

# The Role of Village Regulations in Litigation Source Governance: A Legal and Empirical Analysis Based on Tianjin's 2023 Model Village Regulations

Siying Huo, Yuefeng Wang\*, Ziyuan Xu, Guo Yang

Law Undergraduate, Law School, Tianjin Normal University, Tianjin 300382, China

*\*Author to whom correspondence should be addressed.*

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**Abstract:** This study examines the role of village regulations within China's Litigation Source Governance (LSG) framework, specifically analyzing Tianjin Municipality's 2023 Model Village Regulations. Employing legal analysis and Natural Language Processing (NLP) techniques, the research evaluates the effectiveness, enforceability, and thematic orientation of these regulations in grassroots dispute resolution. Findings reveal a pronounced reliance on moral governance provisions, limited judicial recognition, and significant implementation challenges due to the predominance of non-binding (soft) clauses. The study recommends enhancing judicial recognition through formal confirmation mechanisms, increasing legally binding clauses, and integrating village-level governance more closely with formal judicial processes. This approach not only strengthens local governance but also provides valuable insights for nationwide replication, supporting broader goals of rural stability and governance modernization.

**Keywords:** Village regulations; Litigation source governance; Judicial recognition; Natural language processing; Grassroots governance; Tianjin municipality; Legal enforceability

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## 1. Introduction

### 1.1. Research background and context

In recent years, China has emphasized Litigation Source Governance (LSG) as a fundamental component of its judicial reform <sup>[1]</sup>. LSG aims to prevent disputes from escalating into formal litigation by leveraging grassroots governance mechanisms and non-litigious dispute resolution strategies <sup>[2]</sup>. This approach aligns with China's broader efforts to promote social stability, reduce judicial burdens, and enhance localized governance efficiency <sup>[3]</sup>.

One of the most critical tools in the LSG framework is Village Regulations<sup>[4]</sup>. As customary rules formulated by local rural communities, village regulations serve as a primary mechanism for self-governance, ensuring social cohesion and dispute resolution without resorting to the formal court system<sup>[5-7]</sup>. In many rural areas, village regulations function as an informal yet influential system of governance, complementing statutory law and providing a basis for alternative dispute resolution (ADR)<sup>[8, 9]</sup>.

Against this backdrop, Tianjin Municipality has taken significant steps in advancing grassroots governance by evaluating and selecting a group of “Model Village Regulations” in 2023. These regulations reflect the latest innovations in integrating village governance with litigation source governance, offering valuable insights into how customary norms can be effectively institutionalized within China’s legal framework<sup>[10]</sup>.

However, this development raises several critical questions: “How does Tianjin’s grassroots governance model influence the formulation, implementation, and enforcement of village regulations?”; “To what extent do these regulations contribute to dispute prevention, mediation, and legal alignment within the LSG framework?”

## 1.2. Research questions and objectives

This study aims to address four key research questions:

- (1) What role do Tianjin’s 2023 Model Village Regulations play in the litigation source governance system?
- (2) How do these regulations function in dispute prevention, mediation, and legal integration?
- (3) What is the legal validity of these village regulations? Do they encounter conflicts with national law or suffer from weak enforceability?
- (4) Can an empirical analysis of these regulations, using legal review and textual data mining, reveal more effective optimization strategies?

To answer these questions, this research will conduct:

- (1) A legal analysis of village regulations within the LSG framework, assessing their compatibility with China’s statutory laws.
- (2) An empirical investigation using Natural Language Processing (NLP) and legal text analysis to extract governance patterns from Tianjin’s Model Village Regulations.
- (3) A policy evaluation to explore how village regulations can be better integrated into China’s formal legal system.

## 1.3. Research significance

This study offers three key contributions:

- (1) Theoretical contribution

By applying Legal Pluralism Theory, this research examines the legal status of village regulations and their interactions with formal legal institutions. This study expands on existing discussions on grassroots governance and alternative dispute resolution (ADR) in China’s legal framework.

- (2) Practical value

This study provides empirical insights into Tianjin’s 2023 Model Village Regulations, highlighting how they function in LSG, mediation, and legal harmonization. The findings contribute to the broader understanding of village regulations as governance tools, particularly in preventing disputes before litigation.

### (3) Policy impact

This research offers recommendations for future legislation on village regulations, emphasizing judicial confirmation mechanisms and legal standardization. It informs policymakers on how to optimize grassroots governance structures to ensure village regulations play a more formalized role in LSG.

## **2. Theoretical framework**

### **2.1. Legal pluralism and the legal status of village regulations**

#### **2.1.1. Concept of legal pluralism**

Legal pluralism refers to the coexistence of multiple legal systems within a single social or political entity. It recognizes that in addition to state law, customary norms, religious laws, and informal dispute resolution mechanisms can function as de facto legal orders within specific communities. Scholars such as Griffiths (1986) and Merry (1988) argue that legal pluralism is particularly prevalent in societies with strong local traditions and limited state enforcement capacities.

In China, legal pluralism manifests through the interaction between statutory law and localized governance practices, including village regulations. While the national legal system provides a formal, centralized framework, many rural communities rely on customary rules to maintain order and resolve disputes. This parallel legal system creates both opportunities and challenges in integrating grassroots governance mechanisms into the formal legal framework.

#### **2.1.2. Legal ambiguities in the status of village regulations**

Village regulations occupy a semi-formal legal space in China's governance structure. On the one hand, the Organic Law of the Villagers' Committees of the People's Republic of China (1998) allows villages to formulate their own regulations, provided that they do not contradict national laws or infringe upon citizens' rights. On the other hand, the lack of explicit legal recognition in judicial proceedings makes their enforceability uncertain.

Key legal questions surrounding village regulations include:

(1) Are village regulations legally binding?

While they serve as governance tools, they lack direct statutory authority and are often treated as informal norms rather than enforceable rules.

(2) How do courts handle disputes involving village regulations?

In some cases, courts reference village regulations as evidence of customary practices, but they do not grant them independent legal force.

(3) To what extent do village regulations conflict with national law?

Some village regulations impose fines, sanctions, or restrictions beyond their legally permitted scope, leading to potential legal disputes.

Thus, while village regulations contribute to local governance, their uncertain legal standing limits their effectiveness in formal dispute resolution processes.

## **2.2. Village regulations in the three-governance model**

China's Three-Governance Model integrates three key dimensions of governance in rural areas:

(1) Self-governance: Emphasizing community-based rule-making and participatory governance.

(2) Rule of law: Ensuring that governance practices comply with national laws and legal standards.

(3) Moral governance: Promoting ethical values and social harmony through cultural traditions.

Village regulations are a central element of this model, balancing local autonomy, legal compliance, and ethical principles. However, in practice, challenges arise in maintaining equilibrium among these three components:

- (1) Over-reliance on moral governance: Many village regulations focus on moral persuasion rather than legal enforcement, making compliance voluntary rather than mandatory.
- (2) Weak rule of law integration: Some regulations include punitive measures that lack legal authorization, leading to potential legal disputes.
- (3) Limited autonomy in practice: While village self-governance is encouraged, higher-level administrative authorities often intervene, reducing local regulatory independence.

This research examines how Tianjin's 2023 Model Village Regulations navigate these challenges, particularly in ensuring a more effective balance among autonomy, legal enforcement, and social norms.

### **3. Methodology**

#### **3.1. Data collection**

To analyze the role of village regulations in litigation source governance, this study employs a mixed-methods approach that combines legal analysis and empirical data mining. The research is based on Tianjin's 2023 Model Village Regulations, a set of selected village regulations recognized by the local government for their effectiveness in grassroots governance and dispute resolution.

##### **3.1.1. Selection of sample village regulations**

The dataset consists of village regulations officially published or recognized by Tianjin's municipal government in 2023. The criteria for selection includes: (1) The regulations must be explicitly linked to dispute resolution or conflict prevention; (2) They must demonstrate legal compliance or include legal references to national or local laws; (3) The sample includes a diverse range of village sizes, economic conditions, and governance models to ensure representativeness.

##### **3.1.2. Supplementary legal and judicial data**

To assess the legal standing of village regulations, additional data sources include:

- (1) Judicial cases: Court rulings that reference village regulations as part of dispute resolution.
- (2) Policy documents: Guidelines issued by municipal and national authorities on litigation source governance and grassroots legal reforms.
- (3) Interviews and reports: Insights from local governance officials and legal experts on the challenges and best practices in integrating village regulations into the formal legal system.

#### **3.2. Empirical approach: NLP-based text analysis**

To systematically evaluate how village regulations address dispute resolution, this study utilizes Natural Language Processing (NLP) techniques for text mining and semantic analysis. This method allows for quantitative insights into how village regulations incorporate elements of litigation source governance, legal compliance, and mediation mechanisms.



### 3.2.1. Key analytical metrics

The textual analysis is structured around the following key metrics:

- (1) Keyword frequency analysis: Identifies the most common legal and governance-related terms, such as “mediation”, “litigation”, “legal aid”, and “sanctions”.
- (2) Governance model classification: Categorizes provisions under the Three-Governance Model to assess whether village regulations emphasize self-governance, rule of law, or moral governance.
- (3) Regulatory strength assessment: Differentiates between hard regulations—which impose enforceable obligations—and soft regulations—which rely on moral persuasion or voluntary compliance.

### 3.2.2. Application of NLP tools

- (1) Text segmentation and tokenization: Processes village regulations to extract meaningful text units.
- (2) Part-of-speech tagging and named entity recognition (NER): Identifies legal references and governance-specific terminology.
- (3) Sentiment and compliance scoring: Assesses the tone of enforcement and whether regulations align with legal principles.

## 3.3. Legal analysis

In addition to empirical analysis, this study conducts a doctrinal legal analysis to examine the compatibility of village regulations with China’s statutory laws. The analysis focuses on three key areas: first, it identifies legal conflicts by uncovering contradictions between village regulations and higher-level national laws such as the Civil Code and the Administrative Law; second, it reviews judicial precedents to analyze how courts have either upheld or invalidated village regulations in practice; and third, it explores legal reform proposals aimed at improving the enforceability and legitimacy of village regulations within China’s formal legal system.

## 4. Findings and discussion

### 4.1. The legal effectiveness of Tianjin’s Model Village Regulations

This study examines the legal effectiveness of Tianjin’s Model Village Regulations in terms of their judicial recognition and enforceability. Firstly, analysis of judicial practice reveals limited judicial acknowledgment of village regulations as legally binding norms. Most provisions within these regulations function as informal or supplementary guidelines rather than legally enforceable rules. The provisions explicitly recognized by judicial authorities typically involve issues directly linked to public order and community safety, such as prohibitions on damaging public property or endangering communal safety. Conversely, provisions based on ethical or moral persuasion, such as promoting family values or traditional customs, often lack formal recognition, highlighting the nuanced distinction between normative influence and enforceable legality.

Among specific provisions, the most legally binding clauses are those utilizing rigid language, including terms such as “must,” “prohibit,” and “severely forbidden.” Examples include prohibitions against damaging public facilities or engaging in behaviors detrimental to public safety. However, clauses advocating moral behavior or community volunteering, characterized by language such as “encourage” or “recommend,” are frequently contested due to their non-binding nature and absence of enforceable sanctions.

## 4.2. NLP analysis results

The NLP analysis of Tianjin's 2023 exemplary village regulations offers quantitative insights into their thematic emphasis and structural distribution across three governance dimensions: legal governance, autonomous governance, and moral governance.

Keyword analysis, employing TF-IDF algorithms, highlights a pronounced focus on dispute prevention and mediation within these regulations. The terms “mediation” and “dispute” emerged as the most frequently mentioned keywords, indicating village regulations' priority in addressing conflicts at an early stage through non-litigious means. Conversely, formal judicial mechanisms such as “litigation” and “arbitration” were notably absent, underscoring a reliance on informal dispute resolution mechanisms embedded in village-level governance structures.

Categorization of provisions into legal governance, autonomous governance, and moral governance reveals substantial variation: moral governance dominates significantly (180 occurrences), followed by legal governance (36 occurrences), with autonomous governance showing the least emphasis (15 occurrences). This distribution quantitatively demonstrates that current village regulations are predominantly moral-oriented, leveraging traditional values and customs rather than legal sanctions or autonomous community mechanisms.

## 4.3. Challenges in implementing village regulations

Implementation challenges identified in this study reflect two critical areas: practical enforcement limitations and potential legal conflicts. Firstly, despite the normative intentions of village regulations, their practical enforceability remains limited due to a predominant reliance on “soft” or morally driven provisions. Approximately 64.15% of analyzed clauses fall into the “soft” category, characterized by terms like “encourage” and “advocate.” In contrast, only 35.85% constitute “rigid” clauses with explicit prohibitions or mandatory requirements. This structural imbalance undermines the ability of village regulations to impose enforceable obligations, weakening their role in pre-litigation governance.

Moreover, certain village regulations exhibit potential conflicts with national laws, particularly where provisions encroach upon state-sanctioned legal jurisdictions or conflict directly with established statutory norms. The absence of explicit provisions regarding formal legal mechanisms such as litigation or arbitration further exacerbates these legal conflicts, reflecting a systemic disconnect between informal village governance structures and formal state legal frameworks.

## 4.4. Challenges in implementing village regulations

The implementation of village regulations faces notable challenges, primarily stemming from their structural reliance on moral persuasion rather than enforceable legal instruments. Enhancing practical binding force thus necessitates rebalancing the regulatory framework by increasing the proportion of rigidly enforceable clauses, clearly anchored in statutory legitimacy.

Additionally, resolving legal conflicts between village regulations and national laws requires establishing clearer connections and delineations between village-level norms and formal legal procedures. Strengthening the role of autonomous governance by encouraging broader democratic participation in drafting, enacting, and enforcing village regulations could also enhance their legitimacy and effectiveness. Ultimately, these measures aim to transition village regulations from predominantly ethical guidelines into robust, legally cognizable instruments capable of effectively addressing disputes at their source.

## 5. Policy implications

### 5.1. Policy recommendations

To enhance the legal status and enforcement mechanisms of Tianjin's village regulations, the following policy recommendations are proposed:

Firstly, it is essential to strengthen the legal standing of village regulations through explicit judicial recognition <sup>[11]</sup>. Introducing a judicial confirmation mechanism can significantly enhance their enforceability, ensuring that agreements reached through village-level mediation are legally binding when confirmed by courts <sup>[12]</sup>. Specifically, village regulations should clearly delineate the process for dispute identification, reporting, mediation, and feedback, aligning closely with Tianjin's existing integrated mediation system comprising People's Mediation Committees, administrative mediation bodies, and judicial mediation frameworks.

Secondly, establishing a systematic collaboration involving village legal advisors, judicial offices, and People's Mediation Committees is crucial <sup>[13]</sup>. Village regulations should incorporate clear provisions requiring legal advisors' participation during both the drafting stage and mediation procedures, particularly for disputes involving property rights, contracts, and familial matters. This integration can help mitigate procedural errors and strengthen legal compliance, ensuring that mediated outcomes adhere strictly to national legal standards <sup>[14]</sup>.

Lastly, implementing a rigorous legal review and filing mechanism is recommended <sup>[15]</sup>. Judicial administrative departments, in cooperation with courts and legal advisors, should regularly review village regulations to ensure consistency with national laws and regulations. Regular revisions, ideally every three years, should also be mandated to ensure continued legal relevance and effectiveness.

## 6. Conclusion

The analysis indicates that while Tianjin's Model Village Regulations exhibit promising features for wider national implementation, several critical areas require enhancement for broader applicability. Tianjin's approach, emphasizing moral governance supported by local customs and ethical norms, significantly contributes to grassroots dispute prevention. However, the heavy reliance on "soft" provisions undermines their enforceability and limits their effectiveness in the formal judicial context.

For Tianjin's village regulations to become a scalable national model, further refinement is necessary. Enhancing the balance between enforceable legal provisions and moral guidelines is crucial. Additionally, strengthening the role of autonomous governance mechanisms through greater democratic participation and clearer legal delineations can significantly bolster their practical impact.

In conclusion, advancing the rule-of-law framework within village regulations necessitates deeper integration with formal judicial processes, enhanced legal education among villagers, and systematic involvement of legal advisors throughout the regulatory lifecycle. Implementing these measures will ensure village regulations effectively support grassroots governance, promoting sustainable rural stability and development.

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The authors declare no conflict of interest.

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