

The Role of Rule of Law Culture in Dispute Resolution of Civil and Commercial Law

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ABSTRACT

As a deep cultural force affecting the law implementation and judicial decision-making, the rule of law culture has a profound impact on the resolution methods and efficiency of civil and commercial law disputes. The maturity of the rule of law culture will affect the clarity, transparency and justice of the law, and is related to the consistency and predictability of legal decision-making. Therefore, this paper will deeply explore the influence of rule of law culture on legal transparency, justice and efficiency, and analyze the specific performance and challenges of civil and commercial law dispute resolution under different rule of law culture backgrounds, in order to improve the quality and efficiency of legal dispute resolution by deepening the understanding and practice of rule of law culture.

KEYWORDS

rule of law culture; civil and commercial law; legal dispute

As an indispensable part of the national legal system, the rule of law culture has a profound impact on the formulation, implementation of laws and judicial decision-making. The strength and characteristics of the rule of law culture directly affect the efficiency and fairness of civil and commercial law dispute resolution. The core of the rule of law culture lies in the supremacy and universal observance of the law. The legal practice under this cultural background emphasizes equality before the law and the independence of the law. Law is not only a collection of orders, but also the cornerstone of the social order, and its operation depends on the broad social recognition and internal moral support.

On a global scale, there are significant differences in the rule of law culture in different countries, which puts forward higher requirements for the international legal practice. Some countries may place more emphasis on strict enforcement of legal rules, while others place more emphasis on the discretion of judges^[1]. Therefore, understanding and respecting these differences helps to find more effective ways of dispute resolution, and promotes the international cooperation on the rule of law and the construction of a global governance system. To sum up, this paper studies the role of rule of law culture in civil and commercial law dispute resolution, hoping to provide some theoretical support for related fields.

1 Relevant Theoretical Basis

1.1 The Influence of Culture on the Rule of Law

Cultural factors include historical traditions, social values, moral norms and the general attitude

of the public towards law, which together affect the construction of the rule of law and the concrete manifestation of legal practice. The specific forms and effects of rule of law vary in different cultural environments, which reflects the profound influence of culture on law^[2]. In a society with a relatively mature rule of law culture, law is regarded as a tool to maintain the social order, as well as a guarantee of citizens' rights and an embodiment of fairness and justice. This cultural background encourages the transparent implementation and fair enforcement of law, and makes the legal system be widely recognized and respected by members of society. For example, Western countries generally attach importance to individual rights and freedoms, which are deeply rooted in their legal systems and reflected in legislation and judicial decisions to protect individual rights. Conversely, in societies where the rule of law culture is not yet ingrained, the law is seen more as an instrument of governance, public trust in the law may be lower, and legal implementation may face more challenges. In this cultural environment, the enforcement of law needs to rely more on external coercive forces to achieve, rather than internal moral and cultural support.

1.2 The Relationship between Rule of Law Culture and Civil and Commercial Law

The relationship between rule of law culture and civil and commercial law reflects the application of rule of law principle in concrete legal practice and its profound impact on economic transaction behavior. On the one hand, the rule of law culture emphasizes the principles of universal applicability and non-discrimination of law. In a mature rule of law culture, the rules of civil and commercial law must be applied fairly to all economic entities, and domestic small enterprises or multinational corporations should be subject to the same legal protection and obligations. Such universal applicability can enhance market participants' trust in the legal system and promote a more fair and competitive business environment. For example, in the field of contract law, the rule of law culture ensures that all parties to a contract can negotiate terms on an equal basis, and once a contract is established, the law provides the necessary enforcement guarantees to ensure the performance of contractual obligations and the responsibility for breach of contract. On the other hand, the requirement of legal clarity and predictability in the rule of law culture directly affects the effectiveness and applicability of civil and commercial law. Under the rule of law environment, civil and commercial regulations need to clearly define rights and obligations, and legal provisions should be clear enough to enable business entities to foresee possible legal consequences before carrying out economic activities. This predictability reduces the uncertainty in transactions and the risk of legal disputes.

2 The Role of Rule of Law Culture in Dispute Resolution of Civil and Commercial Law

2.1 Enhance Legal Transparency and Predictability

The improvement of legal transparency and predictability directly affects the quality of decision-making of economic entities and the efficiency of handling legal disputes. Legal transparency ensures that all relevant legal information is publicly accessible, and legal predictability means that legal results are predictable to a certain extent. Both work together to enhance the practicality and credibility of law. By ensuring that all laws and regulations, as well as related judicial interpretations and policies, are publicly published, the enhancement of legal transparency makes all market participants, including large and small, be fully informed of the legal environment that may affect their business before making business decisions^[3]. This transparency not only reduces the information asymmetry, but also enhances the general acceptance and compliance with the law. The predictability of law is realized through the formulation of consistent and continuous legal

rules. A stable legal environment enables business entities to reasonably predict the legal consequences that may be brought about by certain business behaviors, and then reasonably plan their own business strategies and legal responses. When the civil and commercial law stipulates the liability that must be borne in the case of certain contract breaches, the enterprises can anticipate the potential costs of breach at the contract signing stage, and decide whether to enter the contract or how to set the terms of the contract to control the risk.

2.2 Legal Practice that Promote Fairness and Efficiency

Legal practices that promote fairness and efficiency can ensure the fair enforcement of laws and improve the efficiency of handling legal matters, thereby optimizing the operation of the legal system and the public trust in the rule of law. In particular, fair legal practice ensures that all legal participants, regardless of their economic or social status, are treated equally before the law. In the field of civil and commercial law, this means that both large and small companies should receive the same legal protection, and rights and obligations in the dispute resolution process must be applied clearly and equally. At the same time, the efficiency of legal practice directly affects the speed and costs of legal dispute resolution. In practice, improving legal efficiency is often achieved by simplifying procedures, clarifying legal provisions and using modern technology for case management. The increased efficiency allows disputes to be resolved in a shorter period of time, and reduces the high costs associated with lengthy legal disputes, thereby supporting the smooth running of economic activity.

2.3 Ensure the Consistent Application and Interpretation of the Law

Ensuring the consistent application and interpretation of the law enhances the transparency and reliability of the legal system and ensures that public trust in the fairness of the law will not be shaken by regional or individual differences. Ensuring the consistency helps simplify the legal practice, so that legal users can have clear expectations about how the law will be interpreted and applied. For example, in the field of commercial law, if enterprises can foresee the consistency of the application of laws in different regions during cross-regional operations and decision-making, they can more accurately assess legal risks and formulate more effective compliance strategies. The predictability directly affects the strategic planning and daily operations of enterprises and reduces the costs caused by legal uncertainties. In addition, the consistent interpretation and application of the law also has a positive impact on the process of resolving legal disputes. In civil and commercial law disputes, when legal provisions and precedents are uniformly understood and applied, it is easier for the disputing parties to reach a settlement or mediation at an early stage, thus reducing the court's case load and improving the overall efficiency of the judicial system. The improvement of efficiency can save judicial resources and shorten the time of dispute resolution, thus promoting the economic vitality of the whole society and the stability of the legal environment.

3 Optimization Strategies of Rule of Law Culture

3.1 Promotion of Legal Education and Legal Awareness

The promotion of legal education and legal awareness involves the education of legal professionals and affects the public's knowledge of and respect for the law more generally. From the micro level, the improvement of legal education is reflected in the educational quality and curriculum design of law schools. High-quality legal education should not only teach legal

knowledge, but also cultivate students' critical thinking and moral judgment ability. It means that legal education is not only about teaching laws and cases, but also about teaching students how to understand the spirit of the law and find a balance between justice and efficiency in complex real-world situations. For the general public, the promotion of legal awareness is more focused on enhancing the awareness of basic legal rights and obligations. Through community legal lectures, online legal advisory services and the popularization of legal knowledge by the media, the public can be effectively helped to understand the legal problems they may encounter in their daily lives and how to solve them. At the same time, specific legal education programs can help this group better guard against legal risks in their business operations.

3.2 Strengthen the Improvement and Innovation of the Legal System

The improvement of the legal system needs to be based on the in-depth legal empirical research to ensure that the newly enacted or revised laws can accurately solve practical problems without creating new problems. With the rapid development of Internet and digital technology, the traditional contract law and intellectual property law are facing new challenges, such as the legal status of electronic contracts and the copyright protection under the network environment. The update of the legal system must fully take into account the changes of these emerging technologies to economic transactions, and timely adjust and improve the relevant legal provisions to prevent the law from lagging behind the development of technology, so as to ensure the adaptability and foresight of the law. At the same time, the innovation of the legal system is not only the modification of the existing legal provisions, but also the innovation of the legal implementation mechanism. The promotion and application of new legal service models such as online courts and virtual arbitration can improve the accessibility and efficiency of legal services. This innovation can help reduce the pressure on judicial resources and provide quicker and more economical solutions for parties.

3.3 Promote Legal Transparency and Citizen Participation

Legal systems need to be updated to reflect the latest developments of the society, as well as to improve the efficiency and fairness of law enforcement to ensure that the law applies fairly to everyone. First, the improvement of the legal system needs to start with ensuring its consistency with international standards. With the increase of cross-border transactions and international cooperation, a country's legal system that is too different from international law will hinder its economic development. For example, the international reform of commercial law and investment law has helped to create a legal environment friendly to foreign investment and promoted the modernization of the domestic legal system. Second, the innovation of the legal system should focus on using modern technology to improve the quality and accessibility of legal services. For example, the application of artificial intelligence in legal decisions and document processing can greatly improve the processing efficiency and reduce the human error. At a more micro level, the application of this technology can help lawyers better design strategies for the cases by predicting legal outcomes, and provide the public with lower cost and more efficient legal advice services.

4 Conclusion

This paper explores the role of the rule of law culture in civil and commercial law dispute resolution, and identifies how the rule of law culture enhances the effectiveness of the legal system and the public trust by improving legal transparency and predictability, promoting fair and efficient

legal practice, and ensuring consistent application and interpretation of the law. The rule of law culture is not only the basis for the operation of the legal system, but also a key factor in promoting the social and economic development and maintaining the market order. With the advancement of globalization and rapid social changes, strengthening the rule of law culture has become an important way to protect the rights and interests of market participants and safeguard the legal justice.

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