

INTERNET COURTS IN THE PEOPLE'S REPUBLIC OF CHINA

L. Yang, H. Shafalovich

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 [1].

The advantages of online courts are as follows.

1) There is no significant difference between online courts and traditional litigation in basic case procedures. Both must follow the relevant court procedures in strict accordance with the provisions of the procedural law. But in terms of mode of operation, an Internet court, compared to a traditional offline trial, is more flexible and modern. The traditional mode of litigation, from the direct application to the court to its resolution takes much more time and effort.

Filing and participating in litigation have become a model for Internet litigation, where parties can learn from each other through the above process. With Internet technology, the advantages of Internet litigation in Internet-related disputes become more apparent:

2) Flexible mode of litigation [2]. An asynchronous process, that is, an Internet court can distribute all the court citations of some web-related cases on a court platform. The court, plaintiff, defendant, and other litigants choose their own time to log on to the platform within a certain period of time. Completion of all aspects of the litigation process is also asynchronous. Asynchronous litigation has disrupted the traditional pattern of plaintiff, defendant, and others.

The restriction that litigants must be present in court at the same time to participate in the trial makes the process more flexible [3].

3) Reducing court costs and increasing the efficiency of judicial proceedings. Modern society is becoming increasingly informational, and both economic activity and social life have entered a new era.

Simultaneously with the facilitation of production and people's lives in the networked era, many problems have arisen. Cases related to the network are multiplying. The number of cases is increasing day by day. Once a dispute arises, the parties choose to litigate one after another. Due to the increasing caseload of the courts in resolving disputes and the small volume of most Internet-related disputes, traditional courts have required high human and material costs and other litigation costs. Internet courts are a one-stop judicial service. Their objectives are such that Internet courts resolve Internet-related disputes [4; 5], rely on a stable and interconnected network, use video, voice communication, etc. The court session is procedurally based, and the case file and evidence are stored and presented electronically, which saves court costs.

The small amount of court fees is also attractive. General rights and obligations in disputes are relatively clear, and online courts spend less time on such disputes. Dispute resolution time is reduced and the efficiency of the litigation process is greatly improved.

Internet courts apply network technology to all aspects of the litigation process, thereby transforming the physical space of traditional courts into the virtual space of the Internet. Prosecution, mediation, filing, service, collection and cross-examination of evidence, and discovery all take place online. All court communications, adjudication, and other matters are done online. The parties involved in the litigation do not need to relocate. There are no additional travel expenses associated with attending court hearings while traveling. From accepting cases to "the moment the case is closed, the plaintiff, defendant, and litigants do not have to "run" to court once to get a fair verdict.

As can be seen, the principle of party relief is embodied in the time, space and cost of the judicial process, as well as the concept of the rule of law, according to which China always administers justice for the people.

4) The fairness and openness of the court has increased. With the development of AI technology, big data is becoming more and more integrated. Internet courts are applying AI, big data and other advances in science and technology to the platform of judicial services to provide a more scientific mode of judicial proceedings that can not only understand people's needs, but also respond to the doubts of the parties. In the past, because of information asymmetries, the judicial system has faced many risks in practice, and the application of big data and artificial intelligence has solved such crises to some extent, making up for the shortcomings of traditional courts. The use of Internet technology has increased the openness of the court system, improved the quality of judicial services, and better met the growing demand for judicial services in an era of information explosion.

There are also disadvantages. While the benefits of the Internet trial are clear, the author does not believe it can be fully promoted. First of all, participation in the trial requires a certain understanding of smartphones and the Internet. Currently, there are still many people in China who do not know how to use smartphones, and it is certainly a big challenge to ask them to participate in an Internet trial. The court must also allocate manpower to train the parties on how to use the trial software, and it is likely that the effect of the training will not be ideal, leading to the failure of the trial. Moreover, network stability is also an issue. The smooth operation of the network is essential to the smooth running of the trial. If the network stalls or goes down during the trial, should the trial be suspended or cancelled? Therefore, the use of online trials should be chosen after the popularization of 5G or the introduction of regional restrictions.

In this way, China is the first country in the international community to try to create an Internet court, which will be completed through the Internet. Although there is no precedent in the international community for a full-fledged Internet court system that can be used as a model, the attempts made by various countries in the past decade to study the combination of Internet technology with a judicial service platform have

provided ideas for creating and improving China's Internet courts. Although there are many difficulties in studying the Internet court system, China has achieved preliminary results, and this can provide significant reference materials for future "visitors" at home and abroad.

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