

## THE PREREQUISITS FOR FORMATION OF INTERNET COURTS IN THE PEOPLE'S REPUBLIC OF CHINA

The prerequisites for the formation of Internet courts were the following. In a 1986 working paper of the Supreme People's Court, Zheng Tianxiang, president of the Civil Law Institute, put forward the idea of using a computer in court, but after the idea was put forward, it had been about ten years since China began the practice of "full computerization of court work" [1].

In general, the interaction between China's judiciary and the Internet can be divided into four stages: 1) the computerization of court hardware in the 1990s; 2) in the early 21st century, some of the court links worked online; 3) then all trials were handled online; and 4) finally, an Internet court independent of the traditional court was established. It should be noted that, given the imbalance of judicial development in China's regions, this division method does not pay much attention to the consistency of the entire time stage, but rather focuses more on the updating of facts and judicial concepts.

The integration of justice and Internet technology is not only reflected in the change in the form of the judicial process, but also inherently involves the support and construction of the court's hardware [2]. In order to improve the efficiency of internal case management and administration, the Supreme People's Court established a network of information exchange and office automation, put forward the requirements of reform for the work of the court. Since then, court records, document management and archive management of court proceedings have been gradually converted to electronic format. It should be noted that at this stage the use of computers is not yet widespread, but is more reflected in the use of court personnel. The use of general-purpose office programs, such as office, increases the efficiency of court operations, while the degree of automation is relatively limited. At this time, it should be understood that the construction of court hardware in China has only just begun.

In 1999, the First Five-Year People's Court Reform Plan formalized the informatization of court hardware. The Supreme People's Court was put on the agenda comprehensively, and within three years, it was planned to realize a link between the Supreme People's Court and the local higher people's courts. We were able to achieve full computer network system coverage of the national judicial system within five years. When the outline of the third five-year reform of the people's courts was published in 2009, the construction of computer offices in courts across the country had been largely completed. The complete computerization of the courts has also contributed to the openness of the judicial system in China [3].

Since 2009, the Supreme People's Court has consistently issued a series of reform documents related to judicial openness, identified 100 courts nationwide for judicial openness, formulated model standards for judicial openness, established the "China Judicial Process Disclosure Network", "China Judicial Records Network", "China Judicial Process Disclosure Network" and "China Judgment Implementation

Disclosure Network".

Thus, preparations for the formation of Internet courts in China have been going on for a long time and were mostly over by 2010. Now there are 3 Internet courts in China.

#### References

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#### RECOGNITION AND ENFORCEMENT OF FOREIGN COURT JUDGEMENTS IN THE PEOPLE'S REPUBLIC OF CHINA

On the issue of extraterritorial evidence collection, China is a particularly conservative country. Different from the authorized litigant agent and special commissioner recognized by other countries, our country is prohibited in principle. Only two kinds of extraterritorial evidence collection methods are allowed to collect evidence on behalf of others. That is the court that needs evidence can help to obtain local evidence through the court where the evidence is located. But there are four conditions.

1. Based on the treaty. If there is no treaty basis, the court of the requested party is not obliged to accept the petition.

2. It shall be executed in the form of a letter of request, that is, the letter of request for evidence issued by the evidence obtaining court shall not be the letter of request for authorization [1]. For the Hague Evidence Collection Convention [2], if China is a party to the Hague Evidence Collection Convention, other parties can start collecting evidence on behalf of others. However, the request for evidence collection on behalf of the two countries is not allowed to be transmitted directly between the courts of the two countries. The requested country is required to designate a central authority to transmit the intermediate request. The central authority designated by China is only the Ministry of Justice.

3. Access to evidence requirements. The Convention can only obtain evidence from judicial proceedings, which can also be called evidence within the jurisdiction of judicial organs, or evidence related to litigation. In a word, evidence that cannot be