Rules of Online Litigation of People’s Courts in China

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The COVID-19 pandemic has put great pressure on the functioning of the justice system. In order to ensure continued, equal access to justice and implement the concept of whole process democracy, the Supreme Court of People Republic of China issued Rules of Online Litigation of People’s Courts. Based on this, I would very much like to share several useful and rewarding points on how to have equal access to justice and to face challenges in times of crisis.

First, Rules of Online Litigation of People’s Courts requires that online litigation should follow the following five basic principles: Principle of fairness and efficiency; Principle of being legal and voluntary; Principle of rights protection; Principle of convenience to the people; and Principle of being safe and reliable.

Secondly, Rules of Online Litigation of People’s Courts recognizes the validity of electronic materials that meet certain conditions. More specifically, electronic materials that meet certain conditions can be used directly in litigation without submitting the original, which effectively enriches the way of litigation materials of the parties, helps to improve litigation convenience and reduce litigation costs.

Thirdly, Rules of Online Litigation of People’s Courts provides the conditions of application and scope of online litigation. To conduct online litigation activities, the court shall obtain the consent of the parties, and inform the parties of the specific steps, rights and obligations, legal consequences, and operating methods.

Fourth, Rules of Online Litigation of People’s Courts establishes an online and offline trial conversion mechanism. This means that during the litigation, if a party lacks online litigation capability or fails to meet the conditions for online litigation or there is any other circumstance, the court shall turn online litigation into offline litigation.

And the last one, Rules of Online Litigation of People’s Courts protects the litigation rights of the parties. In an online trial, court activities such as pre-court preparation, court investigation and court debate should be carried out in strict accordance with the law, so that the litigation rights of the parties, for example, the rights to adduce and cross-examine evidence, the rights to state and debate are well protected.

In conclusion, to ensure access to justice for those in need in times of crisis, Chinese courts have actively explored and adopted corresponding measures. In this process, on the one hand, it is necessary to protect the parties with judicial needs to be able to get timely litigation; on the other hand, it is important to ensure that the use of online measures does not create inequalities for the parties. In these respects, Rules of Online Litigation of People’s Courts gives a very good example.

This is my all sharing and hope it can provide several useful perspective.