Study on the Prevention and Control of Wrongful Convictions in the Application of the Plea and Penalty Leniency System

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Abstract

As a major reform measure in the field of criminal justice in China, the system of pleading guilty and accepting punishment with leniency has effectively improved the efficiency of litigation and optimized the allocation of judicial resources by encouraging suspect and defendants to voluntarily plead guilty and accept punishment with leniency. However, in the process of institutional practice, there are hidden risks of wrongful convictions due to lax control of evidence review standards, insufficient voluntary protection for the accused, and lack of effective legal assistance from duty lawyers. Based on the theoretical exploration of the application of the leniency system for confession and punishment in the prevention and control of wrongful cases, this paper deeply analyzes the internal mechanism of wrongful cases. From the dimensions of strengthening the rigid constraints of the principle of evidence judgment, improving the voluntary review mechanism, and enhancing the substantive legal assistance effectiveness of duty lawyers, this paper proposes paths and strategies for the prevention and control of wrongful cases, aiming to balance the relationship between institutional efficiency and judicial fairness, effectively safeguard the legitimate rights and interests of parties, and protect the bottom line of judicial fairness and justice.

Keywords

System of Leniency for Pleading Guilty and Accepting Punishment; Prevention and control of wrongful convictions; Standard of proof

1. Introduction

In the macro context of the reform of the litigation system towards a trial centered approach, the implementation of the leniency system for confession and punishment has significant value in achieving precise and efficient punishment of criminal acts, deepening judicial protection of human rights, optimizing the mechanism for separating complex and simple criminal cases, improving the efficiency of judicial resource utilization, easing social conflicts, and promoting the modernization transformation of the national governance system and governance capacity. However,

with the comprehensive implementation of this system, some problems have been exposed in practice, such as the prominent imbalance of power between the prosecution and defense, and the tendency of some investigative agencies to pursue the applicability of the system unilaterally, which significantly increases the risk of deviation in the determination of case facts. Some of the defendants, in a hurry to end the litigation process, made guilty pleas against their true intentions. In judicial practice, false confession situations such as drunk driving and "top package" also occur from time to time. As an innovative system in China's criminal justice field, the leniency system for confession and punishment lacks mature experience for reference, and the above practical difficulties urgently need in-depth theoretical exploration and response. At present, academic research on this system mostly focuses on defining the standard of proof, coordinating the relationship between prosecution and defense, and innovating the trial mode of cases, while insufficient attention is paid to the key issue of preventing criminal wrongful convictions. At the same time, existing research on criminal wrongful cases mostly focuses on cases tried through ordinary procedures, and there is a relative lack of exploration on cases of confession and punishment. Given that the leniency system for confessing guilt and accepting punishment is a highly distinctive judicial innovation measure in China, how to fully leverage the advantages of the system, avoid potential risks, and especially effectively prevent factual errors has become an important issue that urgently needs to be tackled in the theoretical and practical fields of criminal justice.

2. Theoretical basis for preventing wrongful convictions in the application of the leniency system for confession and punishment

The fundamental controversy over criminal wrongful convictions has long existed. Since the 1990s, when multiple wrongful cases attracted social attention, China has gradually established a mechanism for holding people accountable for wrongful cases, but the academic community has not reached a consensus on the definition of wrongful cases. The main differences focus on the criteria for recognition: firstly, the result theory with objective factual deviation as the core; secondly, the process theory emphasizing flaws in the judicial process, thirdly, the subjective objective combination theory advocating comprehensive evaluation. Prosecutor Zhang Jun once proposed that wrongful cases refer to cases where judicial organs have errors in fact determination, evidence acceptance, or legal application, resulting in judgments deviating from the truth. In the field of criminal justice, from a broad perspective, criminal miscarriage can be understood as the erroneous form that occurs in the judicial process. Specifically, in the handling of criminal cases, whether there are deviations in the factual determination process or errors in the application of the law, it ultimately leads to judgments that do not match the true facts of the crime. Although this broad concept has its value in theoretical exploration and can provide a macro

framework for research, it is difficult to directly use it as a standard for case determination in judicial practice. From the perspective of academic research status, there are relatively few scholars who specialize in conducting in-depth research on broad criminal wrongful cases. From this, it can be seen that both the specific needs of judicial practice and the deepening needs of theoretical research urgently require a more precise and narrow definition of wrongful convictions. This narrow category should focus on wrongful cases, that is, cases where the final outcome is unfavorable to the accused, and the most representative situation is the wrongful conviction and sentencing of innocent people.

Regarding the wrongful cases in the leniency system for confessing guilt and accepting punishment, some scholars have proposed the concept of "negotiated criminal justice errors" and defined it as "the phenomenon where the negotiation process and outcome deviate excessively from the expected punishment of ordinary procedural trials due to the improper exercise of the power (interest) of the litigation subject in negotiated justice, exceeding the bottom line of judicial fairness". The introduction of this concept provides a new perspective for analyzing current cases of confession and punishment errors and has certain theoretical value. However, the construction of this concept is based on the theory of "criminal justice errors" in the Anglo American legal system. Especially the three core elements of "negotiability, voluntariness, and unfairness" are closely attached to the plea bargaining system. If this concept is used to define wrongful convictions in China's system of confession and punishment, there are obvious limitations. For wrongful cases that lack negotiation mechanisms, are difficult to guarantee voluntary consent of the parties, or are even forced to confess and accept punishment due to torture, this concept cannot fully cover and essentially belongs to an idealized definition of confession and punishment wrongful cases. From this, it can be seen that under the framework of the leniency system for confession and punishment in China, although the determination of wrongful convictions may to some extent consider the factors of the accused's confession, the essential connotation of wrongful convictions has not changed, still covering the two key aspects of factual determination errors and legal application errors.

In the judicial practice of our country, the "Hugejile pattern" and the "Nie Shubin case" are typical representatives of "guilty plea and wrongful conviction", both of which have factual errors. Due to its strong dramatic nature, it is highly likely to become the focus of media coverage and can also trigger deep public questioning of judicial fairness. For any judicial system, the investigation of case facts is a core task. However, the nature of the factual determination of the case determines that it belongs to a retrospective cognitive process, and investigators can only construct legal facts based on existing evidence, and indirectly infer the true situation of the case. From historical experience, it is difficult to achieve a completely accurate determination of the facts of a case, and this objective limitation constitutes a potential risk

factor for the occurrence of criminal wrongful convictions. In general, errors in the application of the law are often accompanied by errors in the determination of facts, although there are also cases where the determination of facts is correct but the application of the law deviates. Errors in the application of law include two aspects: substantive law and procedural law. Errors in the application of substantive law are often caused by misunderstandings of the elements of the crime and the standards of proof, leading to the mistaken identification of non criminal behavior as a crime and resulting in a misjudgment of crime and non crime; The typical manifestation of errors in the application of procedural law is the use of torture to extract confessions. In many wrongful cases such as the Yu Xianglin case, the use of torture to extract confessions has a critical negative impact on the course of the case, forcing the accused to make a guilty confession. A large number of historical wrongful cases reflect the excessive reliance of some investigators on guilty confessions. In this situation, when the system gives higher weight to the confession of the accused, there is a possibility of functional alienation of the confession and punishment system, which may increase the probability of criminal wrongful convictions. At the same time, while this reform brings about an improvement in litigation efficiency, it also carries the risk of damaging judicial fairness, which is closely related to the value orientation of criminal litigation.

3. Problems in the prevention and control of wrongful convictions in the application of the leniency system for confession and punishment

3.1. The voluntary guarantee for the defendant to plead guilty and accept punishment is insufficient

Firstly, although China's current Criminal Procedure Law (hereinafter referred to as the "Criminal Procedure Law") contains provisions prohibiting forced self incrimination, it also requires the accused to fulfill the obligation of truthfully confessing, which essentially limits the exercise of the right to silence. In judicial practice, the investigating authorities often use truthful confession as a legal obligation to convey the signal through explicit or implicit means that "not admitting guilt and accepting punishment will face more severe punishment". In this situation, the accused often chooses to plead guilty and accept punishment due to psychological drive and external pressure to escape detention. During the judicial review process, it is difficult for judges to identify whether the defendant's confession behavior is influenced by inappropriate psychological suggestion, resulting in significant difficulties in the judicial judgment of voluntary confession. Secondly, the voluntary judgment criteria have not yet formed a unified theoretical system. There are three main theories in the current academic community: subjective standards, objective standards, and a combination of subjective and objective standards. Subjective standards emphasize the clarity of the accused's legal cognition, the rationality of the decision-making

process, and the autonomy of their choice of behavior; Objective standards focus on the legality of judicial evidence collection behavior; The combination of subjective and objective criteria attempts to integrate the advantages of the first two to make a comprehensive judgment. However, these theories essentially only construct the minimum requirements for preventing wrongful convictions, and focus more on ensuring the authenticity and reliability of confession and punishment, rather than directly pointing to voluntary guarantees, making it difficult to provide effective guidance for voluntary review in judicial practice. Finally, there are institutional barriers to voluntary objective review. In China's criminal proceedings, evidence corroborates each other, requiring the suspect's confession to form a logical closed-loop with other objective evidence. In cases of confession and punishment, the accused may make involuntary confessions due to external pressure, which are fixed in written forms such as interrogation transcripts and written statements, and supported by audiovisual materials such as audio and video recordings. Although formally forming a complete chain of evidence, such evidence mostly belongs to the category of hearsay evidence and has strong subjectivity, making it difficult for the court to conduct substantive and objective review. In addition, in judicial practice, voluntary review by the court is merely a formality, usually only asking the accused in a procedural manner during the trial whether they have pleaded guilty and accepted punishment. Once a positive response is obtained, the review is terminated, and a substantive review mechanism has not been established.

3.2. The standard for proving guilt and punishment has been lowered

After the revision of the Criminal Procedure Law in 2018 to establish the leniency system for confession and punishment, the standard of proof for this system has always lacked clear definition. The subsequent criminal procedure rules and judicial interpretations have not provided clear explanations on this matter. It was not until the issuance of the "Guiding Opinions" in 2019 that the emphasis was placed on adhering to the statutory standard of proof, ensuring that the facts of the case are clear and the evidence is sufficient, in order to prevent judicial authorities from lowering the proof requirements in order to improve litigation efficiency. However, in judicial practice, the phenomenon of lowering the standard of proof still occurs from time to time.

Some academic views believe that the current simplification of court proceedings, the omission or simplification of debate and cross examination processes, weakens the court's ability to review evidence, making it difficult for judges to meet the proof requirement of "excluding reasonable doubt". Therefore, they advocate lowering the standard of proof to adapt to simplified procedures. In judicial practice, there are significant differences in the implementation of the standard of proof for confession and punishment cases in different regions: some regions strictly adhere to the statutory standard of "clear facts, reliable and sufficient evidence"; Some regions adhere

to legal requirements in terms of key facts and evidence, while strictly regulating the quality of evidence and adhering to the bottom line of "excluding reasonable doubt"; However, some regions actually adopt a lower standard of "clear main facts and sufficient basic evidence" to recognize cases that have undergone plea bargaining. Judicial authorities tend to lower the standard of proof mainly because this can relax the scale of case investigation and review, alleviate the pressure of handling cases, and even attribute judicial errors to standard adjustments. But such practices carry hidden risks, can easily breed wrongful cases, and damage judicial credibility.

Lowering the standard of proof can also lead to excessive reliance on oral testimony, causing a resurgence of "confession centrism" and shaking the foundation of the principle of presumption of innocence. In practice, procuratorial organs often use oral testimony as the core basis for prosecution, and judges are also easily influenced by the defendant's confession and punishment. When convicting and sentencing, they tend to lean towards oral testimony and the prosecution's sentencing recommendations, making evidence review a mere formality, especially in summary and expedited procedures, where written trials replace substantive reviews. This is because in cases of confession and punishment, confessions are often regarded as key evidence that reflects the full picture of the case. Investigation and prosecution agencies only need to corroborate other evidence with confessions to advance the conviction process, leading to a shift in the focus of proof from objective evidence to confession. This transformation can easily trigger illegal evidence collection behavior, forcing innocent or lightly charged defendants to confess against their will in order to escape the pressure of detention, leading to wrongful convictions.

3.3. Lack of protection for the rights of duty lawyers

3.3.1. The duty lawyer's right to review papers cannot be guaranteed

Although the "Guiding Opinions" and the "Working Measures for Legal Aid Duty Lawyers" have made corresponding provisions on the rights and responsibilities of duty lawyers, there are still significant institutional deficiencies. Among them, the scope of the duty lawyer's right to review case files is strictly limited to "consultation". It explicitly excludes the authority to copy and extract case files. This apparent empowerment has not effectively alleviated the dilemma of duty lawyers providing substantive legal assistance to defendants who plead guilty and accept punishment. Legislators attempted to distinguish the boundary of rights between duty lawyers and defense lawyers, but in practice, this led to the weakening of the core function of duty lawyers' right to review papers. Criminal case files usually contain a large amount of evidence materials and legal documents, with extremely high complexity and information density. In this situation, the duty lawyer relies only on a brief review time, making it difficult to comprehensively sort out the facts of the case and accurately identify the evidence clues that are beneficial to the accused. Due to the current regulations not granting them the right to copy and extract case files, duty

lawyers are unable to take key information away from the grading site for in-depth research, and it is also difficult to access and compare it at any time during the subsequent legal assistance process. This restriction on rights often leads to the marking activities of duty lawyers becoming mere formalities, making it difficult to achieve the original intention of providing effective legal advice to the accused through comprehensive understanding of the case. The functional deficiency of the right to review case files not only weakens the substantive participation of duty lawyers in the plea process, but also may affect the right of the accused to obtain sufficient legal assistance, thereby posing a potential threat to the fairness and effectiveness of the leniency system for plea bargaining.

3.3.2. Lack of the right to refuse a visa, plead guilty and accept punishment, and sign a statement of commitment

According to Article 10 of the "Working Measures for Duty Lawyers in Legal Aid", even if the duty lawyer disagrees with the procedural application plan or sentencing recommendation proposed by the procuratorial organ, as long as the accused voluntarily signs a confession and punishment statement, the duty lawyer must sign and confirm the document. This regulation means that the professional opinion of the duty lawyer cannot have a substantial impact on the signing and legal effectiveness of the affidavit. This mechanism is overly inclined in institutional design to meet the case handling needs of the prosecuting authorities. Although it nominally requires duty lawyers to provide legal assistance to the accused, in reality, it seriously weakens the lawyer's assistance function. In this situation, the participation of duty lawyers in the process of pleading guilty and accepting punishment often becomes a formal procedure, making it difficult to play a substantive legal protection role. From a practical perspective, due to the lack of substantive discourse power of duty lawyers in case handling, coupled with some lawyers' own slackness in fulfilling their duty to assist, this regulation further exacerbates the lack of motivation of duty lawyers to perform their duties. At the critical stage of signing the confession and punishment statement, the supervisory function of the duty lawyer is difficult to effectively exercise due to institutional limitations, resulting in their inability to raise strong questions about possible unreasonable sentencing recommendations or improper procedural applications. Finally, this system defect will directly damage the legitimate sentencing rights and interests of suspect and defendants, making it difficult to achieve the expected judicial justice and rights protection goals in the practical operation of the system of confession and leniency of punishment.

4. The prevention and control path of wrongful cases in the application of the leniency system for confession and punishment

4.1. Establish a sound voluntary review system for defendants to plead guilty and accept punishment

In In the context of clear formal regulations on confession and punishment statements in the law, how to establish voluntary review standards for confession and punishment has become a key issue that urgently needs to be addressed. The current academic community has not yet formed a unified understanding of this, and there are various theoretical viewpoints. Some scholars argue that the criteria for determining the voluntariness of confession and punishment should be consistent with the exclusion criteria for illegal verbal evidence established in China's Criminal Procedure Law and relevant judicial interpretations; Another scholar has distinguished the voluntary nature of confession and punishment into two dimensions: substance and form, and proposed that the substantive voluntary review should follow the standard of voluntary confession, which is stricter than the "pain standard" in the exclusionary rule of illegal verbal evidence, while the formal voluntary review is based on the "objection standard", that is, the accused can be deemed voluntary without objection. In terms of the selection of review criteria, the author tends to adopt the standard of voluntary confession. To investigate the reasons, firstly, there is a fundamental difference between voluntary confession and voluntary confession. The voluntary confession is judged based on the "standard of pain". The aim is to ensure the authenticity and reliability of the confession content and prevent wrongful convictions caused by illegal evidence collection methods such as torture. Under the framework of the system of confession and punishment, there are significant differences between confession behavior and confession behavior in terms of implementation background, the interests of the parties involved, and considerations of social public interests. If the "pain standard" is applied indiscriminately to the two, there are obvious logical flaws. Secondly, China's criminal investigation procedures have not yet fully established supporting mechanisms such as the right to silence and the right of lawyers to be present to ensure voluntary confession. The degree of coercion for investigative agencies to legally obtain confessions is relatively high, and the confession and punishment procedures have not been effectively separated from the investigation and interrogation process. In this situation, even if the guilty confession is obtained through legal means, there is still a significant involuntary risk, and empirical research has confirmed the objective existence of this phenomenon. In order to reduce the risk of wrongful convictions in cases of confession and punishment, and to ensure the stable operation of the leniency system for confession and punishment, adopting stricter standards of confession arbitrariness as the basis for voluntary review is more reasonable and practical.

The review of the voluntary confession and punishment of the accused should establish a "subjective led, objective assisted" review mechanism. Given that voluntariness essentially depends on the true inner will of the accused, subjective review is undoubtedly the core of the entire review system. The review mainly covers three dimensions: the logical nature of the confession facts, the stability of the confession attitude, and the independence of cognitive judgment. In terms of logical review of

confession facts, judges need to delve into the root causes and motivations of the accused's confession, and judge whether their statements are in line with common sense. If there are logical contradictions or doubts about the reasonableness, the judge should directly ask the accused to provide a reasonable explanation, and the explanation must meet the standard of excluding reasonable doubts. Regarding the stability review of the confession attitude, the focus is on the continuity of the defendant's confession attitude from making a guilty statement to the stage before the trial, especially after the intervention of lawyers, to pay attention to whether there is any fluctuation in their willingness to confess. If there are any abnormalities, the judge may require both the prosecution and defense to provide explanations, and combine evidence such as synchronized audio and video recordings to comprehensively verify the authenticity of the confession and punishment. The review of cognitive judgment independence focuses on whether the accused has formed independent cognition outside of the investigative, prosecutorial, and defense agencies, specifically involving the understanding and judgment of the purpose of confession, legal consequences, and the basis for punishment. These three subjective review contents are interrelated and mutually corroborate each other. Judges need to weigh them comprehensively. Once reasonable doubts cannot be ruled out, they should deny the voluntary nature of confession and punishment, in order to identify cases that may be forced to confess due to external pressure. Subjective review is usually conducted by the judge in person before the court, and this procedure has quasi finality. During the inquiry, the judge should fully explain its significance. Objective review mainly revolves around the compliance of the litigation procedure, which is the key to ensuring the standardized operation of the leniency system for confession and punishment. Judges need to expand their review scope to the entire process of criminal proceedings, comprehensively examine the implementation of the litigation rights of the accused and the performance of the legal obligations of the judicial organs. Specifically, it is necessary to verify the authenticity of the signing of the confession and punishment statement to ensure that the lawyer effectively performs their defense duties, as well as to clearly inform the accused of their various litigation rights under ordinary procedures, such as applying for the exclusion of illegal evidence and applying for witnesses to appear in court to testify. Although objective review cannot directly prove the voluntariness of confession and punishment, by excluding procedural violations, it can eliminate doubts about the judge's review. Especially in the process of excluding illegal evidence, objective review can play an important role in preventing wrongful convictions, and work together with subjective review to strengthen the defense line of voluntary review.

4.2. Standardize the standard of proof for the confession and punishment system

4.2.1. Adhere to strict certification standards

In cases of confession and punishment, lowering the standard of proof has significant drawbacks. The legal standard of "clear facts, reliable and sufficient evidence" in China provides core guidance for various stages of criminal proceedings and is the cornerstone of achieving judicial fairness and uncovering the truth of cases. If this standard is lowered, public security organs may unilaterally pursue guilty conclusions, ignore the voluntary confession of the accused, weaken the collection of objective evidence, lead to the rise of "confession centrism", and even breed illegal evidence collection behaviors such as inducing confession and using torture to extract confessions. The procuratorial organs may also relax their evidence review due to excessive focus on the results of confession, forming a tendency towards "case centeredness" and significantly increasing the risk of wrongful convictions. In the current reform of the trial procedure of "streamlining complexity and simplification", expedited and simplified procedures improve efficiency by compressing the trial time. The investigation and debate stages of the court are often simplified or even omitted, and the substantive review function of the trial is seriously weakened. Once the accused pleads guilty and accepts punishment, they lose the opportunity to plead not guilty, and the simplified trial is difficult to fully verify the voluntariness of the confession and punishment, which cannot effectively guarantee the authenticity of the case facts. Therefore, in order to maintain judicial fairness and ensure the quality of cases, confession and punishment cases must adhere to the statutory standard of proof, strictly regulate the rules of evidence review and acceptance, and prevent wrongful cases from occurring at the root.

4.2.2. Ensure the implementation of legal certification standards

The strict implementation of two core rules is crucial in the application of evidence in plea bargaining cases. Firstly, it is necessary to strictly abide by the rules of oral testimony reinforcement. Article 55 of China's Criminal Procedure Law clearly stipulates that a single confession cannot be used as the sole basis for conviction. This provision aims to curb "confession centrism" and prevent judicial authorities from overly relying on verbal evidence. However, the implementation of this rule in judicial practice faces complex situations: on the one hand, the leniency of sentencing and changes in compulsory measures attached to the system of confession and punishment may stimulate the initiative of the accused to confess, but it may also induce them to make false statements in order to get out of the litigation dilemma; On the other hand, some investigative agencies, in pursuit of case efficiency, have resorted to illegal means such as deception, threats, and even torture to obtain confessions. In addition, the simplified trial procedures for plea bargaining cases often compress the investigation and debate stages, making it easy for judges to form a presumption of guilt due to the defendant's confession, thereby lowering the standards for evidence review. Therefore, it is necessary to strengthen the practical application of the rules for supplementing oral testimony, requiring the investigating authorities to

collect other evidence with independent sources in addition to obtaining oral testimony, and ensure the accuracy of the factual determination of the case through mutual verification between evidence. Secondly, emphasis should be placed on strengthening the effectiveness of the exclusionary rule of illegal evidence in cases of confession and punishment. Given the special role of confessions in such cases, judicial authorities need to adopt a cautious attitude in reviewing the legality of confessions. As a legal supervisory authority, the procuratorial organs should strictly fulfill the burden of proof, and must provide sufficient and conclusive evidence to prove the confession disputes and suspected illegal evidence collection raised by the accused. At the same time, it is necessary to improve the judicial responsibility system, strengthen the professional behavior constraints on judicial personnel, standardize law enforcement and judicial ethics, and ensure that both the prosecution and defense engage in rational negotiations on an equal footing.

4.3. Protecting the rights of duty lawyers

4.3.1. Empower duty lawyers with complete review rights

According to the provisions of the Criminal Procedure Law, the complete right to review case files includes three core powers: searching, excerpting, and copying. However, Article 53 of the Judicial Interpretation of the Criminal Procedure Law narrows the review authority of duty lawyers to a single right of access, which greatly restricts the full play of their functions. Firstly, there has long been a "case centered" operation mode in China's criminal proceedings. The evidence materials and interrogation records recorded in the case files are the key basis for judging the voluntary and truthful confession and punishment of the accused. Only by ensuring that duty lawyers have complete rights to review case files can they fully grasp case information and provide substantive legal assistance to the accused. Secondly, the duty lawyer's responsibilities should not be limited to proposing changes to mandatory measures or providing general opinions on cases, nor should they only serve simple and minor cases. When facing cases with diverse evidence and complex cases, only allowing lawyers to review the case file is difficult to support their in-depth examination of the legality and authenticity of the confession and punishment. Finally, during the sentencing negotiation process, the duty lawyer needs to provide professional reference opinions to the judicial authorities through a comprehensive understanding of the case, just like the defense lawyer, in order to balance the rights relationship between the prosecution and defense. Based on the above considerations, in order to effectively improve the performance of duty lawyers, it is necessary to actively explore ways such as opening evidence files or providing detailed evidence summaries to ensure that they can fully exercise their right to review case files. This not only helps the duty lawyer to have a more comprehensive understanding of the case situation, but also lays a solid foundation for them to fulfill their duties such as applying for changes in compulsory measures, ultimately achieving

effective protection of the legitimate rights and interests of the accused.

4.3.2. Granting duty lawyers the right to refuse to sign a commitment letter

In the practice of the leniency system for confession and punishment, the formalization of legal assistance provided by duty lawyers is particularly prominent. Some duty lawyers, in the process of performing their duties, have shown obvious tendencies due to excessive emphasis on cooperation with the procuratorial organs, and have failed to abide by their loyalty obligations to the accused. Such lawyers are often transformed into validators of the legitimacy of public power actions, which cannot effectively balance the power balance between the prosecution and defense, and are also difficult to provide substantive legal services, resulting in the risk of a lack of protection for the legitimate rights and interests of the accused. In the sentencing negotiation process, there are procedural flaws in the operational mode of some procuratorial organs. When proposing sentencing recommendations to the accused, if they are opposed by the other party, the procuratorial organ will use non guilty plea cases as a threat, and even imply that a heavier punishment will be imposed for prosecution. This approach compresses the negotiation space of the accused, placing them in a passive subordinate position in sentencing negotiations and deviating from the principle of equal negotiation advocated by the system of confession and punishment. From the perspective of institutional origin, the core value of establishing the duty lawyer system lies in preventing judicial errors and strengthening procedural supervision, rather than assisting the procuratorial organs in completing the sentencing negotiation process. Based on this, it is necessary to safeguard the rights of duty lawyers. When the facts of the case are in doubt, the evidence does not meet the statutory standard of proof, or the duty lawyer has reasonable objections to the legality of the confession and punishment procedure, they should be given the right to refuse to witness, and it should be clarified that they have the right to refuse to sign the confession and punishment instrument. By granting the duty lawyer the right to refuse, not only can sentencing recommendations be developed towards a more fair and reasonable direction, but it also helps to strengthen the institutional foundation of the duty lawyer's supervisory function and prevent improper exercise of prosecution power from the source. Specifically, this mechanism can effectively avoid the involuntary choice of the defendant caused by the misconduct of the prosecuting authority, thereby reducing the potential risk of wrongful convictions and effectively maintaining the fairness and authority of the criminal procedure.

5. Conclusion

The prevention and control of wrongful cases in the application of the leniency system for confession and punishment is a core proposition for safeguarding judicial fairness and protecting human rights. The efficient operation of this system needs to

be based on adhering to the legal standards of proof and improving the rules of evidence review, ensuring the voluntary confession and punishment of the accused, and preventing the blind pursuit of efficiency from reducing judicial quality. At the same time, key measures such as strengthening the substantive participation rights of duty lawyers and granting them the right to refuse can effectively balance the power of prosecution and defense, and ensure that the accused receive practical and effective legal assistance. Only through multi-dimensional collaborative improvement can we ensure that the leniency system for confession and punishment not only achieves litigation efficiency but also adheres to the bottom line of judicial fairness, truly achieving the organic unity of legal and social effects.

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