

The development dilemma and improvement path of Legal Aid Center in Colleges

--Take some colleges and universities in Chengdu as an example

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Abstract. On January 1, 2022, the legal aid law of the people's Republic of China (hereinafter referred to as the legal aid law) was formally implemented. The promulgation and implementation of the legal aid law has further improved China's existing legal aid system, enhanced the status of China's legal aid system in the national legal system, expanded the subject scope of legal aid, and included legal aid volunteers of law students in Colleges and universities into the subject scope of legal aid. However, the legal aid volunteers of law students in Colleges and universities mainly rely on the legal aid center to form a legal aid association of colleges and universities with law students as the main body to engage in legal aid activities. The nature of the association and the composition of its members often lead to certain limitations in the development of legal aid associations, Taking the legal aid work of some university legal aid centers in Chengdu as an example, this paper analyzes the development difficulties of university legal aid centers, and puts forward the improvement path of the work of university legal aid centers in combination with the legal aid law.

Keywords: University Legal Aid Center; Development Dilemma; improvement path.

1. Questions raised

The legal aid system is a concrete embodiment of China's human rights protection. On July 16, 2003, the State Council passed the regulations of the people's Republic of China on legal aid, which marked the formal establishment of China's legal aid system. On January 1, 2022, China promulgated and implemented the law of the people's Republic of China on legal aid, which stipulates the legal aid system in the form of law and improves the status of the legal aid system in the national judicial system. The implementation of the legal aid law brings the legal aid volunteers of law students in Colleges and universities into the main scope of legal aid. The legal aid center of colleges and universities is a collection of legal aid volunteers of law majors. The legal aid law only stipulates that legal aid volunteers provide legal adviceLegal aid such as legal documents is drafted on behalf of the author, but its status as the subject of litigation is not clearly defined. At the same time, based on the author's three-year working experience in the legal aid center of colleges and universities, I can personally feel that in practice, the legal aid center of Colleges and universities has particularly prominent problems such as unclear status as the subject of litigation, insufficient attention and lack of funds, which greatly limits its development space, This paper tries to take some legal aid centers of colleges and universities in Chengdu as an example, summarize the development difficulties of the legal aid centers of colleges and universities, and try to explore the improvement path of the legal aid centers of colleges and universities.

2. The necessity of the existence of Legal Aid Center in Colleges and Universities

2.1 Cultivate legal talents with strong practical ability, professional skills and market competitiveness

Chapter II of the legal aid law establishes a legal aid team with distinct levels, characteristics and facts, mainly composed of law firms, grass-roots legal service offices, lawyers, grass-roots legal

service workers and university legal aid volunteers. College law students become part of the legal aid system, This requires that students not only have a solid professional foundation, but also have a certain practical operation ability. With the arrival of the 'internal examination' era, the number of law graduates is gradually increasing, and the market competition is increasingly fierce. If students want to stand out, they must have strong professional quality and practical ability. However, at present, the law education in Colleges and universities in China is mainly based on classroom theory, and students have few opportunities to practice. This leads to a large number of students having difficulty in integrating theory with practice, resulting in a situation where theory is strong and practice is weak, which is not conducive to cultivating practical legal talents.

Legal practice education focuses on cultivating students' ability to apply legal knowledge, analyze and solve practical problems, communicate and express themselves, and self-study. The legal aid center of colleges and universities is a student association mainly composed of students majoring in law. Under the guidance of the school and affiliated colleges, it carries out legal aid activities with legal consultation, legal publicity and drafting of legal documents as the main work contents. Students are faced with concrete, complex and changeable real cases rather than abstract theories in textbooks, Students are required to combine the abstract theoretical knowledge learned in the classroom with the specific case facts for analysis and research, fully communicate with the parties, and finally solve the problems of the parties. To solve a case, there are strict requirements for students' communication ability, empathy ability, summary and induction ability, analysis ability, logic ability, etc. it also requires students to have a serious, responsible, cautious and careful working attitude. In the process of accepting cases, students of legal aid associations in Colleges and universities have well developed and exercised the above skills. Students can gradually master the process, steps and precautions of solving a case, sum up experience and lessons, and finally form a set of their own logic system. Only when they independently undertake a case can they be able to handle it with ease. 'At the same time, the practical experience of legal aid is helpful to train students to establish the concept of fairness and justice, cultivate the awareness of legal professional ethics, strengthen students' belief in judicial justice and justice for the people, and cultivate students' sense of social responsibility and mission[1].'The implementation of the legal aid law has given law students in Colleges and universities the opportunity to participate in practice and improve their comprehensive quality, which is conducive to the cultivation of practical legal talents and the improvement of the market competitiveness of law students in Colleges and universities.

2.2 We will improve the judicial assistance system and fully protect the legitimate rights and interests of vulnerable groups

According to the Chengdu 2020 statistical yearbook, in 2019, the number of grassroots legal workers in Chengdu increased to 509 compared with 494 in 2018, representing 6070 litigation matters, 1890 non-litigation matters, 1644 mediation disputes, answering legal advice for 16580 people, and handling 1002 legal aid matters [2]. The problem of a small number of grassroots legal workers and a large number of cases is particularly prominent. To a large extent, it has affected the enthusiasm of participating in legal aid, and often the heart is more than the strength. Most of the members of the legal aid center of colleges and universities are college students, and their participation in litigation is limited to a certain extent. They often work on legal consultation, legal publicity and education, and drafting legal documents. Therefore, the legal aid center of colleges and universities and grassroots legal workers, as two indispensable parts of the legal aid team, have certain complementarity, The grass-roots legal aid units submit some simple cases to the legal aid center of colleges and universities, which can relieve the pressure on them to engage in legal aid affairs, more fully realize the legislative purpose of legal aid, and promote the healthy development of the judicial assistance system.

Professor Fan Chongyi from the national legal aid Research Institute of China University of political science and law said that the legislation and practice of the legal aid law should be considered from the three dimensions of national standard, social standard and personal standard[3].Article 2 of

the legal aid law clearly stipulates that ‘legal aid is a system established by the state to provide free legal services to citizens with financial difficulties and other parties who meet the legal conditions, and it is an integral part of the public legal service system.’ the legal aid center of colleges and universities is a practical and public welfare organization that provides legal services to social groups and students, While providing free legal services, equipping legal professionals to provide assistance to the poor and weak groups in need can not only play a role in training practical legal personnel, but also an indispensable part in establishing and improving China's judicial assistance system and improving the public legal service system as a supplementary force for China's legal aid team, It provides a choice for the parties to solve disputes, which can more fully protect the rights and interests of vulnerable groups, and to a certain extent, realize the unification of national standard, social standard and personal standard.

3. Development dilemma of legal aid centers of some colleges and universities in Chengdu

3.1 The shortage of human, material and financial resources makes legal aid difficult

‘The reason why legal aid is called’ aid ‘lies in the public welfare of its free service, which also means that the legal aid institutions of colleges and universities can not obtain benefits from the parties when carrying out activities. Therefore, the state, colleges and universities and the society need to invest certain human, material and financial resources [4].’ Through the investigation of some colleges and universities legal aid centers and associations in Chengdu, it is found that most of them have the following problems:

1. Lack of perfect professional personnel allocation mechanism

First, there is a lack of professional business guidance. Most legal aid centers have only one business instructor, and even some legal aid centers do not have direct instructors. For example, in University C, a law teacher will give some help and guidance when the legal aid center accepts difficult cases, but does not participate in the management and development of the legal aid center. The legal aid center of X university has no guidance teachers and is completely dominated by students. Most of the students in the legal aid center are mainly freshmen and sophomores, supplemented by a small number of junior students. Freshmen and sophomores lack sufficient knowledge reserves. Most of the students have not yet established a legal knowledge system, while junior students are facing pressure from postgraduate entrance examination, legal examination and employment. Only a few students are willing to continue to participate in the work of the legal aid center. In addition, the legal aid centers of colleges and universities exist in the form of student associations. Generally, the members are changed once a year, with strong mobility, loose organizational discipline, and uneven professional abilities caused by junior internal members. Students have great limitations in professional ability, work experience, etc. they have a narrow view of problems and need more professional teachers' guidance. However, ‘Most of the teachers in Colleges and universities pay attention to theoretical research, subject application, and publication of papers, and few teachers are willing to spend a lot of time and energy on legal aid affairs and teaching. Under the situation of very lack of professional guidance, it is difficult to improve the students' legal practice ability and the quality of the legal aid they participate in without the guidance of professional teachers guarantee [5].

2. Lack of legal aid funds

According to the investigation, the legal aid center of colleges and universities in Chengdu basically relies on the reimbursement of the Youth League Committee, and most of them report one case at a time, with strict restrictions. Only the law popularization activities arranged by schools and colleges can reimburse certain expenses. The legal aid center carries out internal activities and has no source of funds for legal services, which limits the development of the legal aid center to a certain extent. For example, in the legal aid center of X University, the college only allocates 1-2 voluntary

activities for popularizing law every year. In addition to the reimbursement of the activity funds, other social activities and the costs of materials, transportation and other expenses arising from legal aid shall be solved by the society itself. At the same time, it is clearly required that the legal aid center is not allowed to accept off campus cooperation and sponsorship, This makes the development of social organization activities and the settlement of cases a great challenge.

Article 3 of the regulations on legal aid in 2003 stipulates that 'legal aid is the responsibility of the government, and people's governments at or above the county level shall take active measures to promote legal aid and provide financial support for legal aid'. The regulations specify that the government should provide support for legal aid, but lack of mandatory provisions. Article 4 of the legal aid law On the basis of this provision, the government's support for legal aid will be elevated to a compulsory and compulsory responsibility, and the relevant funds for legal aid will be included in the government budget, and a dynamic adjustment mechanism will be established to demonstrate the state's attention and support for legal aid through legislation. From the legislative level, the funds for legal aid are guaranteed.

3.2 Lack of internal and external joint linkage, resource sharing and platform construction

The Legal Aid Center lacks cooperation and joint construction with relevant units inside and outside the school. The University Legal Aid Center of Chengdu C University is relatively good in cooperation and co construction with the outside of the University. It has reached joint construction with a legal association, a district legal aid post and a district court. However, it lacks contact with the major platforms within the University and fails to give full play to the role of the internal resources and platforms of the University. Some university legal aid centers have established cooperative relations with local judicial institutions, For example, the legal aid centers of s University and some universities have hardly established cooperation with any unit, such as H University. Strengthening the cooperation and co construction within and outside the school is not only conducive to improving their professional quality, but also conducive to expanding social influence. The characteristics of students often lead to a 'trust crisis' between the legal aid center and the parties, 'In practice, the legal aid organizations in Colleges and universities are limited by the source of cases and the ability of students to provide legal aid. Therefore, the social influence is low and the public recognition is not high. Therefore, it is imperative to improve the professional level of the legal aid organizations in Colleges and universities, improve the social recognition and strengthen the trust of the parties involved in the cases [6].'The improvement of social influence can not be separated from the cooperation and communication with relevant units, nor can it be separated from the publicity inside and outside the school. Establishing a cooperative relationship with an authoritative unit outside the university is conducive to improving their professional quality. At the same time, the public is aware of the existence of the legal aid center in Colleges and universities by virtue of the social influence of the unit. The legal aid center of colleges and universities is mainly for college students, but the students are often unaware of the existence of the legal aid center. Therefore, strengthening the contact and cooperation with the new media in the school and sharing the school resources will also help improve the influence and achieve the publicity effect.

3.3 Insufficient publicity and single case source

There are three main sources of cases in Colleges and universities in Chengdu: one is from duty stations inside and outside the school; Second, students at school and their relatives and friends actively seek help; The third is the case of the personal agent of the tutor. For example, in University C, the cases are mainly cases in which the parties inside and outside the University actively seek help; in university s, the main source of the cases is the consultation points set up inside and outside the University; in University X, the cases are mainly cases represented by the students, their relatives, friends and guidance teachers. The source channels of the cases are limited; at the same time, the legal aid centers of various universities also lack attention to the publicity work. The original intention of setting up the legal aid center is to help the vulnerable groups and other groups in line with the

provisions of the law, so that more people can fully exercise and protect their rights given by the law. This requires the legal aid centers of colleges and universities to make full use of the existing technology to vigorously publicize, which has achieved the effect of increasing publicity and deepening the degree of law popularization.

3.4 Lack of incentive mechanism and standard management mechanism

Based on the social nature of the legal aid center and the nature of its free service, there is generally no standardized and strict management mode and reward mechanism inside. Students participating in the legal aid service join the Legal Aid Center for the purpose of learning professional knowledge and cultivating practical ability. They have high enthusiasm at the beginning, but lack of reward mechanism, Enthusiasm is greatly affected as time goes on.

4. The perfect path of legal aid in Colleges and Universities

4.1 We will improve and implement the legal aid fund guarantee system and establish a sound personnel distribution and talent training mechanism

1. Raise funds through multiple channels to ensure the smooth development of the work

The promulgation and implementation of the legal aid law has strengthened the responsibility of the state and the government for legal aid, It is clearly stipulated that ‘people’s governments at or above the county level shall incorporate legal aid work into national economic and social development planning and basic public service system, include legal aid related funds in the government budget at the corresponding level, establish a dynamic adjustment mechanism, ensure the needs of legal aid work, and promote the balanced development of legal aid’. A legal aid fund guarantee system has been established from the legislative level. The healthy and sustainable development of the legal aid center in Colleges and universities needs the strong support of the schools and the government. The government should set up special funds according to the provisions of the law and earmark funds for the support of the legal aid work in Colleges and universities. In addition, the State encourages and supports enterprises, institutions, social organizations, individuals and other social forces to provide support for legal aid through donations and other means according to law, and gives them certain tax incentives. Therefore, the legal aid center of colleges and universities can also solicit donations from enterprises, institutions and organizations. We can also raise funds by holding the ‘waste disposal into treasure’ invention and production competition, painting competition and so on, and selling outstanding works on campus.

2. Establish complete personnel selection standards and training programs

‘In order to ensure that the legal aid work of colleges and universities can better serve the society, more and more excellent law students are required to participate. Having good legal professional quality is the premise of improving the legal aid work of colleges and universities [7].’The legal aid center of colleges and universities shall establish strict personnel selection standards and talent training programs, and select high-level talents through professional ability assessment, comprehensive interview and other methods. Secondly, since the legal aid law only stipulates that legal aid volunteers in Colleges and universities can engage in legal consultation and document writing under the guidance of the judicial administrative department, it does not specify the litigation status of the legal aid center in Colleges and universities, and the subject status of the legal aid center is limited, The legal aid centers of colleges and universities should include the graduate students who have passed the national legal professional qualification examination into the recruitment scope of the legal aid centers, so that the excellent graduate students can lead the undergraduate students to establish a professional legal aid team to solve the problem of limited litigation subjects. At the same time, the high-quality development of legal aid in Colleges and universities can not be separated from the support of teachers. Schools and colleges should establish certain reward and assessment

mechanisms to encourage some professional guidance teachers to participate in legal aid work, such as giving certain subsidies or incorporating legal aid courses into Teachers' teaching plans.

4.2 Strengthen internal and external cooperation and resource sharing to improve social influence and credibility

The legal aid center of colleges and universities is affected by many factors, with limited resources and limited abilities, which is not conducive to the cultivation of students' professional abilities. The resources and platforms it has are not enough to guarantee the influence and work quality of the legal aid center. Therefore, it is necessary for the legal aid centers of colleges and universities to strengthen the contact and cooperation with internal and external organizations and institutions, integrate resources and help each other, Platform co construction and resource sharing, together with providing more efficient and convenient legal aid to people in difficulty, can be mainly carried out from the following aspects to improve their social influence and enhance public credibility:

On the one hand, strengthen the joint linkage with the youth volunteer service teams of various colleges, the Youth Volunteer Association of the University, the Red Cross Society, etc., find cooperation opportunities, use the school volunteer service platform to carry out publicity activities in the form of voluntary service in ethnic areas, communities and hospitals, and strengthen the sharing of volunteer service resources and joint construction of activities at the two levels of the University and the hospital.

On the other hand, we will actively contact institutions outside the university to carry out cooperation and exchanges. The law on legal aid clearly indicates that the State shall establish and improve the mechanism for legal service resources to flow across regions according to law, and encourage the cross regional flow of legal service resources. Both lawyers, grass-roots legal service workers and university legal aid volunteers have a common purpose - to help the disadvantaged and further play their own propaganda, mobilization and education functions. Therefore, the university legal aid center can cooperate with the local legal aid institutions, people's courts, judicial offices Law firms should strengthen mutual exchange and cooperation, such as establishing an off campus practice and training base, setting up a legal aid duty station in Colleges and universities, and jointly build a legal aid work system that is connected from top to bottom and coordinated from left to right.

4.3 Enrich the forms of publicity, increase the publicity, and broaden the source channels of cases

'The effect of combining legal vocational education with legal aid in Colleges and universities also depends on whether the legal aid organizations in Colleges and universities can maintain a relatively stable source of cases. Otherwise, there will be a situation that 'a skillful woman cannot make bricks without rice', and students will still not be able to put what they have learned into practice[8]' The legal aid center of colleges and universities should first solve the problem of the source of cases and broaden the source of cases, which relies on mass organizations to do a lot of publicity work and regard publicity as the top priority. Publicity:

First, we should make full use of the advantages of the Internet to publicize the law on the platforms of 'confession wall', 'mutual aid group', official account, Weibo, wechat and Tiktok of major universities, and improve the construction of online platforms. You can record the deeds of the society and submit them to the official account of the school and the college. You can also record and release more legal aid videos or sitcoms for publicity and establish an online legal aid service system.

Second, we should make full use of the 'March 15' consumer rights day and the 'December 4' constitution day and other festivals to carry out themed law popularization propaganda for the whole school. In addition, we can also use the holiday practice to go into the urban multi-ethnic areas and remote border ethnic areas to carry out legal services and law popularization propaganda. The combination of online and offline has played a propaganda role while carrying out legal popularization activities.

4.4 Establishing rules and regulations to ensure the standardization of the operation of legal aid in Colleges and Universities

Establish a long-term reward and punishment mechanism to improve enthusiasm. Most of the legal aid centers in Colleges and universities have not established an internal reward and punishment mechanism. For example, in X University, the participation in legal aid affairs depends on the enthusiasm of members for practice. There is no punishment for mistakes and no reward for doing well. At first, the enthusiasm of students is high, but gradually loses enthusiasm over time, and they are lazy to participate in the affairs of the legal aid center. Colleges affiliated to the legal aid center of colleges and universities can include participation in legal aid into the length of voluntary service, carry out legal clinic courses, combine legal aid with credits, and encourage students to participate in legal aid. secondly, further⁷. Explore the connection channels between law graduates and law firms, civil servants, etc. according to the law of China, in order to obtain a lawyer's practice certificate, in addition to passing the national legal professional qualification examination, it is also required to practice in a law firm for more than one year. The performance of law students in the legal aid center of the university can be reduced to one after passing the examination in a certain way. In order to enable interns who have already mastered basic legal practice skills through handling legal aid cases to start their formal legal practice career as soon as possible. In addition, the two-year grass-roots work experience required by some posts in the recruitment of civil servants in the judicial department can also be appropriately offset according to the above ideas. Third, for the guidance teachers who have performed well in the assistance work, they can be given proper preferential treatment in the aspects of evaluation and selection, professional title promotion, assessment and evaluation, but they must pay attention to the openness and transparency of the implementation of relevant systems [9].⁷

Standardize case handling procedures and strengthen management. Through the investigation, it is found that the legal aid center of colleges and universities in Chengdu generally has the problems of nonstandard acceptance of cases and loose internal management. Unlike the student union, the legal aid center, as an association, is relatively relaxed and free, and lacks normative work management methods. It should give full play to the responsibilities of the internal departments, so as to achieve division of labor without separation, external contact and internal management. Each process from receiving a case to closing a case should be recorded, so as to be procedural, visual and traceable. For example, when receiving a case, make a registration, and record the processing process of the case in the form of video, audio and video, and text. After the case is closed, submit it to the relevant departments for summary and filing. With the consent of the parties, the case will be taken as a teaching case of the legal clinic course. Establish internal management system, such as holding regular meetings every month for case study, League building, quantitative assessment, etc.

Establish a high-quality team and improve the efficiency of handling cases. At present, the legal aid center of colleges and universities basically takes undergraduates as the main force. In the absence of professional guidance, the quality and efficiency of students' handling cases need to be strengthened. Colleges and universities should also absorb doctoral and master's students as members of the legal aid center, especially those who have passed the national legal professional qualification examination. The legal position of legal aid centers in Colleges and universities is not clear, and their participation in litigation is affected to a certain extent. Article 17 of the legal aid law stipulates that law students in Colleges and universities can serve as legal aid volunteers to provide legal advice, draft legal documents and other legal aid for the parties under the guidance of the judicial administrative department, and whether they can participate in court proceedings as litigation agents, Neither the legal aid regulations of 2003 nor the legal aid act of 2022 have made explicit provisions. According to the provisions of China's civil procedure law, lawyers, close relatives of the parties, persons recommended by relevant social organizations or units, and other citizens approved by the people's court can be entrusted as agents ad litem. 'In reality, the possibility of legal aid members becoming the agent of the recipient through the recommendation of the recipient's community and unit is negligible. The recipient's community and unit are unwilling to sign the recommendation due to legal liability and other considerations [10].'⁷Therefore, it is particularly important to attract

students who have passed the national legal professional qualification examination to join the legal aid center to build a high-capacity team.

5. Conclusion

The future development has a long way to go. It is necessary to improve and implement the funding guarantee, build a reasonable talent allocation and a strict personnel selection mechanism, strengthen the joint linkage within and outside the school, use the Internet to increase publicity, strengthen the standardization and visualization of work, and build a complete legal aid system for colleges and universities. Internal and external cooperation is required to make progress in terms of funding, team, informatization, publicity and other aspects, further improve the legal aid work in colleges and universities, build a solid foundation for the development of legal aid work in China, and jointly realize the high-quality development of the rule of law.

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