

Improvement of the Trial Level System in Civil Litigation

Liang Liu

Anhui University of Finance and Economics, Bengbu 233030, China

Email: 2578199629@qq.com

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Abstract

This paper deeply explores the trial level system in civil litigation, analyzes its connotation and value, and examines the current situation and problems of China's existing trial level system, including the virtualization of first-instance functions, limitations in error correction and supervision of second-instance trials, and disorderly expansion of retrials. Based on drawing on foreign experience, it proposes optimization strategies such as constructing a diversified trial level system, strengthening the basic functions of first-instance trials, optimizing the scope and mode of second-instance trials, and standardizing the initiation and trial of retrials. The aim is to promote the scientific construction and effective operation of the civil litigation trial level system, and safeguard judicial justice and the rights and interests of parties.

Keywords

Civil Litigation; Trial Level System; Optimization Strategies; Judicial Justice

Introduction

The trial level system of civil litigation, as the core pillar of the judicial system, undertakes the important missions of ensuring judicial justice, unifying the application of law, and safeguarding the rights and interests of the parties. Through a hierarchical court trial structure, it establishes a rigorous judicial error - correction and supervision mechanism, ensuring that every case can receive a fair and accurate judgment. With the continuous advancement of the construction of the rule of law, the number of civil litigation cases is increasing steadily, and the types of cases are becoming more complex and diverse, which puts forward higher requirements for the scientific nature and adaptability of the trial level system.

However, China's current four - level two - instance final judgment system has gradually revealed many drawbacks in practical operation. The virtualization of the functions of first - instance trials leads to an unstable foundation for fact - finding and law - application. The functions of error - correction and supervision in second - instance trials are limited, and the disorderly expansion of the retrial procedure

undermines the finality and stability of judicial judgments. These problems not only affect judicial efficiency but also weaken the parties' trust in judicial justice, making it difficult for the trial level system to fully play its due role. Therefore, in - depth research on the improvement paths of the civil litigation trial level system is not only a practical choice to respond to the needs of judicial practice but also an inevitable requirement for promoting the construction of the rule of law in China. By analyzing the current situation and problems of China's trial level system and drawing on the mature experience of foreign countries, this paper proposes specific strategies such as constructing a diversified trial level system, strengthening the functions of first - instance trials, and optimizing the procedures of second - instance and retrial. The aim is to provide theoretical references for promoting the reform and development of China's civil litigation trial level system and contribute to the realization of a more efficient and just judicial trial system.

I. The Connotation and Value of the Trial Level System in Civil Litigation

The trial level system, an essential framework in civil litigation, stipulates the number of court instances a case must undergo before reaching finality and defines the functional division and authority scope of courts at each level. Its fundamental value lies in safeguarding judicial justice: through the trial and supervision of multiple-level courts, it corrects erroneous judgments and ensures the proper application of law. In complex contract dispute cases, a first-instance court may render an incorrect judgment due to misinterpretations of legal provisions or unclear fact-finding, while higher courts in the second-instance or retrial procedures can rectify these errors through comprehensive legal analysis and in-depth fact review, thus achieving fair adjudication in individual cases. For example, in a commercial contract dispute, the first-instance court mistakenly determined the scope of application for a breach clause, leading to an obviously unfair verdict for one party. The second-instance court, by integrating relevant laws and the contractual background purpose, re-identified the breach facts and corrected the error, highlighting the trial level system's critical role in ensuring justice. The system also upholds uniform legal application. Through hierarchical supervision and guidance across different regions and court levels, similar cases are adjudicated consistently, avoiding legal chaos caused by regional disparities or individual judicial variations, thus safeguarding the unity and authority of the judicial system. From the perspective of protecting parties' rights, the system provides multiple relief opportunities, allowing dissatisfied parties to seek fairer rulings from higher courts, which enhances trust in justice. For instance, in consumer rights disputes, consumers may face unfavorable judgments due to legal ignorance or negligent evidence review in first instance, but through second-instance or retrial procedures, they can re-present claims and submit new evidence to pursue reasonable verdicts. In common law countries like the U.S., the

trial level system features distinct characteristics. The federal and state court systems are relatively independent yet interconnected: general cases are finalized after two instances (trial court and appellate court), while special cases involving major constitutional issues may appeal to the Supreme Court. This design balances rights protection with judicial efficiency and resource allocation. In ordinary civil tort cases, trial courts conduct comprehensive fact reviews (evidence collection, cross-examination, etc.), while appellate courts focus on legal issues, avoiding delays and optimizing resource utilization.

Civil law countries typically adopt a three-instance system. In Germany, for example, first-instance courts handle fact-finding and legal review, second-instance courts emphasize legal review, and retrials are rare re-examinations of effective judgments under strict conditions. This hierarchical division enhances functional complementarity and judicial accuracy. In a German IP dispute, the first-instance court meticulously examined factual bases (patent R&D, infringement manifestations, etc.) and rendered a preliminary verdict, while the second instance focused on legal application, ensuring correct interpretation of IP laws. Retrials are initiated only for critical new evidence or procedural violations, maintaining judicial stability.

2. Current Situation and Problems of China's Civil Litigation Trial Level System

China's civil litigation adheres to a four-level two-instance final judgment system. First-instance courts bear the responsibility of fact-finding and initial legal application, but in practice, their functions are often marginalized. Due to uneven judicial competence and heavy caseloads, some grassroots courts show lax fact-finding and inaccurate legal application. For example, in novel IP infringement cases, grassroots judges may misdefine infringement and damages due to insufficient expertise, compromising verdict quality. In a software copyright infringement case, the first instance incorrectly applied similarity standards for code, failing to protect the plaintiff's rights.

Second-instance courts should conduct comprehensive reviews to correct and supervise first-instance judgments, but in reality, they are constrained by factors like backlogs, often performing formal reviews instead of in-depth fact-legal issue examinations, weakening error correction. Additionally, second instances sometimes assume first-instance functions (e.g., re-investigating facts), diluting their supervisory and legal review roles. For instance, in economic disputes, vague first-instance fact-finding forces second instances to re-examine evidence, overshadowing legal review and delaying corrections of legal errors. The retrial procedure, intended as a special relief, has expanded disorderly. Broadly defined retrial grounds allow parties to easily initiate retrials after losing at second instance, overburdening courts. Frequent retrials also undermine judicial finality and stability, eroding trust in first/second-instance authority. For example, in contract disputes, dissatisfied parties may apply for retrial over minor evidence flaws or legal interpretation differ-

ences, consuming judicial resources and re-igniting settled legal relations. Moreover, functional positioning among courts at different instances is unclear, with inadequate coordination affecting operational efficiency and justice.

3. Optimization Paths for China's Civil Litigation Trial Level System

To optimize the system, a diversified trial level framework should be established first. Small-claim cases should adopt a first-instance final judgment system with simplified procedures to enhance efficiency. Drawing from the U.S. small claims court model, specialized rules can restrict appeal rights, rapidly resolving minor disputes and redirecting judicial resources to complex cases. For example, minor consumer disputes over product quality can be settled via summary first-instance procedures, avoiding lengthy litigation and reducing costs.

For general civil cases, the foundational functions of first-instance courts should be strengthened. Training should be enhanced to improve judges' professional competence, ensuring accurate fact-finding and legal application. Strict quality assessment mechanisms for first-instance judgments should be established, with accountability for unclear facts or legal errors to boost verdict authority. Regular training on new laws and trial skills, coupled with case quality review teams, can ensure compliance and rectify issues.

The scope and mode of second-instance trials should be optimized by defining their primary focus on legal review (supplemented by fact review). Second instances should prioritize examining legal application in first-instance judgments, only reviewing facts if new evidence substantially impacts the verdict or obvious factual errors exist. Combining written and in-court reviews can enhance efficiency and error correction. For example, second instances may first conduct written reviews of briefs and appeals, identify key legal issues, then hold targeted hearings to improve focus.

Retrial initiation and conduct should be standardized by strictly limiting retrial grounds, treating retrials as exceptional relief. Retrials should only be allowed for critical new evidence, serious procedural violations, or judicial misconduct. Clear review scopes and standards during retrials can prevent arbitrariness and maintain finality. In a retrial case, the court initiated proceedings only after discovering new key witnesses who could overturn original fact-findings, and strictly confined review to the new evidence, avoiding unnecessary re-examinations of undisputed issues.

4. Conclusion

Through the above optimization measures for China's civil litigation trial level system, courts at all levels can perform their respective duties in civil litigation, improve the overall operational efficiency of the trial level system, ensure the realiza-

tion of judicial justice, provide more fair and efficient judicial relief channels for the parties, and promote the continuous improvement and development of China's civil litigation system. The optimization of the civil litigation trial level system is of extremely important significance for the improvement of China's judicial system, which requires continuous progress and improvement in theoretical research and practical exploration.

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