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Smart courts, smart justice? Automation and digitisation of courts in China

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Appendices

Appendix I: Overview of Relevant Official Documents

Where possible, I have opted to refer to the English translation of the documents wherever available. Where I did not find translations, I referred the original Chinese versions. I translated the majority of those documents myself. Some of them are hosted on China Law Translate, a public repository for English translations of Chinese legal documents.

Date Issued	Title	Issuing Authority	Reference
2013			
15 November	Resolution concerning Some Major Issues in Comprehensively Deepening Reform	CCPCC	https://chinacopyrightandmedia.wordpress.com/2013/11/15/ccp-central-committee-resolution-concerning-some-major-issues-in-comprehensively-deepening-reform/
21 November	Opinion on Several Issues Relating to Advancing the Establishment of Three Platforms for Judicial Openness	SPC	https://www.chinalawtranslate.com/en/spc-opinion-3-platforms-for-judicial-transparency/
21 November	Provisions on People's Courts Release of Judgments on the Internet (amended in 2016)	SPC	https://www.chinalawtranslate.com/en/spc-regulation-on-releasing-opinions-online/
1 December	Five-Year Plan for Informatisation Construction at People's Courts (2013—2017)	SPC	http://www.lawinfochina.com/Display.aspx?lib=law&Cgid=242335
2015			
26 February	Fourth Five-Year Reform Plan of the People's Courts (2014-2018)	SPC	https://www.chinalawtranslate.com/en/court-reform-plan/
16 September	Opinion on Improving People's Courts' Judicial Responsibility System	SPC	https://www.chinalawtranslate.com/en/judicial-accountability/
2016			
16 March	Annual Work Report	SPC	https://www.court.gov.cn/zixun-xiangqing-82592.html
16 April	Give full play to the functions of the "Faxin" platform and actively promote the construction of "smart courts"	SPC	http://www.courtbook.com.cn/u/cms/dongfang/201610/14141121jr2f.pdf
28 July	Guiding Opinion on Comprehensively Promoting the Synchronous Generation and In-depth Application	SPC	https://www.court.gov.cn/fabu-xiangqing-37402.html

	of the People's Court's Electronic Archives		
29 August	Provisions on People's Courts Release of Judgments on the Internet (amendment of 2013 version)	SPC	https://www.chinalawtranslate.com/en/the-supreme-peoples-court-provisions-on-peoples-courts-release-of-judgments-on-the-internet/
2017			
12 March	Annual Work Report	SPC	https://www.court.gov.cn/zixun-xiangqing-82602.html
12 April	Opinion on Accelerating Smart Court Construction	SPC	http://gongbao.court.gov.cn/Details/5dec527431cdc22b72163b49fc0284.html
12 April	Opinion on Putting a Judicial Responsibility System in Place and Improving Mechanisms for Trial Oversight and Management	SPC	https://www.chinalawtranslate.com/en/supreme-peoples-court-opinions-on-putting-a-judicial-responsibility-system-in-place-and-improving-mechanisms-for-trial-oversight-and-management-provisional/
20 July	New Generation Artificial Intelligence Development Plan	SC	https://digichina.stanford.edu/work/full-translation-chinas-new-generation-artificial-intelligence-development-plan-2017/
2018			
4 March	Provisions on People's Courts Disclosing Trial Process Information Through the Internet	SPC	https://www.court.gov.cn/zixun-xiangqing-85532.html
6 September	Provisions on Several Issues Related to Trial of Cases by the Internet Courts	SPC	https://www.chinalawtranslate.com/en/the-supreme-peoples-courts-provisions-on-several-issues-related-

			to-trial-of-cases-by-the-internet-courts/
4 December	Opinion on the Further and Full Implementation of Judicial Responsibility Systems	SPC	https://www.chinalawtranslate.com/en/spc-opinions-on-the-further-and-full-implementation-of-judicial-responsibility-systems/
2019			
19 March	Promoting the Pilot Program of “Mobile Micro Court” in Certain Courts	SPC	http://www.lawinfochina.com/display.aspx?id=30283&lib=law&EncodingName=big5
12 April	Five-Year Development Plan for the Informatisation Construction of the People's Courts (2019-2023)	SPC	https://drive.google.com/file/d/1iTObeRxs-75t3d-HY37TQIOWEjRs1dl/view?usp=sharing
31 October	Decision on Some Major Questions in Adhering to and Improving the Socialist System with Chinese Characteristics and Promoting the Modernisation of the National Governance System and Governance Capability	CCPCC	http://english.scio.gov.cn/m/20thcpcongress/2022-10/22/content_78480781.html
2020			
26 July	Guiding Opinion on Strengthening Searches for Similar Cases to Unify the Application of Law	SPC	https://www.chinalawtranslate.com/en/case-review/
14 September	Opinion on Improving the Working Mechanism for Unifying Law Application Standards	SPC	https://www.chinalawtranslate.com/en/spc-unity-of-law/
5 August	Implementation Opinion on Deepening the Comprehensive Reform Supporting the Judicial Accountability System	SPC	http://www.lawinfochina.com/display.aspx?id=33684&lib=law
2021			

20 January	Provisions on Several Issues Related to the People's Court's Handling of Cases Online	SPC	https://www.chinalawtranslations.com/en/online-cases-draft/
11 March	14th Five-Year Plan for National Economic and Social Development	NPC	https://cset.georgetown.edu/publication/china-14th-five-year-plan/
16 June	Online Litigation Rules	SPC	https://www.court.gov.cn/fabu-xiangqing-309551.html
4 November	Guiding Opinion on the Oversight and Management of "Four Types of Cases"	SPC	https://www.chinalawtranslations.com/en/4-types-of-cases/
28 December	14th Five-Year Plan for National Informatisation (2021-2025)	CCCI	https://digichina.stanford.edu/work/translation-14th-five-year-plan-for-national-informatization-dec-2021/
30 December	Online Mediation Rules	SPC	https://www.court.gov.cn/fabu-xiangqing-339521.html
2022			
20 January	Provisions on Several Issues Related to the People's Court's Handling of Cases Online	SPC	https://www.chinalawtranslations.com/en/online-cases-draft/
26 January	Online Operation Rules	SPC	https://www.court.gov.cn/fabu-xiangqing-346471.html
8 March	Annual Work Report	SPC	https://www.court.gov.cn/zixun-xiangqing-349711.html
25 May	Opinion on Strengthening the Judicial Application of Blockchain	SPC	https://www.court.gov.cn/zixun-xiangqing-360281.html
8 December	Opinion on Regulating and Strengthening the Applications of Artificial Intelligence in the Judicial Field	SPC	https://www.court.gov.cn/fabu-xiangqing-382461.html

Appendix II: Codebook Chapter Four

Name	Description
Critiques	
Digital divide	
Ethical challenges	
Fragmentation	
Persistence of information siloes	
Reduces human agency	
Loss of humanity or human touch	
Technological alienation	
Undermines privacy	
Techno-optimism	
Confusing goals and means	
Indicator culture	
Ideological - Official Slogans	
Adhere to party leadership	
Co-construction co-governance co-sharing	
Modernisation of national governance system	

Name	Description
Scientific decision-making	
Smart governance as a vehicle	
For collaborative and participatory governance	
For democratisation	
Collaborative governance	
Expand public participation	
Expansion of civil society	
People-centred	
Public participation	
Improving connectivity and participation	
For governance and government reform	
For scientific decision-making	
For technical rationality	
To adhere to rule of law	
To expand data collection and monitoring	

Name	Description
To improve active responsiveness of governance	
To improve holistic governance	
What is smart governance	
Big data driven decision-making	
Centrality of technology	
Collection & Monitoring	
Holistic governance	
Integrated system	
New mode of government	
Service-oriented	

Appendix III: Codebook Chapter Six

Name	Description
Challenges	The practical and normative challenges of judicial reform
Anti-corruption	How digitisation and automation can contribute to anti-corruption efforts.
Improving (procedural) oversight	One mechanism through which the judiciary tries to reduce corruption is by increasing and improving mechanisms of oversight through, e.g., new and stricter procedures and stricter enforcement.
General consistency vs considering individual cases	A consistent challenge of China's judicial reform has been to find an equilibrium between judicial consistency (same judgment for same cases) and acknowledging the uniqueness of every legal case.
Considering local differences	
Humans are fallible	A central starting point of judicial digitisation and automation; influenced by the Marxist ideal of rational governance.
Improving efficiency	Efficiency means more output with less input.
Reducing human element	Reducing or limiting human discretionary decision-making in the judicial process through digitisation and automation.
Goals	The normative goals of smart courts
Procedural Justice	Relating to formalities and procedures
Consistency	
Absence of oversight leads to unfairness	
Digitisation as a gateway	Digitisation helps improve procedural justice by strengthening consistency.
Enforcing procedures	

Name		Description
	Equalising online and offline	Online and offline procedures and documents have the same legal validity.
	Improving decision-making	
	Promoting consistency	
	Standardising judicial outcomes	
	Standardising power	Clarifying and formalising responsibilities and duties of each position in courts.
	Standardising practices	Clarifying and formalising practices, i.e., actions and measures, one may undertake in specific situations.
	Standardising sentencing	
	External visibility	
	Increasing visibility of justice	
	Informing parties	Informing parties about the technicalities of online litigation, their rights during an online process, etc.
	Informing and guiding parties	
	Informing parties about their rights	
	Protecting rights	The protection of rights during the judicial process.

Name	Description
Giving parties the freedom of choice	
Protecting data and information	
Protecting privacy and neutrality	
Protecting the right to a trial	
Standardising litigation	
Internal accountability	Increasing and improving internal accountability
Centralising court work	
Clarifying responsibilities	
Clarifying rules	
Correct oversight is a prerequisite	The idea that correct (political) oversight is a prerequisite to a "fair" outcome in a judicial process.
Digitisation as a gateway	
Enforcing procedures	
Oversight	
Enhancing judicial activities	

Name	Description
Facilitating court work	
Holistic oversight	An all-round, all-encompassing way of oversight that covers every node in the judicial process from beginning until end.
Improving (procedural) oversight	
Improving accountability	
Improving procedural transparency	
Self-discipline	Digitisation and automation foster self-correction and self-discipline among its users.
Facilitating court work	Smart courts make the judicial process easier which is an incentive for judges to use it.
Improving (procedural) oversight	
Substantive Justice	Relating to substantive outcomes of the judicial process
CCP Legitimacy	
Enhancing judicial activities	
Ensuring fairness	
Giving discretion to the court	
Choosing online litigation under certain conditions	

Name	Description
Moving to offline	
Holistic oversight	
Strengthening political loyalty	
Strengthening party leadership	
Individuality as access	This concerns the provision of access to a legitimate venue of airing grievances, functioning as a safety valve to let out pressure from society. It is a provision for the faceless masses, i.e., the poor and powerless (because the rich and powerful would never use the courts, rather internal party mechanisms). Provision of access is not only formal and passive (letting the people come to justice), but bringing justice to the people (through smart courts and propagating).
Accommodating different needs	
Consent	
Getting implicit consent	
Getting informed consent	
Isolating consent	
Needing consent	
Withdrawing consent	

Name	Description
Facilitating the judicial process	
Providing more convenient services	
Improving access to justice	
Individuality as social stability	The fact smart courts allow for individual rights and try to accommodate individual needs, is not so much motivated by liberal principles of individual rights, but rather from a concern with social stability for the collective. This is in line with the literature of the Chinese conception of "fairness" and "justice" as a collective concept.
Accommodating different needs	
Consent	
Getting implicit consent	
Getting informed consent	
Isolating consent	
Needing consent	
Withdrawing consent	
Considering local differences	

Name	Description
Contesting matters of procedure	
Ensuring fairness	
Improving access to justice	
Improving procedural transparency	
Losing rights	Individual rights are only relevant as long as they serve the collective goals of social stability and prosperity.
Protecting rights	
Giving parties the freedom of choice	
Protecting data and information	
Protecting privacy and neutrality	
Protecting the right to a trial	
Standardising litigation	
Unifying procedural and substantive justice	
Consolidating judicial reform	
Following procedures closely	

Name	Description
Pathways	How are Smart Courts helping to overcome the challenges and achieve the goals set out in the data?
Procedural Justice	Relating to formalities and procedures
Centralising court work	
Clarifying responsibilities	
Clarifying rules	
Digitisation as a gateway	
Facilitating court work	
Holistic oversight	
Improving decision-making	
Institutionalising procedures through platformisation	
Promoting consistency	
Standardising judicial outcomes	
Standardising power	
Standardising practices	
Standardising sentencing	
Promoting interconnectivity	
Reducing human element	

Name	Description
Substantive Justice	Relating to substantive outcomes
Centralising court work	
Considering local differences	
Consolidating judicial reform	
Digitisation as a gateway	
Giving discretion to the court	
Choosing online litigation under certain conditions	
Moving to offline	
Holistic oversight	
Improving access to justice	
Improving efficiency	
Improving trial enforcement	
Institutionalising procedures through platformisation	
Modernising the judiciary	
Promoting interconnectivity	
Strengthening political loyalty	

Name	Description
Strengthening party leadership	

Curriculum Vitae

Straton Papagianneas was born on April 25, 1994, in Brussels, Belgium. He lived in Cyprus before returning to Belgium in 1998. In 2012, he began his bachelor's degree in Sinology at the Catholic University of Leuven. During the summer of 2014, he attended a summer program at Shanghai Jiao Tong University, where he was first introduced to Chinese law. For his final undergraduate year, he participated in an Erasmus exchange at Ruprecht-Karls-Universität in Heidelberg, where he also completed his Master's in Sinology in 2017.

After obtaining his MA, Straton pursued a Postgraduate Certificate in Economic Diplomacy at the Brussels Diplomatic Academy, including an internship at a law firm in Shanghai. In 2018, he moved to Wuhan to study International Law at Wuhan University, completing this program in 2019.

In the summer of 2019, Straton relocated to the Netherlands to begin his PhD in Chinese Studies at Leiden University. His research was conducted at the Institute for Area Studies, the Van Vollenhoven Institute, and eLaw – Center for Law and Digital Technologies. His PhD work was challenged by the global COVID-19 pandemic, which impeded his ability to conduct research visits to China. During this period, he moved to Paris for personal reasons in 2020 and returned to Leiden in 2022. He completed his PhD in early 2023 after a research stay at Griffith University in Australia. Throughout his PhD journey, he published several articles, book chapters, and various works for a broader audience.

Besides his research, Straton was an editor for projects like the Mapping China Journal, the China Guiding Cases Project, and Sinotalks. He was also engaged in teaching and supervision, focusing on courses related to Chinese governance, law, and politics.

Currently, Straton works as a Study Coordinator at the Faculty of Humanities at Leiden University. He also works part-time as a boxing coach.