

Research on Prevention and Resolution of Social Contradictions in Major Emergencies

Guangjun Chen

Sichuan Minzu College, Sichuan, China

Keywords: Emergencies; Social contradictions; resolve

Abstract: The outbreak of COVID-19 is a major emergency, causing various social contradictions. After reflecting on all kinds of contradictions in the early stage of the epidemic, it is concluded that to resolve social contradictions, we should scientifically grasp the situation, make precise policies according to law, prevent and deal with all kinds of emergencies by various means, and strictly prevent all kinds of contradictions from overlapping, so as to effectively maintain normal social order and ensure social harmony and stability during the epidemic. we should grasp the situation scientifically, make precise policies according to law, prevent and deal with all kinds of emergencies by various means, and strictly prevent all kinds of contradictions from overlapping, so as to effectively maintain normal social order and ensure social harmony and stability during the epidemic.

1. Introduction

At the beginning of 2020, COVID-19 broke out, which was a major emergency. After the outbreak of the epidemic, all parts of the country started the first-level response to major events one after another. With the continuous introduction of measures such as factory shutdown, traffic control, city closure and village closure, the national anti-epidemic has become the main task, and the efforts for several months have achieved good results, but at the same time, it has also caused various social contradictions.

2. Social contradictions and dilemmas caused by COVID-19 epidemic

2.1 Contradictions arising from the reasonable and lawful formulation of prevention and control measures

During the epidemic prevention and control period, in order to effectively protect people's lives, governments at all levels, epidemic prevention and control headquarters, functional departments, communities, village committees, neighborhood committees, industry organizations and public management units are actively issuing and implementing various prevention and control measures to prevent and stop the spread of the epidemic. However, due to various policies and scattered measures, there are some problems in the process of formulating, implementing and publicizing prevention and control measures.

2.2 Contradictions arising from excessive, simple and rude law enforcement by relevant departments

At present, the strictest control measures have been introduced in various places. In order to prevent social disorder and clean up the epidemic situation, the staff of administrative organs have taken on a lot of responsibilities in the fight against the epidemic, and their selfless efforts deserve praise. However, in the process of "hard core" control adopted at the special time of the outbreak of the epidemic, disharmony has been spread on social media such as WeChat, Weibo and Tik Tok one after another, which makes people feel mixed.

2.3 Contradictions arising from citizens and legal persons' failure to cooperate in fulfilling their obligations according to law

According to the report of the Criminal Investigation Bureau of the Ministry of Public Security, at present, more than 20 patients in novel coronavirus have deliberately concealed their cases [1], and one patient in Weifang, Shandong Province has deliberately concealed his personal travel history and personal contact history, resulting in the isolation of 68 medical personnel. Some patients refused to cooperate with management and treatment, and fled without authorization during isolation.

2.4 Civil and commercial disputes arising from epidemic prevention and control measures

During the epidemic period, in order to deal with emergencies, governments at all levels adopted various emergency measures, such as blocking the epidemic areas, requesting to postpone the resumption of work, controlling the floating population, restricting traffic, urgently requisitioning materials and so on, which easily led to many social conflicts and disputes, such as labor disputes, lease disputes, business contract performance disputes, doctor-patient disputes and so on [2].

3. Analysis on the causes of social contradictions and dilemmas caused by the current epidemic situation in COVID-19

3.1 Analysis of Contradictions Caused by Inadequate Rationality of Prevention and Control Measures or Inadequate Legal Basis

First, some epidemic prevention and control measures have not been released in legal form, or the release unit does not have the corresponding authority basis. Once the prevention and control measures are not released in legal form [3], or the release unit is released beyond its authority, it will be easy for citizens to question the legality of the prevention and control measures and then lead to contradictions. Second, the requirements of epidemic prevention and control measures issued by different units are inconsistent, and the operation is not uniform, especially in the village (neighborhood) management. Because the management regulations of different villages (neighborhood) are different, and some regulations are too strict with the epidemic prevention and control measures issued by higher authorities, it is easy for citizens to cause confusion about what epidemic prevention measures they should cooperate with and then lead to contradictions.

3.2 Analysis of the causes of contradictions arising from excessive, simple and rude law enforcement by relevant departments

First, there is a dogmatic management work for epidemic prevention workers. In the severe stage of epidemic situation, we really need reasonable and effective control measures to prevent the spread of epidemic situation. However, in some places, when formulating control measures, law enforcement officers only mechanically understand the provisions of measures and dogmatically implement management behaviors. Second, some epidemic prevention workers lack the awareness of carrying out the work according to law. In this epidemic prevention work, the grass-roots prevention and control work is really tight and under great pressure. Therefore, in many places, village cadres, joint enterprise cadres, community workers, party members and volunteers are still composed of grass-roots prevention and control staff in villages (social organizations) and enterprises. However, this also leads to their lack of professional knowledge of epidemic prevention and training of legal knowledge to a certain extent, which inevitably leads to the excessive behavior of some individuals [4].

3.3 An analysis of the reasons for the contradictions arising from citizens and legal persons' failure to cooperate in fulfilling their obligations according to law

First, some people's scientific literacy and health literacy are insufficient, and they lack proper understanding of infectious diseases; Second, some people lack social morality, focusing on personal interests and lacking respect for social order and other people's lives; Third, some people have no accurate understanding of the epidemic situation and have no good legal awareness. Even under the severe epidemic situation and universal epidemic prevention environment, there are still some people who don't have a deep understanding of the epidemic situation and think that the

epidemic situation is far away from themselves and they don't pay enough attention to it. Therefore, they don't know or understand the strict epidemic prevention measures, so they are unwilling to cooperate, and they don't know much about the legal consequences of non-cooperation or violent refusal of inspection.

3.4 Cause analysis of civil and commercial disputes caused by epidemic prevention and control measures

The sudden outbreak of epidemic situation has doubled the pressure of production and operation faced by various enterprises, and many enterprises have to reduce the labor cost through layoffs to tide over the difficulties, which may lead to a large number of social contradictions caused by the unemployment of workers. Due to the epidemic situation in enterprises, production and operation are difficult, and employees' wages cannot be paid on schedule, which will also cause a lot of social contradictions. During the epidemic, all kinds of contracts were affected mainly because they could not be performed in time or the purpose of the original contract could not be achieved due to delay in performance, which caused losses to both parties [5].

4. Prevention and Resolution of Social Contradictions Caused by COVID-19 Epidemic

4.1 Prevention and Resolution of Contradictions Caused by Reasonable and Legitimate Formulation of Prevention and Control Measures

First, timely sum up the experience and practices in the process of epidemic prevention and control, formulate and issue compulsory measures for epidemic prevention and control in the form of notices and orders by government epidemic prevention and control headquarters or leading groups at all levels in strict accordance with laws and regulations, and ensure that all prevention and control measures are implemented according to laws and specific standards for uniform implementation. Second, the legal departments of governments at all levels check and sort out the epidemic prevention and control measures that are already being implemented, and conduct compliance review. At the same time, they play the role of professional lawyers in the Emergency Response Law, and confirm that the prevention and control measures have been legally released and implemented in accordance with relevant laws and regulations. If there are still cases that have not been approved and released by legal procedures and competent departments, they should be corrected and re-released in time. Third, according to the development trend of the epidemic situation [6], all localities can adjust the epidemic prevention and control measures in a timely manner according to the local actual situation. It is necessary to achieve both effective and reasonable prevention and control, which is also conducive to reducing the impact on people's lives as far as possible, so that people's tense emotions can be timely channeled and the conflicts between staff and people in the process of control and control can be reduced.

4.2 Prevention and Resolution of Contradictions Caused by Excessive, Simple and Rough Law Enforcement by Relevant Departments

First, strengthen the responsiveness of grass-roots communities. At present, grass-roots communities in urban and rural areas generally face a series of problems in epidemic prevention and control, such as insufficient staff, poor information communication and difficulty in mobilizing volunteers, which reflects that grass-roots communities in urban and rural areas in China lack the ability to cope with public crises. Therefore, to deal with public crisis, especially epidemic crisis, it is necessary to quickly mobilize the forces of all parties in the community to jointly prevent and control the disease and prevent and treat it. For example, set up a crisis emergency management command group and include the leaders of neighborhood committees, industry committees, business companies, residents' self-governing organizations, etc., to clarify the tasks and responsibilities of all forces in crisis response, and at the same time, build smooth information communication and sharing channels with government departments such as neighborhood offices, etc. Only by further strengthening the coping ability of grass-roots communities can we do a good

job in resolving social conflicts. The second is to strengthen staff's legal awareness and clarify working methods and work discipline. When a major emergency occurs, the daily power operation of government departments is not enough to deal with the emergency, and government departments will obtain an abnormal administrative power, so that they can take various prevention and control measures [7]. This power is called "administrative emergency power". Compared with ordinary administrative power, administrative emergency power is more concentrated, which may also have a greater impact on civil rights. How to keep this power in a cage and avoid abuse of power is a very important link in the process of dealing with major emergencies. In fact, during the COVID-19 epidemic, social news frequently appeared in the process of law enforcement, both positive and negative, which had different impacts on the government's public image, and also reflected the problems existing in the government's exercise of administrative emergency power.

To solve these problems, in the final analysis, it is necessary to regulate the administrative emergency power. After SARS in 2003, China gradually established a legal system to deal with emergencies. In 2007, the Emergency Response Law was promulgated and implemented. This law has made relatively perfect regulations on the exercise of administrative emergency power, including the suitability of subjects, the appropriateness of measures, the universality of publicity and the standardization of procedures.

From SARS to H7N9 to COVID-19, our government has been actively performing the duties of service government. From the formulation of national emergency plan before the outbreak to keeping pace with the times, combining with the characteristics of the times, formulating and improving control measures, and then summing up the experience and lessons after the outbreak, a series of government actions have played an important role in the response process of the epidemic. However, if the power without shackles is hungry, we still need to actively apply the Emergency Response Law to regulate the power. In the process of exercising the administrative emergency power, the government should recognize the sacrifice of the people under the epidemic situation, especially in the implementation process, reduce the occurrence of violent law enforcement incidents, avoid simplistic and across-the-board phenomena, scientifically prevent and control, reduce the interference to people's daily life, and finally work together to win the battle of epidemic prevention and control [8].

4.3 Prevent and resolve the conflicts arising from the failure of citizens and legal persons to cooperate in fulfilling their obligations according to law

It is suggested that the cultivation of citizens' quality, scientific literacy and legal awareness should be strengthened. We should strengthen the cultivation of socialist values, morality and crisis awareness, so that people can face all kinds of emergencies with a more calm and peaceful attitude, and pay attention to social welfare when safeguarding personal interests. From the perspective of popularizing law, strengthen the publicity of relevant laws, regulations and policies, especially the prevention and control measures that need to be observed by the broad masses of people [9]. Through news, internet, broadcasting, posting and other channels, vigorously publicize the infectious disease prevention and control law, emergency response law, emergency regulations for public health emergencies, the Decision of the Standing Committee of the National People's Congress on doing a good job in the prevention and control of the current pneumonia epidemic in novel coronavirus and other relevant laws and regulations, as well as the government's announcements, orders and measures, so that every citizen, legal person and social organization can fully understand the power source and laws of the government in formulating various prevention and control measures and punishment measures.

4.4 Prevention and Resolution of Civil and Commercial Disputes Caused by Epidemic Prevention and Control Measures

At present, it is in the critical period of epidemic prevention and control and resumption of production and market, and various social contradictions are gradually emerging. However, there is a serious shortage of judicial resources, the number of cases accepted by the courts is increasing, and the problem of fewer cases is widespread in the courts, and the contradictions are very

prominent. At present, it has been unable to invest a lot of personnel and energy to deal with all kinds of social contradictions after the resumption of work and production. Therefore, non-litigation dispute resolution mechanism should be mainly adopted to resolve all kinds of social contradictions after the resumption of production and market under the condition of epidemic prevention and control. At the same time, arbitration, administrative reconsideration and administrative adjudication also have the problems of shortage of personnel and shortage of resources, which can also strengthen mediation to resolve disputes and contradictions. However, among mediation methods, lawyer mediation and industry mediation still have a lot of room for further development, especially in the context of epidemic prevention and control and resumption of work and production, conflict resolution is highly legal and professional. At present, lawyers have sufficient resources. Therefore, it is necessary to give full play to lawyer mediation to resolve all kinds of social contradictions in epidemic prevention and control, resumption of work and resumption of production.

4.4.1 It is suggested to launch a "one-stop diversified dispute resolution platform of the judicial bureau of the court"

Clearly set up non-litigation dispute resolution centers in various places, realize "seamless connection" between judicial administrative organs and courts, and send all kinds of non-litigation dispute cases of courts to local mediation organizations through "one-stop diversion mechanism"; At the same time, it is necessary to give full play to the guiding role of the non-litigation dispute resolution center, and introduce all kinds of non-litigation social disputes and contradictions into various mediation organizations, especially lawyers' mediation organizations, to resolve them. Or introduce all kinds of professional mediation, especially lawyers' mediation organizations, to the gathering place and source of all kinds of social contradictions and disputes, and carry out stagnation resolution or export resolution. Focus on building a large-scale mediation work pattern and promoting the innovative development of mediation work.

At present, in view of the problems existing in diversified dispute resolution mechanisms in various places, such as poor connection between litigation and non-litigation dispute resolution mechanisms, imperfect legal provisions of non-litigation dispute resolution mechanisms, lack of institutional and institutional guarantee, unbalanced development of various non-litigation resolution methods, emphasizing people's mediation over social mediation, especially lawyer's mediation, etc., it is suggested that we should focus on improving diversified dispute resolution mechanisms, improving the efficiency of resolving social conflicts and constructing a large mediation work pattern from the following ways.

(1) Strengthen the main leadership and overall coordination of judicial administrative organs. As the leading department for establishing a diversified dispute resolution mechanism, the judicial organs should strengthen the connection with the sources of disputes and social contradictions such as courts, letters and visits, actively introduce social organizations such as lawyers' mediation organizations and industry mediation organizations while doing a good job of people's mediation docking, and promote the effective docking of various non-litigation dispute resolution channels with litigation, administrative reconsideration, administrative adjudication, arbitration and letters and visits channels, aiming at all kinds of disputes and social contradictions related to epidemic situation in various accepting institutions. Suitable for mediation, under the guidance of the non-litigation dispute resolution center, it will be diverted to all kinds of mediation organizations, especially lawyers' mediation organizations, so as to enhance the authority and credibility of the non-litigation dispute resolution center to resolve disputes and guide all kinds of mediation organizations to mediate disputes and social contradictions.

(2) Improve the legislative regulation and institutional mechanism guarantee of social mediation, especially lawyer mediation. For a long time, judicial mediation, arbitration mediation and people's mediation have been relatively regulated by law, but social mediation, especially lawyer mediation, has just started in recent years, lacking strong support from legislation, and there is no uniform standard stipulated by law in applicable scope, principles and procedures. At present, there are only

documents jointly issued by courts at all levels and judicial administrative departments, and there is no institutional guarantee. In particular, there is a serious shortage of funds, lack of corresponding reward system and subsidy measures, which restrict and affect the development of lawyer mediation. [10]

Therefore, in order to further play the role of lawyers in mediation, it is suggested to actively guide lawyers to participate in conflict mediation, strengthen the management of lawyers' mediation team, build a high-level team of mediation lawyers, strengthen the financial guarantee and tax support for lawyers' participation in mediation, strive for the financial budget, and encourage lawyers' mediation marketization while including lawyers' participation in mediation in government procurement of services.

It is suggested that lawyers should play their professional role in emergency response, provide professional legal services for various subjects in emergency response, and provide legal assistance to people in need. For example, setting up a third-party lawyer volunteer group to answer legal questions through telephone reception and online consultation, and popularizing the interpretation of laws, regulations and policies and measures during the epidemic by means of television and internet will help to quickly and effectively resolve social conflicts and maintain social stability.

(3) Strengthen the publicity of diversified dispute resolution mechanism. Make use of multi-platform, multi-channel and multi-mode to publicize the important role of diversified dispute resolution mechanism in epidemic prevention and control and economic and social development, set up model models, strengthen positive guidance, continuously improve the awareness of the big mediation system, firmly establish the idea of relying on the rule of law to solve conflicts and disputes, and guide the parties to prefer the "one-stop" non-litigation dispute resolution platform.

4.4.2 Strengthen cooperation and linkage among various departments to form joint efforts

Social affairs, civil affairs, market supervision, finance and other departments should, according to the epidemic situation and economic and social development, timely formulate preferential policies conducive to enterprises' resumption of production and economic and social development, and tide over difficulties with enterprises to ensure social harmony and stability.

Public security, market supervision bureau and other units should go deep into communities and enterprises closely related to people's livelihood, keep close contact with the masses, strengthen the collection, sorting out and judgment of community contradictions and disputes, popularize good practices and experiences created by grassroots units, and constantly improve the pertinence and effectiveness of resolving contradictions and disputes.

At the same time, functional departments of various departments should settle in the non-litigation dispute resolution center, give authoritative answers to policy and legal consultation questions put forward by the public, enterprises and other social organizations, and properly handle disputes in community management, housing lease, salary and welfare, health and epidemic prevention, etc. that people often encounter.

In short, after reflecting on various contradictions in the early stage of the epidemic, it is not difficult for us to draw a conclusion that to resolve social contradictions, we should grasp the situation scientifically, make precise policies according to law, prevent and deal with all kinds of emergencies by various means, and strictly prevent all kinds of contradictions from overlapping, so as to effectively maintain normal social order and ensure social harmony and stability during the epidemic.

Acknowledgements

This paper is the research result of the 2020 key project "Research on Prevention and Resolution of Social Contradictions in Major Emergencies" (project number: SQZL2020A03) of the Research Center of Rural Community Governance, the key research base of humanities and social sciences in colleges and universities in Sichuan Province.

References

- [1] Fang Lin. More than 20 people in China deliberately concealed human infection. http://www.cnr.cn/Hubei/Yaowen/2020 0208/T20208 _ 524965368.shtml.
- [2] Ding Lei, Cai Wei, Ding Jianqing, Zhang Xinxin, etc. Thoughts on the Epidemic Situation of Infection in novel coronavirus. *Chinese Science (Life Science)*; 2020-02-17.
- [3] Explore the establishment of excessive prevention and control behavior warning notification system. *Legal daily*; 2020-02-22 (Version: 03).
- [4] Ke Ligang. Be strict in epidemic prevention and not "out of line". *Farmers Daily*; 020-02-26 (Version: 003).
- [5] Zhang Shiguang. [I am thinking at the scene] The wisdom of "micro-retrograde" accumulates the power to move forward. *Workers' Daily*; 2020-02-12 (Version: 05).
- [6] Qi Yunbo, Yin Qiaorui. Reform and perfection of people's mediation system in the period of social transformation. *Hua Zhang*; 2009-06-10.
- [7] Tao Shanshan. Study on the popularization experience and reference of emergency disaster prevention knowledge in the United States. *Shandong University of Science and Technology*, 2020.
- [8] Dai Haijun. Governance logic and legal path of emergencies-from the perspective of epidemic prevention and control in COVID-19. *Administrative Law Research*; 2021-04-28.
- [9] Zhu Jiangbin. Study on local government's response ability to major infectious diseases. *Wuhan University of Technology*, Ph.D.2011.
- [10] Duan Qiaoli, Hua Jie. Preliminary study on judicial confirmation system of people's mediation agreement. *Journal of Xinjiang Police College*, 2011 (2): 59-62.