

Research on the Modernization of China's Court trial System

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Abstract: Abstract: To realize the modernization of trial work, the trial system is the foundation. Raise the flag and go steady and far. Since the modernization process, significant progress has been made in the reform and optimization of the functional system of the people's court, laying a solid foundation for the modernization of the trial system. The key to promoting the modernization of the trial system is to optimize the functional system of the court institutions, focusing on solving problems such as standardized institutional setup, coordination of functional exercise, and efficient system operation. In the reform of the functional system of the court institution, it is necessary to make overall plans to improve the system and mechanism, take good care of the coordination of the upper and lower left and right, and promote the real "chemical reaction" of the reform.

Keywords: Court trial system, Modernization, Internet, Openness and Transparency.

1. Introduction

In 2023, China still adheres to reform and innovation, upholds the spirit of struggle, and strives to promote the modernization of political and legal work. In the past year, under the glorious guidance of the idea of the rule of law in the new era, the People's Court has gathered together and bravely shouldered its mission to take new steps, show new achievements and open up new prospects in accelerating the new journey of the modernization of trial work.

2. Exploration of the Modernization of The Court Trial System

The legal trial system refers to a system composed of courts, procuratorates and relevant legal institutions in a country or region that uses relevant current laws to try, handle and resolve legal disputes and protect the rights and interests of citizens and the normal operation of society. The core of the trial system is the court, which is the highest legal authority, responsible for hearing cases, publishing rulings and executing judgments. The procuratorate is the institution that supervises the court and is responsible for reviewing and prosecuting criminal acts. In addition, the trial system also includes relevant legal institutions, such as law firms, notary offices, etc., which provide legal advice, litigation and other services for the legal body. The concept of the trial system is to ensure the independence, impartiality and efficiency of the judiciary, and to protect legal rights and interests and the stability of social order.

China's legal trial system is the most direct and vivid response to the legislative and judicial situation in a country. At the same time, it in turn deeply restricts and affects the reform and evolution of legislation and justice.

Here, the author only does a simple study of the court trial system. The modernization of the court trial system is an important part of building a socialist country under the rule of law and one of the important directions of judicial reform. In China, the exploration of the modernization of the court trial system has made certain achievements, but it is also facing some challenges and problems. The court's trial system is a

dynamic and complex system. The author divides it into three stages: "before the trial", "in the trial" and "after the trial". "Before the trial" refers to the first stage from the acceptance of the case to the formal trial; "in the trial" refers to the second stage from the formal trial to the complete end of the trial; the third stage is the stage of the judgment.

3. Shortcomings in the Modernization of The Court Trial System

The trial system mechanism is like a "machine" that runs non-stop all the time. As long as a case enters the litigation process, it cannot stop. It needs to supervise the process and quality of the case. In practice, the trial system has the following shortcomings and needs to be improved.

3.1. The setting of quantitative indicators is not scientific

Strengthening trial management requires the control of process nodes such as case filing, case division, preservation, court session, mediation, adjudication, case conclusion, trial limit, execution and archiving, and set quantitative indicators to achieve the purpose of accurately evaluating the performance of judges and other staff. In practice, the court has misunderstandings in setting quantitative indicators for trial management. For example, in trial management, setting the "close rate" as a decisive indicator of trial efficiency between courts and judges is widely criticized. As we all know, in addition to the application of summary procedures for immediate mediation or withdrawal of lawsuits, the trial of cases needs to set aside time for response, defense, evidence and court session, and it is normal for new cases not to be concluded immediately. In order to improve the closing rate, some courts stop collecting cases when the data is "pricked" at the end of the year, and let the litigation masses wait for a period of time to file the case again or fake the case into the case number of the second year, forming a statistical "strange circle" of plummeting new cases at the end of the year and rising at the beginning of the following year.

3.2. The application of operation situation analysis is insufficient

Some courts pay more attention to the litigation supervision and performance assessment function of the trial system, but do not pay enough attention to the analysis of the operating situation. Either the existing trial data is on the shelf without any analysis or collation, or it is limited to a summary once or twice a year, and cannot carry out dynamic analysis every month or quarter, and cannot be concluded when making decisions. Targeted measures are proposed for the situation reflected in the operation data of joint trial management.

3.3. The case is sent back and the judgment is not standardized enough

The return and judgment rate is the key data for evaluating the trial quality of judges, and the case sent back is also the focus of the quality evaluation of the court. If some judges of the higher court are very arbitrary in the development and reform of the case, it will lead to the lower judge to blame and affect their trial quality performance evaluation score.

4. The Future Development Path of The Modernization of The Court Trial System

So how to modernize the trial system? During the exploration and development of the previous trial system, the civil, administrative, judicial research and other forces involved in the trial were scattered, and the management was not unified, which affected the in-depth development of the trial work to a certain extent. On this issue, the national judge's seminar pointed out clearly - "The key is to optimize the functional system of the court institution, focusing on solving the problems of standardized institutional setup, coordination of functions, and efficient system operation." Focus on the established special courts and special courts on how to make full use of policy dividends and continuously improve their functions. Strive to achieve a three-in-one criminal civil administrative trial.

First of all, the application of modern technical means in court trial is an important way to promote the modernization of the court trial system. With the development of information technology, courts can use the Internet, big data, artificial intelligence and other technical means to build an intelligent trial platform, realize case informatization, process and intelligent management, and improve trial efficiency and quality. For example, through the construction of an electronic litigation system, the realization of online case filing, trial video live broadcast, electronic document transmission and other functions can better serve the parties and the public and enhance judicial credibility.

As far as modern technical means are concerned, the platform for applying the law of the Supreme People's Court was launched in February 2023. The platform is based on the judgment resources of the Supreme People's Court, aiming to facilitate judges to hear cases in accordance with the law and give full play to the role of guiding cases as a demonstration guide. In addition, in order to solve the problems of inconvenient use, inaccurate retrieval and different standards of the Supreme People's Court, after research, the Supreme People's Court decided to build the people. Court case database. Give full play to the function of retrieval rules of cases, and provide platform support and technical support for

promoting the application of unified laws.

During this winter vacation, I also have a deep understanding of this. I had the honor to do an internship in the filing court of the municipal court where my hometown is located. One of the tasks is to issue a power of attorney to the relevant institutions to deal with the accident in the traffic court. Click on the official trial system of the court, search for the case number, and the system can automatically generate a power of attorney, while workers only need to check, modify and supplement, which greatly saves time, reduces unnecessary consumption of manpower and energy, and ensures that power of attorney can be issued to other institutions within the specified time limit. In addition, the power of attorney is generated. After completion, it can be immediately transferred to the relevant institutions on the Internet. Therefore, the informatization and process of the case have been perfectly realized.

Secondly, the improvement of the quality and ability of judicial personnel is the key to promoting the modernization of the court trial system. The modern court trial system requires a team of high-quality and professional judges and staff. Therefore, it is necessary to continuously strengthen the training and education of judicial personnel, improve their legal level and judicial ability, and adapt them to the requirements of modern trials. At the same time, it is also necessary to establish a sound incentive mechanism and assessment and evaluation system to encourage judicial personnel to actively participate in the modernization of court trials.

Thirdly, the modernization of the court trial system needs to strengthen judicial openness and transparency. Openness and transparency are the basic requirements of modern justice and an important part of the modernization of the court trial system. Through the construction of a judicial open platform, the trial process, judgment documents, trial records and other information can be published, so that the parties and the public can understand the whole process of court trial and increase judicial credibility. At the same time, it is also necessary to strengthen the judicial supervision mechanism to ensure the fairness, fairness and transparency of trial activities.

5. Conclusion

In 2023, the reform of the judicial system of China's courts has been carried out in an all-round and in-depth way, breakthroughs have been made in important fields and key links, and the people's sense of judicial gain has been significantly improved. Generally speaking, the exploration of the modernization of the court trial system is a long-term process, which requires the joint efforts and continuous exploration of all personnel of the court system. Only by continuously improving the application of modern technical means, improving the quality and ability of judicial personnel, and strengthening the transparency of the judiciary, can we promote the development of the court trial system in a more modern direction and make greater contributions to the construction of a China under the rule of law. It is hoped that China's courts will continue to move forward in the exploration of modernization and provide better judicial services for the people.

"You don't have to follow the past to benefit the people, and you don't have to follow the past." We law students need to know the importance and necessity of deepening the reform in the field of the rule of law. Add bricks and tiles to China's legal career and help our own strength.

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