of grassroots mediation work is difficult to form an effective talent attraction. In addition, the later development path of grassroots people's mediators is unclear and ambiguous. There are no relevant promotion channels and professional title evaluation and appointment, nor are they included in the category of reserve cadres at the district/county and town/township levels. This reality has become a "stumbling block" hindering professional legal talents from devoting themselves to the grassroots. The more remote the area, the more prominent the problem of "being unable to attract and retain" legal professional talents. The investigation in Shuangjiang County clearly pointed out that "the quality of the mediator team needs to be improved" is one of the main problems restricting the efficient development of mediation work.

1.3 Unreasonable Age Composition

Aging age structure is a prominent problem facing the current grassroots people's mediator team. The deep-seated crux of the aging age structure of the grassroots people's mediator team lies in the "re-employment after retirement" and "elder-led" characteristics of the team. At present, community mediators in various places are mostly part-time by retired judges, prosecutors, police officers, teachers and administrative cadres, and village mediators are mostly served by "two committees" cadres, village group leaders or respected elders and old party members in the village. Although this group has rich mass prestige and experience in dealing with affairs, they are generally over 60 years old, and their energy and ability to update knowledge are difficult to adapt to the needs of new and complex disputes [2]. From the actual situation in various places: Baoshan District of Shanghai reflected in team building that the original average age of district-level full-time people's mediators was high, and it still reached 60 years old after optimization. After three years of optimization and adjustment in Hailing District of Taizhou City, the proportion of people over 60 years old decreased from 63.8% to 51%, but the proportion of elderly mediators still exceeded half. Restricted by financial capacity, the number of positions is limited and the treatment is low, making it difficult to form stable career expectations. This intergenerational fault situation of "the elderly being unable to work and young people being unwilling to work" has led to the continuous imbalance of the overall age structure of the mediation team.

2. Core Problems Caused by the Current Situation of the People's Mediator Team

2.1 "Experience Dependence" Is Difficult to Adapt to New Types of Disputes

The scarcity of personnel with legal professional background directly leads to the insufficient overall professional capacity of the mediator team. A large number of mediators have long relied on the traditional experience model of "persuading both parties to make concessions" to carry out their work, lacking systematic legal application ability, evidence review ability and agreement standardization ability. When facing cases involving complex legal relations such as land transfer, labor disputes, property disputes and ecological compensation, mediators are often "willing but unable": on the one hand, they have a shallow understanding and inaccurate grasp of core laws such as the Civil Code and the Rural Land Contracting Law, making it difficult to accurately interpret laws and reason in mediation; on the other hand, they have weak evidence awareness and insufficient understanding of basic concepts such as evidence effectiveness and proof standards. There have been cases where mediators mistakenly wrote invalid oral commitments into mediation agreements due to unclear

understanding of the legal effect of land confirmation certificates, leading to the recurrence of disputes. This "experience-driven" rather than "professional-driven" mediation model makes mediation work stay at the level of "persuading peace" and difficult to achieve substantive resolution of contradictions.

2.2 "Mediation Without Resolution" and Low Performance Rate of Agreements

The dual shortcomings of age structure and professional ability together limit the quality and efficiency of mediation. On the one hand, although elderly mediators have prestige, they have limited energy and slow knowledge update, making it difficult for them to cope with new and complex disputes and leading to a decline in mediation success rate; on the other hand, due to the lack of legal professional knowledge, problems such as incomplete elements, vague expressions and unclear rights and obligations in mediation agreements are common, and the legal binding force of the agreements is insufficient, which directly affects the subsequent performance. In practice, although some disputes have reached mediation agreements in form, due to the failure to substantially respond to core demands and the lack of legal effect of the agreement clauses, they eventually fall into a vicious circle of "mediation - regret - re-mediation - re-regret", and even turn to litigation procedures, resulting in the waste of judicial resources. This phenomenon is the "mediation without resolution" mentioned earlier - although the mediation is completed in form, the fundamental contradictions of the dispute have not been resolved.

As a result, the masses are more inclined to choose more "rigid" dispute resolution channels such as litigation and letters and visits.

2.3 Weakened Credibility and Insufficient Mass Trust

The structural feature of "taking part-time as the mainstay" and the low level of full-time specialization make it difficult to ensure the stability of the mediation team. Most part-time mediators regard mediation work as a "sideline" or "exerting their residual heat", and their investment in energy is insufficient in continuity and stability. Grassroots mediation work seems simple, but in fact, it involves multiple professional dimensions such as legal application, evidence review, communication skills, psychological counseling and agreement standardization, which requires continuous learning and systematic training. However, when mediators regard mediation as an incidental task "done casually", their internal motivation for active learning is inevitably insufficient. The masses' trust in mediation ultimately depends on whether mediation can really solve problems. When parties find that mediators "cannot explain clearly" the legal issues involving their own interests, or the issued mediation agreements have obvious legal flaws, their doubts about the professionalism of mediation will be inevitable. In addition, the low performance rate of mediation agreements is also an important manifestation and reason for the weakened credibility. In practice, some mediation agreements are refused or delayed to be performed by the parties after signing due to the lack of legal effect elements, unclear agreement on rights and obligations or procedural flaws in the mediation process. When the masses observe the repeated occurrence of phenomena such as "successful mediation but non-performance" and "mediation agreements being like waste paper", their trust in the mediation system will inevitably be greatly reduced.

3. Paths to Improve the Capacity of Grassroots People's Mediators

3.1 Improve the System Guarantee System and Lay a Solid Foundation for Capacity Building

Establish a people's mediator grade evaluation and career development channel. Accelerate the full implementation of the people's mediator grade evaluation system and establish a four-level evaluation system of "Primary - Intermediate - Senior - Special Grade" [3]. Link grade evaluation with salary and benefits, political treatment and honorary recognition to form an predictable career development path. At the same time, open up the career conversion channel between mediators and grid workers, community workers and grassroots legal service workers, and include excellent people's mediators in the training scope of reserve cadres of village (community) "two committees" to enhance the professional attractiveness and stability of people's mediation positions. Improve the fund guarantee and performance appraisal mechanism. To address the problem of insufficient talent attraction caused by "low return and low guarantee", a fund guarantee mechanism adapted to the level of economic development and linked to work performance should be established. Increase the subsidy standard of "subsidy based on cases", add comprehensive evaluation factors such as mediation difficulty, mediation duration, agreement performance rate and party satisfaction, and realize the transformation from "payment by case" to "payment by quality". At the same time, establish a minimum wage guarantee system for people's mediators to ensure that the basic income of full-time mediators is not lower than the per capita disposable income of urban residents in the local area in the previous year. For mediators working in remote areas and difficult positions, appropriate subsidies for difficult and remote areas should be given to narrow the treatment gap between regions and between urban and rural areas.

3.2 Optimize the Talent Training System and Build a Scientific Team Structure

First, broaden the channels for introducing legal professional talents. In view of the serious shortage of personnel with legal professional background, take multiple measures to attract legal talents to engage in grassroots mediation. First, absorb lawyers and grassroots legal service workers to serve as part-time people's mediators or mediation consultants through government purchase of services; second, establish a pairing mechanism of "people's mediators + legal consultants", where village (community) legal consultants provide daily guidance to mediators; third, encourage law graduates to find employment in grassroots mediation positions, and give policy inclination to personnel with grassroots mediation experience in civil servant recruitment and public institution recruitment; fourth, explore including excellent mediators into the reserve force of "one legal consultant per village (community)" to open up the career development channel. Second, establish a "old, middle-aged and young" echelon configuration mechanism to improve the age structure of the team. Give full play to the advantages of elderly mediators with rich experience and high mass prestige, and at the same time increase the recruitment of young mediators. Encourage returned college students, retired military personnel and young people among grid workers to join the mediation team, forming a positive interaction of "the old leading the new and the new assisting the old". Provide young people with access to the field of mediation through setting up public welfare positions and government purchase of services, and gradually reverse the intergenerational fault situation of "the elderly being unable to work and young people being unwilling to work". Third, build a hierarchical and classified training system to improve the overall quality of the team. Implement targeted training according to the differentiated needs of mediators of different ages and professional backgrounds. For elderly mediators with rich experience

but weak legal knowledge, focus on supplementing basic legal knowledge and standardizing and refining experience and methods; for young mediators, focus on systematic training of professional abilities such as mediation skills, psychological counseling and document production; for backbone mediators, focus on improving the ability to deal with complex disputes and industry-specific and professional mediation abilities.

3.3 Construct an AI Intelligent Auxiliary System for the Grassroots

The rapid development of artificial intelligence technology provides a new technical path to solve the capacity dilemma of grassroots mediators. By constructing an AI professional knowledge auxiliary system adapted to grassroots scenarios, it is possible to realize "technology empowering people and tools making up for shortcomings" in a low-cost and efficient way, and promote the transformation and upgrading of people's mediation work towards specialization, standardization and intelligence.

At present, grassroots people's mediators are facing a prominent problem of "information island" [4]. When mediators encounter difficulties in legal application, they cannot conveniently consult similar case retrieval systems or intelligent case-handling auxiliary platforms like judges, but can only find answers in their "experience database". The particularity of mediation work lies in that the same type of disputes (such as neighboring right disputes and marriage and family disputes) may have completely different handling methods and results in different situations, and it is difficult to cover all variables relying solely on personal experience. The core value of the AI auxiliary system lies in the structured integration of massive legal knowledge, case data and mediation experience, providing mediators with immediate, accurate and operable decision-making references. The system should have a built-in intelligent knowledge base covering the high-frequency laws used at the grassroots level. Based on massive judicial decisions and successful people's mediation cases, the system can intelligently push similar case precedents and historical mediation cases highly similar to the current dispute. The pushed content should not only include the basic facts and handling results of the case, but also show the legal consequences, social effects and key judicial gist of different handling methods [5].

At the same time, the system can generate professional mediation plan suggestions according to the characteristics of the dispute, including the analysis of the focus of the dispute, the balance of interests between the two parties, possible mediation words and communication strategies, providing mediators with multi-dimensional reference answers.

The low standardization level and insufficient legal effect of mediation documents are important reasons for the low performance rate of agreements and the recurrence of disputes. The AI auxiliary system can provide the function of automatic generation of mediation agreement templates: after the mediator enters the basic information of the dispute and the mediation result, the system automatically generates a standardized and complete mediation agreement [6].

More importantly, the system should have a built-in agreement element inspection function, which can intelligently warn of problems such as unclear expression of rights and obligations, lack of legal effect elements and omission of key facts, and put forward correction suggestions [7]. This function can fundamentally improve the quality of mediation agreements and lay a foundation for subsequent judicial confirmation and compulsory execution.

4. Conclusion

Grassroots people's mediators are the "first line of defense" for maintaining social harmony and stability, and their capacity building is directly related to the vitality of the people's mediation system and the efficiency of grassroots governance. From the perspective of the social ecosystem, this paper systematically analyzes the current practical dilemmas faced by the grassroots people's mediator team, such as the structural feature of "combining full-time and part-time, with part-time as the mainstay", the scarcity of personnel with legal professional background and the aging age structure, as well as the resulting chain problems such as "experience dependence" being difficult to adapt to new types of disputes, "mediation without resolution" leading to low performance rate of agreements, and weakened credibility and insufficient mass trust [8].

Only by facing up to the problems and taking systematic measures, stimulating the vitality of the team through system innovation, laying a solid professional foundation through talent training, and making up for the capacity shortcomings through technology empowerment, can people's mediation bloom more brilliant splendor on the grassroots soil of the new era. This exploration not only constitutes the continuation and innovation of the "Fengqiao Experience" in the new era in the grassroots field, but also becomes the logical necessity and practical direction for promoting the modernization of the grassroots governance system and governance capacity, and building a higher level of "Safe China" and "Rule of Law China".

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