

A Reflection on “Let the Judge be Accountable” from the Perspective of Modernization of Trial Management

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Abstract: The principle of “let the adjudicator judge, let the judge be accountable” lies at the core of judicial accountability system reform. Since the publication of the People’s Court The Fourth Five-Year Reform Outline of the People’s Court System (2021-2025) issued by the People’s Court, over a decade of exploration and practical application has yielded significant progress. The principle of “let the adjudicator judge” has been more thoroughly implemented, ensuring that adjudicative power of statutory trial organizations, such as Sole Judges and Collegial Panels, is fully upheld. In contrast, the principle of “let the judge be accountable” has lagged behind due to constraints such as the construction of responsibility norms and the interpretation of the scope of accountability. These obstacles have led to ambiguities and inconsistencies in aligning adjudicative powers and responsibilities, ultimately compromising judicial quality and efficiency, inconsistencies in the application of the law, and minor cases triggering significant public sentiment. The internal essence of the “let the judge be accountable” principle lies in building a judicial accountability system that seamlessly integrates the clarification of responsibilities, the definition of accountability, and the enforcement of consequences. To address these issues, the mechanism for “letting the judge be accountable” should be enhanced by clarifying the logical prerequisite of accountability and responsibilities, solidifying the forms of accountability, and enhancing procedures for enforcing accountability. Additionally, by leveraging big data technology, strengthening digital empowerment, and advancing the modernization of adjudication management, we can advance the modernization of adjudication work.

Keywords: Adjudication management modernization; Judicial accountability system; Judicial power; Adjudication responsibility; Judicial disciplinary

“An impartial judiciary is the last line of defense for social fairness and justice. We will deepen comprehensive and integrated reform of the judicial system, fully and faithfully enforce judicial accountability, and accelerate the development of a fair, efficient, and authoritative socialist judicial system. We will see that the people feel justice has been served in each and every judicial case.”^[1] President Xi Jinping pointed out in his Report to the 20th National Congress of the Communist Party of China. Xi further emphasized, “we must grasp the key of the judicial accountability system, conduct in-depth research into the comprehensive and integrated reform of the judicial accountability system, and accelerate the construction of a new mechanism for the operation of judicial power with consistent power and responsibility.”^[2] The judicial accountability system has always been a key to reform in the field of justice, and as the key of further deepening judicial system reform, achieving

the principle of “let the adjudicator judge, let the judge be accountable” is essential.^[3] The People’s courts, as the national judicial authority under the leadership of Communist Party of China, should fully and accurately implement the judicial accountability system. This involves critically assessing the obstacles and challenges encountered during the implementation of the principle of “let the adjudicator judge, let the judge be accountable” in judicial practice, and strive to enhance the people’s sense of justice and improve judicial authority and credibility through promoting the modernization of adjudication management, systematically addressing complex issues, and optimizing reform pathways.

1 Reevaluation of the Value Implication of “Let the Judge be Accountable”

From the Third and Fourth Plenary Sessions of the 18th CPC Central Committee, it was proposed that let the

adjudicator judge and let the judge be accountable, and that whoever handles a case be held accountable; to the 19th CPC Central Committee's proposal that the judicial accountability system should be fully implemented; to the 20th CPC Central Committee's emphasis on the full and accurate implementation of judicial accountability system; and to the 3rd Plenary Session of the 20th CPC Central Committee's emphasis on the implementation and refinement of judicial accountability system. This progression—from “implementation” to “full implementation,” then to “full and accurate implementation,” and finally “implementation and refinement”—reflects the CPC's evolving and deepening understanding of judicial accountability system's foundational principles. It provides clear guidance for the courts to fully and accurately implement the judicial accountability system as a means of accelerating the modernization of the adjudication mechanism, while setting forth new and higher standards,^[4] and even more importantly, to deeply understand and accurately grasp the value of the “let the judge be accountable” in the new era.

1.1 “Let the Judge be Accountable”: A Logical Consequence of the Promotion of “Let the Adjudicator Judge”

Power entails responsibility, and the exercise of power must be accompanied by accountability, dereliction of duty must be met with accountability, and abuses of power must be subject to appropriate accountability. These principles are not only fundamental to the operation of power but also the logic foundation for implementing the judicial accountability system. To realize the principle that “power entails responsibility”, it is essential to standardize both the exercise of judicial power and the mechanisms of accountability, and to put accountability in place.^[5] The principles of “let the adjudicator judge” and “let the judge be accountable” are two interconnected aspects of implementing the judicial accountability system. We need to standardize the use of power and to realize strict accountability at the same time. Returning

to the original intent of the system's design, “let the adjudicator judge” reforms the operational mechanism of judicial power, ensuring that the single judge, collegial panel and other legal judicial organization can exercise adjudicative authority effectively. This addresses issues such as the separation of the trial and adjudicative power, to overcome the disadvantages of “the adjudicator does not judge, and the judge does not adjudicate”, the inefficiencies caused by excessive layers of examination and approval. “Let the judge be accountable” emphasizes that judges must assume responsibility for the quality, efficiency, and credibility of the cases they handle. Those who deliberately violate laws or regulations, or who make mistakes in judgment due to gross negligence and cause serious consequences, should be held accountable for illegal adjudication.^[6] Since the implementation of the Outline of the Fourth Five-Year Reform of the People's Courts, courts in China have made significant progress in safeguarding the exercise of judicial power by single judges, collegial panels, and other legal adjudicative organizations by merging the trial power with adjudicative power, thereby returning the power to the single judges and collegial panels. As a result, controversial administrative practices—such as multiple layers of approvals and requests for instructions—have gradually been removed from the judicial arena. At this stage, while fully empowering the statutory adjudicative organization, it is equally important to ensure that the necessary supervision in place, in addition to the president of the court, the Adjudication Committee, the Adjudication Management Office and other subjects of supervision and management, adjudication organizations must also be granted adequate discretionary space to exercise judicial authority lawfully and impartially. Adjudication organization as a subject with discretionary power, is expected to make decisions that uphold the principles of justice and adhere to the rule of law. However, if they disregard the demands of fair justice and violate judicial norms or legal provisions, resulting in

improper adjudication, they must assume responsibility for their unlawful judicial conduct. This accountability aligns with the principle of self-responsibility. In addition, the principle of consistency and unity of power and responsibility underscores that authority must come with accountability.. With the merger of trial power and adjudicative power , and the return of these powers to the single judge and collegial panel, it follows that adjudicators must assume judicial responsibility for any outcomes arising from their case-handling activities.. In other words, if improper conduct during the adjudication process results in negative consequences or erroneous case outcomes, the adjudicator should be held responsible for the quality of the case within the scope of their duties. Therefore, under the background and requirements of the “comprehensive and accurate implementation of the judicial accountability system” , it is crucial to emphasize the significance of “let the judge be accountable” as the logical extension of “let the adjudicator judge”. If judges deliberately violate adjudication rules or commit significant errors resulting in wrongful judgments, strict accountability measures must be enforced. Failing to do so risks creating a “broken window effect”. “Let the adjudicator judge, let the judge be accountable” is the organic unity of the whole, the relationship between judicial power and judicial responsibility within adjudication organizations must not be fragmented., so we should ensure the consistency of power and responsibility and avoid the imbalance of power and responsibility.

1.2 “Let the Judge be Accountable”: An Essential Requirement for Achieving Fair Justice

Justice and efficiency is the perpetual theme of court work, the fundamental purpose of courts is to achieve justice, ^[7] and this justice must be timely. Indeed, the impartiality and efficiency of the judicial process are fundamental prerequisites of a democratic society. The public has a legitimate right to expect not only that judges dispense justice fairly and impartially, but also that judicial matters are processed and resolved through

modernized procedures designed to minimize friction and waste. ^[8] Otherwise, a delayed justice may result in two significant drawbacks. First, the psychological fallout and even disappointment in judicial work caused by the parties’ long wait for proceedings, which affects the judicial credibility of the courts; second, extended delays lead to excessive consumption of judicial resources and strain on judges, which can adversely impact the handling of other cases and create a vicious cycle of inefficiency within the judicial system.

Therefore, To achieve fair and efficient justice, it is imperative to ensure that judicial power is exercised in a manner that is lawful, impartial, efficient, and free from corruption, and the proper fulfillment of the duties of adjudication, in order to guarantee that judicial decisions are fair. The principle of “Let the adjudicator judge, let the judge be accountable” reflects a profound understanding of the nature of justice. “Let the adjudicator judge” can ensure that the adjudication power is exercised in a manner that aligns more closely with the inherent principles of justice., and “let the judge be accountable” serves to encourage—or even compel—judges to take a more proactive and responsible approach to their duties. This accountability fosters the fair and standardized exercise of judicial power, requiring judges to handle cases strictly in accordance with the law while maintaining impartiality and integrity. Specifically, on the one hand, the implementation of “let the judge be accountable” helps to enhance the quality of the trial. When the judge take responsibility for their conduct during case proceedings or for the outcomes of their judgments, they are more likely to approach each case with greater caution and diligence. Guided by the court’s adjudication quality management metrics, they strive to ensure that fact-finding, legal application, and procedural execution all comply with legal standards. ^[9] This will not only promote the standardization and fairness of judicial activities, but also strengthen the public’s sense of judicial trust. On the other hand, the implementation of “let the

adjudicator judge” will help to improve the efficiency of adjudication. When the judge is responsible for their case proceedings and outcomes of the adjudication, the performance appraisal system motivates them to expedite the progress of case hearings., avoid procedural vacancies and reduce unnecessary delays. While accelerating case resolution, it also lowers litigation costs and time burdens for the parties involved.

1.3 “Let the Judge be Accountable”: A Key Element in the Implementation of the Judicial Accountability System

The principle of “let the adjudicator judge, let the judge be accountable” is not only essential to ensuring fair and lawful judgments but also critical to addressing the “second half” of judicial accountability—the identification and enforcement of accountability. This principle is a cornerstone for the comprehensive and accurate implementation of the judicial accountability system. Judges’ judicial responsibility should include at least two dimensions. In the positive sense, judges should correctly fulfill their statutory duties. In the negative sense, judges should bear the corresponding adverse consequences when they fail to meet these duties^[10] Specifically, on the one hand, the judge’s judicial responsibility is reflected as the judge’s behavioral responsibility in the case-handling process. This refers to the statutory adjudication conduct and decision-making authority entrusted to judges by law. Emphasizing the accountability system of single judge and collegiate panels reinforces that both the trial and adjudication of cases fall within judges’ duties, and judges must exercise their judicial power independently and impartially according to law without interference from external factors. On the other hand, judicial responsibility also includes outcome responsibility, which pertains to accountability for case outcomes and the overall quality of adjudication. Since the judge is the main body of the exercise of adjudication power, judges who independently render case judgments are naturally accountable for the results of their decisions and the quality of their

case. The two aspects of judges’ judicial responsibility are the concrete embodiment of the two aspects of judicial power exercise. Considering the judge’s judicial responsibility, we should not only pay attention to the judge’s behavior responsibility, but also pay attention to its outcome responsibility; This dual focus ensures that judges can exercise their judicial power independently and in accordance with the law, while also ensuring that such power is exercised within legal limits to uphold judicial justice. Unrestricted power will inevitably leads to corruption, the judiciary is no exception. Therefore, “let the judge be accountable” requires the judge to effectively undertake the statutory adjudication duties . At the same time, the judge is responsible for the results of their adjudications and ensures that the power is effectively restricted and supervised, which is essential for the comprehensive and accurate implementation of the judicial accountability system.

1.4 “Let the Judge be Accountable”: A Key approach to Promote the Modernization of Trial Management

The modernization of the court adjudication work can not be separated from the modernization of adjudication management. The modernization of adjudication management encompasses not only the concepts, systems, and mechanisms of adjudication management, which should reflect the Chinese characteristics, conform to the laws of justice, and adapt to the development of the times, but also the overarching goal of adjudication management, which is to achieve “justice and efficiency”. Zhang Jun, the President of the Supreme People’s Court of the People’s Republic of China, emphasized that adjudication management extends beyond trial-related affairs. It encompasses a broad array of functions and powers of people’s courts aimed at ensuring justice and efficiency, such as political construction, personnel appraisal, case management, adjudication supervision and guidance.^[11] Adjudication management has a wider scope and deeper connotation. It includes the

identification and investigation of judicial responsibility, aimed at addressing and correcting deviations in judicial behavior and preventing errors in decision-making. When judges fail to fulfill their statutory adjudication duties, the adverse consequences—such as negative evaluations or accountability measures—function as a deterrent to improper exercise of judicial power. In addition, as a “sword of Damocles” always hanging overhead, judicial responsibility serves as a constant reminder to exercise judicial power in strict accordance with the law, thereby contributing to the realization of justice and efficiency. In this sense, it can also play a role in adjudication management. Therefore, as performance appraisal, grade promotion and other positive incentive mechanisms, “let the judge be accountable” is also a scientific adjudication management tool, implementing it well will help to promote the refinement of adjudication management and play a vital role in promoting the modernization of adjudication management. To ensure the implementation of the judges’ accountability, it is essential not only to define the boundaries of judicial power clearly, particularly the forms and scope of judicial responsibility, but also to establish and refine the matching adjudication management system and mechanism, such as the performance appraisal mechanism to prevent adjudication errors in advance, the court president’s review system to supervise the adjudication process and avoid adjudication errors in the event, and the disciplinary system to investigate adjudication accountability retrospectively. The improvement of these systems and mechanisms is promoting the modernization of adjudication management and helping to ensure that adjudication activities are conducted in an orderly and efficient manner.

2 Re-examination of the Practical Implementation of “Let the Judge be Accountable”

Since the implementation of the Outline of the Fourth Five-Year Reform of the People’s Court, more than a decade of judicial practice has been explored, While significant progress has been made in advancing

the principle of “let the adjudicator judge,” including the gradual removal of practices such as multi-level approval requirements and the issuance of legal documents by court presidents, the full implementation of “let the judge be accountable” still leaves room for improvement. Mainly reflected in the following aspects:

2.1 Scientific Deficiency in Institutional Norms Leading to Weak Regulation of Accountability

The diverse circumstances under which adjudicators assume judicial responsibility are not yet matched by a sufficiently scientific and well-defined framework of institutional norms. On the one hand, this lack of scientificity is reflected in the lack of clarity and certainty in the regulations governing judicial responsibility. For example, at present, there are no laws and regulations that specifically addressing the accountability of adjudicators for their judicial conduct.; The Judges Law of People's Republic of China, which aims at “strengthening the management and supervision of judges”, does not have a dedicated “accountability” procedure. It provides only a general principle stating that “the people’s court shall make a decision on whether to impose disciplinary action in accordance with relevant regulations and take corresponding measures”, without offering detailed and specific explanation. The procedural basis and specific responsibilities are not clear when “Let the Judge be Accountable” for the accountability and disciplinary measures. The guidelines and measures issued by local courts on the accountability of judges, are inconsistent in their definitions of responsibility and the scope of application.. For example, the Measures for Investigating the Quality Responsibility of Trial Cases formulated by the People’s Court of Hebei District, Tianjin, stipulates that the three elements that constitute a “misjudged case” are: First, the judges makes serious errors in using evidence, ascertaining facts or applying laws; Second, resulting in serious consequences and adverse social impact; Third, the case is either sent back for retrial, ordered for retrial, overturned, or corrected

by a higher court or through trial supervision procedures within the same court. Guangdong Province's Measures for Investigating the Responsibility of Misjudged Cases in Maoming Intermediate People's Court (Trial) defines a "misjudged case" as a case in which the court staff intentionally or through gross negligence violates laws and regulations, resulting in wrong judgment and execution results with serious consequences.^[12] The Regulations on the Investigation of Responsibility for Misjudged Cases and Law Enforcement Faults of Hebei Province stipulates that misjudged cases and law enforcement faults refer to judicial or administrative enforcement personnel, due to intent or negligence, violate laws and regulations during enforcement activities, resulting in erroneous judgments or decisions.^[13] The High People's Court of Jiangxi Province used the title of "fault responsibility in handling cases" in the Measures for Investigating the Responsibility of Courts across the Province (Trial), categorizing faults into "first-degree faults" and "second-degree faults." A "first-degree fault" is defined as "gross negligence combined with substantive or procedural errors, resulting in certain adverse consequences", which was mixed with some cases of illegal adjudication responsibility.^[14] The Interim Measures for the Punishment of Judges of Zhejiang Province issued by the High People's Court of Zhejiang Province defines "judgment error" as cases involving factual inaccuracies, misapplication of law, improper handling outcomes, or serious violations of legal procedures. These different concepts and standards of responsibility have affected the consistency and predictability of judicial accountability to some extent, making it difficult to meet the requirements of the modernization of adjudication management. On the other hand, deficiencies are also reflected in the absence of appropriate norms governing judicial responsibility.. In practice, the "enhanced version" of accountability rules frequently appears in many places, which not only involves the integration of relevant norms such as adjudication process control, discipline supervision, but

also significantly expand the scope of matters for which judges may be held accountable. These matters range from major violations, such as corruption, bribery, wrongful judgments, and harm to public interests, to minor issues like document formatting and punctuation errors. Under such rules, any deviation, no matter how minor, may trigger accountability measures. Through the "enhanced version" of the accountability rules, it is reflected that the administrative management mode is still adopted for the judges. These rules attempt to encompass every aspect of judicial conduct under the guise of comprehensive accountability. However, the result is an overreaching "web of rules" that places judges in a state of constant apprehension, where even minor missteps could lead to blame. It is difficult to effectively guarantee the quality and effectiveness of the adjudications. Such practices fall short of the requirements for "fully and accurately implementing the Judicial Accountability System."

2.2 Ambiguity in Connotations Resulting in Narrow Accountability Determination

Through all time, the scope and connotations of judges' accountability have lacked clarity and precision. In practice, judicial accountability is often represented by terms like unlawful adjudication accountability, the accountability for wrongful convictions, and adjudication defect accountability. For example, Guidelines of the Supreme People's Court on Further Comprehensive Implementation of the Judicial Accountability System (Document No. 23 [2018] of the Supreme People's Court or Relevant Legal Authority) stipulates a "strict implementation of the accountability for unlawful adjudication," and require courts at all levels to thoroughly investigate judges suspected of violating adjudicative duties. Judge Disciplinary Committees are tasked with determining whether such violations stem from willful misconduct or gross negligence and issuing review opinions based on the findings. Similarly, the Supreme People's Court Judge Discipline Procedural Regulations (Trial Implementation) (Document No.

319 [2021] of the Supreme People's Court or Relevant Legal Authority) focuses on violations of adjudicative duties, stipulating that courts must investigate and discipline judges for such violations in accordance with their administrative authority. However, whether judicial responsibility borne by adjudicators is only limited to adjudicative responsibilities warrants further exploration. President Zhang Jun of the Supreme People's Court highlighted that the 20th National Congress of the Communist Party of China emphasized that "comprehensive rule of law is a profound revolution in national governance," thereby assigning heavier political, legal, and adjudicative responsibilities to the People's Courts,^[15] and courts should "actively integrate into national and social governance, internalize political consciousness, and serve broader governance objectives to strengthen the Party's leadership foundation"^[16] These observations highlight that responsibilities of adjudicators extend beyond adjudicative functions to encompass higher-level judicial responsibilities, including political and social responsibilities derived from case handling. For instance, improper handling of cases leading to negative social sentiment or adverse societal impacts. This is not only an inherent requirement of the socialist rule of law with Chinese characteristics, but also a practical necessity need for the high-quality development of judicial work. In practice, there is a tendency to narrowly interpret judicial responsibility, focusing predominantly on whether there are "errors in the outcome of the adjudication." This narrow focus often neglects political and social responsibilities, leading to situations where negative societal impacts or public dissatisfaction stemming from case handling are attributed collectively to the court rather than to specific adjudicators. Responsibility in these cases is frequently assigned to court presidents, division heads, or public relations departments, effectively diluting individual accountability. While courts, as a collective exercising judicial authority, are undoubtedly responsible for any issues arising from case handling, this collective

responsibility often obscures the specific responsibilities of individual adjudicators. This divergence from the principle of clear and consistent responsibility undermines the sense of accountability and quality consciousness among individual adjudicators, failing to meet the requirements of modern adjudication management. Furthermore, the responsibilities borne by different entities are not uniform. Ambiguities in the definitions and categories of responsibility results in insufficient accountability, leading to decreased motivation and commitment among some judges in case handling, ultimately affecting adjudication quality and efficiency. For instance, while the case handler system was originally designed to address internal divisions of labor within collegial panels, often results in the case-handling judge shouldering the majority of the work and the corresponding responsibility. In contrast, other members of the collegial panel are subject to minimal accountability, showing little concern for cases they do not directly handle. Consequently, the personal opinion of the case-handling judge frequently becomes the collective decision of the collegial panel, while the broad and generalized responsibility regulations for adjudication organizations obscure the accountability of individual panel members. Additionally, as collegial panel members remain relatively fixed and handle similar types of cases together. This prolonged collaboration creates the risk of forming tightly-knit interest groups, which, in turn, fosters an environment conducive to the overextension of discretionary power and the emergence of judicial corruption.

2.3 Avoidance of Adverse Behavioral Incentives Caused by Accountability

The concept of incentives, rooted in economics, highlights individuals' responses to economic activities, wherein decisions are made by weighing costs and benefits to achieve favorable outcomes. In management science, incentives refer to internal or external forces that inspire individuals to take action with enthusiasm and persistence toward organizational goals. Managers

are encouraged to utilize reward mechanisms to align their efforts with organizational objectives. If intrinsic or extrinsic rewards meet individuals' needs, they provide positive feedback, signaling the appropriateness of certain behaviors and encouraging their repetition.^[17] For judges, incentives such as professional honor, performance appraisal, grade promotion and salary increases serve as effective forms of positive reinforcement. Similarly, properly defined judicial responsibility and accountability mechanisms can act as positive incentives, urging judges to exercise adjudicatory power lawfully and fairly. However, when responsibility types are ambiguously defined or accountability measures are disproportionate, positive incentives may fail to materialize, giving rise instead to "reverse incentives." For instance, judges—fearing accountability under the judicial accountability system—may seek cases with existing precedents or limit themselves strictly to the literal interpretation of laws, producing decisions that, while legally correct, defy common sense and social norms. Such "legally correct but unreasonable" judgments erode public confidence, provoke social disapproval, and exacerbate negative public sentiments, ultimately undermining judicial authority. lies in the performance evaluation and accountability systems in the current adjudication framework, which often focus on individual judges despite the collegial panel being the primary statutory adjudicatory body. Lacking appropriate evaluation or liability constraints, other panel members may adopt a passive role, leading to a phenomenon of "cooperation without deliberation". At present, judges' accountability typically uses erroneous outcomes, directly impacting adjudicators' prospects for promotion or performance evaluation. In order to avoid liability and reduce professional risks, judges might decide "handling more cases increases the chance of error—better to handle fewer cases or perhaps none at all." Such reverse incentive can be seen in two main ways. On the one hand, an excessive focus on avoiding "erroneous judgments" can result in undue reliance

on mediated settlements. Mediation—a hallmark of "Eastern experience"—stresses respect for the parties' autonomy, characterized by voluntariness, flexibility, inclusiveness, and adaptability, maximizing the interests of both parties while fostering conflict resolution and social harmony.^[18] Ideally, mediation agreements reflect the parties' genuine intentions, with voluntary compliance naturally following. However, under the pressure of these negative incentives, some judges may aggressively promote mediation to minimize appeals or reduce their exposure to accountability for erroneous judgments.^[19] As a result, some mediation agreements may not truly reflect the will of the parties, leading to situations where "settled yet unresolved" disputes can only be addressed via enforcement. On the other hand, the practice of seeking advance guidance from higher courts—commonly referred to as "requests for instructions"—can lead to the "virtualization" of the second-instance procedure. In terms of system design, the second instance procedure has the triple functions of private remedy, public supervision and dispute resolution, and the facts, applicable law, reasons, conclusions and procedures of the first instance decision are the object of judgement of the second instance decision.^[20] Seeking to avoid an appeal and the risk of being overruled or remanded for retrial, first-instance judges may preemptively consult with second-instance courts regarding case handling. Such practices effectively "hollow out" the second-instance procedure, diminishing its supervisory role and obstructing the modernization of adjudication management.

2.4 Weak Accountability Effectiveness Resulting from Deficient Implementation

The principle of "Let the judge be accountable" depends on effective implementation. To advance this goal, the Opinions of the Supreme People's Court on Further Advancing the Judicial Accountability System (Document No. 23 [2018] of the Supreme People's Court and Other Relevant Departments) proposes "improving the new supervision and management mechanism

and disciplinary system,” specifically calling for the establishment of a full-process IT-based adjudication supervision and management system, standardizing adjudication and enforcement procedures, and refining the list of supervisory responsibilities for court presidents and division chiefs. It also suggests strengthening the “four types of cases” supervision mechanism,, enhancing quality evaluations of adjudication, strictly enforcing accountability for unlawful adjudication, and improving the system for preventing judicial corruption. However, persistent issues remain, such as inconsistent application of law, disproportionately large public sentiment on minor cases. Instances where adjudicators are held accountable for errors remain rare, signaling that “responsibility of the adjudicator” is not yet fully implemented. One reason is the “passive mindset” of some court presidents and division chiefs regarding supervision and management of judicial powers. Some are hesitant, unwilling, or uncertain about how to conduct effective supervise. Especially after the Outline of the Fourth Five-year Reform, certain court leaders have misconstrued the principle of “let the adjudicator judge, let the judge be accountable” as implying that responsibility for trials rests solely with single judges or collegial panels. This misunderstanding often leads to the neglect of necessary oversight in areas such as fact-finding, evidence evaluation, and legal application, creating management gaps that hinder the proper implementation of judicial accountability. Another issue is the tendency to focus on “unlawful adjudication” in supervision and management, or specifically on the correctness of adjudication outcomes and procedural compliance. Insufficient attention is given to whether trials achieve the “three effects” of political, social, and legal outcomes. The persistent problem of “procedural formalities devoid of substantive resolution” in some cases is a prime example. Particularly in civil and commercial disputes, some adjudicators limit their efforts to formal reviews of whether alleged facts meet statutory elements or focus solely on achieving procedural closure,

often in pursuit of efficiency. individual procedural steps, the substantive outcomes and procedural applications of these cases may not appear improper, leaving no apparent grounds for judicial accountability. However, when viewed in the context of the entire litigation process, such practices overlook the comprehensive verification of disputed facts and fail to substantively resolve conflicts. As a result, the same contested facts may lead to repeated litigation between parties, reflecting a pattern of mechanical adjudication, case-by-case processing, and passive justice. This approach severely diminishes public trust in the judiciary and undermines the credibility of the courts. In such situations, adjudicators should rightfully bear corresponding judicial responsibility. Finally, while many judges across the country have been subjected to broad forms of "discipline" for various reasons, including systems established by local high courts, actual disciplinary cases remain rare. Most discipline involving judges is still imposed as Party or administrative sanctions or criminal prosecution. This situation arises primarily from the overly narrow scope of disciplinary grounds defined in China's existing judicial accountability regulations. Furthermore, there is a lack of sufficient understanding and consistent application of these disciplinary grounds in practice. On the one hand, to avoid underutilizing the judge disciplinary mechanism, some matters unrelated to judicial adjudication are submitted to judge disciplinary committees for review. These cases often involve general misconduct that is not directly connected to case handling and should be handled by discipline inspection and supervision authorities. On the other hand, some misconduct that does merit discipline goes unreported to the judge disciplinary committee, either to “protect the court’s reputation” or due to societal and media pressures, and is dealt with through regular channels of cadre management.

3 Further Exploration of the Underlying Mechanism of “Let the Judge be Accountable”

If judicial independence is pursued without necessary

checks, it risks losing legitimacy; conversely, an excessive focus on accountability can undermine judicial independence.^[21] Striking a proper balance between guaranteeing judges' independent and impartial exercise of adjudicatory power and imposing judicial liability is vital to "let the adjudicator judge, let the judge be accountable." Only by analyzing the internal operating mechanism of "responsibility of the adjudicator" can we find a path of accountability compatible with judicial logic and rules—namely, establishing an integrated framework that encompasses the clarification of responsibilities, precise definition of accountability, and enforcement of consequences.

3.1 Clarification of Accountability as the Essential Precondition for Implementing "Let the Judge be Accountable"

"Let the judge be accountable" must first address the question of what the judge is accountable for. That is, it must identify types of liability and distinguish among them to enable precise, standardized liability recognition and enforcement. Judicial liability refers to the legal and disciplinary consequences judges may face when breaching their professional or official duties.^[22] With the continued refinement of judicial practices and deeper understanding of the exercise of adjudicatory power, the identification and enforcement of judicial liability have become increasingly detailed and standardized, reflecting a trend toward strengthening accountability.

Currently, there is no consensus on classifying liability. Professor Chen Ruihua identifies three modes of judge responsibility: result liability, procedure liability, and professional ethics liability. The first two belong to "case-handling responsibility," and the third pertains to violations of professional ethics.^[23] While this framework offers valuable insights, it does not clearly delineate boundaries between these categories, leading to ambiguities in applying accountability standards. For instance, intentionally perverting justice, gross negligence leading to wrongful judgments, minor procedural

mistakes, or flawed adjudication are not easily categorized under these headings. Considering varying degrees of severity, one should also factor in "quality defects," i.e., minor mistakes in adjudication. Such "quality defect liability" (also known as adjudicative defects liability, case-handling defect liability, or general error liability) mainly refers to typical errors in documentation, procedures, fact-finding, law application, or judicial behavior. Judges or judicial assistants are required to bear responsibility for such errors under relevant regulations.^[24]

Therefore, a multi-dimensional liability system encompassing liability for unlawful adjudication, liability for quality defects, and liability for professional ethics, among others, is more reflective of reality. Judicial practice frequently encounters these types of liabilities. For example, professional ethics liability is addressed in various institutional documents issued by the Supreme People's Court and local courts. These rules aim to regulate judicial conduct by prohibiting improper interactions between judges and lawyers, restricting judges from engaging in legal practice after their tenure, and implementing job-avoidance measures. Specifically, the Supreme People's Court, Supreme People's Procuratorate, and Ministry of Justice have jointly issued the Guidelines on Establishing and Improving Mechanisms to Prohibit Improper Contact between Judges/Prosecutors and Lawyers, which stipulate strict prohibitions on such conduct and the creation of dynamic monitoring and investigation channels. The Supreme People's Court also imposes job avoidance measures for court leaders and adjudicative personnel whose spouses, parents, or children work as lawyers. These provisions serve to physically isolate potential sources of corruption, effectively eliminating conditions that could jeopardize judicial integrity, and thus play a positive role in maintaining judicial impartiality. Judges who violate these prohibitions and engage in improper trial conduct are held accountable under professional ethics liability. Of course, given the court's role and functions, accountability

should also include political and social responsibilities, in addition to the commonly discussed case-handling and professional ethics responsibilities. Because the first two categories already have relatively clear rules and procedures, the following sections will focus on the latter two categories—political and social responsibilities.

It is crucial to note that distinguishing among these accountability types has significant implications. The severity of each liability type differs, and it is vital to precisely calibrate liability severity. Excessively lenient judicial responsibility can result in arbitrary judgments, abuse of power, or even lawlessness among judges, ultimately causing inconsistencies in judicial adjudication. On the contrary, excessive judicial responsibility may result in insufficient independence of the adjudicator, which can undermine the motivation of the judges, and even reduce the judiciary to a tool of politics.^[25] Based on the fundamental principle of the correspondence between power and responsibility, the judicial authority exercised by judges should be commensurate with their duties, allowing for an accurate assessment of the scope of power based on the scope of responsibility. A common practice in judicial systems is the establishment of adjudication power and responsibility lists, which clearly outline the scope of judicial authority and corresponding accountability measures. These lists ensure the fair exercise of judicial power and achieve alignment between authority and responsibility. For example, the Guidance on the List of Judicial Powers and Responsibilities for Shanghai Courts (2024 Edition) further optimize the collegiality of the authority and responsibility, improve the other trial authority and responsibility, clarify the exercise of authority and responsibility of the boundary standards in a more comprehensive manner. It aims to clearly delineate between authority and responsibility, ensuring each is defined and exercised appropriately, in order to provide a normative foundation for all judicial authorities and responsibilities to fulfill their duties in accordance with the law and to facilitate accountability.

The High Court of Ningxia Province has issued the List of Judicial Powers and Responsibilities of Ningxia Courts, specifies behaviors such as misconduct in adjudication, unlawful trials, improper supervision, and violations of professional ethics, providing clear guidelines for implementing judicial accountability.^[26] The Zhuhai Intermediate People's Court of Guangdong Province, on the other hand, has established a clear list of adjudication power and responsibility to achieve the integration of powers and responsibilities.^[27]

3.2 The Determination of Judicial Responsibility: A Core aspect of Implementing Judicial Accountability

The core of 'let the judge be accountable' is the determination of the accountability, but the problem lies in whether accountability should focus on the adjudicative behavior itself or the erroneous outcomes resulting from unlawful adjudication. This remains a contentious issue in both practice and theory. In 2015, the supreme people's court issued the Several Opinions on Improving the Judicial Accountability System of the People's Courts, with Article 26 stipulating circumstances under which the illegal adjudication responsibility of relevant personnel should be pursued in accordance with discipline and law. Specifically, the grounds for responsibility determination generally refer to "deliberately violating legal procedures, evidence rules, and clearly defined laws in conducting trials, or causing erroneous verdicts and serious consequences due to gross negligence." Articles 34 to 37 mainly stipulate the procedures for pursuing illegal trial responsibility. In 2016, the Opinions on Establishing a Disciplinary System for Judges and Prosecutors (Trial Implementation) extended the scope of accountability to include disciplinary actions for judges who breach their adjudicatory duties.

It is evident that the scope of accountability in China primarily focuses on "unlawful adjudicative behavior," encompassing both deliberate misconduct and gross negligence, which constitutes the narrowest interpretation of judicial accountability. The 2019

amendments to the Judges Law significantly revised the framework for identifying judicial accountability. According to Article 46 of the current Judges Law, there are three primary categories of accountability. Firstly, the violation of integrity standards. This primarily pertains to the relevant conduct enumerated in Items 1, 8, and 9 of Paragraph 1, Article 46 of the Judges Law, specifically including corruption, bribery, malpractices for personal gain, perversion of the law in judgment, accepting benefits from parties and their agents or meeting with them in violation of relevant regulations, and engaging in or participating in profit-making activities, holding concurrent positions in enterprises or other profit-making organizations, in contravention of relevant regulations. Secondly, the breach of work discipline. This primarily pertains to the relevant conduct enumerated in Items 3 and 6 of Paragraph 1, Article 46 of the Judges Law, such as disclosing national secrets, judicial work secrets, business secrets, or personal privacy, and procrastinating in case handling, thereby neglecting judicial duties. Thirdly, the dereliction of adjudication duties. This primarily pertains to the relevant conduct enumerated in Items 2, 4, and 5 of Paragraph 1, Article 46 of the Judges Law, such as concealing, falsifying, altering, or intentionally damaging evidence or case materials, deliberately violating laws and regulations in handling cases, and causing erroneous judicial decisions due to gross negligence, resulting in serious consequences. These three categories essentially encompass the entire scope of judicial duties.

Furthermore, according to Article 47 of the Judges Law, the Judge Disciplinary Committee is responsible for reviewing "unlawful adjudication" behaviors, as outlined in Items 4 and 5 of Paragraph 1, Article 46 of the Judges Law, and, on this basis, rendering opinions on whether the judge intentionally or negligently violated their duties, as well as the degree of negligence. Article 15 of the Supreme People's Court's Several Provisions on Strictly Implementing the Punishment System of the Judges Law of the People's Republic of China stipulates that judges

must uphold integrity, abide by professional ethics, and refrain from engaging in any other illegal or unethical conduct. Violations may result in punishments ranging from warnings to serious demerits. In cases of severe misconduct, they shall be dismissed or receive punishment above the demotion level. For those subject to removal from office or dismissal, the appointing authority shall be requested to relieve them of their judicial duties. Based on the current regulations, China has essentially established a dual-faceted model for determining accountability. This model combines liability for erroneous judgments and disciplinary measures for breaches of professional ethics. Judges are subject to accountability not only for wrongful judgments but also for violations of professional ethical standards.

The regulations pertaining to the grounds for judicial discipline in other countries or regions overseas can be broadly divided into three primary categories: firstly, conduct that gravely compromises judicial impartiality, credibility, and authority; secondly, general misconduct, including disciplinary breaches, improper or unethical actions that undermine judicial impartiality; and thirdly, actions involving intentional or gross negligence in the exercise of judicial authority by judges. Overall, the framework for determining judicial disciplinary grounds typically follows a behavior-result model. For example, Germany adopts a dual-track system that includes both judicial behavior and case outcomes as the basis for disciplinary actions. In contrast, countries like the United Kingdom and the United States focus solely on judicial behavior as the basis for discipline. Based on a comprehensive analysis, the primary criterion for assessing whether a judge should bear judicial responsibility for their cases hinges on whether they have illegally exercised their authority or engaged in unlawful case-handling practices, rather than merely relying on the outcome-based responsibility model for evaluating erroneous judgments to substitute for illegal responsibility. This is because the standards for determining erroneous judgments are often

ambiguous and primarily outcome-driven, overlooking the complexities of litigation processes and the underlying principles of judicial decision-making. This has resulted in numerous adverse impacts on the operation of the judicial discipline system, which primarily pursues accountability for erroneous judgments.^[28] Therefore, the grounds for pursuing accountability should adhere to a unified standard that integrates subjective and objective factors, focusing on whether the judge has engaged in irregular, improper, unethical or unlawful adjudicative behavior while exercising judicial authority. In the absence of illegal judicial conduct, judicial accountability should only be pursued if intentional misconduct or gross negligence resulted in erroneous judgments with severe consequences.

3.3 Accountability: A Necessary Safeguard for Implementing Judicial Accountability

Implementing the principle of “let the judge be accountable” necessitates addressing the issue of accountability. Accountability serves as a negative evaluation mechanism of judges’ illegal exercise of judicial power. The pressure of being held accountable ensures that judges fully assume their judicial responsibilities. Different forms of judicial responsibility vary in their definitions, consequences, and handling procedures. In practice, judicial accountability procedures are often applied to handle judges’ responsibility for illegal adjudication. Besides, case quality assessments are conducted based on adjudication management authority for cases with defects, and disciplinary measures are taken according to Party and government discipline regulations for professional ethics violations and other illegal or disciplinary infractions.^[29] However, a single improper adjudicative act may involve multiple layers of accountability, leading to overlaps or unequal emphasis in enforcement. Therefore, it is essential to precisely identify different types of responsibilities and allocate them appropriately among various entities to achieve accurate

accountability and maximize its positive impact on the lawful and proper exercise of judicial power. For example, the judicial accountability reform explicitly establishes the goal of “let the adjudicator judge, let the judge be accountable”, providing political support and practical verification standards for the reform of adjudication organizations. By implementing the accountability system for collegiate panels handling cases, judges are encouraged to take the primary responsibility for case handling, which helps resolve the long-standing dilemma of “Formally collegial but functionally individual” and truly realizes the goal of “letting the adjudicator judge, letting the judge be accountable”. Specifically, clarifying responsibilities within and outside collegiate panels and delineating the boundaries of collective and individual responsibilities of collegiate panels ensures that cases are jointly heard, deliberated, adjudicated, and accounted for by all panel members. If a case is deemed erroneous by the judicial committee, and the original panel’s deliberation opinion is correct, the panel will not bear external responsibility. Internally, individual responsibility is distributed among panel members based on their roles, actions, and degree of fault. For instance, the Luoyang Intermediate People’s Court implements a proportional accountability system for erroneous cases. If a case is deemed erroneous, the presiding judge, the chief judge handling the case, and the judge bear responsibility in a 6:2:2 ratio for the presiding judge’s cases, and in a 4:4:2 ratio for the chief judge’s cases.^[30]

Another approach to accountability for illegal judging behaviors is judicial discipline. As a crucial mechanism for implementing the principle of “letting the judge be accountable”, judicial discipline serves as a negative evaluation mechanism of judges who exercise their judicial power passively or even illegally. Through disciplinary measures, judges are compelled to exercise judicial authority fairly, efficiently, and with integrity, which inherently constitutes one aspect of judicial management. In judicial practice, judicial discipline is a

significant but not exclusive component of the judicial accountability mechanism. Currently, judicial discipline encompasses more than just organizational measures; it is governed by explicit requirements stipulated in judicial discipline procedures. There are two forms of judicial discipline: one is organizational measures, such as suspension from duty, postponement of promotion, removal from judicial or enforcement positions, withdrawal from the judge quota, removal from office, and compelled resignation, imposed by the cadre management department based on judicial performance evaluations and other factors; the other is administrative penalties, which include disciplinary sanctions such as warnings, demerits, serious demerits, demotion, removal from office, and dismissal.

Undoubtedly, in addition to bearing judicial responsibility for breaches of professional discipline, individuals who violate Party discipline and administrative regulations shall be subject to disciplinary measures by the Party and administrative authorities. They ought to be referred to discipline inspection and supervisory authorities for investigation and accountability, forming a critical point of connection between judicial and supervisory systems. In 2022, the Supreme People's Court promulgated the Regulations on Enhancing the Coordination Between Judicial Discipline and Discipline Inspection and Supervision Work, further clarifying jurisdictional boundaries between the courts and supervisory authorities in investigating judicial misconduct. The regulations primarily establish procedural provisions for the coordination of reviewing and investigating work between courts and discipline inspection and supervisory organs. Beyond administrative tasks such as transferring materials and providing feedback, the primary focus of this coordination lies in the realm of professional review and determination.^[31] Indeed, As judges represent a unique professional group, the authority responsible for supervising and disciplining them should be a specialized statutory institution. The

familiarity of discipline inspection and supervisory personnel with judicial activities and their degree of involvement in the judicial process will both impact the effectiveness of discipline inspection and supervisory organs in overseeing the exercise of judicial power in courts. Furthermore, supervisory oversight tends to focus on outcomes, lacking mechanisms for proactive supervision of judicial power. To ensure the substantive and consistent implementation of judicial discipline, further improvements are needed in areas such as the responsible entities, targets, timelines, and safeguards of judges' rights within the disciplinary framework.

4 Refinement of “Let the Judge be Accountable” Implementation Pathway

Realizing “let the judge be accountable” is both a critical approach to advancing the modernization of adjudication management and mutually reinforcing with it. As courts strive to modernize adjudication management, it is essential to clarify the relationship between adjudication powers and responsibilities, accurately distinguish between trial power and adjudicative power, and enhance the “let the judge be accountable” mechanism by addressing gaps in responsibility, improving accountability procedures, and strengthening digital empowerment. Additionally, it is essential to uphold the principles of corresponding positions and responsibilities, unified rights and obligations, matched responsibilities and safeguards, and combined accountability and exemption.^[32] Only by doing so can the accountability element in “let the judge be accountable” be effectively implemented, and the realization of the modernization of adjudication management be adequately guaranteed by mechanisms.

4.1 The Logical Premise of “Let the Judge be Accountable”

With power comes responsibility, and the balance of power and responsibility is an inherent rule of national governance. “Power” and “responsibility” are inseparable concepts, with the exercise of power

necessitating corresponding accountability. There is no power without limits of accountability, nor responsibility without corresponding authority. Hence, exploring “let the judge be accountable” requires clarifying the power-responsibility relationship, focusing on trial and adjudicative authorities. In common discourse, these two forms of power are often conflated, with inconsistent terminology used interchangeably. Such ambiguity hinders the effective implementation of the “let the judge be accountable” mechanism.

According to China’s Constitution, the people’s courts independently exercise judicial power in accordance with the law, free from interference by administrative bodies, social organizations, or individuals. Judicial power refers to both adjudicative and trial power, enabling courts to hear and decide criminal, civil, administrative, and other cases in accordance with the law. It is an exclusive and fundamental authority of the courts. It can be broadly categorized into two types: direct powers, such as hearing cases, interpreting laws, and exercising judicial discretion, which are core judicial functions and the central work of courts; and derivative powers, like fostering economic and social development, advancing dispute resolution, promoting social governance innovation, and conducting legal education, which though not intrinsic to judicial authority, are extensions of judicial power and play a vital role in fulfilling the courts’ mission.

Especially in the new era, the people’s courts, as judicial organs, must actively align, plan, and advance justice within the broader context, focusing on proactive duty performance in accordance with the law, advancing service to broader national interests and justice for the people, rather than merely adhering to the principle of “independent judicial power”^[33]. For instance, in recent years, Shanghai courts have introduced a series of special measures to support Shanghai’s “Five Centers” development strategy, providing judicial guarantees for building a business environment governed by the rule of law, protecting intellectual property, preventing

financial risks, and promoting high-quality shipping economy development. These actions exemplify proactive extensions of judicial power. Moreover, the current emphasis on “addressing issues at their source” in rule of law development requires courts not only to handle cases within litigation (“existing issues”) fairly and efficiently but also to guide the resolution of potential disputes (“latent issues”) before they enter litigation. Recently, courts across China have issued judicial suggestions and white papers on adjudications to address social governance issues identified during case hearings, prompting government agencies, enterprises, and social organizations to improve regulations, close loopholes, and strengthen internal management. This approach fosters social governance innovation, achieving the goal of “resolving one case while improving governance in multiple areas.” The same applies to legal education and outreach. According to the principle of “who enforces the law, who popularizes the law”, courts play a crucial role in public legal education, emphasizing the normative, guiding, and educational functions of court verdicts on social behavior. For example, the widely followed “Yu Huan case”, provided a nationwide legal education lesson through live adjudication broadcasts, guiding society to correctly understand “justifiable defense”, revitalizing the interpretation of the justifiable defense system, and serves as a prime example of courts fulfilling their legal education and outreach responsibilities. Correspondingly, adjudicative power refers to the authority of the people’s courts to make decisions on procedural and substantive matters in litigation, constituting the core of judicial power. Compared to trial power, adjudicative power is more singular and fixed in its functional attributes, serving as the specific manifestation of judicial power in individual cases. people’s courts are both highly political operational bodies and highly operational political entities. This dual nature implies that the courts’ responsibilities cannot be confined to the mere exercise of adjudicative power. Judicial work goes beyond “adjudicating according

to law” and must strive to achieve the integration of political, social, and judicial effects.

In the context of individual case hearings, the judicial responsibilities entrusted to the adjudicator extend beyond ensuring the substantive fairness of case outcomes, procedural compliance, and evidence credibility. They also include fulfilling broader non-judicial functions, such as supporting economic and social development through case adjudication and regulating and guiding social behavior. These non-adjudicative functions, within the People’s Court, are not assigned to an independent department or a separate human resource team. Instead, their execution is embedded within the handling of each individual case, carried out through the adjudication of each specific case. Based on this, the “accountability” in “let the judge be accountable” corresponds to trial power, rather than the more functionally singular adjudicative power. When adjudicators hear and render judgments in cases, they must not only evaluate the correctness of the adjudicative outcomes but also deeply understand the underlying social issues inherent in the judicial questions. They must keenly appreciate the public’s fundamental sense of fairness and justice, striving to achieve a harmonious integration of legal, political, and social outcomes through a comprehensive consideration of moral principles, legal norms, and human sentiments. In contrast, the current approach to “let the judge be accountable” places excessive emphasis on judicial responsibility in individual cases while neglecting the political and social responsibilities that adjudicators should address in case hearings. This imbalance has resulted in an incomplete fulfillment of judicial accountability.

4.2 The Completion Promotion of the Accountability: Framework of “Let the Judge be Accountable”

As mentioned above, the previous approach to “let the judge be accountable” lacked consideration of the political and social responsibilities arising from the case adjudication process. In order to ensure the comprehensive and complete implementation of “let the

judge be accountable”, it is necessary to promote the substantiation of the adjudicator’s political and social responsibilities. These political and social responsibilities should primarily be concrete and closely tied to the specific cases handled by the adjudicators, rather than being generalized. Otherwise, excessive and vague imposition of these responsibilities would become an unsustainable burden for judges. Secondly, political and social responsibilities, unlike judicial responsibilities, are often often manifest as objective facts, such as adverse social impacts or negative public opinion caused by case adjudication activities, which do not require procedural determination. Furthermore, as Zhang Jun, President of the Supreme People’s Court, has pointed out, advancing the modernization of adjudication management requires a scientific evaluation system as a key tool. To mobilize the team’s enthusiasm and improve the quality of adjudication, it is essential to leverage the evaluation system as a directive tool.^[34] To promote the substantial realization of political and social responsibilities, reliance should not be placed solely on retrospective accountability and disciplinary actions. Rather, it is essential to leverage a comprehensive evaluation and assessment system that integrates proactive prevention, ongoing supervision, and post-event accountability, ensuring responsibilities are clearly assigned to individuals and thoroughly implemented.

On one hand, the performance evaluation system can play a guiding role by incorporating judges’ political and social responsibilities into the performance assessment framework. Although performance evaluations and judicial disciplinary mechanisms function differently, with the former leaning towards positive reinforcement and the latter towards negative reinforcement, their ultimate goal is the same: to encourage or compel judges to regulate their adjudicative conduct in accordance with the law. In terms of outcomes, both ultimately lead to the same goal, contributing to the realization of judicial fairness and efficiency. In practice, political

and social responsibilities that should not be regarded as part of judicial responsibility can be included in the performance evaluation criteria, and incorporated into the adjudication quality management and the evaluation of judges' performance^[35]. For example, in recent years, Shanghai courts have incorporated requirements related to political, ideological, and disciplinary development into the performance evaluation of judges. Handling major cases, strengthening governance at the source of litigation, properly resolving conflicts and disputes, managing public opinion, achieving the "three effects," and completing the "three regulations" have all been included as important evaluation criteria. The results of these evaluations directly affect judges' performance assessments, adjustments in positions and ranks, and other personal interests. Through the guiding role of the evaluation system, judges are encouraged to effectively implement the Central Committee of the Chinese Communist Party's strategies and policies during case adjudication. This enhances their awareness of the principle of "treat the case as if it were my own," ensuring thorough efforts in resolving conflicts and promoting settlements of lawsuits. This ensures sufficient efforts are made to resolve disputes and secure compliance with judgments, preventing issues such as "new disputes arising from resolved cases" or "appeals triggered by cases" that negatively impact public perception of the courts. On the other hand, the evaluation system can play a guiding role by incorporating the fulfillment of political and social responsibilities into the evaluation framework of judges' capabilities and competencies. The People's Court of the People's Republic of China are primarily political institutions, and the political competence of judges is an important component of their competency evaluation system. In practice, evaluating judges' political competence through assessment can guide them to adjudicate according to the law and emphasize the rule of law, while also promoting political awareness in service of the broader goals. It is also an important guarantee for effectively fulfilling

judges' political and social responsibilities. For example, the Shanghai People's Court has issued the Measures for the Management of Political Competence Files of Court Personnel in Shanghai (Trial Implementation). The "One Person, One File; One Matter, One Record" system is used to create individual political competence files for all court officials. These files truthfully record and reflect the actual performance of court officials during critical moments, such as the implementation of central and higher-level decisions and policies, responding to organizational assignments, handling major cases, completing significant tasks, and facing critical challenges. They objectively record officials' political loyalty, determination, responsibility, capability, and self-discipline, transforming political competence evaluations from implicit to explicit assessments. By accurately documenting judges' political performance in their political competence files during law enforcement and case handling, and using these records as key references for cadre selection, promotions, rank adjustments, and performance rewards, this system aims to guide judges in cultivating and upholding a correct perspective on political achievements. This ensures that judges consciously assume their political and social responsibilities during case adjudication, handling each case with optimal quality, efficiency, and effectiveness, thereby better safeguarding the legitimate rights and interests of the people.

4.3 The Improvement of the Accountability Procedure of "Let the Judge be Accountable"

Regarding the issue of holding judges accountable for their trial responsibilities, the Regulations on the Disciplinary Procedure for Judges (Trial Implementation) provides relevant provisions on the composition of the Judicial Disciplinary Committee, the acceptance of judicial misconduct cases, investigation and verification, submission for review, making disciplinary decisions, and the appeal and review process for the involved judges. In contrast to political and social responsibilities, the determination of a judge's trial responsibilities

encompasses various aspects, including whether improper behavior occurred during case adjudication or whether the case outcome constitutes an “erroneous judgment.” The key lies in the standardization of accountability procedures to balance strict responsibility enforcement with rights protection. To achieve this goal, several aspects of the accountability mechanism require further improvement. First, it is essential to improve the accountability entities. The Judicial Disciplinary Committee is a crucial entity for accountability enforcement.. According to the Regulations on the Disciplinary Procedures for Judges (Trial Implementation), the Judicial Disciplinary Committee, from a professional perspective, determines whether a judge has violated their trial responsibilities, offering review opinions on whether the conduct involved intentional misconduct, gross negligence, minor negligence, or no violation of duty. However, the members of the Judicial Disciplinary Committee are not solely composed of judges. Given the high level of expertise required to evaluate judicial violations, determinations should rely on advanced professional skills and substantial judicial experience. To ensure the authority of the Judicial Disciplinary Committee in providing review opinions on whether and how disciplinary actions should be taken, based on the determination of facts, the composition of the committee should primarily consist of senior judges with professional expertise. It should also include members from the broader legal community, such as prosecutors and legal scholars. Furthermore, the role of the court’s adjudication committee should be fully utilized to safeguard the process of determining whether judges have engaged in misconduct. This ensures that judges who adjudicate cases in accordance with the law are not subject to accountability, while those who violate the law in their handling of cases will inevitably face sanctions. Secondly, defining the subjects of accountability is of utmost importance. The process of adjudicating cases in a court bears strong resemblance to a doctor treating a patient’s illness, requiring greater focus on actions and

processes rather than solely on the outcomes resulting from improper conduct, requiring greater focus on actions and processes rather than solely on the outcomes resulting from improper conduct.

Therefore, the accountability of judges should primarily center on improper judicial conduct, rather than the judicial outcome. This is because case outcomes are inherently unpredictable. In extreme situations, cases that were lawfully concluded might later be reassessed due to changes in laws, policies, or the parties’ circumstances, subjecting adjudicators to perpetual risk of being held accountable.^[36] By comparison, the the case adjudication process and judicial conduct are relatively controllable. Making “conduct” rather than outcomes the primary basis for accountability ensures that process and the behavior of judges are relatively controllable. When accountability is based primarily on “conduct” rather than outcomes, it reassures judicial personnel, making them believe that as long as they regulate their thoughts and actions, diligently and fairly fulfilling their duties according to the law, they will not be held accountable for errors in case outcomes. This approach alleviates concerns, allowing judges to confidently and lawfully exercise their authority,^[37] thereby encouraging judges to more actively and effectively fulfill their trial responsibilities. Third, it is important to establish a clear time limit for accountability. In accordance with the principle of commensurate rights and responsibilities, judicial power is not unlimited, and the judicial responsibilities arising from its exercise should also have boundaries. The Criminal Law of the People’s Republic of China (2020 version) sets forth time limits for the prosecution of criminal behavior. Even in cases where the maximum penalty is life imprisonment or the death penalty, prosecution must cease after twenty years. If prosecution is deemed necessary after this period, it requires approval from the Supreme People’s Procuratorate. To ensure that the rights and duties of judges are balanced, and that responsibilities align with corresponding protections, a time limit for holding judges

accountable should also be established. For example, the statute of limitations for holding a judge accountable should begin from the date the grounds for accountability are discovered, rather than when the improper conduct concludes.^[38] At the same time, Article 15 of the Implementation Guidelines of the Supreme People's Court on Further Comprehensively Implementing the Judicial Accountability System explicitly stipulates that "the responsibility for flaws in adjudication quality should be strictly distinguished from the responsibility for illegal adjudication, ensuring that judges are not held accountable for lawful judgments but are held accountable for illegal ones." Accountability timeframes should be further refined based on the severity of judicial responsibility: For severe unlawful adjudicative behaviors causing significant harm or serious societal impacts, the timeframe for accountability could follow the statutes of limitations outlined in laws such as the Criminal Law of the People's Republic of China (2020 version) should be applied; for minor judicial misconducts, such as flaws in adjudication, a clear time limit could be established after which no disciplinary measures would be imposed on the judge once the misconduct has ceased. Fourth, it is important to focus on the integration of judicial discipline with rights protection. The establishment of a judicial discipline system serves, on one hand, to punish improper behavior by judges, safeguarding the authority and public trust of the judiciary; on the other hand, it aims to better protect judges' ability to adjudicate impartially and prevent undue interference. Excessive accountability risks undermining judges' discretion. Therefore, disciplinary procedures for judges should adopt quasi-judicial processes, granting judges comprehensive rights to present opinions, provide evidence, make defenses, and seek remedies. Additionally, a system should be put in place to ensure that judges are provided with protection from violations and a timely clarification process for false reports, thus ensuring that judges are willing to take responsibility and trust in the fairness of the disciplinary process.

4.4 Strengthening the Digital Empowerment of "Let the Judge be Accountable"

With the development of information technologies such as big data, cloud computing, artificial intelligence, and block chain, the construction of Digital People's Courts has become an inevitable trend in the development of court work in the digital age. Since the launch of digital court construction in Shanghai in 2023, the courts have leveraged big data and related technologies to establish a system framework consisting of five major components: data-assisted case handling, data-assisted supervision, data-assisted public services, data-assisted governance, and data-assisted administrative management. This has laid the technical foundation and basic framework for the Digital People's Court in Shanghai.^[39] As of June 2024, Shanghai courts had submitted over 5,000 application scenarios, developed more than 1,200 models, promoted over 500 applications, and integrated more than 290 into the court's information system. A total of more than 110,000 notifications have been pushed, with feedback from judicial officers indicating that over 75% reporting these tools as beneficial in case handling. The effectiveness of these initiatives continues to emerge.^[40] The construction of digital courts, while applying big data thinking to bring transformative changes to judicial work, has also empowered the implementation of "let the judge be accountable" with the wings of technology. First, the application of digital empowerment makes avoiding judicial responsibilities more feasible. Through the construction of digital courts, particularly the data-assisted case handling platform, proven and mature judicial application scenarios are embedded into the case management system, enabling proactive supervision of judicial power. Not only does it provide intelligent assistance to sole judges, collegial panels, and other judicial organizations in handling cases in accordance with the law, but it also effectively prevents the occurrence of judicial responsibilities. For example, Shanghai courts, in response to issues such as

inconsistent application of the law, flaws in adjudication, and irregularities in enforcement, has developed judicial application scenarios and embedded them into the case management system, allowing cases to automatically undergo a “check-up” at the relevant procedural stages. Taking the “notification of loss of litigation subject qualification due to natural person’s death” application scenario as an example, a certain court, while handling a civil loan case, automatically triggered the relevant judicial application scenario, which alerted that one of the parties involved had passed away. Subsequent verification revealed that the parents had concealed their child’s death. The judge, prompted by the alert, resolved the matter appropriately, thereby avoiding a wrongful judgment. Secondly, digital empowerment enhances the precision of judicial accountability determinations. Traditionally, accountability relied heavily on manual quality reviews of individual cases, which not only involved post-event problem detection but also failed to meet the needs of full-process supervision and management for the vast number of litigation cases. Currently, Shanghai courts has introduced big data analysis technology into case quality assessments. Through the screening, comparison, and collision of vast amounts of judicial data, continuous supervision and management are achieved. Various supervisory and management resources are coordinated, and supervisory entities are integrated to construct a “three-tier linkage, one-network unified management” platform for trial supervision and management. This shift transforms fragmented, case-specific error corrections into holistic, full-process reviews, significantly improving the accuracy of accountability determinations while minimizing errors.^[41] Furthermore, the application of digital empowerment makes the assumption of political and social responsibilities more efficient. For example, during the case adjudication process, judges can utilize big data to identify systemic and chain-related governance gaps behind similar cases. By advancing the development of application scenarios involving social governance

participation, digital empowerment can play a significant role in risk prevention, decision-making support, and engagement in social governance. This encourages judges to actively assume their political responsibility in service of the central objectives, while enhancing the contribution of the courts to the work of the Central Committee of the Communist Party of China. For example, the application scenario model constructed for credit card dispute cases sets screening business rules based on dimensions such as “repeated card issuance,” “cardholder involvement in criminal activity,” and “procedural stagnation.” By colliding, comparing, and screening data from credit card dispute cases concluded in the past five years, the system generates alerts for ongoing cases, notifying judges and financial institutions of potential risks. Internally, this improves the efficiency and quality of similar case adjudications; externally, it strengthens dispute source governance and enhances financial institutions’ risk prevention capabilities, achieving a win-win outcome.

5 Conclusion

“Let the judge be accountable” represents both a judicial mechanism guided by modern legal principles and a commitment to judicial responsibility rooted in adjudication management modernization. In implementing “let the judge be accountable,” it is crucial to recognize that the purpose of this accountability is not to punish judges, but to supervise, urge, and guide them to adhere to legal and moral constraints. This ensures that judges exercise their judicial powers independently and impartially, handle cases with strict caution, and fulfill their duties faithfully, with integrity and honesty, and with objectivity and fairness.

Reference

- [1] Xi Jinping. “Hold High the Great Banner of Socialism with Chinese Characteristics and Strive in Unity to Build a Modern Socialist Country in All Respects—Report on the 20th National Congress of the Communist Party of China (October 16, 2022)”. People’s Publishing House, 2022, p.

- [2] Xi Jinping. "The speech at the first meeting of the Commission for Law-based Governance under the CPC Central Committee", Xi Jinping, *On Adhering to the Rule of Law in All Aspects*, Central Party Literature Press, 2020, p. 234.
- [3] Zhang Wenxian. "On Judicial Responsibility System". *Academic Journal of Zhongzhou*, 1 (2017).
- [4] Zhang Jun. "Studying and Implementing Xi Jinping's Thought on the Rule of Law in Depth and Accelerating the Modernization of Trial Work". *Journal of Law Application*, 1 (2024).
- [5] Gao Yifei and Tian Baoshuai. "The Legal Basis and Realization Path of Comprehensively and Accurately Implementing the Judicial Responsibility System". *Journal of Guangxi University (Philosophy and Social Science)*, 2 (2024).
- [6] Hu Shihao. "Thoughts on Comprehensive Complementary Reforms for Comprehensively Implementing the Judicial Responsibility System". *China Review of Administration of Justice*, 4 (2019).
- [7] M. A. Dupont-Morales, Michael K. Hooper, and Judy H. Schmidt edited. *Handbook of Criminal Justice Administration*. Marcel Dekker, Inc. 2001, pp. 225.
- [8] Edward E. Pringle. "Court Organization and Administration. Land and Water Law Review", 1, no. 2 (1966): 578.
- [9] Liu Yanhong. "The Innovation Logic of Big Data—Driven Trial System and Trial Capacity Modernization and Its Extensions". *Southeast Academic Research*, 3 (2020).
- [10] Ding Lianghua. "The Hierarchy and Extension of Judges' Responsibilities". *Global Law Review*, 3 (2024).
- [11] Supreme People's Court President Zhang Jun's Lecture Manuscript at the Autumn Opening Ceremony of the National Judges College and the "People's Court Lecture Hall" on September 8, 2023. See Zhang Jun. "Deeply Practicing Xi Jinping's Thought on the Rule of Law and Striving to Promote the Modernization of Trial Management". *Legal Daily*, 9 September 2023, p. 1.
- [12] Lei Wanlu. "The Current Status and Trend of the Reasons for Judicial Sanctions of Judges in China—Against the Background of Judicial System Reform". *Journal of Hubei University (Philosophy and Social Science)*, 1 (2019).
- [13] Li Wenjing. "A Study on the Textual Examination and Institutional Construction of China's Misjudged Responsibility System". *Journal of Beijing Administrative College*, 1 (2019).
- [14] Li Qin. "Inspection and Optimization of Responsibility of Adjudication Flaws". *People's Judicature*, 31 (2021).
- [15] Zhang Jun. "Speech at the National Senior Court Presidents' Conference on January 14, 2024". Supreme People's Court Website. Accessed 28 June 2024. <https://www.court.gov.cn/zixun/xiangqing/423142.html>.
- [16] Zhang Jun. "Studying and Implementing Xi Jinping's Thought on the Rule of Law in Depth and Accelerating the Modernization of Trial Work". *Journal of Law Application*, 1(2024).
- [17] Daft, Richard L., and Dorothy Marcic. *Understanding Management* (4th ed.). Translated by Zeng'an Gao et al. China Machine Press, 2005, p. 275.
- [18] Liao Yong'an. "The Contemporary Value and Scientific Positioning of Mediation". *China Legal Science*, 11 (2023).
- [19] Wang Huiqing. "From Wrongful Case Responsibility System to Judicial Responsibility System: Transmutation Examination on Concept and Mechanism". *Journal of Xiangtan University (Philosophy and Social Science Edition)*, 2 (2023).
- [20] Hu Sibao. "Study on the Typology of Second Instance Decisions in Civil Litigation". *Journal of Law Application*, 12 (2023).
- [21] Chen Hangping. "Between Judicial Independence and Judicial Responsibility: An Examination and Evaluation of the U.S. State Judge Evaluation System". *Contemporary Law*, 5 (2015).
- [22] Wang Baoshi, and Zhao Guannan. "A Study of the German System of Judicial Responsibility". Wuhan University Press, 2018, p. 1.
- [23] Chen Ruihua. "Three Models of Judges' Accountability System". *Legal Studies*, 4 (2015).
- [24] Supreme People's Court of the People's Republic of China, Political Department, and Office of the Leading Group for Judicial Reform. *Readings on the Comprehensive Implementation of the Judicial Responsibility System in the People's Courts*. People's Court Press, 2021, p. 140.
- [25] Xu Shaobo, Zhang Ang. "On the Tension and Its Dissolve

-
- of Judge's Judgment and Judicial Unity". *Journal of Henan University of Economics and Law*, 2 (2022).
- [26] Kang Ying. "Comprehensive Promotion of 'Immediate Corrections' and 'Long-term Establishment': Ningxia High Court Issues a List of Trial Responsibilities and Powers to Strengthen Restraint and Oversight". *People's Court Daily*, October 24, 2021, p. 001.
- [27] Deng Feixiong and Tan Weijie. "Zhuhai Intermediate People's Court Issues a List of Judicial Powers and Responsibilities: Reducing Court and Tribunal Leadership Approval Items from 70 to 12". *People's Court Daily*, August 5, 2015, p. 004.
- [28] Zhan Jianhong. "The Dilemma and Solution of China's Judicial Disciplinary System". *Law Review (Bimonthly)*, 2 (2016).
- [29] Sun Zhe, and Yang Chunfu. "On the Logic and Paradigm of China's Judicial Responsibility System for Judges." *Nanjing Social Sciences*, 8 (2021).
- [30] Qu Haibin. "Streamlining Personnel and Administration in the Reform of the Operation Mechanism of Judicial Power." *National Governance*, 7 (2015).
- [31] Xia Jinwen, and Xu Yingrong. "Research on the Procedural Regulation of Judge Discipline after the Amendment of the Judges Law". *Jiangsu Social Sciences*, 6 (2021).
- [32] Jia Yu. "Comprehensively and Accurately Implementing the Judicial Responsibility System to Establish a Fair, Scientific, and Reasonable Judicial Responsibility Identification and Accountability Mechanism". *Xi Jinping Thought on the Rule of Law: Research and Practice*, 8 (2024) (*Democracy and Legal System Weekly*, 45, 2024).
- [33] Jia Yu. "Thoroughly Studying and Implementing Xi Jinping's Thought on the Rule of Law and Striving to Advance the Modernization of Shanghai Courts in the New Era". *Democracy and the Legal System*, 21 (2023).
- [34] Zhang Jun. "In-depth Study and Implementation of Xi's Rule of Law Thoughts, Accelerating the Modernization of Trial Work". *Journal of Law Application*, 1 (2024).
- [35] Wei Langping. "Adhere to the unity of serious accountability and legal protection and fully implement the judicial responsibility system". *People's Court Daily*, 6 September 2020, p. 2.
- [36] Sun Zhe. "Several Basic Theoretical Issues on Judicial Responsibility". *People's Justice*, 28 (2022).
- [37] Zhu Xiaoqing. "Accountability and Immunity for Misjudged Convictions". *China Law Journal*, 2 (2016).
- [38] Fang Le. "The Judicialized Transformation of the Judges' Liability System". *Law Science*, 2.2 (2019).
- [39] Jia Yu. "Research on the Construction Path of Digital Court". *Digital Law*, 3 (2024).
- [40] Speech by Jia Yu, President of Shanghai Higher People's Court, at the seminar on "Digital Law and Digital Economy" hosted by Zhejiang University on June 15th, 2024.
- [41] Jia Yu. "Research on the Construction Path of Digital Court". *Digital Law*, 3 (2024).