

The Realistic Dilemma and Enhancement Path of Grassroots Public Legal Services in the Rural Revitalization Strategy

Wei Qi, Yinan Bao

School of Humanities and Law, Shenyang University of Technology, Shenyang 110870, Liaoning, China

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Abstract: The rule of law in the countryside is one of the important aspects of the rule of law in China, and the system of legal advisers for village residents is an important hand in building the rule of law in the countryside, and a necessary way to promote the implementation of the public legal services system. From the establishment of the system to improve the stage of alternation, the main contradiction of the change in the purpose of the system has changed, the selective service of the legal adviser, the government's over-administrative configuration, the multiple main body of the mismatch between supply and demand mechanism caused by the intersection of the duties is affecting the system's operating effect, the negative consequences is to cause the expansion of the injustice of the legal resources, reduce the effectiveness of the system operation. In order to realize the grass-roots governance of the village legal adviser system, it is necessary to recognize the nature of the operational difficulties, both to restrict the free choice of legal advisers and to enhance the protection of legal advisers, and the government should both divide and match the needs of the villages and reduce the interference in the villagers' free choice of legal advisers, in order to improve the allocation of supply and demand resources and to fully realize the functions of the various parts of the system.

Keywords: Village and Community Legal Counsel; Public Legal Services; Supply-Demand Mechanism; Collaboration Mechanism

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1. The Relationship Between Rural Revitalization and the Village Legal Adviser System

Since the 18th National Congress of the Communist Party of China (CPC), advancing public legal services has become a crucial link in the process of advancing the rule of law in China. The state has prioritized rural areas for development; especially after the CPC's 19th National Congress put forward the Rural Revitalization Strategy, various documents have been issued to provide guarantees for rural revitalization. As a key component of China's grassroots public legal services, the Village and Community Legal Counsel System saw the Ministry of Justice issue the Opinions on Further Regulating and Strengthening the Work of Village (Community) Legal Counsels in 2018. This document guided local authorities to actively implement the Village (Community) Legal Counsel System and develop a contingent of village (community) legal counsels, with lawyers and grassroots legal service workers as the main body. By the end of 2022, a

total of 549,000 village-level physical public legal service platforms had been established nationwide; 38,000 township-level public legal service workstations had been set up based on judicial offices; over 600,000 villages (communities) had been equipped with legal counsels; and 180,000 legal professionals, including lawyers and grassroots legal service workers, had participated in this work. Public legal service hotlines and the China Legal Service Network have been fully established and operated in a standardized manner, basically achieving full coverage. Meanwhile, local governments have strengthened the deployment of legal counsel teams in Party and government organs. Nationwide, more than 140,000 Party and government organs have been equipped with legal counsels; 33,000 Party and government organs have carried out government lawyer work; and the number of government lawyers has reached 94,000. This had effectively promoted law-based decision-making and law-based administration in Party and government organs. Rational government procurement of public legal services, enhancement of the supply of public legal services, and thus promotion of the extension of public legal services to the grassroots level are an inevitable process to advance the rule of law. As a bridge connecting grassroots governments with villagers and rural collective economic organizations, the Village and Community Legal Counsel System plays a role in ensuring the stable operation of grassroots political power construction and helps resolve disputes at the grassroots level. Together with the Government Legal Counsel System^[1], it forms a legal service network that “covers vertically to the grassroots and horizontally to all sectors”, and realizes the linkage of grassroots governance from the two aspects of supervising the government and being close to the people respectively.

In January 2025, the CPC Central Committee and the State Council issued the National Plan for Comprehensive Rural Revitalization (2024-2027), which put forward one of the main goals for the next new stage: continuously improving the level of equalization of basic public services between urban and rural areas and making decisive progress in comprehensive rural revitalization. It is evident that rural revitalization has brought various challenges to rural areas. The further the process proceeds, the more complex the social affairs to be handled, and the greater the challenges faced. The Village and Community Legal Counsel System has objectively promoted the advancement of the rule of law in rural areas. However, as a type of resource, legal counsels face many problems in the actual allocation of supply and demand, and different levels of practical implementation have led to difficulties in the actual operation of the system.

2. Dilemmas of Public Legal Services in Rural Practice

Although the government serves as the main body for procuring public legal service resources, the resources it can provide on its own are limited. This is particularly true at the grassroots level, where situations are complex. Faced with the diverse legal service needs of farmers, the government cannot cover every aspect. Identifying the essence of contradictions amid complex and changing circumstances and providing legal services in an orderly manner is also one of the key issues for the government. Certainly, with the government’s support, another crucial point in the top-down implementation of the system lies in how to connect the system with practice and enhance the effectiveness of grassroots governance.

2.1. The Insufficient Internal Driving Force of Legal Counsel

In 2020, the Opinions on Strengthening the Construction of the Rule of Law in Rural Areas issued by the Central Commission for Comprehensive Law-Based Governance pushed the rule of law in rural areas into a new stage. The operational effectiveness of the “one village, one legal counsel” system^[2] has become a yardstick for measuring the construction of the rule of law in rural areas. Although the government has issued a series of documents to assist and supervise the work of legal counsels, aiming to maintain balanced legal services, in practice, village and community legal counsels may still be selective in their services^[3]. From the perspective of service targets, legal counsels may subjectively prefer to prioritize villages with a larger population scale. More disputes mean more case sources; even if they cannot take on all cases, maintaining long-term proximity to the people makes it easier to gain villagers’ trust and recognition, thereby integrating into the “localized small society” quickly and expanding their influence invisibly. Certainly, most

legal counsels who fail to secure their first-choice villages will also try to avoid engaging in village affairs that involve high costs, long time commitments, and meager benefits—for example, villages with a large number of agriculture-related cases, such as disputes over land contracts and trivial neighborhood disputes.

In terms of identity nature, village and community legal counsels are part of the public legal services procured by the government to realize grassroots governance. Naturally, the government expects them to stand on its side and safeguard its interests. However, when villagers seek legal assistance, they regard legal counsels as comrades-in-arms who fight alongside them. Once a conflict arises, the identity of legal counsels falls into an awkward dilemma. Even if legal counsels have no selfish motives, if villagers fail to achieve their claims, they will default to the belief that legal counsels have close ties with the government. This greatly reduces villagers' trust in legal counsels, damages their reputation, and creates numerous obstacles to the implementation of the village and community legal counsel system. Under such circumstances, legal counsels often choose to refuse to take on relevant cases. Therefore, differences among individuals lead to varying service outcomes due to inconsistent subjective initiative. It is not human nature to face difficulties head-on; insufficient internal drive results in inconsistent effectiveness in achieving the original purpose of the system.

2.2. Imbalance in the Supply-Demand Mechanism

The “one village, one legal counsel” system aims to popularize legal services, increase the supply of public legal services, and make up for the shortage of unbalanced rule-of-law resources. It is both a specific practice of “bringing law to rural areas” and a form of self-examination by the government^[4]. However, in the supply-demand model, the match between supply and demand is the key factor determining whether the system can be implemented. The supply and demand here do not merely refer to the quantitative match; more importantly, it concerns whether the service content matches villagers' needs for legal services. The focus should be on providing services based on the actual conditions of different villages and their specific needs. Nevertheless, since the government's self-examination is an external assessment of villages—focusing on macro-level control—it does not necessarily align with the real legal needs of rural residents. For instance, organizing open and free legal lectures for popularization purposes often fails to attract villagers' attention due to the professional nature of legal knowledge. Villagers show obvious lack of initiative in accepting professional knowledge, and such activities often become a mere formality, treated as a task to cooperate with the government. This leads to the problem of the system being “incompatible with local conditions”. A one-way supply model will greatly reduce the effectiveness of legal popularization. Identifying villagers' real needs requires extensive field surveys and engagement with the people, which is an arduous task. As mentioned earlier, humans are inherently inclined to seek benefits and avoid harms; even legal counsels may reduce their acceptance of low-quality cases within their choice range. Thus, how to accurately meet the needs of this group of villagers has become a difficult problem. Beyond subjective differences, the fundamental issue lies in the mechanism mismatch. It is also unrealistic to assign a large number of specific needs to individual legal counsels for fulfillment. This is the key point that the government, as the main body for procuring public services, should first address through advance matching and adaptation to local conditions.

2.3. Imbalance in the Multi-Subject Coordination Mechanism

Collaborative governance by multiple subjects is an important part of the modernization of national governance. As a key tool for social governance at the rural grassroots level, the rural legal counsel system requires the extensive participation of multiple subjects such as the government, society, and rural communities to operate effectively. However, on the one hand, there is a lack of interaction between governments at all levels and service providers. As mentioned earlier, due to their awkward identity, legal counsels are often too passive or caught in a dilemma. The government, as the leading body, makes decisions without considering practical realities; legal counsels passively comply and have no alternative ways to express their opinions, which often increases their workload. On the other hand, there is a lack of a unified coordination mechanism among relevant functional departments. Legal service institutions and legal counsels lack communication channels and struggle to connect with each other, resulting in intermittent service provision. This is not conducive to

the provision of grassroots public legal services. Currently, village legal counsels are mainly composed of lawyers. In China, individual lawyers are far weaker than the government in terms of status and capacity. Moreover, under the dual management of judicial administrative organs and bar associations, their freedom is restricted, leading to a “dependent cooperative relationship” with the government. This causes legal counsels to side with the government when providing services to villagers, which violates the original purpose of the system and affects service quality.

3. Operational Regulation Paths for the Village and Community Legal Counsel System

Against the backdrop of unbalanced urban-rural development, the Village and Community Legal Counsel System was established to address the gap in legal service resources between urban and rural areas. Led by the government, the system was incorporated into the public legal service system to realize the goal of “bringing law to rural areas”. The government, in a leading position, supervises and evaluates the work of legal service providers. In essence, this is an administrative means of adjusting resource balance by intervening in the market in a top-down manner^[5]. The system achieved remarkable results in its early stage, realizing the leap from “non-existence” to “almost full coverage”. However, with changes in the principal social contradictions, the principal contradictions that the system aims to resolve have also shifted^[6]. Quantitative matching is no longer sufficient to address current issues. What villagers now demand stems from their aspiration for a better life; the shift from “having access” to “having quality access” has redirected the focus of the system to the effectiveness of its operation.

3.1. Negative Consequences

From the perspective of the system’s original intention, the “one village, one legal counsel” mechanism is designed to reduce imbalances in legal resources. However, insufficient internal motivation among legal counsels will inevitably further squeeze the space for legal services in areas with scarce legal resources, leading to the waste of public resources. As a result, the system deviates from its original track, and villagers’ needs remain unaddressed or even shirked. Inadequate resource supply will indulge the tendency of selective service provision, commercializing legal services and violating the original purpose of the system. Meanwhile, the government’s supervision mechanism may become ineffective, further expanding legal counsels’ discretion and creating a vicious cycle. From the perspective of the system’s mechanism, excessive administrative allocation may no longer be suitable for current resource allocation. Formal matching cannot resolve existing contradictions, and violating the objective laws of the market will lead to a decline in operational efficiency. Excessive government intervention deprives villagers of the right to free choice; only by allowing villagers to choose services based on their needs can accurate and satisfactory supply be achieved.

3.2. Reset of Administrative Functions

In the field of grassroots governance in China, administrative dominance has always been a practical logic with profound historical accumulation, and its institutional inertia is difficult to dissolve in the short term. Although modern governance theory advocates a collaborative governance model between the government and social entities, at the specific operational level, the government still maintains the core control over grassroots governance. This is not only due to the advantages of its highly organized administrative system but also closely related to its control over the allocation of key social resources. The strong penetration of administrative power in the grassroots field has objectively created a squeezing effect on the development space of social forces, resulting in social organizations presenting structural characteristics such as weak scale and fragmented functions, making it difficult for them to form an autonomous capacity that checks and balances administrative power. In the current practice of grassroots governance, the dual impact of market mechanisms and social self-governing forces has further intensified the atomization tendency of social relations. Although the government has established formal partnerships through means such as purchasing services and project cooperation, the essence of this cooperation framework still follows the power pattern of “strong government - weak society”. The path dependence of

social entities on administrative resources and the instrumentalized application of social forces by the government are intertwined, ultimately forming an asymmetric interdependent relationship. This state not only restricts the space for innovation in grassroots governance but also affects the capacity building of the modern national governance system.

The top priority for improving the operational effectiveness of the Village and Community Legal Counsel System is to adopt a demand-oriented approach and provide precise supply of services. Starting from the actual situation of each village, it is necessary to identify the principal contradictions of each village, categorize cases in different villages, and summarize the tendencies of legal services required. In the process of service delivery, interactions with villagers should be strengthened, shifting from a one-way legal popularization model to a two-way model to provide customized legal services for villages. At the same time, the government should reduce its intervention in resource allocation^[7]. Villages, as the main entities, should take the lead in selecting legal counsels, while the government plays an auxiliary role in qualification review and supervision. Respecting the mutual selection and negotiation between the two parties will stimulate the initiative of village entities and legal counsels to participate. Leveraging market forces to reduce the waste of public legal resources will essentially achieve a balance between supply and demand.

3.3. Restraint and Incentive Mechanisms

The imperfect guarantee mechanism is the key bottleneck restricting the effectiveness of the rural legal counsel system. To address the issue of insufficient motivation for legal professionals to go to rural areas, it is necessary to establish a diversified investment system featuring “fiscal guarantee + social supplementation” : on the one hand, increase the intensity of special transfer payments from the central and local governments and raise the subsidy standards for advisors; on the other hand, encourage and guide social forces to participate in fund raising through policies such as tax incentives and named commendations. On the other hand, a differentiated subsidy mechanism should be established. The subsidy standards should be dynamically adjusted based on factors such as the economic level of the village and the service radius. Positive incentives such as offsetting legal aid obligations should be provided to advisors who perform well in the assessment. To address the insufficient subjective motivation of legal counsels, on the one hand, their functions should be redefined and their service content detailed. Emphasis should be placed on preventing self-serving and utilitarian behaviors caused by excessive discretion; government and social supervision should be strengthened, and regular assessments and public disclosure of relevant information should be conducted to effectively standardize the service behaviors of village and community legal counsels^[8]. On the other hand, incentives and safeguards for legal counsels should be enhanced^[9]. Village and community legal counsels generally have a single source of income and meager subsidies, which easily dampens their work enthusiasm, leading them to avoid difficult tasks and undermining operational effectiveness. Equalitarianism breeds inertia, while “ high input, high return” can stimulate the subjective initiative of legal service providers. Specifically, special financial funds can be transferred to village-level entities such as village committees. Legal service evaluations can be conducted for different villages, and hierarchical financial support can be provided based on the economic conditions of villages. Village entities can then pay the remuneration and evaluate the work of legal counsels to decide whether to renew their employment, thereby increasing villagers’ participation. To boost the enthusiasm of legal counsels, in addition to increasing subsidies, some obligations can be exempted for those who perform excellently in assessments while restricting their service behaviors, so as to promote the efficient operation of the system.

3.4. Collaborative Governance Mechanisms

The improvement of the Village and Community Legal Counsel System cannot be achieved through the efforts of a single party, it requires the full cooperation of multiple entities to alleviate institutional rigidity. Although the governance mechanisms of various entities overlap in terms of responsibilities, each entity’s mechanism has its own governance value: As administrative organs, they should act as a “lubricant”, integrate resources, coordinate the cooperation of various departments, conduct effective supervision and evaluation, and attach importance to the professional opinions of legal counsels. The judicial administrative authorities need to build a multi-dimensional and composite supervision

system, fully integrating the collaborative effectiveness of administrative supervision, industry self-discipline and public opinion supervision. This three-dimensional supervision framework not only helps to stimulate the initiative of legal advisors in performing their duties, but also enhances the public's trust and participation in the construction of a law-based government. The current supervision work has a tendency towards formalism, which not only breeds a mediocre, lazy, slack and superficial working atmosphere among the legal advisor team, leading to the virtualization and weakening of legal service efficiency, but also damages the credibility and authority of administrative organs. Particularly, the current accountability mechanism only stays at the level of soft constraints such as criticism and admonition, which is difficult to form an effective deterrent and leads to the formalization of supervision and punishment. In response to the issue of supervisory dereliction of duty, it is imperative to establish a more rigid accountability mechanism. It is suggested that, on the basis of the current system of public criticism, a joint liability system for supervisory entities be explored. By clarifying the guarantee responsibility of supervisory personnel for the performance of legal advisors, It can force supervisory entities to strengthen daily supervision and process control. Specifically, the quality of legal services provided by legal advisors can be incorporated into the performance evaluation system of supervisory personnel, and supervisory personnel can be held accountable for their management responsibilities in accordance with the law for major legal risks caused by supervisory absence. This "two-way accountability" mechanism can not only solidify the supervisory responsibility of the main body, but also form a balance of interests between legal advisors and supervisory personnel, thereby establishing a new pattern of legal service supervision that is clear in rights and responsibilities, powerful in supervision, and efficient in operation. As legal counsels, they should prioritize villagers' needs and provide channels for villagers to voice their opinions. As a legal advisor for grassroots governance, the functional positioning of village and community legal advisors should focus on the core links of village-level organizations' decision-making in accordance with the law, and their scope of work needs to be precisely defined around the legalization demands of village committee governance. Specifically, its legal duties should focus on the following aspects: First, it should fulfill the function of legal supervision by attending major village-level decision-making meetings as an observer; The second is to provide a preliminary legality review for the revision of village regulations and folk conventions. The third is to issue special legal opinions on major village affairs; Fourth, establish a legal review mechanism for village-level decision-making, conduct pre-compliance reviews on major livelihood matters such as the disposal of collective assets, land transfer, and land expropriation compensation, ensure that the operation of village-level organizations is fully under the rule of law, and promote grassroots cadres to form a sense of action to perform their duties in accordance with the law. Also, village committees should cooperate with the government and legal counsels in carrying out their work.

In this way, an orderly coordination mechanism can be established, realizing multi-entity linkage, enhancing collaborative governance, and improving the service quality and efficiency of village and community legal counsels.

4. Conclusion

Against the backdrop of the Rural Revitalization Strategy, the Village and Community Legal Counsel System has played an important role in long-term rural rule-of-law practice, with abundant practical experience accumulated across the country over the years. The goal proposed in the National Plan for Building the Rule of Law in China (2020-2025)—to basically form a modern public legal service system covering urban and rural areas, convenient, efficient, and equally accessible by 2022—has been basically achieved. As a key component of the public legal service system, the rural legal service system has seen the promotion of the "one village, one legal counsel" system, realizing the leap from "non-existence" to "existence". Abundant practical experience has also matured the system, shifting its goal from "having access" to "having quality access". Although the government implements policies in a top-down manner, problems in the system's operation continue to emerge as the principal social contradictions change. Challenges to the system's operation arise from factors such as the government's administrative allocation, legal counsels' subjective choices, and coordination among multiple entities. How to adjust and transform the system's implementation path to adapt to the future construction of the rule

of law in rural areas is a major proposition of the current era. Only by optimizing the allocation of resource supply and demand and providing diversified legal service entities and content can the growing demand of villagers for high-quality legal services be met, and rural revitalization be promoted.

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