

On China's Trial Ethics System

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Abstract

The judicial ethics system is a crucial link in China's judicial system reform, playing a significant role in upholding judicial fairness and cultivating judges' professional ethics. This article systematically analyzes the foundation, specific components, core objectives, and existing problems of China's judicial ethics system, and proposes suggestions for improvement. Research shows that China's judicial ethics system has achieved significant results in optimizing judge resources, strengthening awareness of responsibility, and safeguarding judicial independence, but there is still room for improvement in areas such as system implementation and ethical education. By strengthening system implementation, enhancing ethical education, and drawing on international experience, China's judicial ethics system can be further improved, contributing to judicial modernization and the construction of a rule-of-law China.

Keywords

Judicial Ethics; Judicial System Reform; Judge Quota System; Judicial Accountability System; Judicial Fairness.

1. Introduction

1.1. Research Background and Significance

Judicial trials are the last line of defense for social fairness and justice, and the level of judicial ethics directly affects the realization of judicial authority and social justice. Judicial ethics refers to the moral principles and behavioral norms that judges follow in their judicial activities, encompassing values such as fairness, integrity, independence, and diligence. With the deepening of judicial reform in my country, constructing a scientific judicial ethics system has become an inevitable choice for enhancing judicial credibility. Exploring my country's judicial ethics system not only clarifies its connotation, composition, and value but also provides theoretical support for solving ethical dilemmas in judicial practice, and has significant theoretical and practical implications for advancing the rule of law and achieving judicial modernization.

1.2. Current Status of Research at Home and Abroad

Domestic scholars' research on judicial ethics largely focuses on specific areas such as judicial professional ethics and judicial accountability. For example, some scholars have analyzed the impact of the judge quota system reform on judicial professional ethics, emphasizing its role in optimizing the judge workforce and enhancing judicial professionalism; others have analyzed the institutional safeguards of judicial ethics from the perspective of judicial fairness. International research places more emphasis on the theoretical construction of judicial ethics, such as American scholar Golding's procedural justice theory, which provides an important reference for procedural justice in judicial ethics. However, systematic research on my country's judicial ethics system remains insufficient, especially incorporating analysis of the latest judicial reform achievements.

2. The Foundation for the Construction of China's Trial Ethics System

2.1. The Connotation and Value of Trial Ethics

2.1.1. Definition of Trial Ethics

Judicial ethics is a set of moral norms and behavioral guidelines that judges should follow in exercising their judicial power, based on their professional identity. It includes both requirements for the personal character of judges, such as integrity, self-discipline, honesty, and trustworthiness, and institutional norms in judicial activities, such as fair judgments and procedural legality. Compared with general moral norms, judicial ethics has a stronger professional, normative, and binding nature, and is the core of judicial professional ethics.

2.1.2. The Value Orientation of Trial Ethics

The highest value of judicial ethics is justice, which is consistent with the view of the ancient Roman jurist Kells that "law is the art of justice". At the same time, it also encompasses the value orientations of integrity, independence, diligence and equality: integrity requires judges not to use their power for personal gain; independence requires judges not to be interfered with by administrative organs, social groups and individuals, and to exercise judicial power independently in accordance with the law; diligence requires judges to conscientiously perform their judicial duties and improve judicial efficiency; equality requires judges to treat the parties equally in the trial and to be impartial. These value orientations together constitute the value system of judicial ethics, providing moral guidance for the judge's judicial behavior. ^[1]

2.2. The Development of My Country's Trial Ethics System

The development of my country's judicial ethics system has evolved from traditional to modern. In traditional justice, judicial ethics were mainly reflected in the moral requirements of judicial officials under the Confucian idea of "virtue as the primary principle and punishment as the secondary principle," such as "impartiality and impartiality" and "uprightness and incorruptibility." Since modern times, with the introduction of Western judicial ethics concepts, my country began to explore modern judicial ethics norms. After the founding of the People's Republic of China, especially since the reform and opening up, the judicial ethics system has been continuously improved, and documents such as the "Basic Principles of Judges' Professional Ethics" and the "Code of Conduct for Judges" have been successively issued. In recent years, with the deepening of judicial system reform and the implementation of systems such as the quota system for judges and the judicial responsibility system, my country's judicial ethics system has entered a new stage of development, forming a modern judicial ethics system with institutional guarantees as the core and moral constraints as a supplement.

3. The Specific Components of China's Judicial Ethics System

3.1. Judge Quota System Reform and Judicial Ethics

3.1.1. The Connotation and Implementation of the Judge Quota System

The judge quota system is an important system for allocating judicial human resources in accordance with judicial rules and realizing the standardization, specialization, and professionalization of the judge team. Its core is to concentrate high-quality judicial resources on the front line of adjudication through quota management. When implemented, the quota standard takes into account factors such as the number of cases and the level of economic and social development, implements total control and dynamic management within the provincial region, and establishes a natural exit and replacement mechanism. This system optimizes the structure of the judge team and makes the allocation of judicial resources more reasonable.^[2]

3.1.2. The Role of Trial Ethics

The reform of the judge quota system has significantly improved judicial ethics. First, the rigorous selection process ensures that judges entering the quota possess high professional competence and moral standards, laying a solid personnel foundation for upholding judicial ethics. Second, the quota system clarifies the scope of judges' responsibilities, allowing them to focus on case handling, reducing interference from administrative affairs, and facilitating a concentrated effort on impartial judgment and adherence to judicial ethics. For example, after implementing the judge quota system in a certain province, the average number of cases handled per judge increased, but the quality and efficiency of cases significantly improved, with a decrease in the appeal rate and the rate of remand for retrial. This reflects the positive change in judges' focus on trial quality and adherence to impartial ethics under the quota system.

3.2. Judicial Accountability Reform and Trial Ethics

3.2.1. The Core of Judicial Accountability

The judicial accountability system is the core system of China's judicial system reform. In a narrow sense, it is the sum of systems that confirm the responsibility of judicial officers through legal procedures. In a broad sense, it emphasizes the unified mechanism of power and responsibility of "letting the adjudicator decide and letting the decider be responsible". Its connotation includes power allocation, responsibility assumption and wrong case investigation: in terms of power allocation, the adjudication authority of the sole judge, the collegial panel and the adjudication committee is clearly defined; in terms of responsibility assumption, the adjudicator is responsible for his/her adjudication; in terms of wrong case investigation, the decider is responsible for the quality of case handling within the scope of his/her duties for life.

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3.2.2. Safeguarding Judicial Ethics

The judicial accountability system provides institutional guarantees for judicial ethics by strengthening judges' sense of responsibility. On the one hand, "letting the adjudicator decide" empowers judges with independent adjudicative power, enabling them to make fair judgments based on facts and law without external interference, reflecting the independent and fair values in judicial ethics. On the other hand, "letting the adjudicator be responsible" makes judges more cautious when exercising their adjudicative power, consciously abide by ethical norms such as integrity and diligence, and avoid being held responsible for dereliction of duty or misconduct. For example, after a court implemented the judicial accountability system, judges, fearing accountability for wrongful convictions, paid more attention to evidence review and legal application in case hearings, and the reasoning in judgments was more thorough. The rate of parties accepting judgments and withdrawing appeals increased significantly, reflecting the positive incentive effect of the judicial accountability system on judicial ethics.^[4]

3.3. Reform of the Unified Management System for Personnel, Finances and Resources of Local Courts Below the Provincial Level and Judicial Ethics

3.3.1. Content of the Reform

The reform of the unified management system for personnel, finances, and resources of local courts below the provincial level mainly includes two aspects: first, unified management of personnel, establishing a mechanism where judges are nominated, managed, and appointed and dismissed according to legal procedures by the province, i.e., provincial nomination and local appointment at different levels; second, unified management of finances, establishing a mechanism where the funds of local courts below the provincial level are managed uniformly by the provincial government's finance department. This reform aims to sever the direct control of local governments over the personnel, finances, and resources of the courts, and ensure that the courts independently exercise their judicial power in accordance with the law.

3.3.2. Significance for Trial Ethics

The greatest significance of the reform of the unified management system for personnel, finances, and resources for judicial ethics lies in ensuring judicial independence and reducing interference from local protectionism in judicial activities. Under the traditional management system, local courts relied on local governments for personnel, finances, and resources, which could lead to undue interference with judges when handling cases involving local interests, affecting judicial fairness. After the reform, the appointment, removal, and evaluation of judges are managed uniformly at the provincial level, and their funding is guaranteed by the provincial finance. This allows them to break free from the constraints of local interests, more autonomously adhere to judicial ethics, and fairly adjudicate each case. For example, in a civil dispute involving a local enterprise, before the reform, the local court might have favored the local enterprise due to local pressure. After the reform, the court under unified provincial management can adjudicate fairly and justly according to law, safeguarding the legitimate rights and interests of the parties and reflecting the values of fairness and independence in judicial ethics.

3.4. Judges' Professional Protection System and Judicial Ethics

3.4.1. Specific Contents of Occupational Protection

Article 8 of my country's Judges Law clearly stipulates the professional protections for judges, including protection of the exercise of judicial power (judges adjudicate cases according to law and are not subject to interference from administrative organs or other localities), protection of official powers (ensuring the powers that judges should have in performing their duties), protection of working conditions, protection of position (not to be dismissed, demoted, discharged, or disciplined except for statutory reasons and through statutory procedures), protection of benefits (receiving remuneration, enjoying insurance, welfare, and other benefits), protection of personal safety (ensuring the safety of judges' persons, property, and residence), protection of the right to training, protection of the right to appeal and accuse, and protection of the right to resign.

3.4.2. Support for Trial Ethics

The judicial professional protection system provides the necessary material and institutional support for the practice of judicial ethics. On the one hand, the protection of their treatment and personal safety eliminates judges' worries, allowing them to focus on their judicial work and avoid violating judicial ethics due to economic pressure or personal threats. On the other hand, the protection of the exercise of judicial power and the protection of their positions ensure that judges can exercise their judicial power independently, without external interference, thus daring to uphold fair judgments and adhere to judicial ethics. For example, when a judge was handling a case involving a powerful group, the support of the professional protection system enabled him to withstand pressure, render a fair judgment in accordance with the law, and uphold the dignity of the law and the requirements of judicial ethics.

4. Standards of Trial Fairness: The Core Pursuit of China's Judicial Ethics

4.1. The Theoretical Basis of Judicial Fairness

4.1.1. The Dialectical Relationship between Substantive Justice and Procedural Justice

Judicial fairness encompasses both substantive fairness and procedural fairness. Substantive fairness refers to the fairness of the outcome of a case, meaning that the result conforms to the facts and the law. Procedural fairness, on the other hand, emphasizes the legality and rationality of the trial process. The ancient Greek philosopher Aristotle famously said, "To seek a judge is to seek justice," highlighting the intrinsic connection between adjudication and fairness. Substantive and procedural fairness are interdependent and mutually reinforcing: procedural

fairness guarantees substantive fairness; without a fair procedure, substantive fairness is difficult to achieve. Conversely, substantive fairness is the goal of procedural fairness, and ultimately, procedural fairness serves the realization of substantive fairness. However, in certain situations, these two aspects may conflict, requiring a balance to be struck—a crucial issue that judicial ethics must address.

4.1.2. Drawing Upon Theories of Justice from Ancient and Modern Times, Both in China and Abroad

Besides Aristotle's ideas on justice, the understanding of justice by ancient Roman jurists also provided nourishment for judicial ethics. The research findings on procedural justice by modern Western scholars are of significant reference value. For example, American scholar Golding, in his *Philosophy of Law*, proposed standards of procedural justice, including neutrality (the judge should not be a party involved in the case; the outcome should not contain the arbitrator's interest; the arbitrator should not have any bias towards or against the case), admonitory dispute (giving fair attention to all parties in the litigation; the arbitrator should hear the arguments or evidence of both parties; the arbitrator should hear the opinions of the other party in the presence of the other party; each party should have a fair opportunity to refute the other party), and resolution (the conditions for resolution should be based on rational deduction; the reasoning should consider the arguments and evidence presented). These theories provide useful references for the procedural justice norms in my country's judicial ethics.

4.2. The Connotation of My Country's Judicial Fairness Norms

4.2.1. Avoidance Rules

The recusal rule refers to the system whereby judges, when they have a conflict of interest with a case or a party, legally withdraw from judicial proceedings. This rule embodies the neutrality requirement of judicial ethics, ensuring that judges are not influenced by personal feelings or interests and can adjudicate cases impartially. My country's Civil Procedure Law, Criminal Procedure Law, and Administrative Procedure Law all clearly stipulate the circumstances and procedures for recusal, such as when a judge is a party to the case or a close relative of a party, has a conflict of interest with the case, or has other relationships with a party that may affect the impartiality of the trial.

4.2.2. Equality Rules

The principle of equality requires judges to treat both parties equally in trials, guaranteeing their equal procedural rights and avoiding discrimination or favoritism towards either side. This embodies the value of equality in judicial ethics and forms the foundation for achieving substantive justice. Chinese law explicitly stipulates that parties in litigation are equal in status and enjoy equal rights to present evidence, cross-examine witnesses, and argue their cases; judges must provide guarantees for the parties to exercise their rights equally.

4.2.3. Independent Rules

The principle of independence refers to the rule that judges exercise their judicial power independently in accordance with the law, free from interference by administrative organs, social organizations, and individuals. This is the core requirement of the independent value in judicial ethics and a prerequisite for achieving judicial fairness. Both China's Constitution and the Organic Law of the People's Courts stipulate that the people's courts exercise their judicial power independently in accordance with the law. Judges should adhere to this rule in their judicial activities, eliminate all external interference, and make judgments based on facts and the law.

4.2.4. Public Rules

The rule of openness means that judicial activities should be conducted publicly, except in cases involving state secrets, personal privacy, or other circumstances stipulated by law. This includes open court hearings and the publication of judgments. Openness is an important guarantee for achieving judicial fairness. It allows for public oversight, prevents backroom deals, and enhances the parties' trust in the judgments. In recent years, China has vigorously promoted judicial openness, establishing platforms such as the China Judgments Online and the China Court Trial Openness Online, significantly improving the openness of judicial activities.

4.2.5. Reasoning Rules

The rule of reasoning requires judges to fully explain the factual basis, legal basis, and logical reasoning process of their judgments in their written documents, so that the parties involved and the public can understand the reasons for the judgment's outcome. This rule reflects the rational requirements of judicial ethics and helps to enhance the persuasiveness and credibility of judgments. The Supreme People's Court has repeatedly emphasized the importance of reasoning in its written judgments, requiring judges to "distinguish the law and analyze the reasoning, making both victory and defeat clear" in their documents.

4.3. The Practical Significance of Fair and Standardized Trials

Taking a civil tort case as an example, during the trial, the judge strictly adhered to the recusal rules, proactively requesting to recuse himself from the situation where he had a classmate relationship with one of the parties; equally guaranteed the rights of both parties to present evidence and argue their cases; exercised judicial power independently without any external interference; ensured that the parties and observers fully understood the trial process through open court proceedings; and elaborated in detail on the reasons for the acceptance of evidence and the application of law in the judgment, demonstrating thorough reasoning. Ultimately, the parties were convinced of the judgment's outcome, and the public also recognized the fairness of the trial through the publicly available judgment. This case fully demonstrates the important role of judicial fairness norms in practice; these norms together constitute the core content of judicial ethics, ensuring the fairness, legality, and rationality of judicial activities.

5. Problems and Suggestions for Improving China's Trial Ethics System

5.1. Existing Problems

5.1.1. Deviations in the Implementation of the System

Although my country has established a relatively systematic judicial ethics system, some deviations still exist in its implementation. For example, after the reform of the judge quota system, some courts have an unreasonable allocation of judges and judicial assistants, leading to excessive workload for judges and potentially affecting the practice of judicial ethics. In the implementation of the judicial accountability system, there are problems such as unclear standards for identifying wrongful convictions and irregular procedures for accountability, which to some extent affect judges' professional confidence. The reform of the unified management system for personnel, finances, and resources has been slow in some areas, and the phenomenon of local interference in trials has not been completely eliminated.

5.1.2. Inadequacy of Ethical Education and Supervision

The systematic and targeted nature of judicial ethics education needs to be strengthened. Existing training focuses more on legal business knowledge and less on specialized education in trial ethics. At the same time, the supervision mechanism for trial ethics is not perfect. Internal supervision is subject to "personal favors," and external supervision lacks effective

channels, resulting in some violations of trial ethics not being detected and corrected in a timely manner. [5]

5.2. Improvement Suggestions

5.2.1. Strengthen the Implementation and Supervision Mechanism of the System

First, it is essential to ensure the strict implementation of systems such as the judge quota system, the judicial accountability system, and the unified management of personnel, finances, and resources. Supervision of the implementation of these systems must be strengthened, and deviations should be corrected promptly. Second, the standards for identifying wrongful convictions and the procedures for accountability should be improved, and a scientific and reasonable performance evaluation mechanism for judges should be established to avoid overemphasizing caseload at the expense of trial quality. Furthermore, the full coverage of the reform of the unified management system for personnel, finances, and resources should be accelerated to completely eliminate institutional barriers to local interference in trials. Finally, a sound supervisory system for judicial ethics should be established, integrating internal and external supervisory resources and ensuring smooth channels for social supervision. For example, a dedicated platform for complaints and reports regarding judicial ethics should be set up, and violations of judicial ethics should be severely punished.

5.2.2. Strengthening Ethical Education and Professional Competency Training for Judges

Incorporate judicial ethics education into the compulsory content of judges' professional training, develop specialized judicial ethics courses, and invite experts, scholars, and senior judges to teach. Enhance the pertinence and effectiveness of education through case analysis, scenario simulations, and other methods. At the same time, focus on cultivating judges' professional ethics, guiding them to establish correct professional values and internalize judicial ethics as a conscious code of conduct.

5.2.3. Drawing on Advanced Foreign Experience and Combining it with My Country's National Conditions

We should pay attention to the latest developments in foreign judicial ethics systems, such as the judicial ethics committees in the United States and the professional ethics code for judges in Germany, and absorb and learn from their beneficial experiences in light of my country's political system, cultural traditions, and judicial practices. For example, we can refer to foreign judicial ethics consultation mechanisms to provide judges with professional ethical guidance; and we can learn from their advanced concepts of procedural justice to further improve my country's trial procedure norms.

6. Conclusion

My country's judicial ethics system, after long-term development, especially driven by judicial reforms in recent years, has formed a core framework centered on the judge quota system, judicial accountability system, unified management system for personnel, finances, and resources, and a professional protection system for judges. This framework, with its core principles of recusal, equality, independence, openness, and reasoned argument, provides a set of norms for judicial fairness and has played a vital role in safeguarding judicial justice and enhancing judges' professional competence. However, issues such as deviations in the implementation of the system and insufficient ethical education and supervision cannot be ignored. In the future, it is necessary to continuously improve my country's judicial ethics system through measures such as strengthening the implementation of the system, enhancing ethical education, and learning from international experience, so that it can better serve the realization of judicial fairness and the construction of a rule-of-law China.

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