

International Journal of Physical Education and Sports

(Part I)

Volume 3, Issue 1, June 2017

<http://www.hknccp.org>

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Publisher: HongKong New Century Cultural Publishing House

Address: Unit E79, 3/F., Wing Tat Commercial Building, 97 Bonham Strand East, Sheung Wan, HK

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Research on the Defects and Attribution of Legal Aid in China at Present Stage

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Abstract: To protect the rights of vulnerable groups is the inherent requirement of socialist construction, therefore, to establish a set of protection of the rights of vulnerable groups in the legal system, strengthen the mechanism of state responsibility, improve the national protection of the rights of vulnerable groups in the sense of responsibility, strengthen the legal support for charitable public welfare and social relief system. Because the legal aid system in our country started late, the majority of vulnerable groups in a short time to achieve "know aid", "understand aid", "aid" is still very difficult, the article analyzes the defects and attribution of China's legal aid.

Keywords: Legal aid; Defect; Attribution

1. Introduction

The legal aid system of our country since the implementation, produced extensive and positive effect at home and abroad, the community has been fully recognized and praised by the international community. But with the deepening of the practice and the growing variety of needs for assistance, legal aid has been unable to meet the social requirements, some contradictions of legal aid also exposed [1-5].

The highest legal basis of China's legal aid is the constitution of "equality of all citizens before the law 'Xi," the state respects and safeguards human rights "rules, the most direct legal basis is the State Council promulgated the "Legal Aid Ordinance", the order of the legislation of legal aid is not high. In addition, the relevant legal aid provisions scattered in the "Criminal Procedure Law", "law" and the judicial interpretation of the houses, not like the western developed countries on legal aid legislation and its rise to the height of constitutional protection [6-9]. In practice, although the legislation provides special protection to the vulnerable groups of women, minors and disabled, but has no specific protection for the quantification of the funds needed by the material conditions and legislation, around the arbitrariness of the administrative organ and its staff is not in breach of duty law to protect vulnerable groups, behavior to infringe the rights and interests of vulnerable groups lack of punishment provisions, should be how to use legal procedures to prevent and punish the provision of legal aid was relatively late, the legal time for the trial stage, and so on, the law has not stipulated or only the provisions of principle, lack of interoperability [10-13]. The legal aid system is a legal system with poor people and the most direct, is the best way to popularize the concept of the rule of law, and

in judicial practice in China in recent years on the basis of the need to constantly improve the legislation.

2. The Contradiction Between Supply and Demand is Still Outstanding

At present, the contradiction between the legal needs of limited legal aid resources and a huge number of vulnerable groups is still outstanding. Statistics in Ministry of Justice Law Aid Center shows that our country need legal aid cases of more than million, while the actual received aid cases less than million, less than the rate of the recipient. China's current law million people, including full-time legal aid lawyers about people, is an important force in the provision of legal aid. But only rely on the number of full-time lawyers is rarely difficult for the huge needs of the recipient, and the lack of incentive mechanism, to aid case is almost "Peiben sheng yi" situation, the majority of lawyers in order to survive, but also could not spend too much time and energy to apply for legal aid cases. In our country after joining, international legal affairs suddenly increased, the number of national legal aid team can not meet the needs of all sectors of society, especially well versed in

High level personnel of transnational affairs is very scarce in foreigners especially foreign labor may become more than ever China legal aid object, mainly in criminal cases, due to its inability to pay high legal fees and legal aid, which will make to the Chinese legal aid object is almost all of the Chinese change".

A trend is worth noting that, with the implementation of the legal aid system and publicity of the legal consciousness deeply, the majority of vulnerable groups will be constantly strengthened, the demand for legal aid will be increasing, by manpower and financial conditions in the

economic development level of legal aid under the limitation of this contradiction will be more obvious.

3. Supervision Mechanism is Not Perfect

The fundamental purpose is to promote the legal supervision and legal aid work standardized system, improve the quality of legal aid implementation, guarantee the legal aid recipients to receive full high quality legal aid services.

The legal aid work standardization, legal aid is to improve work efficiency and quality, enhance the ability of the basic conditions of legal aid services work. In accordance with the regulations, the municipalities and districts of the city or county people's government administrative departments of justice according to the need to determine the legal aid institutions of the administrative region, legal aid agencies responsible for the acceptance and approval of an application for legal aid, assigned or arrange for the provision of legal aid in accordance with the provisions of the regulations of citizens". Limitations of this design is that the provincial and municipal legal aid agencies should exercise management functions, but also exert specific handling responsibilities, management and operation functions in one, the implementer and the supervisor, "obviously people cannot bite his nose, the supervision mechanism is not in favor of legal aid.

4. Conclusion

Furthermore, legal aid cases mainly rely on lawyers and the grslws contractors, lawyers in a more extensive state, in case of lack of supervision, lawyers for legal aid lawyers with more "conscience" or instructions, consciousness of handling quality depends on the law perform the obligation of legal aid, and the awareness of the differences it will make the case of legal aid service quality uneven, healthy development, is bound to affect the performance in the 1. legal aid law firm or a lawyer to handle the legal aid case most assigned or allocated and accepted, or obligation to get subsidies for, there is no incentive, lawyers enthusiasm is not high, even 2. because of prevarication; for the case of legal aid costs continue to improve, but for legal aid cases are free, for the more, to occupy the judicial resources more, lose more Many law firms affected the economic benefits; some 3. legal aid institutions handling process supervision is not in place, the case is assigned to the lawyer after no longer tracking, wait for aid workers report submitted subsidies, investigators or because of their other hand paid too much and attend to the source and the subcontract to oth-

ers, or explain away, do it. Life in the recipient parties often have low cultural level, and legal affairs .

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