

Summary

著者	Institute of Law Chinese Academy of Social Science Beijing
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Summary

Disputes resolution mechanism in China, like in other countries, is changing with the change took place in social structure and the orientation of people's choice. Of course, people's choice was influenced by the actual cost to solve a dispute. Interestingly, given the fact that the general dissatisfaction to the court system, people do use courts more and more. The reasons, other than those we have discussed in this paper, another outstanding one is that the construction of "Rule of Law". It is true that the society is paying more attention to rules instead of other orders and official documents. For people, to be supported by rules make them feel they are the right-holders. "It is my right to do so" has become a popular claim. "See you in court" has become a term that parties use often when they are in dispute. That is why are observe a phenomenon that other dispute resolution instrument, especially mediation, which enjoys a good reputation and has a long history, has become less popular. Sometimes foreign scholars come to China to study mediation, and get disappointed to hear that people are not using them as much as they did before. To appeal to formal rules and formal legal institution has become a way of living, some scholars even think that Chinese are more litigious than most Asian country's citizens, just like Americans.

As China became a modernized society, it is for certain that social life will be more complicated, there will be more and more rules, and probably more and more disputes too. There is a strong need for a multiple disputes resolution system that could provide alternatives for parties. It is still a far away mission for China to construct an ideal one, but it is not avoidable. We need to learn from other countries, share their experiences and lesions.