

Brief Analysis of the Self-recognition System in Civil Litigation

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Abstract: The system of admission is not yet fully developed in China's legal framework, with its corresponding concepts remaining unclear and lacking a comprehensive structure. This has led to difficulties in judicial practice, where there is no clear guidance on how to apply the system of admission. Correct and effective application of the admission system can reduce litigation costs, improve litigation efficiency, and ensure the authenticity of cases, better protecting the relevant rights of the parties involved. This article discusses and analyzes the establishment and application of the admission system from both legislative and practical perspectives, highlighting certain issues within the system and offering some suggestions for improvement. Although the study of the admission system in China is still in its early stages, its research and application are of significant importance to the country's litigation system. It can not only help improve the litigation system but also reduce costs and facilitate the progress of litigation. From a legislative perspective, it can enhance China's litigation legislation and be beneficial to both the legal field and judicial practice. Moreover, it can ensure that the rights of the litigating parties are respected and protected, contributing to the construction of a complete, diverse, and scientifically reasonable civil legal system.

Keywords: Self-recognition System; False Self-recognition; Self-recognition Recovery.

1. The Connotation and Classification of the System of Admission

1.1. The Connotation of the System of Admission

In civil litigation, the system of admission mainly refers to a party's self-recognition of certain facts or evidence during the legal proceedings. This admission involves one party acknowledging a fact that is unfavorable to themselves, which allows the other party to be exempt from the burden of proof for that same fact. The key elements of the system of admission include:

1.1.1. Voluntariness

Civil admission is based on the principle of voluntariness, where a party acknowledges facts or evidence that are relevant to their interests.

1.1.2. Truthfulness

The facts or evidence admitted in civil litigation must be true, not fabricated or falsified.

1.1.3. Binding Effect

Once a party makes an admission in civil litigation, the court generally accepts it and it becomes binding on the admitting party. If the opposing party does not object, the court will consider the fact established.

1.1.4. Limitation

The system of civil admission does not apply to all civil cases; it is only applicable to specific facts or evidence. For other issues, the truth still needs to be established through the litigation process.

1.1.5. Reversal Possibility

Although civil admission has a certain binding effect, in specific circumstances, the admitting party can raise an objection and request the court to reconsider the admission.

1.2. Classification of the System of Admission

1.2.1. Admission by the Party and Admission by the Litigation Agent

Admission by the party includes two types: one is the admission made by the party to the litigation themselves, and the other is the admission made by the legal representative of a party who lacks litigation capacity.[1] It is important to note whether a person without litigation capacity necessarily lacks the right to make an admission. An admission made by a litigation agent requires the agent to acknowledge facts unfavorable to the principal in the case, and the legal consequences of such admitted facts are borne by the principal.

1.2.2. Express Admission and Implied Admission

As the names suggest, express admission and implied admission refer to the acknowledgment of unfavorable facts in the case either through active conduct or passive inaction. An express admission can be made orally or in writing, while an implied admission occurs when a party remains silent in the face of allegations or responds with some form of passive behavior. Such behavior is presumed by the court to be an admission, and therefore, "implied admission is also considered a 'constructed admission.'"[2]

1.2.3. Complete Admission and Limited Admission

Complete admission refers to when a party to the litigation fully acknowledges the unfavorable facts asserted by the opposing party. Limited admission refers to when a party acknowledges only part of the unfavorable facts. For example, if the plaintiff claims the defendant owes a debt, and the defendant admits to receiving the money but asserts that it was a gift rather than a loan, this would be a case of admission with additional conditions or limitations.[3]

2. Research Dilemmas of the System of Admission

The system of admission in civil litigation has not been in

existence for a long time in China, having appeared only around thirty years ago. It first emerged in the Opinions on Several Issues Concerning the Application of the Civil Procedure Law of the People's Republic of China issued by the Supreme People's Court in 1992. Article 75 of this document stipulates that when one party explicitly acknowledges the facts presented by the other party and the claims made, that party is exempt from the burden of proof. While this provision outlines the concept of admission, it does not explicitly use the term "admission" (自认). The term "admission" was formally included in the Regulations on Civil Evidence enacted in 2020, which also made some revisions and improvements to the system of admission. However, these changes were limited to amendments based on the previous framework. Through the study and analysis of relevant literature and judicial examples, it is evident that there are still many issues with both the legislation and the application of the admission system in judicial practice in China.

2.1. Issues with the System of Admission at the Legislative Level

2.1.1. The Legal Norms for the System of Admission Are at a Lower Legislative Level

The provisions regarding the system of admission in China's civil litigation are mainly found in the Interpretation of the Supreme People's Court on the Application of the Civil Procedure Law of the People's Republic of China, the Interpretation of the Civil Procedure Law, and the Regulations on Civil Evidence. These provisions are judicial interpretations and are therefore at a lower legislative level, which limits their practical application and ability to be fully utilized in practice.

2.1.2. The Provisions on the Revocation of Admission Need Improvement

Chinese law provides for two situations in which an admission can be revoked: (1) when the admission is made under "significant misunderstanding" or "duress"; and (2) when the admission is revoked with the consent of the other party before the trial concludes. The first situation only allows for revocation in cases of "significant misunderstanding" or "duress," as admissions made under these conditions can significantly impact the nature and outcome of the party's actions, which could influence the fairness of the court's judgment. In addition to "significant misunderstanding" and "duress," which are considered revocable civil litigation actions in civil law, "fraud" should also be treated as a revocable civil litigation action. Therefore, there should be consideration for expanding the list of circumstances under which an admission can be revoked.

2.1.3. The System for the Follow-Up of Implied Admission Needs Improvement

In civil litigation, implied admission occurs when one party to the lawsuit does not provide any explanation or feedback regarding the facts of the case presented by the opposing party, which are unfavorable to them, remains ambiguous, and does not raise any objections. If, after the judge provides an explanation and inquiry, the party continues to remain silent, this is considered an implied admission. In China's current legal framework, there are certain restrictions on implied admission, specifically requiring judicial clarification and inquiry. However, there is no corresponding provision for a follow-up system for implied admission. It is necessary to

improve the follow-up system for implied admission in order to fully utilize its role and prevent its potential abuse in judicial practice.

2.2. Issues with the Application of the System of Admission in Judicial Practice

2.2.1. Inconsistent Standards in the Application of the System of Admission

In judicial practice, since admission is a subjective statement made between the parties, judges often apply subjective judgment as well. Although an admission has been made, judges may use their own standards to recognize the facts of the admission based on their experience and understanding of the case, thereby exercising discretionary power. This practice leads to ineffective utilization of the system of admission in judicial practice, failing to improve the efficiency of litigation and, in some cases, compromising the fairness and impartiality of the proceedings.

2.2.2. Instances of False Admission

The principles of disposition and debate are the theoretical foundations of the system of admission, allowing the parties to argue in court and dispose of their rights to victory in their own way.[4] However, during the debate process, false admissions have persisted due to the lack of effective regulatory measures. Courts do not have effective means to verify the authenticity of the facts admitted by the parties, which creates difficulties in the application of the system of admission in judicial practice. In practice, one of the main manifestations of fraudulent litigation is when the parties collude before the lawsuit begins.[5] During the trial, one party makes a false admission based on pre-arranged facts and evidence. In this process, the collusion between the parties can lead to a misinterpretation by the judge, making it difficult to detect the issue.[6]

3. Suggestions for Improving the System of Admission in China

3.1. Elevating the Legislative Level

To improve the system of admission, it is essential to elevate its legislative level. The relevant provisions on the system of admission should be clearly and comprehensively outlined in the Civil Procedure Law of the People's Republic of China, ensuring that its application is more precise. This would enhance litigation efficiency and elevate the role of the system of admission in China's civil litigation process. If necessary, a dedicated chapter could be added to the Regulations on Civil Evidence to systematically organize and regulate the system of admission. Giving the system of admission greater legislative attention would ensure it is more effectively implemented in judicial practice, contributing to the formation of a comprehensive and systematic legal framework.

3.2. Improving the Rules on Withdrawal of Admissions

Currently, Chinese law provides two circumstances under which an admission can be withdrawn: one is when the admission was made based on "major misunderstanding" or "coercion," both of which fall under the category of revocable declarations in civil law. Additionally, there is the concept of "fraud" as a revocable circumstance in civil law. To further improve the system of withdrawal of admissions, all potential

situations should be considered. Given that fraud is a common occurrence, it should be explicitly included as a circumstance for withdrawal of admission. Furthermore, the legal effects of withdrawing an admission due to "major misunderstanding," "coercion," or "fraud" should be clearly defined.

3.3. Improving the Implied Admission Review System

Improving the implied admission review system is essential. Although this system may affect litigation efficiency and increase litigation costs, failing to have such a system could harm the litigation rights of one party. Therefore, a review system that complements implied admissions should be established. The legal consequences of initiating an implied admission review process should be clearly outlined to prevent parties from misusing this system, which could lead to litigation chaos and increased costs.

3.4. Increasing the Legal Costs of False Admissions

The phenomenon of false admissions is widespread in judicial practice, and one reason for this is the low legal cost associated with making false admissions. To curb this issue, the punishment for false admissions should be strengthened. Specific measures could include monetary penalties or judicial detention in severe cases. Additionally, the judicial credit system could be utilized to penalize false admissions, restricting the ability of those who make false admissions to engage in certain activities or consume certain services based on their credit status. For particularly serious cases, criminal punishment should be imposed if the behavior involves

criminal violations.

4. Summary

Although the system of admission in civil litigation is already established in China's current laws, to better apply this system, it is necessary to address the existing issues and improve its provisions. Not only should there be a deep understanding of the essence of the system of admission in civil litigation, but the problems within this system must also be addressed and reformed. Keeping up with the times is essential for the long-term effectiveness of the system. These improvements will help increase litigation efficiency, reduce litigation costs, and better protect the litigation rights of the parties involved.

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