

Study on the Modernization of the Court's Trial Capacity

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Abstract

The people's courts, as trial organs, have an important role in the national judicial system. General Secretary Xi Jinping stressed that it is necessary to accelerate the modernisation of the national governance system and governance capacity, and strive to form a more mature and more established socialist system with Chinese characteristics. And the modernisation of the trial system and trial capacity is an important part of the modernisation of the national governance system and governance capacity, and with the sustained and healthy development of society and economy, the promotion of the modernisation of trial capacity has become a crucial task. However, in practice, there are still certain deficiencies and problems in the trial capacity of Chinese courts. For this reason, the modernisation of trial capacity should be promoted through improving the professional level and trial capacity of judges, reforming the judicial management system and the supervision system, improving the technical support and innovative application, and strengthening international exchanges and cooperation, in order to promote the modernisation of the trial capacity, and to advance the modernisation of the national governance system and governance capacity.

Keywords

Court; trial capacity; modernization; judicial system

1. Current Status of Court Trial Capacity

Court trial capacity is the ability of the courts to exercise trial powers, resolve disputes and safeguard the rights of citizens in accordance with the law.

First, in the past year, judging from detailed trial data, courts at all levels across the country have carried out Xi Jinping's thought on the rule of law in depth, and under the leadership of the Party committees at all levels, the supervision of the National People's Congress (NPC), the support of the government as well as the concern of all parties, the quality, efficiency and effectiveness of trial and execution work have been significantly improved. Of the 26 indicators in the trial quality management index system, 21 tended to be better year-on-year; in particular, the rate of second-instance hearings increased by more than 10 percentage points, the rate of cases concluded within the time limit increased by nearly 2 percentage points, the average time taken to conclude a case de-

creased by nearly 7 per cent, the rate of successful diversion of pre-litigation mediation increased by more than 4 percentage points, the rate of execution in place increased by nearly 4 percentage points, and the rates of appeals, the ratio of long-pending cases, and the rate of applications for the execution of civil judgments. The appeal rate, the ratio of long-outstanding cases, the rate of civil judgement applications for execution and other indicators directly related to the feelings of the parties concerned have all improved.

Secondly, China's courts have been actively promoting the construction of information technology, which has improved trial efficiency through the introduction of advanced technologies, such as e-filing and e-trial, etc. Courts in some regions have already made some progress in the application of intelligence and big data. Xuzhou Gulou Court, for example, in recent years, Xuzhou Gulou District Court deepened the digital empowerment, and actively promoted the people's jury work and the deep integration of modern information technology, the use of intelligent management system empowering people's jurors management, innovative use of the "Jury Bao" intelligent management system, information technology is widely used in the extraction of jurors, participation in the trial, management, assessment, security, training and other matters, realising "randomised selection, digital management and networked training" for people's jurors, and effectively promoting the intelligent and modernized development of people's jury work in the courts. 280 people's jurors of the court were enrolled a total of 7,979 times in the first quarter of 2022 and 2023, and participated in 446 cases, with a random selection rate of 1.5 times. 446 cases, with a random selection rate of 100 per cent.

Third, in today's big data era, China's courts continue to push forward the technological revolution and various innovative applications to improve trial efficiency and fairness, and promote the resolution of difficult problems such as execution difficulties. In recent years, for example, the Hongze District Court of Huai'an City has taken the execution command centre as the "1" pivotal core, and relied on the township social governance command centre and 399 grid clerks to integrate the execution command centre with the township social governance command centre and 399 grid clerks. and 399 grid members, embedding the execution work into "N" "fine net microgrid", creating "1+N execution grid" mechanism, and constructing a parallel and complementary online and offline investigation and searching "Since 2023, grid members have provided 489 execution clues and closed 389 cases, accounting for 25.46% of the closed cases, shortening the average time to close a case by 54 days year-on-year by 10.2 days, and increasing the rate of first execution cases to 51.3%. In summary, China's court trial capacity has been steadily improved, the trial system has achieved certain innovative results, in the public and social efforts to promote the realisation of the modernisation of trial capacity will be just around the corner.

2. Deficiencies in court trial capacity

Although the trial capacity of China's courts is steadily advancing towards modernisation, there are still many deficiencies and problems in practice.

2.1. practitioners are not good at business

In judicial practice, there are a considerable number of judges who suffer from a lack of sufficient professional knowledge, trial experience and legal sensitivity, which may, to a certain extent, affect the quality and fairness of the trial. For example, the sensational case of the four daughters of Shenyang who killed their father, which took place in 1994, involved four daughters in Shenyang who were accused of killing their father and were sentenced to death due to improper procedures and evidentiary problems in the trial. However, it was later found, through a review, that there were major problems with the evidence and that the judge had failed to take full account of the relevant circumstances during the trial, and in 1998 the Supreme People's Court ruled for a retrial, which ultimately resulted in the acquittal of the four daughters.

2.2. Insufficient trial resources, procedures, and interference with independence

First, China's courts face the pressure of a large number of cases and limited trial resources. Inadequate human, material and financial resources may affect the quality and efficiency of trials, while the shortage and irrational structure of human resources is a constraint on the modernisation of China's judicial system, and there are deficiencies in the professional background and job allocation of the current judicial personnel, which are not conducive to the advancement of the modernisation process of the court's adjudication capacity.

Secondly, cumbersome and time-consuming judicial procedures are key constraints on judicial efficiency and fairness, with cumbersome proceedings, excessively long trial cycles and excessive litigation seriously affecting trial efficiency and increasing litigation costs for the parties involved.

Thirdly, the issue of judicial independence has become a hot issue of public concern, and in some cases, judicial independence may be interfered with by politics, economics, public opinion and many other aspects, leading to the questioning of judicial impartiality.

2.3. Inadequate judicial supervision mechanisms

Inadequate judicial supervision mechanism may lead to some improper judicial behaviour can not be corrected in a timely manner, affecting the justice and authority of the judiciary. In the current trial system of China's courts, the credibility and transparency of justice is insufficient, while judicial credibility is the core value of the judicial system, judicial transparency is of great significance to safeguard the legitimate rights and interests of citizens and to maintain a democratic system of the rule of law. However, in some areas, judicial credibility and transparency still face many challenges, such as: information asymmetry, transaction costs, human rights and privacy protection.

2.4. The level of technology is relatively backward

Against the backdrop of the era of information technology and digitalisation, the construction of China's judicial system is still relatively slow, and some courts are still lagging behind in the application of technology, failing to make full use of advanced technology to improve the efficiency and quality of trials.

2.5. International judicial exchanges and co-operation have contradictions and dilemmas

In terms of judicial cultural exchange and cooperation, there are difficulties in language and cultural translation, data sharing and security protection are challenged, and the independence of the judiciary in some countries is subject to political interference by the big powers, which restricts the in-depth development of judicial exchanges and is not conducive to mutual learning and mutual appreciation of the legal system.

3. The Path to Modernising the Judicial Capacity of the Courts

3.1. Enhancing the Professionalism of Judicial Personnel

Enhancing the professional level of judges is the basis for promoting the modernisation of judicial capacity. First, provide systematic training for judges to effectively ensure that they are aware of the latest laws and regulations, jurisprudence and knowledge in related fields, and to enhance their professionalism; second, establish a mechanism for evaluating the performance of judges, monitoring and evaluating the quality of judges' judgements, and discovering and correcting problems and errors in a timely manner; and, third, strengthen the ideological and ethical education of judges, and attach importance to the propagation of the ethics of the legal profession and the legal professional ethics.

3.2. Upgrading the allocation of trial resources, promoting reform of the trial system, and strengthening the guarantee of judicial independence

First, the state should increase investment in the judicial system's human, material and financial resources, improve the court's ability and efficiency in handling cases, and effectively enhance the efficiency of trial resource allocation and utilisation.

Second, it should innovatively promote reform of the court trial system. First, optimise court management and organisation, and take measures to optimise court management and organisational structure, including rationally distributing case loads, optimising trial arrangements, and improving the trial process, so as to effectively improve work efficiency. Secondly, legal services and mediation mechanisms should be strengthened, and parties should be encouraged to resolve their disputes through non-litigious means, so as to reduce the burden on the courts and improve the efficiency of trials. Furthermore, the system of collaborative communication

between the judiciary and other departments, such as public security and procuratorial organs, has been strengthened, so as to jointly promote the handling of cases and improve overall work efficiency. Finally, optimise litigation procedures and related legal provisions, reduce cumbersome and unnecessary judicial procedures, and improve trial efficiency.

Third, ensure that justice is authoritative, fair and free from external interference. First, the principle of judicial independence should be established in the Constitution and the law, clarifying the rights and responsibilities of the courts in the independent exercise of judicial power and the independent status of the judiciary. Secondly, a fair and scientific case management and distribution system should be implemented to ensure that cases are dealt with independently, impartially and expeditiously. Furthermore, it is important to ensure that the judiciary has an independent source of finance and is not subject to the financial whims of other institutions. Finally, promote the building of a culture of the rule of law, increase social recognition of and respect for the rule of law, strengthen the concept of the rule of law, and create a more favourable social atmosphere for judicial independence.

3.3. Improving judicial oversight mechanisms

First, establish a supervision mechanism that combines internal and external supervision, and set up special supervision departments or committees responsible for supervising the behaviour and judgements of judges, and detecting and correcting errors in a timely manner, as well as setting up independent external supervisory bodies, such as independent judicial commissions, which are responsible for accepting complaints from the public, investigating judicial corruption, and imposing strict penalties for such acts. Secondly, open and transparent judicial trial procedures should be established under the premise of protecting citizens' privacy and human rights, including public trials, public court records and public reasons for judgements. Third, strengthening social participation and supervision, encouraging the public to participate in judicial supervision through public opinion and social organisations, etc., so as to promote judicial fairness and transparency and enhance the effectiveness and breadth of judicial supervision.

3.4. Promoting judicial technological innovation and advancing the informatisation of the judicial system

Firstly, strengthen technical support and investment, increase financial investment, introduce advanced information technology and equipment, and build a perfect information technology infrastructure, so as to provide material protection for judicial informatisation; Furthermore, innovate judicial technology, promote intelligent judicial applications, and promote the application of new technologies such as artificial intelligence, big data, cloud computing and other new technologies in the field of judiciary, such as: intelligent legal counseling, intelligent adjudication assistance

system, etc., so as to improve the intelligent level.

3.5. Strengthening international exchanges and cooperation

Strengthening judicial cooperation and exchange of experience with the international community, actively learning from other countries' supervisory experience and practices, and promoting mutual learning and appreciation of the judicial systems of various countries in order to improve the level and effect of judicial supervision.

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