

Characteristics of China's Judicial Mediation System

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Abstract

This article explains and discusses judicial mediation in China. This is an important mediation process presided over by judges and is mandated by the Civil Procedure Law 1991 of China. Between 1978 and 2004, People's Courts handled more than 72.2 million civil cases at the first instance, among which 36.42 million were settled by judicial mediation. This article elaborates on the development and characteristics of judicial mediation as well as the future use of mediation in China.

I. Introduction

Judicial mediation is mediation presided over by judges and is characterized by the intervention and supervision of judicial power, where parties to a dispute voluntarily submit that dispute to such mediation.¹ Judicial mediation is an important type of mediation practice among those currently in use in China, including civil mediation, administrative mediation and judicial mediation, etc. It is mandated by the Civil Procedure Law 1991 of China and is an important way for the People's Courts at various levels to exercise their jurisdiction. From

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¹ Xiao Yang, 'Give Full Play to the Positive Role of Judicial Mediation in the Construction of a Harmonious Society' (2006) 19 *QiuShi* (in Chinese).