

Judicial Ethics and the Judicial Accountability System in China: Institutional Foundations and Coordinated Construction

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Abstract

Judicial ethics refers to the professional norms that judges should observe in performing adjudicative functions and safeguarding judicial justice. Its realization cannot rely solely on judges' personal self-discipline, but requires institutional support. Against the background of China's judicial system reform, this paper analyzes the judge quota system, the judicial accountability system, the centralized management of personnel, financial and material resources of local courts below the provincial level, and professional safeguards for judges. Together, these systems provide the personnel, responsibility, independence, and support structures for judicial ethics. The institutional construction of judicial ethics in China still requires further improvement in the dynamic adjustment of judge quotas, the boundaries of judicial accountability, the centralized management mechanism, and the professional safeguard system for judges. These improvements can help transform ethical requirements such as impartiality, independence, accountability, and integrity into stable mechanisms of judicial practice, thereby enhancing judicial credibility and advancing the rule of law.

Keywords

Judicial Ethics; Judicial Accountability System; Judge Quota System; Judicial Independence; Professional Safeguards for Judges.

1. Introduction

The Supreme People's Court issued the *Opinions on Deepening the Comprehensive Supporting Reform of the Judicial System of the People's Courts: the Fifth Five-Year Reform Program of the People's Courts (2019–2023)* (hereinafter referred to as the "Fifth Five-Year Reform Program"), which identifies the improvement of the judicial accountability system, the reform of court organization, the allocation of judicial resources, and the professionalization of court personnel as important elements of court reform [1]. Judicial ethics concerns the professional standards that judges must observe when exercising adjudicative power. Its core requirements include impartiality, independence, accountability, integrity, and restraint in the use of judicial authority. The *Implementation Opinions on Further Fully Implementing the Judicial Accountability System* (hereinafter referred to as the "Judicial Accountability Implementation Opinions") emphasize the principle that "those who hear cases shall make judgments, and those who make judgments shall be held accountable," and require the establishment of an adjudicative power operation system featuring clear powers and responsibilities, unified authority and responsibility, effective supervision, and orderly operation [2]. The *Guiding Opinions on the Dynamic Adjustment of the Judge Quota of People's Courts below the Provincial Level (for Trial Implementation)* (hereinafter referred to as the "Judge Quota Dynamic Adjustment Opinions") require judge quota allocation to be based mainly on approved staffing, total caseload, and per capita caseload of judges, with resources inclined toward primary courts and front-line adjudication [3]. The judge quota system is therefore not a mere numerical arrangement, but part of the classified management of court personnel and the reallocation of adjudicative resources [4].

The value of research on judicial ethics lies in examining such professional requirements as judicial impartiality, independence, accountability, and integrity within the concrete institutional framework of judicial reform. This paper analyzes the institutional construction of judicial ethics in China, seeking to reveal how professional ethical requirements can be transformed into mechanisms of judicial practice and to provide an institutional explanation for enhancing judicial credibility.

2. Meaning and Characteristics of Judicial Ethics

2.1. The Meaning of Judicial Ethics

Judicial ethics refers to the professional norms that judges should observe in performing adjudicative functions and related duties. It concerns the legitimate exercise of adjudicative power rather than a general moral assessment of judges as private individuals. Its scope covers case hearing, procedural control, fact-finding, legal reasoning, contact with parties, conflict avoidance, confidentiality, professional conduct, and restraint in the use of judicial authority.

Judicial ethics takes judicial justice as its basic value. A judge is required to determine facts, apply law, conduct proceedings, and render judgments in an impartial and prudent manner. Impartiality, independence, integrity, accountability, and restraint are not isolated moral expectations; they arise from the public nature of adjudicative power. A judicial decision directly affects the rights, obligations, status, and interests of the parties, and also shapes public confidence in the judiciary.

Judicial ethics also differs from ordinary professional morality because it is closely connected with adjudicative responsibility. A judge is expected not only to remain neutral and independent, but also to bear responsibility for the lawful performance of judicial duties. The principle that “those who hear cases shall make judgments, and those who make judgments shall be held accountable” reflects this connection between ethical requirements and judicial responsibility [2]. Judicial ethics therefore combines professional norms with responsibility requirements.

2.2. The Characteristics of Judicial Ethics

The primary subject of judicial ethics is the judge. Judicial assistants and administrative personnel participate in court operations, but they do not replace judges in making adjudicative judgments. Judges directly undertake fact-finding, legal interpretation, procedural direction, and final adjudication. Their professional conduct is therefore most closely related to the legitimacy of adjudicative power and the credibility of judicial decisions.

Judicial ethics regulates conduct connected with the performance of judicial duties. It does not extend without limit into a judge’s private life, nor does it treat every personal matter as an ethical issue of adjudication. Its main concern is whether the judge properly exercises judicial authority and maintains the professional boundaries required by judicial office. Conduct outside the courtroom may fall within judicial ethics only when it has a substantial connection with adjudicative duties, judicial impartiality, or public confidence in the judiciary.

The duty-based nature of judicial ethics also requires a proper understanding of responsibility. A judge should not be deemed ethically blameworthy merely because a judgment is later challenged, changed, or subject to different legal interpretation. Judicial responsibility should be connected with the judge’s statutory duties, professional obligations, and conduct in the adjudicative process. Where a judge violates legal procedure, abuses adjudicative power, breaches professional discipline, or acts in a manner inconsistent with judicial duties, ethical responsibility may be transformed into institutional responsibility.

Judicial ethics imposes stricter requirements than the ethics of prosecution, representation, or defense in certain respects. Prosecutors and lawyers usually perform their duties from defined

procedural positions, while judges must stand above the dispute and make binding judgments according to facts and law. This adjudicative role requires stronger restraint in speech, conduct, social contact, interest avoidance, and the exercise of public power.

The strictness of judicial ethics does not mean that judges are superior to other legal professionals. It arises from the public authority and legal effect of adjudication. A judicial decision may determine property rights, personal rights, legal status, and even personal liberty. Judges must therefore avoid partiality, resist improper pressure, respect legal procedure, and refrain from using adjudicative power for private interest. These requirements constitute the ethical boundary of judicial office.

Judicial ethics has an institutional character. Impartiality requires mechanisms such as case allocation, recusal, trial openness, and supervision. Independence requires protection against improper interference from local interests, administrative power, social relations, and public pressure. Accountability requires clear standards, lawful procedures, and reasonable limits. Integrity requires discipline, transparency, and restrictions on conflicts of interest. Judicial ethics can therefore be realized only when professional self-discipline is supported by institutional rules governing the exercise of adjudicative power.

3. Institutional Foundations for Judicial Ethics

3.1. The Judge Quota System

The judge quota system provides the personnel foundation for judicial ethics. Judicial ethics presupposes that adjudicative power is exercised by judges with professional competence, clear duties, and a stable sense of responsibility. Where court personnel are not clearly classified, adjudicative responsibility may be diluted by administrative or auxiliary functions. The judge quota system responds to this problem by placing qualified judges at the center of adjudication and by distinguishing judges, judicial auxiliary personnel, and judicial administrative personnel within the court structure.

The institutional function of the judge quota system lies in reshaping the allocation of judicial human resources. Its purpose is not merely to reduce the number of judges, but to construct a regularized, specialized, and professionalized personnel management system within the courts. By selecting competent judges into the adjudicative sequence and concentrating judicial resources on front-line adjudication, the system creates organizational conditions for judges to focus on fact-finding, legal reasoning, trial organization, and judgment writing ^[4].

The *Judge Quota Dynamic Adjustment Opinions* establish the basic framework for quota allocation. Judge quotas in people's courts below the provincial level are managed within the approved total number and allocated mainly according to approved staffing, total caseload, and per capita caseload of judges. The document also requires judge quotas to be inclined toward primary courts and front-line adjudication ^[3]. These rules show that ethical adjudication requires not only qualified judges, but also a personnel structure consistent with actual caseloads and trial needs.

Court personnel classification further clarifies the ethical position of judges. Judicial auxiliary personnel, including judge assistants and clerks, undertake preparatory, procedural, and supportive work, while judicial administrative personnel are responsible for administrative affairs necessary for court operation. Judges remain responsible for the substantive exercise of adjudicative power. This division of functions helps prevent administrative work and auxiliary tasks from obscuring the judge's adjudicative responsibility, and supports the return of judges to the core work of hearing, reasoning, and deciding cases ^[5].

3.2. The Judicial Accountability System

The judicial accountability system constitutes the responsibility foundation of judicial ethics. Judicial ethics requires judges to decide cases according to facts and law, while judicial accountability transforms this requirement into an institutional arrangement of power and responsibility. A judge cannot be expected to bear responsibility for adjudication without corresponding authority to decide cases; adjudicative power also cannot maintain legitimacy if it is exercised without clear responsibility. The *Judicial Accountability Implementation Opinions* establish the principle that “those who hear cases shall make judgments, and those who make judgments shall be held accountable,” thereby linking adjudicative authority with responsibility [2].

Adjudicative power should return to statutory trial organizations. Single judges, collegial benches, and adjudication committees perform different functions within the court system. Single judges and collegial benches directly hear cases and should decide cases within their statutory authority. Adjudication committees should not replace ordinary trial organizations, and their function should be confined to major, difficult, or complex cases and to issues within their statutory competence. This structure helps avoid unclear responsibility caused by administrative approval, informal instructions, or decision-making outside the trial organization [6].

The ethical significance of judicial accountability lies in the unity of authority and responsibility. Judicial responsibility is meaningful only when the subject that hears a case has the authority to decide it. Clear allocation of adjudicative authority enables judges to perform their duties independently, while clear responsibility prevents adjudicative power from becoming detached from institutional restraint. This system therefore provides a responsibility mechanism through which the ethical requirement of accountability can be incorporated into the operation of adjudicative power [6].

3.3. The Centralized Management of Personnel, Financial and Material Resources of Local Courts below the Provincial Level

Judicial ethics also requires an external institutional environment that supports independent adjudication. A judge may possess professional integrity, but adjudication may still be affected if personnel appointment, financial support, material resources, or administrative guarantees are excessively dependent on local interests. The centralized management of personnel, financial and material resources of local courts below the provincial level is designed to reduce such structural dependence and to provide institutional conditions for judges to decide cases according to facts and law.

Personnel management is central to this reform. Local courts below the provincial level perform adjudicative functions within specific local communities, where administrative interests, local protectionism, and social relations may create pressure on courts and judges. A personnel management mechanism coordinated at a higher level can reduce improper local influence over judicial appointment, transfer, promotion, and management. This institutional distance helps protect the ethical requirement that judges adjudicate according to law rather than local preferences or administrative expectations [6].

Financial and material management also affect adjudicative independence. Court operation depends on financial support, facilities, equipment, information systems, and other material conditions. If local courts remain overly dependent on governments at the same level, financial control may become a hidden channel of improper influence. Centralized management can reduce this risk by providing relatively stable and independent material support for adjudication. It therefore strengthens the external conditions under which judicial ethics can operate.

3.4. Professional Safeguards for Judges

Professional safeguards for judges provide the support foundation for judicial ethics. Judges are expected to remain impartial, independent, and accountable in adjudication, but these ethical expectations require stable professional conditions. Identity protection, authority protection, remuneration, occupational safety, and protection for lawful performance of duties are not merely welfare arrangements; they are institutional conditions for judges to exercise adjudicative power according to law.

Professional safeguards are closely connected with the judicial accountability system. A system that strengthens judges' responsibility for case handling must also provide protection corresponding to that responsibility. Without adequate safeguards for judicial identity, adjudicative authority, professional dignity, and lawful performance of duties, judges may find it difficult to resist improper interference or maintain professional courage in complex cases. Judicial ethics therefore requires not only personal integrity, but also a supporting system that keeps responsibility and protection in balance [6].

4. Improvement Paths

4.1. Reform of the Judge Quota System

A quota arrangement that only controls the number of judges cannot by itself guarantee impartial and responsible adjudication. Heavy caseloads, uneven regional distribution of cases, insufficient judicial auxiliary personnel, and excessive non-adjudicative work may weaken the conditions under which judges perform their duties.

Case pressure is the most direct problem. Primary courts handle a large proportion of disputes, and the reduction of front-line judges may intensify the conflict between increasing caseloads and limited adjudicative capacity. When judges are required to complete excessive numbers of cases within limited time, trial quality, legal reasoning, communication with parties, and judgment writing may all be affected. Judicial ethics requires diligence and prudence, but diligence cannot be understood as unlimited labor intensity. A more reasonable quota adjustment mechanism should take regional case growth, case complexity, types of disputes, local population, and actual workload into account, rather than relying on a fixed ratio alone [7].

Judicial teams also need substantive improvement. The reform expects judge assistants, clerks, and other auxiliary personnel to relieve judges from procedural and administrative burdens, but this depends on stable posts, clear responsibilities, sufficient training, and reasonable career expectations. A judicial team that exists only in form cannot support ethical adjudication. Judges may still be trapped in repetitive procedural work, while auxiliary personnel may lack the competence or stability to share preparatory tasks. The judge quota system should therefore be connected with the professionalization of judicial auxiliary personnel, so that judges can devote their main attention to hearing, reasoning, and deciding cases [4][5][8].

Administrative work should be separated more strictly from adjudicative work. Meetings, reports, publicity tasks, performance inspections, and other matters unrelated to case adjudication may occupy judges' working time and affect their concentration on trials. Court management should reduce unnecessary administrative burdens on quota judges and establish evaluation standards that give greater weight to adjudicative quality, reasoning, procedure, and trial responsibility, rather than treating case numbers as the dominant measure of performance.

4.2. Reform of the Judicial Accountability System

The judicial accountability system has clarified the relationship between adjudicative power and responsibility, yet further reform must focus on the boundary of accountability. Ethical adjudication requires judges to be responsible, but responsibility should not be expanded into pressure that causes judges to avoid difficult judgments. If every changed judgment, remanded

case, or controversial decision is treated as a ground for accountability, judges may become defensive rather than professionally prudent. Mechanical adjudication, excessive reliance on instructions, and reluctance to make independent judgments would then weaken the ethical value of the reform.

The *Judicial Accountability Implementation Opinions* require an adjudicative power operation system featuring clear powers and responsibilities, unified authority and responsibility, effective supervision, and orderly operation [2]. The key is to distinguish lawful professional judgment from misconduct. Legal interpretation may differ, fact-finding may be difficult, and discretion may be unavoidable in many cases. Responsibility should mainly arise where a judge intentionally violates law, commits gross negligence, seriously breaches procedure, abuses adjudicative power, or clearly departs from judicial duties. Ordinary differences in legal understanding or factual assessment should not be equated with ethical failure [9][10].

Wrong-case accountability also needs clearer procedural safeguards. Accountability should be initiated, investigated, determined, and reviewed through standardized procedures. Informal pressure, internal administrative orders, or retrospective criticism based only on case outcome should not replace legal procedures for responsibility determination. A judge's responsibility should be assessed according to conduct, fault, duty, procedure, and consequence, rather than according to whether the result later satisfies every party or every reviewing body.

Supervision remains necessary, but it must respect the adjudicative nature of judicial power. Case quality assessment, trial management, professional discipline, and external oversight all have roles to play. Supervision should focus on procedural legality, reasoning quality, consistency of adjudication standards, integrity risks, and abnormal case handling. It should not return to administrative approval or disguised intervention in individual cases.

A balanced accountability system should combine responsibility with protection for lawful performance of duties. Judges who violate law or discipline must bear responsibility, while judges who make judgments within the scope of legal reasoning and professional discretion should receive institutional protection. This distinction prevents accountability from weakening judicial independence [9][10].

4.3. Reform of the Centralized Management of Personnel, Financial and Material Resources of Local Courts below the Provincial Level

Further reform should focus on reducing the remaining channels of local influence, especially those arising from personnel management, financial dependence, and uneven material support. The centralized management of personnel, financial and material resources of local courts below the provincial level should not remain a formal adjustment of administrative authority; it should provide concrete institutional conditions for courts and judges to adjudicate according to law [6].

Personnel management requires clearer and more standardized procedures. Judicial appointments, promotions, transfers, and evaluations should be based on legal qualifications, professional performance, adjudicative ability, and integrity. Local considerations unrelated to adjudicative competence should not become decisive factors. A provincial-level coordination mechanism can reduce improper local interference, but it should also avoid replacing local administrative dependence with new forms of bureaucratic rigidity. The selection and management of judges should remain connected with the actual needs of courts, especially primary courts with heavy caseloads.

Financial reform should ensure stable and adequate support for courts below the provincial level. Judicial ethics cannot be separated from the material conditions of adjudication. Case handling requires courtrooms, information systems, enforcement equipment, archives, security facilities, personnel support, and ordinary operational funds. If local courts remain financially dependent on governments at the same level in practice, the risk of hidden influence

may persist. Budget allocation should be more transparent, predictable, and consistent with actual trial needs.

Future reform should strengthen provincial-level coordination, improve budget security, standardize personnel procedures, and enhance transparency in the use of financial and material resources, so that judicial independence can be supported by concrete institutional arrangements [6].

4.4. Reform of Professional Safeguards for Judges

Professional safeguards remain necessary for improving judicial ethics because judges cannot act independently and responsibly without institutional protection for their status, authority, safety, and lawful performance of duties. Judicial accountability and professional safeguards should develop together. A system that strengthens responsibility for case handling must also prevent lawful adjudication from being chilled by uncertainty, pressure, or fear of improper liability [6][10].

Identity protection needs further strengthening. Judges should not be removed, transferred, disciplined, or placed at a disadvantage without statutory grounds and lawful procedures. Stable professional identity allows judges to resist improper intervention and make decisions according to law. This protection does not conflict with judicial accountability. It only requires accountability to operate through clear legal standards and standardized procedures.

Authority protection should focus on preventing both external and internal interference. External interference may come from administrative organs, local interests, parties, social relations, or public pressure. Internal interference may appear as informal instructions, disguised approval, unreasonable reporting requirements, or case-handling pressure unrelated to legal standards. Judges should be protected in exercising adjudicative power within statutory authority, and court management should respect the status of statutory trial organizations.

Remuneration and career development are also related to judicial ethics. Judges carry heavy responsibilities and high professional risks. If income, promotion, training, and career prospects do not correspond to the duties they bear, it becomes difficult to maintain a stable and professional judicial team. A more complete safeguard system should link remuneration, training, promotion, and evaluation with the professional nature of judicial work, while avoiding assessment methods that push judges toward speed over quality [6][8].

Occupational safety deserves greater attention, especially in primary courts and courts handling disputes with strong personal conflict. Threats, harassment, violence, malicious complaints, and online attacks may affect judges' willingness to perform duties independently. Safety protection should include court security, emergency response, protection of personal information, psychological support, and effective sanctions against acts that obstruct judicial duties. Judicial courage should not mean that judges must face occupational risks alone.

Protection for lawful performance of duties should be refined together with accountability rules. Judges should not be exempt from liability for intentional violation of law, abuse of power, corruption, or serious procedural misconduct. They should, however, be protected against improper liability for reasonable legal interpretation, factual judgment, and discretion made in good faith. The line between accountability and protection is crucial. If the line is unclear, judicial ethics may be distorted: judges may care more about avoiding personal risk than about making legally sound judgments [9][10].

5. Conclusion

The institutional construction of judicial ethics in China shows that professional requirements such as impartiality, independence, accountability, and integrity must be embedded in the operation of adjudicative power. Judicial ethics cannot rely solely on personal self-discipline; it

requires workable institutional mechanisms that allocate judicial authority, define responsibility, reduce improper interference, and protect lawful performance of duties. Future reform should therefore focus on refining quota adjustment, clarifying accountability boundaries, strengthening safeguards against local interference, and improving professional protection for judges. Only when responsibility, independence, and protection are coordinated can judicial ethics become a stable institutional practice and further enhance judicial credibility.

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