

# 海南省多元化解纠纷条例

## Regulations of Hainan Province on Diversified Dispute Resolution

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# 海南省多元化解纠纷条例

(2020年6月16日海南省第六届人民代表大会常务委员会  
第二十次会议通过)

## 目 录

第一章	总 则
第二章	职责分工
第三章	纠纷化解机制
第四章	保障与监督
第五章	附 则

## 第一章 总 则

**第一条** 为了规范和促进多元化解纠纷工作，提高社会治理能力，促进社会和谐稳定，优化营商环境，服务和保障海南自由贸易港建设，根据有关法律法规，结合本省实际，制定本条例。

**第二条** 本条例所称多元化解纠纷，是指通过和解、调解、行政裁决、行政复议、仲裁、诉讼等多种途径，构建有机衔接、协调联动的化解纠纷机制，便捷、高效地化解当事人之间的纠纷。

**第三条** 多元化解纠纷工作应当坚持党委领导、政府负责、民主协商、社会协同、公众参与、法治保障、科技支撑的社会治理体系，并遵循下列原则：

- (一) 尊重当事人意愿；
- (二) 和解、调解优先，多方衔接联动；

# Regulations of Hainan Province on Diversified Dispute Resolution

(Adopted at the 20th Session of the Standing Committee of the 6th Hainan  
Provincial People’s Congress on June 16, 2020)

## Contents

Chapter I	General Provisions
Chapter II	Authorities and Duties
Chapter III	Dispute Resolution Mechanism
Chapter IV	Support and Oversight
Chapter V	Supplementary Provision

## Chapter I General Provisions

**Article 1** In order to regulate and encourage diversified dispute resolution, improve social governance capacity, improve social harmony and stability, optimize the business environment, serve and support the development of Hainan Free Trade Port (hereinafter referred to as the “HFTZ”), these Regulations are enacted pursuant to laws and regulations and in combination with the circumstances of this Province.

**Article 2** “Diversified dispute resolution” (hereinafter referred to as “DDR”), for the purpose of these Regulations, refers to an integrated and coordinate dispute resolution mechanism through various methods such as reconciliation, mediation, administrative decision, administrative review, arbitration, and litigation, so as to resolve disputes between parties conveniently and efficiently.

**Article 3** The work on DDR shall abide by the Party committee’s leadership, government responsibility, inclusive negotiation, social coordination, public participation, rule of law, and scientific-technological support, as well as the following principles:

- (a) respecting the wishes of the parties;
- (b) prioritizing reconciliation and mediation involving multiple parties;

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(三) 遵守法律法规，尊重公序良俗，坚持公平公正；

(四) 便民利民，快捷高效；

(五) 预防与化解相结合。

**第四条** 各级人民政府及有关部门、人民法院、人民检察院、人民团体、企业事业单位、基层群众性自治组织和其他社会组织，应当按照各自职责，建立健全社会稳定风险防范、纠纷排查调处机制；坚持属地管理和谁主管谁负责，对跨区域、跨部门、跨行业，涉及人数众多、社会影响较大的纠纷，应当加强联动配合，从源头上预防和化解纠纷。

鼓励和支持公道正派、群众认可的社会人士和其他社会力量依法参与化解纠纷。

**第五条** 国家机关、人民团体、企业事业单位、新闻媒体等应当按照各自职责开展法治宣传教育，弘扬社会主义核心价值观，普及多元化解纠纷法律知识，引导公众以理性合法方式表达利益诉求、解决利益纠纷、维护合法权益。

## 第二章 职责分工

**第六条** 县级以上人民政府应当发挥多元化解纠纷工作的主导作用，将多元化解纠纷工作纳入法治政府建设规划，健全协调机制，督促政府有关部门建立健全化解纠纷责任制度，落实化解纠纷工作职责，引导社会力量参与化解纠纷。

乡镇人民政府、街道办事处应当组织协调辖区内公安派出所、司法所、人民法庭、派驻乡镇检察室、退役军人服务站、居民委员会、村民委员会和人民调解组织，开展纠纷预防、排查和化解。

(c) abiding by the laws and regulations, respecting public order and good morals, and respecting fairness and justice;

(d) convenience and efficiency; and

(e) the combination of prevention and resolution.

**Article 4** The people's governments and appropriate agencies at all levels, people's courts, people's procuratorates, people's entities, businesses, institutions, primary-level self-governance organizations, and other social organizations shall, pursuant to their respective authorities and duties, establish and improve systems for preventing social risks and investigating and mediating disputes, and abide by territorial management and clearly identified authority and responsibility. The interconnectivity and collaboration for disputes involving a large number of people and having a significant social impact across regions, agencies, and industries shall be improved to prevent and resolve disputes at the source.

The fair and decent people and other private sectors recognized by the masses are encouraged and supported to participate in dispute resolution pursuant to law.

**Article 5** The government agencies, people's entities, enterprises and institutions, and news media shall, pursuant to their authorities and duties, conduct a public awareness campaign to encourage knowledge and education on the rule of law, socialist core values, legal knowledge on diversified dispute resolution, and guide the public to raise petitions and demands, solve disputes, and safeguard their legal rights in a rational and lawful manner.

## Chapter II Authorities and Duties

**Article 6** The people's governments at the county level or above shall play a leading role in the DDR, incorporate it into the law-based government development plan, improve the coordination system, urge the appropriate agencies to establish and improve the accountability system for dispute resolution, specify the authorities and duties for dispute resolution, and guide the private sector to participate in the dispute resolution.

The township people's governments and local subdistrict offices shall organize and coordinate police stations, justice offices, people's courts, township procuratorates, veteran service stations, residents' committees, villagers' committees, and people's mediation organizations within their jurisdictions to carry out dispute prevention, investigation, and resolution.

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**第七条** 人民法院应当发挥在多元化解纠纷工作中的司法引领、推动和保障作用,健全诉讼和非诉讼相衔接的化解纠纷机制,加强与行政机关、仲裁机构、公证机构和调解组织的协调配合,推动在程序安排、效力确认、法律指导等方面的有机衔接。

**第八条** 人民检察院应当依法履行法律监督职责,健全检察建议、检察宣告等制度,完善参与化解纠纷工作机制,引导当事人选择适宜的途径解决纠纷。

**第九条** 县级以上人民政府司法行政部门负责政府有关部门和其他组织多元化解纠纷工作的组织协调和督导检查;加强人民调解组织网络化建设,推动设立行业性、专业性调解组织;指导人民调解、行政调解和行业性、专业性调解工作,促进人民调解与行政调解、司法调解等衔接联动;指导行政机关完善行政裁决等工作机制;依法开展行政复议、行政应诉工作;组织、推动律师事务所、基层法律服务所、法律援助机构等参与化解纠纷。

**第十条** 公安机关应当依法完善治安、交通事故调解和轻微刑事案件和解工作机制,依法协调当事人和解、调解。支持和参与乡镇、街道、社区、居民委员会、村民委员会开展和解、调解工作。

**第十一条** 人力资源和社会保障、卫生健康、自然资源和规划、农业农村、市场监督管理、民政、住房和城乡建设、生态环境、旅游和文化、教育、交通运输、退役军人事务等行政主管部门应当按照各自职责,依法开展行政调解、行政裁决工作,推动、指导和监督本领域行业性、专业性调解组织建设。

**Article 7** The people's court shall play the role of judicial guidance, promotion, and support in the DDR, improve the dispute resolution mechanism with the interconnectivity between litigation and non-litigation, improve coordination and collaboration with administrative agencies, arbitration committee, notaries, and mediation organizations, and improve the integration of procedural arrangements, validity confirmation, and legal guidance.

**Article 8** The people's procuratorates shall perform their duties of legal oversight lawfully, improve the system of procuratorial recommendations and announcements, improve the system of dispute resolution participation, and guide the parties to choose the proper approaches concerning dispute resolution.

**Article 9** The justice agencies of the people's governments at or above the county level are responsible for organizing, coordinating, overseeing, and inspecting the work on DDR by appropriate agencies and other organizations, improving the network of people's mediation organizations and promoting the establishment of industrial and professional mediation organizations, guiding the people's mediation, administrative mediation and industrial and professional mediation, and promoting the interconnectivity between people's mediation and administrative and judicial mediation, guiding the administrative agencies to improve the administrative decision-making system, carrying out the administrative review and administrative litigation lawfully, and organizing and promoting the participation of law firms, community-level legal services, and legal aid institutions in dispute resolution.

**Article 10** The public security agencies shall improve the working system of public security, traffic accident mediation, and reconciliation of minor criminal cases lawfully, coordinate the parties' reconciliation and mediation in accordance with the law, support and participate in the reconciliation and mediation by townships, local subdistricts, communities, residents' committees, and villagers' committees.

**Article 11** The administrative agencies in charge of human resources and social security, health, natural resources and planning, agriculture and rural affairs, market regulation, civil affairs, housing and urban-rural development, ecological environment, tourism and culture, education, transportation, veteran affairs shall, pursuant to their authorities and duties, carry out administrative mediation and administrative decision lawfully, and promote, guide, and oversee the development of industrial and professional mediation organizations.

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**第十二条** 信访工作机构应当通过法定途径分类处理信访事项，理顺信访与行政裁决、行政复议、仲裁和诉讼等制度的关系，畅通信访渠道，跟踪、督促和协调信访事项的办理。

**第十三条** 居民委员会、村民委员会应当建立健全人民调解组织，组织人民调解员、社区工作者、法律顾问、心理工作者等及时、就地排查和化解纠纷。

人民调解员可以依照有关规定依托人民调解组织设立个人调解工作室。

**第十四条** 工会、共青团、妇女联合会、归国华侨联合会、残疾人联合会、工商业联合会、消费者委员会、法学会和行业协会等可以设立行业性、专业性调解组织，参与多元化解纠纷工作。

**第十五条** 商会、行业协会、民办非企业单位、商事仲裁机构等可以依法成立商事调解组织，在法律允许的范围内开展商事调解活动。

依法设立的国际商事调解机构可以依照章程等规定调解国内外平等主体的自然人、法人和其他组织之间发生的商事纠纷。国际商事调解机构应当制定调解规则，明确调解员任职条件，并予以公布。

境外商事调解机构可以依照国家有关规定参与商事调解。

**第十六条** 律师事务所、基层法律服务所、公证机构和司法鉴定机构等公共法律服务组织可以提供纠纷调解服务或者参与纠纷调解工作。

### **第三章 纠纷化解机制**

**第十七条** 各级人民政府及有关部门作出涉及公民、法人和其他组织



**Article 12** The public complaints and proposals administration shall classify and manage complaints and proposals through legal channels, streamline the relationship among complaints and proposals, administrative decision, administrative review, arbitration, and litigation, unbar complaints and proposals channels, and track, oversee, and coordinate the resolution of complaints and proposals.

**Article 13** The residents' committees and villagers' committees shall establish and improve people's mediation organizations, and organize people's mediators, community workers, legal counsel, and psychological practitioners to investigate and resolve disputes promptly and on-site.

The people's mediators may set up individual mediation offices under the people's mediation organizations pursuant to law.

**Article 14** The trade unions, the Communist Youth League of China, All-China Women's Federation, All-China Federation of Returned Overseas Chinese, disabled persons federations, federations of industry and commerce, consumer associations, law societies, and industry associations may set up industrial and professional mediation organizations to participate in the DDR.

**Article 15** The chambers of commerce, trade associations, private non-corporate entities, and commercial arbitration committee may set up commercial mediation organizations pursuant to law to carry out commercial mediation lawfully.

An international commercial mediation institution established lawfully may mediate commercial disputes among natural persons, juristic persons, and other entities with an equal identity either domestically or overseas pursuant to its articles of association. The international commercial mediation institution shall draft mediation rules, specify the qualifications of mediators and publicize them.

Overseas commercial mediation institutions may participate in commercial mediation pursuant to national law.

**Article 16** Public legal service organizations such as law firms, community-level legal service offices, notaries, and forensic labs may provide dispute mediation services or participate in the DDR.

### **Chapter III Dispute Resolution Mechanism**

**Article 17** If the people's governments and appropriate agencies at all levels make a major

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切身利益且涉及面广、可能对社会稳定产生影响的重大行政决策，根据法律法规和其他规定，需要进行风险评估的，应当事先开展社会稳定风险评估，依照法定程序，对重大行政决策作出可实施、暂缓实施、不实施的决定，从源头上预防和化解社会稳定风险事件和重大群体性纠纷。

**第十八条** 各级人民政府及有关部门应当健全纠纷排查分析预警调处工作制度。

对纠纷易发多发领域，应当加强纠纷排查和调处工作。发生重大自然灾害、事故灾难、公共卫生事件和社会安全事件等突发事件时，应当同步开展纠纷排查和调处，依法启动应急预案。

**第十九条** 当事人可以依法自主选择下列途径化解纠纷：

- （一）和解；
- （二）调解；
- （三）行政裁决；
- （四）行政复议；
- （五）仲裁；
- （六）诉讼；
- （七）法律法规规定的其他途径。

**第二十条** 当事人可以通过线下或者线上平台办理化解纠纷申请、协商、调解、行政裁决、仲裁、诉讼等事务。

在线化解纠纷，化解纠纷工作人员可以通过电话、在线文字、语音、视频等方式与当事人沟通。

**第二十一条** 化解纠纷单位和组织对当事人化解纠纷申请，应当进行登记，并按照下列情形分别处理：

administrative decision involving the vital interests of citizens, juristic persons, and other entities or may impact social stability, and risk assessment is required pursuant to laws, regulations and other rules, they shall initiate social stability risk assessment in advance, and consider the major administrative decision that can be implemented, suspended, or terminated pursuant to legal procedures, so as to prevent and resolve social events and major group disputes at the source.

**Article 18** The people's governments and appropriate agencies at all levels shall improve the system for dispute investigation, analysis, early warning, and mediation.

The investigation and mediation of disputes in dispute-prone areas shall be improved. Dispute investigation and mediation for major natural disasters, accidents, public health emergencies, and social security incidents shall be carried out at the same time, and emergency plans shall be implemented lawfully.

**Article 19** The parties concerned can independently choose the following to lawfully resolve disputes:

- (a) reconciliation;
- (b) mediation;
- (c) administrative adjudication;
- (d) administrative review;
- (e) arbitration;
- (f) litigation; and
- (g) other methods specified by laws and regulations.

**Article 20** The parties may process dispute resolution application, negotiation, mediation, administrative decision, arbitration, or litigation via offline or online platforms.

Employees involved in online dispute resolution may communicate with the parties via telephone, online text, audio, and video.

**Article 21** The dispute resolution entities and organizations shall register the parties' applications for dispute resolution and resolve them separately under the following circumstances:

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(一) 属于其职责范围的，应当及时受理处理；

(二) 不属于其职责范围的，应当做好释明、疏导、移交工作，引导当事人向有权处理的单位、组织提出申请；

(三) 涉及多个单位、组织职责范围的，由与纠纷最密切的单位或者组织会同其他有关单位或者组织共同办理。

**第二十二条** 化解纠纷单位和组织收到化解纠纷申请，律师等法律工作者接受法律咨询、委托代理，应当告知当事人各类化解纠纷途径及其特点要求，引导当事人依法理性选择纠纷化解途径。

**第二十三条** 引导当事人选择纠纷解决途径，按照下列次序进行：

(一) 引导和解；

(二) 当事人不愿和解或者和解不成的，引导调解；

(三) 当事人不愿调解或者调解不成，或者纠纷不适宜调解的，引导当事人选择其他非诉讼或者诉讼途径。

依法应当由行政机关或者仲裁机构先行处理的，告知当事人申请行政机关或者仲裁机构先行处理。

**第二十四条** 当事人之间涉及婚姻家庭（确认身份关系的除外）、邻里关系、人身和财产权益等民事纠纷可以向人民调解组织提出调解申请。

涉及劳动争议的，可以向企业劳动争议调解委员会、人民调解组织或者在乡镇、街道设立的具有劳动争议调解职能的组织提出调解申请。

涉及投资、贸易、金融、证券期货、保险、房地产、工程承包、运输、技术转让、电子商务、知识产权等商事纠纷的，可以向商事调解组织提出调解申请，也可以向仲裁机构提出仲裁申请。

(a) promptly accept and resolve disputes that fall within their authorities and duties;

(b) explain, guide, transfer disputes that do not fall within their authorities and duties, and guide the parties to submit the dispute to the competent entities or organizations; or

(c) the entity or organization with the closest connection shall resolve disputes involving multiple entity or organization authorities and duties in collaboration with other entities or organizations.

**Article 22** If the dispute resolution entity or organization receives the dispute resolution application, or lawyers accept to provide legal advice or representation, they shall inform the parties of all kinds of dispute resolution methods and their characteristics and requirements, and guide the parties to rationally choose lawful methods.

**Article 23** Parties shall be guided to resolve their disputes pursuant to the following order:

(a) guided reconciliation;

(b) mediation if the parties are unwilling to reconcile or reconciliation is unsuccessful; and

(c) other non-litigation or litigation methods if the parties are unwilling to mediate or mediation fails, or the dispute is not appropriate for mediation.

The parties shall be informed to submit the dispute to an administrative agency or arbitration committee first if such is required pursuant to law.

**Article 24** Civil disputes concerning marriage and family (excluding the confirmation of identity), neighborhood relations, personal and property rights between the parties may be submitted to the people's mediation organization for mediation.

Disputing parties in labor disputes may submit the dispute to the enterprise labor dispute mediation organization, the people's mediation organization, or the organization with labor dispute mediation function in towns and local subdistricts for mediation.

Disputing parties in investment, trade, finance, securities and futures, insurance, real estate, project contracting, transportation, technology transfer, e-commerce, and intellectual property disputes may submit the dispute to the commercial mediation organization for mediation or the arbitration institution for arbitration.

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涉及房屋土地征收、社会保障、治安管理等方面的行政争议和交通损害赔偿、医疗卫生、消费者权益保护等与行政管理职能有关的民事纠纷，可以向有关行政主管部门提出行政调解申请，或者依照有关规定向行业性、专业性调解组织提出调解申请。

对违法犯罪行为造成的损害赔偿纠纷可以依法申请公安机关、人民法院进行调解。

### **第二十五条** 人民调解组织依法调解民间纠纷。

基层人民法院、公安机关或者其他国家机关对适宜通过人民调解方式解决的纠纷，可以在受理前告知当事人向人民调解组织申请调解；也可以在受理后书面委托人民调解组织调解或者邀请人民调解组织协助调解，但应当征得人民调解组织的同意。

人民调解组织调处重大疑难纠纷，可以邀请有关专家参与调解，也可以申请人民政府司法行政部门安排人民调解专家提供咨询或者参与调解。

**第二十六条** 行业性、专业性调解组织依照相关规定调解行业纠纷，其调解活动可以参照人民调解程序开展。法律法规另有规定的除外。

**第二十七条** 行政机关或者法律法规授权的具有行政管理职能的组织对与履行行政管理职责有关的民事纠纷或者行政争议，可以根据当事人的申请，依法进行行政调解。

行政机关对自然资源、生态环境、公共安全、食品药品安全等领域的纠纷，以及涉及人数较多、影响较大、可能影响社会稳定的纠纷，应当依法主动进行调解。

Administrative disputes related to eminent domain, social security, public security administration, and civil disputes related to administrative functions, such as traffic damage indemnities, medical care, and consumer rights protection, may be submitted to the appropriate administrative agencies or industrial and professional mediation organizations for mediation pursuant to law.

Disputes over indemnity for damages caused by violations of law and crime can be submitted to the public security agency or the people's court for mediation lawfully.

**Article 25** The people's mediation organizations shall mediate civil disputes lawfully.

The community-level people's courts, law enforcement agency, or other government agencies may inform the disputing parties to apply to the appropriate people's mediation organization before acceptance, or delegate the people's mediation organization to mediate or invite the people's mediation organization to assist in writing after acceptance, subject to the consent of the people's mediation organization.

The people's mediation organizations may invite appropriate experts to participate in mediation or apply to the justice agency of the people's government to arrange people's mediation experts to provide advice or participate in mediation for complicated disputes.

**Article 26** The industrial and professional mediation organizations shall mediate industry disputes pursuant to law, which can be carried out with reference to the people's mediation procedures, except as otherwise provided by laws and regulations.

**Article 27** The administrative agencies or entities with administrative functions authorized by laws and regulations may conduct administrative mediation based on the application of the parties to civil disputes or administrative disputes related to the performance of administrative authorities and duties.

The administrative agencies shall initiate dispute mediation related to natural resources, ecological environment, public safety, food and drug safety, as well as disputes involving a large number of people, or significantly impacting or possibly affecting social stability.

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**第二十八条** 行政机关或者法律法规授权的具有行政管理职能的组织对与行政管理活动有关的民事纠纷，可以根据当事人的申请，依照法律法规授权进行裁决。行政裁决过程中可以先行调解，调解不成的，依法作出行政裁决，并告知当事人救济途径。

**第二十九条** 行政复议机关对依法受理的行政复议申请，符合法定条件的，可以进行调解；调解不成的，依法作出行政复议决定，并告知当事人救济途径。

**第三十条** 仲裁机构对民商事纠纷作出裁决前，可以引导当事人和解或者调解。

劳动人事争议仲裁机构和农村土地承包仲裁机构对受理的争议或者纠纷，应当先行调解。

当事人不能达成和解或者调解不成的，仲裁机构依法及时作出裁决。

**第三十一条** 对起诉至人民法院的纠纷，适宜调解的，人民法院依法进行诉前调解，但当事人拒绝调解的除外。一方当事人明确提出终止诉前调解，或者诉前调解期限已满，当事人无法达成调解协议的，应当依法登记立案。

登记立案后，适宜调解的，人民法院可以依法进行调解或者委托调解，但当事人拒绝调解的除外。调解未达成协议或者调解书送达前一方反悔的，人民法院应当及时审理并作出裁判。

**第三十二条** 人民检察院办理符合和解法定条件的案件，可以建议当事人进行和解。

**第三十三条** 化解纠纷单位和组织调解过程中，可以邀请人大代表、政协委员、法律工作者、社区工作者、心理工作者等相关人员参与调解，也可以根据实际需要并经当事人同意，邀请与纠纷有一定关联的组织或者个人协助调解。



**Article 28** The administrative agencies or organizations with administrative functions authorized by laws and regulations may issue decisions on civil disputes related to administrative activities based on the application of the parties and as authorized by laws and regulations. During the proceedings, mediation shall be carried out first. The administrative decision shall be processed lawfully if mediation fails and the disputing parties shall be informed of the remedial methods.

**Article 29** The administrative review agencies shall carry out mediation after accepting applications for administrative review submitted lawfully. If such fails, the administrative review decision shall be issued lawfully, and the disputing parties shall be informed of the remedial methods.

**Article 30** The arbitration institution may guide the parties to reconcile or mediate before issuing an award in civil and commercial disputes.

The labor dispute arbitration committee and rural land contract arbitration committee shall mediate the disagreement or dispute first after acceptance.

The arbitration institution shall promptly issue an award lawfully if the disputing parties fail to reconcile or mediate.

**Article 31** If the dispute brought to the people's court is suitable for mediation, the people's court shall conduct pre-litigation mediation lawfully, unless the parties refuse to mediate. If one party explicitly recommends terminating the pre-litigation mediation, or if the period of pre-litigation mediation has expired and the parties cannot enter into a reconciliation agreement through mediation, the people's court shall lawfully accept the case.

If the mediation is suitable, the people's court may conduct or delegate mediation lawfully after accepting the case, except when the parties refuse mediation. If it fails to reach the agreement or the party repents before the reconciliation agreement reached through mediation is served, the people's court shall promptly try the case and issue a judgment.

**Article 32** The people's procuratorate may recommend the parties settle cases that meet statutory conditions for reconciliation.

**Article 33** In the proceeding of mediation, dispute resolution entities and organizations may invite NPC deputies, CPPCC members, legal professionals, community workers, and psychological practitioners to participate in mediation and may also invite organizations or individuals related to the disputes to assist based on the circumstances and with the consent of the disputing parties.

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涉及盲、聋、哑等残疾当事人纠纷的和解、调解，其法定代理人、近亲属应当参加，并可以邀请残联组织代表参与。和解、调解过程中，化解纠纷单位和组织应当为残疾当事人提供手语、盲文等辅助服务。

和解、调解过程中，可以根据实际需要并经当事人同意，委托律师、有关专家或者其他中立第三方，对纠纷事实进行调查或者对纠纷处理进行评估，形成评估意见。调查结果或者评估意见供当事人和解、调解参考。

**第三十四条** 化解纠纷单位和组织依法调解纠纷。在不违背法律法规、国家政策和公序良俗的情况下，可以依据行业惯例、交易习惯、自治章程和村规民约进行调解。

**第三十五条** 建立国际商事纠纷多元化解机制，完善国际商事纠纷案件集中审判机制，利用国际商事仲裁、国际商事调解等多种非诉讼方式解决纠纷。

国际商事调解机构调解国际商事纠纷，应当依照相关法律法规，尊重国际惯例，遵守该机构的调解规则或者当事人协商确定的规则。

**第三十六条** 志愿者、志愿服务组织可以为化解纠纷提供志愿服务。国家机关、人民团体、企业事业单位、基层群众性自治组织和其他社会组织可以组织本单位具备专业知识、技能的工作人员为化解纠纷提供专业志愿服务。

化解纠纷单位和组织化解纠纷需要志愿服务的，可以向志愿服务组织发出邀请，并提供与志愿服务有关的信息。志愿服务组织应当对有关信息进行核实，并及时予以答复。

鼓励心理工作者参与化解纠纷志愿服务，提供免费的心理辅导、危机干预和心理救援服务。

Agents by operation of law and close relatives shall participate in dispute reconciliation and mediation involving blind, deaf, dumb, and other disabled parties, and representatives of the disabled persons federation may also be invited to participate. Entities and organizations shall provide assistance such as sign language and braille for the disabled during reconciliation and mediation proceedings.

In the proceeding of the reconciliation and mediation, lawyers, experts, or other neutral third parties may be delegated to investigate the facts of disputes or evaluate dispute proceedings in light of the circumstances and with the consent of the parties concerned to form evaluative opinions. The results or opinions can be used as references for reconciliation and mediation between the parties.

**Article 34** The dispute resolution entities and organizations mediate disputes lawfully. The mediation may be processed pursuant to industry practices, trade usage, self-governing rules, and village rules without violating the law, national policies, or public order and good morals.

**Article 35** The diversified dispute resolution mechanism for international business disputes is established, the centralized trial system for international business disputes is improved, and various non-litigation methods such as international commercial arbitration and international commercial mediation are used to resolve disputes.

With respect to mediating international business disputes, the international commercial mediation institution shall respect international usage pursuant to law, and abide by the mediation rules of the institution or the rules determined by the parties via negotiation.

**Article 36** The volunteers and volunteer service organizations may provide volunteer service for dispute resolution. The government agencies, people's entities, enterprises, and institutions, and primary-level self-governance organizations may organize their own employees with professional knowledge and skills to provide professional volunteer services for dispute resolution.

The entities and volunteer service organizations may send invitations to volunteer service organizations and provide information related to volunteer services if required for dispute resolution. Volunteer service organizations shall verify the appropriate information and reply promptly.

Psychological practitioners are encouraged to participate in volunteer services and to provide psychological counseling, crisis intervention, and psychological rescue services free of charge.

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**第三十七条** 当事人经人民调解组织调解达成调解协议的,可以制作调解协议书。当事人认为无需制作调解协议书的,可以采取口头协议方式,人民调解员应当记录协议内容,并由当事人签字。

当事人经行政机关、劳动争议调解组织、医疗纠纷调解组织、商事调解组织等调解达成调解协议的,行政机关或者调解组织应当制作调解协议书。

**第三十八条** 以给付为内容的和解协议、调解协议,当事人可以共同向公证机构申请办理具有强制执行效力的债权文书公证。

对前款规定的公证债权文书,债务人逾期不履行或者履行不适当的,债权人可以依法向人民法院申请执行。

## **第四章 保障与监督**

**第三十九条** 各级人民政府应当为多元化解纠纷工作提供必要的经费保障,并纳入本级财政预算。

对人民调解委员会、公益性调解组织以及人民调解员给予适当经费补助和补贴。

**第四十条** 鼓励和支持在劳动争议、道路交通、医疗卫生、旅游、物业管理、消费者权益保护、土地承包、环境保护以及其他矛盾纠纷集中的领域,探索建立专业化的一站式纠纷解决服务平台,提供化解纠纷服务。

市、县、乡镇人民政府、街道办事处根据需要,可以建立综合性的一站式纠纷解决服务平台,整合政府有关部门、人民法院、人民检察院以及仲裁机构、公证机构、人民调解组织、行业性专业性调解组织等化解纠纷力量,为化解纠纷提供便利条件。

**Article 37** If the parties reach a reconciliation through mediation by a people's mediation organization, they may enter into a reconciliation agreement. The parties may implement a verbal agreement if they consider a written reconciliation agreement to be unnecessary, and the people's mediator shall record the matters covered by the agreement signed by the parties.

If the parties reach a reconciliation agreement through mediation by an administrative agency, labor dispute mediation organization, medical dispute mediation organization, or commercial mediation organization, the administrative agency or mediation organization shall issue the settlement agreement.

**Article 38** The parties may jointly request a notary office to notarize any enforceable creditors' rights documents for reconciliation agreement or settlement agreements reached through mediation involving specific performance.

If the debtor fails to perform the notarized creditor's rights documents specified in the above provision within a given time or fails to adequately perform such, the creditor may petition the people's court for enforcement lawfully.

## **Chapter IV Support and Oversight**

**Article 39** The people's governments at all levels shall provide the necessary funding for the DDR, which shall be included in the financial budget at the corresponding level.

Financial subsidies and allowances are properly given to the people's mediation organizations, public welfare mediation organizations, and people's mediators.

**Article 40** The establishment of the professional all-in-one dispute resolution service platform is encouraged and supported to provide dispute resolution services in areas prone to disputes such as labor disputes, road traffic, medical and health care, tourism, property management, consumer rights protection, land contract, and environmental protection disputes.

The city, county, township people's governments, and local subdistrict authorities may establish a comprehensive all-in-one dispute resolution service platform based on demands and integrate the dispute resolution forces of appropriate agencies, people's courts, people's procuratorates, arbitration committee, notaries, people's mediation organizations, and professional industry mediation organizations to facilitate dispute resolution.

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**第四十一条** 各级人民政府及有关部门、人民法院、人民检察院等应当加强信息化建设，推进大数据应用，完善信息共享平台，提高化解纠纷工作效率。

**第四十二条** 当事人在纠纷解决过程中符合法律援助条件的，法律援助机构应当依法提供法律援助；符合司法救助或者社会救助条件的，司法机关或者社会救助机构应当提供救助。

**第四十三条** 行政机关、人民团体、人民调解组织、劳动人事争议仲裁机构、农村土地承包仲裁机构化解纠纷，以及人民法院对人民调解协议进行司法确认，不得向当事人收取费用，法律法规另有规定的除外。

实行市场化运作的调解需要收取费用的，依照有关规定执行。

**第四十四条** 有关国家机关、人民团体、企业事业单位、基层群众性自治组织和其他社会组织应当建立健全调解组织名册和调解员名册管理制度，加强对调解组织和调解员的监督管理。

依法成立的地方性、行业性、专业性调解员协会，实行自律管理。

**第四十五条** 有关国家机关、人民团体、商会、行业协会和其他社会组织应当加强调解员队伍建设，组织调解员培训，提高其职业道德水平和业务能力，推动调解员专业化建设。

**第四十六条** 各级人民政府及有关部门、人民法院、人民检察院、人民团体、基层群众性自治组织和其他社会组织在开展多元化解纠纷工作中有下列情形之一的，依法依规追究直接负责的主管人员和其他直接责任人员的责任：

- （一）未建立或者未落实化解纠纷工作责任制的；
- （二）负有化解纠纷职责，无正当理由，拒不受理化解纠纷申请的；

**Article 41** The people's governments and appropriate agencies at all levels, people's courts, and people's procuratorates shall improve informatization development, encourage the use of big data, improve the information sharing platform, and improve the efficiency of dispute resolution.

**Article 42** Legal aid organizations shall provide legal aid pursuant to law should the disputing parties meet legal aid conditions during dispute resolution. The justice agencies or social assistance institutions shall provide assistance should the disputing parties meet the justice or social assistance conditions during dispute resolution.

**Article 43** Charging the parties is prohibited when the administrative agencies, people's entities, people's mediation organizations, labor and employment dispute arbitration committee, and rural land contract arbitration committee resolve disputes, or people's courts confirm the reconciliation agreement reached through mediation unless otherwise provided by laws and regulations.

The mediation fee charged by commercial mediation organizations shall comply with the law.

**Article 44** The appropriate government agencies, people's entities, enterprises and institutions, primary-level self-governance organizations, and other social organizations shall establish and improve the administration of the list of mediation organizations and mediators, and improve the oversight and administration of mediation organizations and mediators.

The local, industrial, and professional associations of mediators established lawfully shall be subject to self-regulatory administration.

**Article 45** The appropriate government agencies, people's entities, chambers of commerce, trade associations, and other social organizations shall improve the development of mediators, organize mediator training, improve their professional ethics and skills, and encourage mediator professionalism.

**Article 46** If the people's governments and appropriate agencies at all levels, people's courts, people's procuratorates, people's entities, primary-level self-governance organizations, and other social organizations are found to be under any of the following circumstances during DDR, the person directly in charge and other employees directly liable shall be penalized lawfully:

- (a) the accountability system for dispute resolution has not been established or implemented;
- (b) responsible for dispute resolution but refuse to accept the application for dispute resolution without valid cause;

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(三) 采取的化解纠纷措施违反法律法规及有关规定的；

(四) 化解纠纷不及时，没有采取有效措施的；

(五) 未履行本条例规定的其他义务的。

**第四十七条** 违反本条例第四十三条第一款规定，向当事人收取费用的，由有关部门责令退还，对直接负责的主管人员和其他直接责任人员依法处理。

**第四十八条** 违反本条例规定的行为，法律、行政法规已有处罚规定的，从其规定。

## 第五章 附 则

**第四十九条** 本条例自 2020 年 8 月 1 日起施行。



(c) the measure taken to dispute resolution violate the laws and regulations, and applicable rules;

(d) not resolve disputes promptly and not take effective measures; or

(e) fail to perform other obligations specified in these Regulations.

**Article 47** Arbitration committees charging fees in violation of Paragraph 1 of Article 43 shall be required by the appropriate agencies to refund such fees, and the person directly in charge and other employees directly liable shall be penalized lawfully.

**Article 48** If any violation of these Regulations is subject to penalties specified in other laws and administrative regulations, such laws and administrative regulations shall apply.

## **Chapter V Supplementary Provision**

**Article 49** These Regulations shall take effect as of August 1, 2020.

