



中华人民共和国

最高人民法院



THE  
SUPREME  
PEOPLE'S COURT OF THE  
PEOPLE'S REPUBLIC OF CHINA



一	前言	4
二	最高人民法院的宪法地位	6
三	最高人民法院历任院长	10
四	最高人民法院的审判权	12
五	最高人民法院的审判业务机构设置	14
六	最高人民法院的司法解释权	20
七	最高人民法院的案例指导制度	22
八	最高人民法院的司法行政管理	24
九	最高人民法院的国际交流与合作	28
十	审判工作的基本原则	32
十一	地方各级人民法院与专门人民法院	36
十二	中国的法官制度	40
十三	中国法院的司法改革	44
十四	中国法院的司法公开	50
十五	国家法官学院	52
十六	中国应用法学研究所	54
十七	中国法院博物馆	56
十八	最高人民法院图书馆与出版物	58
十九	“互联网+”时代的最高人民法院	60
二十	最高人民法院现址与建筑	66



I	Preface	5
II	The Constitutional Status of the Supreme People's Court	7
III	The Successive Presidents of the Supreme People's Court	11
IV	The Adjudicative Power of the Supreme People's Court	13
V	The Structure of the Adjudicative Divisions of the Supreme People's Court	15
VI	The Power to Make Judicial Interpretations of the Supreme People's Court	21
VII	The Case Guidance System of the Supreme People's Court	23
VIII	Judicial Administration of the Supreme People's Court	25
IX	The International Exchanges and Cooperation of the Supreme People's Court	29
X	Basic Principles of the Court Trial	33
XI	The Local People's Courts at Various Levels and the Specialized People's Courts	37
XII	Judges System in China	41
XIII	Judicial Reform of the Chinese Courts	45
XIV	Judicial Transparency of the Chinese Courts	51
XV	National Judges College	53
XVI	China Institute of Applied Jurisprudence	55
XVII	China Court Museum	57
XVIII	The Library and Publications of the Supreme People's Court	59
XIX	The Supreme People's Court in the "Internet+" Era	61
XX	The Current Sites and Buildings of the Supreme People's Court	67





## 一 前言

人民法院是国家审判机关，承担着打击犯罪、保护人民，化解矛盾、定分止争，维护稳定、促进和谐等重要职责，在建设中国特色社会主义法治体系、建设社会主义法治国家，保障经济社会发展中发挥着不可替代的重要作用。近年来，中国高度重视发挥法治在国家治理和社会管理中的重要作用，强调法治是治国理政的基本方式，这对人民法院充分发挥审判职能、确保宪法法律实施提出了新的更高的要求。最高人民法院自 1949 年成立至今，在中国共产党坚强领导下，在全国人大及其常委会有力监督下，忠实履行宪法法律赋予的职责，坚定不移走中国特色社会主义法治道路，始终坚持司法为民、公正司法，努力让人民群众在每一个司法案件中感受到公平正义，为全面推进依法治国，实现“两个一百年”奋斗目标、实现中华民族伟大复兴的中国梦提供有力司法保障。



## I Preface

As the judicial organs of the state, people's courts fulfill the responsibilities of punishing crimes, protecting the public, resolving conflicts and disputes, maintaining stability and promoting harmony. Moreover, they play an irreplaceable role in establishing the socialist legal system with Chinese characteristics, building a socialist country under the rule of law and securing the social and economic development of China. In recent years, China has accorded paramount importance to the rule of law in the governance of the country and society, reiterating its fundamental status, which imposes newer and higher expectations of people's courts in enforcing the Constitution and laws through the full exercise of its judicial power.

Since its establishment in 1949, the Supreme People's Court (SPC), under the firm leadership of the Communist Party of China (CPC) and with effective supervision from the National People's Congress (NPC) and its Standing Committee, has faithfully fulfilled its responsibilities and mandates under the Constitution and laws, and upheld socialist rule of law with Chinese characteristics. The SPC has consistently maintained justice for the people and strives to enable the people to feel that fairness and justice is served in every case before the courts. It provides legal guarantee for fully advancing the law-based governance of China, achieving the "Two Centenary Goals", and realizing the Chinese Dream of the great rejuvenation of the Chinese nation.

\* "Two Centenary Goals": To complete the building of a moderately prosperous society in all respects when the CPC celebrates its centenary in 2021, and to turn China into a modern socialist country that is prosperous, strong, democratic, culturally advanced and harmonious when the PRC marks its centennial in 2049.





## 二 最高人民法院的宪法地位

根据《宪法》和《人民法院组织法》的规定，最高人民法院是中华人民共和国最高审判机关，负责审理各类案件，制定司法解释，监督地方各级人民法院和专门人民法院的审判工作，并依照法律确定的职责范围，管理全国法院的司法行政工作。



### 最高人民法院与全国人民代表大会及其常务委员会的关系：

全国人民代表大会是最高国家权力机关，最高人民法院由它产生，对它负责，受它监督。最高人民法院院长由全国人民代表大会选举产生或罢免；最高人民法院副院长、审判委员会委员、庭长、副庭长、审判员由最高人民法院院长提请全国人民代表大会常委会任免。

最高人民法院的职责范围由全国人民代表大会及其常委会通过法律确定，其基本职责是在审判具体案件过程中，严格遵守和适用法律。最高人民法院每年在全国人民代表大会开会期间向其报告工作，在全国人民代表大会闭会期间向全国人民代表大会常委会报告工作。最高人民法院的财政预算须由全国人民代表大会批准，最高人民法院的司法解释应当报送全国人民代表大会常委会备案。

### 最高人民法院与国务院的关系：

国务院是最高国家行政机关。在行政诉讼中，最高人民法院可以对国务院及其各部委的行政行为的合法性进行审查。当事人认为行政行为所依据的规章以下规范性文件不合法的，可以在提起行政诉讼时请求一并审查。人民法院认为地方政府规章与国务院部门规章不一致的，以及国务院部门规章之间不一致的，由最高人民法院送请国务院作出裁决。最高人民法院认为国务院制定的行政法规同宪法或者法律相抵触的，可以向全国人民代表大会常委会书面提出审查要求，由其根据审查作出相应处理。

## II The Constitutional Status of the Supreme People's Court

According to the provisions of the Constitution of the People's Republic of China and the Law of the People's Republic of China on the Organization of the People's Courts, the SPC is the highest judicial organ of the People's Republic of China. Its responsibilities and mandates include adjudicating all types of cases, formulating judicial interpretations, supervising the adjudications of local courts at various levels and specialized courts, and managing the judicial administration of courts across China in accordance with its scope of powers and responsibilities as provided by law.

### The relationship between the Supreme People's Court and the National People's Congress and its Standing Committee

The NPC is the highest organ of state power. The SPC is established by, responsible to and supervised by the NPC. The president of the SPC is elected or removed by the NPC. The SPC vice presidents, members of the Adjudicative Committee, divisional chief judges, deputy divisional chief judges, and judges of the SPC are nominated and submitted by the SPC president to the NPC for appointment or removal.

The scope of powers and responsibilities of the SPC is defined by the NPC and its Standing Committee according to the law. The fundamental mission of the SPC is to safeguard strict compliance and application of the law in the proceedings of adjudicating cases. The SPC reports its work to the NPC during the NPC's annual session and to the NPC Standing Committee when the NPC is in recess. The budget of the SPC is approved by the NPC, and the judicial interpretations of the SPC are submitted to the NPC Standing Committee for records.

### The relationship between the Supreme People's Court and the State Council

The State Council is the highest administrative organ of the state. In administrative litigations, the SPC may review the legality of administrative acts of the State Council and its affiliated ministries and commissions. If a litigant believes the regulatory documents an administrative act is based on, which are below the level of administrative rules, violate the law, he/she may ask for review of such document when filing administrative litigation proceedings. If a people's court finds that a rule of a local government collides with rules of a ministry or commission of the State Council, or the rules of different ministries or commissions are inconsistent with each other, the question can be transferred by the SPC to the State Council for decision.



国务院在征询最高人民法院意见的基础上，编制最高人民法院的经费预算，经权力机关通过后组织实施。国务院及其所属部门管理最高人民法院的一部分司法行政事务，如人员编制、机构设置、工资福利等。

#### **最高人民法院与最高人民检察院的关系：**

人民检察院是国家的法律监督机关。最高人民检察院是最高检察机关。最高人民检察院对各级人民法院已经发生法律效力判决和裁定，如果发现确有错误，可以依法向最高人民法院提起抗诉。

If the SPC deems that an administrative regulation made by the State Council contravenes the Constitution or the law, it may submit a written request for review to the NPC Standing Committee, which will make appropriate decisions accordingly.

After soliciting the opinions of the SPC, the State Council prepares the budget for the SPC, which is implemented after being approved by the NPC or its Standing Committee. The State Council and its relevant affiliated agencies are in charge of some administrative affairs of the SPC such as size of staff, institutional setup, and employees' salaries and benefits.

#### **The relationship between the Supreme People's Court and the Supreme People's Procuratorate**

The people's procuratorates are state organs of legal supervision. The Supreme People's Procuratorate (SPP) is the highest procuratorial agency. The SPP may, in accordance with the law, file a procuratorial protest to the SPC in any case if it believes that there has been an error in the effective judgment or ruling made by a people's court at any level.





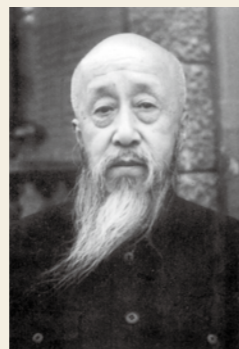
### 三 最高人民法院历任院长

### III The Successive Presidents of the Supreme People's Court



董必武 (1885年~1975年,  
1954年9月~1959年4月  
任最高人民法院院长)

DONG Biwu (1885-1975)  
Served as SPC President during  
1954.9-1959.4



沈钧儒 (1875年~1963年,  
1949年10月~1954年9月  
任最高人民法院院长)

SHEN Junru (1875-1963)  
Served as SPC President during  
1949.10-1954.9



郑天翔 (1914年~2013年,  
1983年6月~1988年4月  
任最高人民法院院长)

ZHENG Tianxiang (1914-2013)  
Served as SPC President during  
1983.6-1988.4



任建新 (1925年8月生,  
1988年4月~1998年3月  
任最高人民法院院长)

REN Jianxin (1925.8-)  
Served as SPC President during  
1988.4-1998.3



谢觉哉 (1884年~1971年,  
1959年4月~1965年1月  
任最高人民法院院长)

XIE Juezai (1884-1971)  
Served as SPC President during  
1959.4-1965.1



肖 扬 (1938年8月生,  
1998年3月~2008年3月  
任最高人民法院院长)

XIAO Yang (1938.8-)  
Served as SPC President during  
1998.3-2008.3



杨秀峰 (1897年~1984年,  
1965年1月~1975年1月  
任最高人民法院院长)

YANG Xiufeng (1897-1984)  
Served as SPC President during  
1965.1-1975.1



王胜俊 (1946年10月生,  
2008年3月~2013年3月  
任最高人民法院院长)

WANG Shengjun (1946.10-)  
Served as SPC President during  
2008.3-2013.3



江 华 (1907年~1999年,  
1975年1月~1983年6月  
任最高人民法院院长)

JIANG Hua (1907-1999)  
Served as SPC President during  
1975.1-1983.6



周 强 (1960年4月生,  
2013年3月至今  
任最高人民法院院长)

ZHOU Qiang (1960.4-)  
Served as SPC President since 2013.3





#### 四 最高人民法院的审判权

根据《宪法》和《人民法院组织法》以及其他相关法律，作为国家的最高审判机关，最高人民法院负责审理下列案件：

- 一、审理法律规定由它管辖的和它认为应当由自己审判的第一审案件；
- 二、审理对高级人民法院、专门人民法院判决、裁定的上诉、抗诉、申请再审与申诉案件；
- 三、审理最高人民检察院按照审判监督程序提出的抗诉案件；
- 四、核准本院判决以外的死刑案件；
- 五、依法审理国家赔偿案件，决定国家赔偿；
- 六、核准法定刑以下判处刑罚的案件。

2009年以来，全国各级人民法院每年审、执结案件 1000 万件以上，2015 年已达到 1671.4 万件。最高人民法院每年受理案件 1 万件以上，2015 年受理案件 15985 件、审结 14135 件。除审判案件外，最高人民法院还负责统一管理、统一协调全国法院的执行工作。目前，每年全国法院受理大量申请强制执行案件。这些案件主要由地方人民法院执行。最高人民法院设立执行局，负责这项工作的管理、监督、协调。

最高人民法院审判委员会会议室  
Meeting room for the Adjudicative Committee of the SPC



#### IV The Adjudicative Power of the Supreme People's Court

According to the Constitution of the People's Republic of China, the Law of the People's Republic of China on the Organization of the People's Courts and other related laws, as the highest adjudicative body, the SPC shall deal with the following cases:

1. hearing cases at first instance which fall in the statutory jurisdiction of the SPC or are deemed by itself to be appropriate for it to try;
2. hearing cases of appeals, procuratorial protests, applications for retrial and petitions against the judgments or rulings made by high people's courts and specialized people's courts;
3. hearing cases of procuratorial protests lodged by the SPP in accordance with the adjudication supervision procedure;
4. reviewing and approving cases of death penalty decided by courts other than the SPC;
5. hearing cases of state compensation according to law and makes decisions on state compensation.
6. reviewing and approving cases where criminal sentences are below the statutory sentence.

Since 2009, courts in China have heard and enforced over 10 million cases every year; the number was 16.71 million in 2015 alone. The SPC handles more than 10,000 cases every year; in 2015 it handled 15,985 cases and concluded 14,135 cases. Apart from adjudicating cases, the SPC also conducts unified administration and coordination of the enforcement of courts' judgments across China. Currently, courts in China handle a large number of cases of application for compulsory enforcement against other parties every year, which are mainly enforced by the local people's courts. The SPC has an enforcement department for the administration, supervision and coordination of work in this area.



## 五 最高人民法院的审判业务机构设置

最高人民法院设若干审判机构。案件通常由三人合议庭审理，有时也有五人或七人合议庭。

最高人民法院的主要审判机构及其职责如下：

立案庭（诉讼服务中心）：主要负责最高人民法院受理的各类案件登记立案；负责办理立案、管辖权争议案件；审查处理有关申诉及再审申请案件；负责司法救助工作。

刑事审判第一庭：主要负责所辖地区普通刑事案件的复核及有关审判指导工作。

刑事审判第二庭：主要负责危害国家安全、职务犯罪、涉外涉港澳台犯罪等案件的复核及有关审判指导工作。

刑事审判第三庭：主要负责所辖地区普通刑事案件的复核及有关审判指导工作。

刑事审判第四庭：主要负责所辖地区普通刑事案件的复核及有关审判指导工作。

刑事审判第五庭：主要负责所辖地区普通刑事案件的复核及有关审判指导工作。

民事审判第一庭：主要负责最高人民法院审理的婚姻家庭、人身权利、劳动争议、房地产及相关合同、农村承包合同等纠纷案件；审查和审判不服下级人民法院生效裁判的有关民事案件；指导有关审判工作和人民法庭工作。

民事审判第二庭：主要负责最高人民法院审理的第一、二审合同、公司、证券、保险、票据等商事纠纷案件；审查和审判不服下级人民法院生效裁判的商事审判监督案件；指导有关审判工作。

最高人民法院第一法庭  
The No.1 court room in the SPC



## V The Structure of the Adjudicative Divisions of the Supreme People's Court

The SPC operates a number of adjudication divisions. A case is usually heard by a collegial panel of three judges, and sometimes of five or seven judges. The divisions of the SPC and their responsibilities are as follows:

### Case-Filing Division (Litigation Service Center):

The Case-Filing Division registers and files cases accepted by the SPC, handles cases involving disputes over case filing or jurisdiction and applications for retrial and petitions for cases, and provides judicial aid.

### Criminal Division No. I

Criminal Division No. I mainly reviews the ordinary criminal cases in its geographical jurisdiction and provides guidance for cases that go to trial.

### Criminal Division No. II

Criminal Division No. II mainly reviews the cases of crimes of jeopardizing state security, crimes related to official duties, and crimes concerning foreign affairs, Hong Kong, Macao and Taiwan affairs, and provides guidance for cases that go to trial.

### Criminal Division No. III

Criminal Division No. III mainly reviews the ordinary criminal cases in its geographical jurisdiction and provides guidance for cases that go to trial.

### Criminal Division No. IV

Criminal Division No. IV mainly reviews the ordinary criminal cases in its geographical jurisdiction and provides guidance for cases that go to trial.

### Criminal Division No. V

Criminal Division No. V mainly reviews the ordinary criminal



最高人民法院小法庭  
A small court room in the SPC

cases in its geographical jurisdiction and provides guidance for cases that go to trial.

### Civil Division No. I

Civil Division No. I mainly hears cases involving marriage and family, personal rights, labor disputes, and ownership contract disputes about real estate and rural land. It reviews and retries such civil cases of lower courts for their decisions that have entered into force. It also provides trial guidance to lower courts and the work of people's tribunals.

### Civil Division No. II

Civil Division No. II mainly hears cases at





民事审判第三庭：主要负责最高人民法院审理的第一、二审知识产权及竞争纠纷案件；审判不服下级人民法院生效裁判的知识产权及竞争审判监督案件；指导有关审判工作。

民事审判第四庭：主要负责最高人民法院审理的第一、二审涉外、涉港澳台民商事案件和海事、海商案件；审判不服下级人民法院生效裁判的涉外、涉港澳台民商事和海事、海商审判监督案件；指导有关审判工作。

环境资源审判庭：主要负责最高人民法院审理的第一、二审涉及环境资源纠纷案件；审判不服下级人民法院生效裁判的环境资源审判监督案件；指导有关审判工作。

行政审判庭：主要负责最高人民法院审理的第一、二审行政案件；审判不服下级人民法院生效裁判的行政审判监督案件；审查行政机关申请强制执行案件；办理行政赔偿案件；指导有关审判工作。

审判监督庭：主要负责审判不服最高人民

法院生效裁判的各类审判监督案件；审判不服下级人民法院刑事及有关民事生效裁判的审判监督案件；审判最高人民检察院抗诉的再审案件；核准再审程序刑事案件；办理有关减刑、假释和暂予监外执行案件。

赔偿委员会办公室：主要负责审理最高人民法院赔偿委员会受理的国家赔偿案件；执行赔偿委员会决定事项；审查处理赔偿告诉、申诉案件。

执行局（执行指挥办公室）：主要负责执行法律规定由最高人民法院执行的法律文书；依法办理执行复议案件及不服下级法院生效裁判的执行监督案件；协调解决跨省、自治区、直辖市执行案件中的有关争议；审查处理执行来信来访及最高人民法院办理的执行申诉案件；指导全国法院执行信息化建设。

第一巡回法庭：于2015年1月28日在广东省深圳市设立，巡回区为广东、广西、海南三省区。

first and second instance which involve business disputes over contract, company, securities, insurance and bills of exchange. It reviews and retries such cases of lower courts for their decisions that have entered into force. It also provides trial guidance to lower courts.

#### Civil Division No. III (IPR Division)

Civil Division No. III mainly hears cases at first and second instance which involve IPR and competition disputes. It reviews and retries such cases of lower courts for any of their decisions that have entered into force. It also provides trial guidance to lower courts.

#### Civil Division No. IV

Civil Division No. IV mainly hears maritime cases and foreign, Hong Kong, Macao and Taiwan related civil and commercial cases at first and second instance. It reviews and retries such cases of lower courts for their decisions that have entered into force. It also provides trial guidance to lower courts.

#### Environment & Resources Division

The Environment & Resources Division mainly hears cases at first and second instance which involve environment and resources disputes. It reviews and retries such cases of lower courts for their decisions that have entered into force. It also provides trial guidance to lower courts.

#### Administrative Division

The Administrative Division mainly hears administrative cases at first and second instance. It reviews and retries such cases of lower courts for their decisions that have entered into force. It reviews cases of application for compulsory enforcement filed by administrative agencies and cases of administrative compensation. It also provides trial guidance to lower courts.

#### Adjudication Supervision Division

The Adjudication Supervision Division mainly reviews and retries cases whereby the SPC itself has made valid judgments. It reviews and retries cases of petition of lower courts for

criminal and civil decisions that have entered into force. It hears retrial cases in which the SPP protests court decisions and rulings. It reviews and approves criminal case sentencing under retrial proceedings, and handles cases concerning commutation of sentence, parole and temporary service of sentence outside the prison under surveillance.

#### Office of the State Compensation Commission

The Office of the State Compensation Commission mainly hears state compensation cases that are accepted by the SPC Compensation Commission, enforces its decisions, and reviews and handles complaints and petitions involving state compensation.

#### Enforcement Department (Enforcement Steering Office)

The Enforcement Department mainly executes judgments and rulings which fall into the statutory enforcement power of the SPC. It handles cases related to enforcement review cases and petitions for retrial of legally effective verdicts issued by lower courts. It coordinates and settles disputes arising from enforcement of diversity jurisdiction when the parties are from different provinces, autonomous regions and municipalities directly under the central government. It deals with petitions filed through letters and visits as well as complaints against enforcement. The Enforcement



最高人民法院第一巡回法庭  
办公楼（深圳）  
Office building of the SPC  
First Circuit Court (in Shenzhen)



第二巡回法庭：于2015年1月31日在辽宁省沈阳市设立，巡回区为辽宁、吉林、黑龙江三省。

作为最高人民法院派出的常设审判机构，巡回法庭受理不服辖区内高级人民法院一审裁判的跨省区重大行政和民商事上诉案件；不服辖区内高级人民法院行政、民商事终审裁判的申请再审案件；辖区内向最高人民法院提出的申诉信访案件；其他适宜由巡回法庭审理的案件。巡回法庭按照“让审理者裁判、由裁判者负责”原则，实行合议庭办案责任制，合议庭由主审法官组成。

研究室：主要负责起草司法解释及有关组织、协调、编纂等工作；参与立法活动，研究、征集对法律、法规、规章草案的意见；对下级人民法院和有关部门提出的法律适用问题进行答复；办理或协调办理涉港、澳、台法律事务；负责少年法庭、司法统计和综合性调查研究工作；负责指导性案例的编纂。

审判管理办公室：主要负责最高人民法院受理案件的流程管理、质量评查，监督检查法定审限执行情况，督办重要案件，承担审判委员会事务管理、司法公开、审判经验总结等工作。

最高人民法院第二巡回法庭办公楼（沈阳）  
Office building of the SPC Second Circuit Court (in Shenyang)



Department also provides guidance on the application of IT in enforcement by courts at all levels nationwide.

#### First Circuit Court

The First Circuit Court was established on January 28, 2015 in Shenzhen of Guangdong Province, covering Guangdong Province, Guangxi Zhuang Autonomous Region and Hainan Province in its circuit.

#### Second Circuit Court

The Second Circuit Court was established on January 31, 2015 in Shenyang of Liaoning Province, covering Liaoning Province, Jilin Province, and Heilongjiang Province in its circuit.

As the standing adjudicative organ of the SPC, circuit courts handle major administrative, civil and commercial appeal cases across provinces in which the first instance ruling from the high people's court under its jurisdiction is not accepted; cases applying for retrial in which the high people's court's administrative, civil and commercial final judgment under its jurisdiction is not accepted by the parties; petition cases through letters and visits filed to the SPC under its jurisdiction; and other cases falling under its responsibility. The circuit courts apply the collegiate panel system in hearing cases. The collegiate panel is composed of presiding judges.

#### Research Department

The Research Department assumes the responsibilities of drafting judicial interpretations and carrying out the organization, coordination and compilation of related materials; participating in legislation, studying and collecting opinions on drafts of laws, regulations and rules; replying to law application problems raised by lower people's courts and central government departments; handling or coordinating legal affairs related to Hong Kong, Macao and Taiwan; conducting research on juvenile courts, judicial statistics and investigating and studying major legal issues; compiling guiding cases.

#### Adjudication Management Office

The Adjudication Management Office's major responsibilities include case trial process management of the SPC, quality review, supervising and checking trial time implementation, undertaking the management of SPC Adjudicative Committee affairs, judicial transparency, and trial experience summary.



## 六 最高人民法院的司法解释权

制定司法解释是最高人民法院履行审判指导职能的方式之一。制定司法解释是最高人民法院解释法律规定、统一法律适用标准的重要机制。

根据 1981 年全国人大常委会《关于加强法律解释工作的决议》和《立法法》《人民法院组织法》的规定，最高人民法院对于在审判过程中如何具体应用法律的问题，可以进行解释。司法解释是对法律进行解释的重要形式。

根据《最高人民法院关于司法解释工作的规定》，司法解释的形式分为“解释”、“规定”、“批复”和“决定”四种：对在审判工作中如何具体应用某一法律或者对某一类案件、某一类问题如何应用法律制定的司法解释，采用“解释”形式；对审判工作中需要根据立法精神制定的规范、意见等司法解释，采用“规定”形式；对高级人民法院、解放军军事法院就审判工作中具体

应用法律问题的请示制定的司法解释，采用“批复”形式；修改或者废止司法解释，采用“决定”形式。

最高人民法院制定司法解释的立项来源包括：最高人民法院审判委员会、各审判业务部门提出制定司法解释的要求、建议；各高级人民法院、解放军军事法院提出制定司法解释的建议或者对法律应用问题的请示；全国人民代表大会代表、全国政协委员提出制定司法解释的议案、提案；有关国家机关、社会团体或者其他组织以及公民提出的制定司法解释的建议；最高人民法院认为需要制定司法解释的其他情形。

司法解释草案应当送全国人民代表大会相关专门委员会或者全国人大常委会相关工作部门征求意见。为充分听取各方意见，制定司法解释过程中还会通过互联网、召开论证会等方式面向社会各界征求意见和建议。草案经最高人民法院审判委员会讨论通过后，在《最高人民法院公报》和《人民法院报》上公告发布，同时在网上公开。司法解释发布后，须报全国人大常委会备案。

最高人民法院的司法解释不是立法，而是对审判过程中如何具体应用法律问题进行的解释，与所解释的法律具有同等效力，是法官办案的裁判依据。司法解释作为裁判依据的，应当在司法文书中援引。



最高人民法院 2015 年发布的司法解释  
Judicial interpretations released by the SPC in 2015

## VI The Power to Make Judicial Interpretations of the Supreme People's Court

Making judicial interpretations is one of the methods by which the SPC fulfills its function of providing adjudicative guidance. Therefore, making judicial interpretations has become an important mechanism through which the SPC interprets legal provisions and unifies the standards of application of laws.

According to the provisions of the Resolution on Strengthening the Work of Judicial Interpretation passed by the NPC Standing Committee in 1981, the Legislation Law of the People's Republic of China and the Law of the People's Republic of China on the Organization of the People's Courts, the SPC is empowered to make specific interpretations on applying the law in court proceedings. Judicial interpretation is an important mechanism for interpreting laws.

According to the Rules on the Work of Judicial Interpretation adopted by the SPC, there are four forms of judicial interpretation: interpretations, rules, instructions in reply, and decisions. Judicial interpretations on the application of a specific law or on how to apply the law to a certain type of case or issue in court trials take the form of "interpretations"; judicial interpretations such as standards and opinions that need to be stipulated in court trials according to the spirit of relevant legislation take the form of "rules"; judicial interpretations made in response to enquiries by the high people's courts or the Military Court of the People's Liberation Army (PLA Military Court) on the application of laws in court trials take the form of "instructions in reply"; revisions or rescissions of judicial interpretations take the form of "decisions."

The SPC makes judicial interpretations based on the following initiatives: requirements or suggestions

raised by the SPC Adjudicative Committee or its adjudicative divisions for formulating judicial interpretations; suggestions raised by the high people's courts or the PLA Military Court for formulating judicial interpretations, or their enquiries concerning the application of laws; bills or proposals made by the NPC deputies or members of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) for formulating judicial interpretations; suggestions put forward by relevant government agencies, NGOs, other entities or citizens for formulating judicial interpretations; and other circumstances in which the SPC deems it necessary to make judicial interpretations.

The drafts of judicial interpretations should be sent to the relevant NPC specialized committees or relevant offices of the NPC Standing Committee to solicit opinions. To gather a full set of inputs, the SPC will also solicit opinions from all walks of life through online mechanisms or public hearings. Once discussed and passed by the SPC Adjudicative Committee, drafts of judicial interpretations are then announced and published in the *Gazette of the Supreme People's Court* and the *People's Courts' Daily* and also released online. The judicial interpretations are reported to the NPC Standing Committee for records after the promulgation.

The SPC's judicial interpretations do not constitute legislation but explanations on how to apply the laws in trial proceedings. They possess the same legal force as the interpreted laws and may be used as legal basis for judges in deciding cases. When a court takes a judicial interpretation as the basis for a judgment, the interpretation should be cited in the judicial documents.



## 七 最高人民法院的案例指导制度

案例指导制度是最高人民法院为及时总结审判工作经验，指导各级法院审判工作，统一司法尺度和裁判标准，规范法官自由裁量权的一项具有中国特色的司法制度。2010年11月26日，最高人民法院发布了《关于案例指导工作的规定》，正式确立了案例指导制度。

指导性案例是指裁判已经发生法律效力，经最高人民法院按照规定程序确认并发布的具有普遍指导作用的案例。最高人民法院各审判业务部门可以推荐案例，地方各级人民法院认为本院生效裁判符合指导性案例条件的，也可以层报高级人民法院向最高人民法院推荐，人大代表、政协委员、专家学者、律师以及其他社会各界人士也可以推荐。指导性案例由最高人民法院审判委员会讨论通过后，在《最高人民法院公报》和《人民法院报》上公告发布，同时在网上公开。截至2015年底，最高人民法院共发布指导性案例11批56件。

指导性案例与判例不同，不属于正式的法律渊源。各级人民法院在审理类似案件时应当参照，在裁判文书中可以将指导性案例作为裁判理由引述，但不能作为裁判依据在裁判文书的法律依据部分援引。

## VII The Case Guidance System of the Supreme People's Court

The case guidance system is a Chinese-style judicial system of the SPC, which aims to sum up trial experience in a timely manner, guide trial work for courts at all levels, make uniform judicial practice and judgment standards, regulate judges' power of discretion. On November 26, 2010, the SPC issued the Provisions on Case Guidance, formally establishing the case guidance system.

A guiding case is a case whose judgment has become effective, a case that the SPC has determined and published according to prescribed procedures, and a case which can serve as a precedent in the trial of similar cases. Adjudicative divisions of the SPC can recommend cases. Local people's courts at any level can recommend and report to the court at the next level up, up to the high people's courts which may then submit such cases to the SPC, if it considers any of its cases with effective judgment meet the criteria for guiding cases. NPC deputies and CPPCC members, experts and scholars, lawyers and people from other sectors of society can also recommend eligible cases. After such recommended cases are discussed and adopted by the SPC Adjudicative Committee, they will be announced and published in the *Gazette of the Supreme People's Court* and *People's Court Daily*, and made public online at the same time. By the end of 2015, the SPC had published a total of 56 guiding case in 11 series.



最高人民法院发布的部分指导性案例  
Some guiding cases released by the SPC

Guiding cases are not part of the formal source of law. People's courts at all levels can refer to them in the trial of similar cases, and cite them as a reason for judgment in judgment documents, but they cannot invoke them as ruling basis in the part of legal basis in written judgment documents.



## 八 最高人民法院的司法行政管理

法院的行政管理事务，包括人事管理、经费管理、政务管理、审判管理，等等。最高人民法院的司法行政事务原由司法部管理，1983年后交由最高人民法院自行管理。但是，部分事务仍由国务院下属相关行政部门管理。

最高人民法院负责管理或指导全国法院的司法行政事务，具体包括：对司法工作人员的管理（包括法官的招录、任命、培训、管理、监督，指导开展人民陪审员管理事务）；对司法经费和装备建设的管理；审判管理；法院信息化建设；法院队伍建设和廉政建设；与社会、媒体、其他部门的沟通联络；对外宣传与交流合作；最高人民法院机关日常运转的管理和服务等。

除此之外，最高人民法院还与中央国家机关共同管理以下事务：最高人民法院作为司法考试委员会成员，参与全国统一司法考试工作的管理；参与人民陪审员的人选审查和培训工作；参与诉讼与非诉讼相衔接的矛盾纠纷解决机制的

建立与完善等。

部分司法行政事务由中央国家行政机关管理，如人民法院的机构人员编制；司法经费预算编制；法院基础设施建设项目编制；法官和其他工作人员工资福利标准等。

最高人民法院院长管理最高人民法院的司法行政事务和一些全国性的法院司法行政工作。最高人民法院设立1名常务副院长和若干副院长、审判委员会专职委员，协助院长管理司法行政工作。各审判庭庭长也是司法行政管理工作的承担者，特别是在审判管理方面。为完成这些司法行政管理工作，最高人民法院设置若干司法行政管理机构，包括：

办公厅：主要负责组织、协调、处理司法行政政务工作；负责院党组会和院长办公会等重要会议的组织安排及决定事项的督办；负责人大代表、政协委员以及最高人民法院特约监督员、特邀咨询员的联络工作，并督办全国人大代表建议和全

最高人民法院大法庭

The biggest court room in the SPC



## VIII Judicial Administration of the Supreme People's Court

The courts' administrative affairs normally include areas such as personnel management, funds management, operation affairs management, and adjudication management. The SPC's judicial administration was originally managed by the Ministry of Justice, but was then transferred to the SPC in 1983. Nevertheless, some judicial administrative affairs are still managed by competent administrative agencies under the State Council.

The SPC manages or guides judicial administrative affairs of all people's courts across the country, mainly as follows: personnel management of judges and other court staff (including the recruitment, appointment, training, management and supervision of judges, and the management of people's assessors); the management of judicial outlays and equipment; adjudication management; IT application development; education in sound ethical conduct of judges and other court staff; communication with the public, the media and other government agencies; international cooperation and exchanges; management of the SPC's daily operation and services.

In addition, together with relevant administrative agencies of the central government, the SPC also administers the following affairs: participating in the management of the national judicial examination as a member of the Judicial Examination Committee; participating in the selection and training of candidates for people's assessors; participating in the establishment and improvement of the disputes resolution mechanism that links litigation with non-litigation channels.

Parts of the judicial administrative affairs are

managed by competent administrative agencies of the central government, such as authorized size of staff, institutional setup, budget-making for judicial expenditures, infrastructure construction projects of the people's courts, and standards of salaries and benefits of judges and relevant staff.

The SPC president is in charge of the judicial administrative affairs of the SPC and a part of the national judicial administrative affairs. The SPC has one executive vice president, a number of vice presidents, and several full-time Adjudicative Committee members to assist the president in managing judicial administrative affairs. The divisional chief judges of the SPC are also responsible for related judicial administrative affairs, especially in the administration of trials. In order to fulfill the aforementioned judicial administrative duties, the SPC has established several administrative management organs, including:

### General Office

The General Office has the following responsibilities: organizing, coordinating and handling the office affairs of the SPC; organizing and arranging the major meetings of the SPC; connecting with the deputies of the NPC, the members of the CPPCC, commissioned supervisors and advisors of the SPC, and dealing with the proposals of the deputies of the NPC and the members of the CPPCC; editing the *Gazette of the Supreme People's Court*.

### Human Resources Department

The Human Resources Department is mainly responsible for managing the personnel of the SPC



国政协委员提案；承担《最高人民法院公报》编辑工作。

政治部：主要负责最高人民法院机关及直属单位组织人事管理工作；制定法官和其他工作人员管理法规、条例、规章等；指导全国法院思想政治、表彰奖励和教育培训工作；协助做好各高级人民法院领导班子建设以及地方人民法院的机构编制工作；负责人民法院司法警察管理工作。

监察局：对下级法院监察部门进行工作领导和业务指导；对最高人民法院机关及其内设机构、直属单位全体工作人员和高级人民法院院级领导干部执行国家法律法规、最高人民法院决定决议和法院工作纪律的情况进行监督检查；按照监察权限范围受理对法院工作人员违纪行为的控告举报，查办法院工作人员的违纪案件，受理法院工作人员不服政纪处分的申诉。

国际合作局：主要负责组织人民法院与外国司法界、国际组织之间的司法交流活动；审查、办理国际司法协助案件；负责最高人民法院参与的国际司法协助条约、国际公约的谈判及相关工作；协调、组织最高人民法院同国外相关机构的司法项目合作；指导各级人民法院的外事工作。

司法行政装备管理局：主要负责协同国家有关部门制定人民法院财务、装备、“两庭”建设管理政策；指导下级人民法院经费、装备等方面的管理工作；管理最高人民法院各项经费和国有资产；拟定并组织实施最高人民法院基本建设规划和计划；指导司法辅助工作。

司法改革领导小组办公室：主要负责制定人民法院司法改革中远期规划，制定各项具体的司法改革方案，总结司法改革的经验，就人民法院发展最需要解决的问题进行调研论证，就司法改革方案的制定、落实与其他中央国家机关和有关部门进行沟通、协商，并负责监督指导。

新闻局：主要负责制定人民法院新闻宣传工作方针政策；负责最高人民法院新闻宣传工作；负责指导地方各级人民法院新闻宣传工作。



最高人民法院新闻发布会会场  
SPC press conference

and its direct affiliates, drafting management rules and regulations for judges and staff, and providing guidance to courts nationwide in their education, commendation and professional training. It also assists the high people's courts to improve their leadership team as well as with the institutional setup and manning quotas of local courts. The administration of judiciary police also falls into its scope.

#### Disciplinary Supervision Department

The Disciplinary Supervision Department exercises leadership over and provides guidance to disciplinary supervision bodies of lower courts; supervises and inspects enforcement of the laws and regulations, execution of the resolutions and decisions of the SPC, and observation of the court discipline, by the SPC's internal departments, all the employees of its direct affiliates and the leading officials of the high people's courts. Within its power of authorization, it handles reports and tip-offs on any act of violation of discipline by its staff members, investigates such cases and punishes offenders, and handles petitions of court staff who disagree with their disciplinary punishment.

#### International Cooperation Department

The International Cooperation Department is responsible for organizing judicial communication for people's courts with the foreign judicial community and international organizations; reviewing and handling international legal assistance cases, participating in negotiations regarding international mutual legal assistance treaties and conventions, coordinating and organizing judicial cooperation programs between the SPC and foreign and international organizations; guiding the foreign

affairs work of people's courts at all levels.

#### Department of Judicial Administration and Equipment Management

The Department of Judicial Administration and Equipment Management is mainly responsible for coordinating with related central government departments in formulating policies that administer the people's courts' finance, equipment and the construction of the people's tribunals and court rooms; providing guidance to lower courts in terms of expenditure and equipment; managing the finance and state assets of the SPC; designing and implementing the SPC's planning and schemes for capital construction; offering guidance to the work of providing judicial support.

#### Steering Office for Judicial Reform

The Steering Office for Judicial Reform is responsible for formulating medium and long-term plans for judicial reform of the people's courts, making specific reform schemes, generalizing experience in reform, carrying out surveys, investigations and studies on the pressing issues facing people's courts, communicating and discussing with other agencies of the central government and related organizations in the formulation and implementation of judicial reform schemes, and providing accompanying guidance and supervision.

#### Information Office

The Information Office is mainly responsible for formulating the public relations policies and guidelines for people's courts and providing press releases on behalf of the SPC. It also directs the publicity work of lower courts.



## 九 最高人民法院的国际交流与合作



2015年最高人民法院在广西南宁举办中国-东盟大法官论坛  
China-ASEAN Justice Forum held by the SPC in Nanning, Guangxi in 2015

最高人民法院统一管理全国各级法院的国际交流与合作事宜。最高人民法院积极开展双边和多边司法交流，截至2016年3月，已与近130个国家的司法机构以及20个国际或区域性组织建立了友好交往关系，与25个国家的最高司法机构签署了合作谅解备忘录。在过去30年间，最高人民法院先后组派了近千批团组出访；接待了数百批来访团组，其中包括180多位外国首席大法官、大法官或最高法院院长、副院长来华访问；与联合国开发计划署等40多个国际组织或外国政府与司法机构建立了项目合作关系，开展了近百个司法合作项目。

## IX The International Exchanges and Cooperation of the Supreme People's Court

The international exchanges and cooperation of people's courts at all levels are under the centralized management of the SPC. The SPC actively conducts bilateral and multilateral exchanges. By the end of March 2016, the SPC had established friendly relations with judicial authorities in more than 130 countries and 20 international or regional organizations, and signed memorandums of cooperation with the supreme courts of 25 countries. In the past 30 years, the SPC has organized approximately 1,000 foreign visits for Chinese delegations, and received hundreds of foreign delegations visiting China, including more than 180 foreign chief justices, justices, or presidents and vice presidents of foreign supreme courts. Concurrently, the SPC has established cooperation with more than 40 international organizations such as the UNDP or foreign government bodies and judiciaries, carrying out almost 100 judicial cooperation programs.

The SPC has held many successful international and regional conferences on justice, including the 14th and 22nd Congresses on the Law of the World, the 6th Conference of Chief Justices of Asia-Pacific, the China-ASEAN Justice Forum and the BRICS Justices Forum. It has proposed the establishment of the Supreme Court Presidents Conference of the member countries of the Shanghai Cooperation Organization (SCO) and successfully convened the first and the seventh sessions of the conference, thereby creating an important platform for member countries to conduct judicial exchanges and cooperation.



2015年最高人民法院在海南三亚举办金砖国家大法官论坛  
BRICS Justices Forum held by the SPC in Sanya, Hainan in 2015



中华人民共和国首席大法官、最高人民法院院长周强 2015 年 9 月访问国际法院  
Zhou Qiang, PRC Chief Justice and SPC President, visits the International Court of Justices, September 2015.

最高人民法院成功举办多次全球性或区域性国际司法会议，包括第 14 届和第 22 届世界法律大会、第 6 届亚太首席大法官会议、中国—东盟大法官论坛、金砖国家大法官论坛等，倡议建立上海合作组织成员国最高法院院长会议机制并成功召开首次会议和第 7 次会议，为成员国之间开展司法交流与合作创建了重要平台。

最高人民法院每年都邀请外国资深法官、国际知名专家来华为国家法官学院在训法官授课，同时积极组织中国法官赴国外进行培训访学，还与一些国家的政府部门和有关司法培训机构开展中长期培训或学历教育工作，也应邀派中国法官到国外讲学或在国内为外国法官组织培训。

最高人民法院高度重视并不断加强国际司法协助工作。依据《刑事诉讼法》和《民事诉讼法》的规定，人民法院可以根据中国缔结或者参加的国际条约或者按照互惠原则，与外国法院相互开展刑事和民事司法协助。截至 2016 年 1 月，中国已与 67 个国家缔结刑事、民事司法协助条约、引渡条约和打击“三股势力”协定共 121 项，最高人民法院全程参与了上述条约谈判。自 1980 年代人民法院开始办理国际司法协助案件以来，案件数量由少到多，目前中国法院每年办理的司法文书送达、调查取证、外国法院民商事判决承认与执行、引渡案件司法审查以及被判刑人移管国际司法协助案件超过 3000 件，全面体现了与外国司法机关的全方位合作。2016 年起全面启用全国法院国际司法协助案件管理系统软件，实现四级法院同时在线办理国际司法协助案件，有效提升了办案效率。

Every year the SPC invites distinguished judges and experts from other countries to give lectures at the National Judges College and actively organizes short-term overseas training programs for Chinese judges. In addition, the SPC conducts medium and long-term training programs or degree-oriented education programs in cooperation with other countries' government bodies and judicial training organizations. The SPC also dispatches Chinese judges to lecture overseas at the invitation of relevant organizations, or organizes training programs in China for foreign judges.

The SPC attaches great importance to and constantly strengthens international judicial assistance. According to the Criminal Procedure Law and the Civil Procedure Law, a people's court can carry out criminal and civil judicial assistance with foreign counterparts in line with the international treaties and conventions China has signed or joined or on principle of reciprocity. By January 2016, China had concluded 121 treaties and agreements concerning criminal or civil judicial assistance, extradition, and the fight against "the three forces" (namely, terrorism, separatism and extremism) with 67 countries, and the SPC participated in all the negotiations. Since the 1980s, when the SPC began handling cases involving international judicial assistance, the number of such cases has continuously grown. At present, over 3,000 such cases in relation to service of judicial documents, investigation and evidence taking, recognition and enforcement of foreign judgments in civil and commercial cases, judicial review of extradition cases and transfer of the convicted, are dealt with by people's courts each year, which demonstrates the all-round cooperation with foreign judicial organs. A special software for dealing with international judicial assistance cases has been launched in 2016, which ensures that courts at all levels can handle such cases at the same time, markedly improving efficiency of the work.

最高人民法院外事会见室  
Meeting room for foreign guest in the SPC







## 十 审判工作的基本原则

**人民法院审判案件时，应当依照宪法和法律的规定，严格遵守以下原则：**

第一，以事实为根据，以法律为准绳。这是《刑事诉讼法》《民事诉讼法》《行政诉讼法》对司法活动的基本要求。根据这一原则，法院审判案件必须依靠证据，查明案件事实真相。审判活动必须严格按照法律规定的司法程序进行，裁判必须严格适用相关法律，不得违反法律规定。人民法院在法律适用中坚持法制统一性的要求，维护法律的权威和尊严。

第二，依照法律独立审判原则。《宪法》第126条规定：“人民法院依照法律规定独立行使审判权，不受行政机关、社会团体和个人的干涉。”独立审判是人民法院履行宪法职责的基本保障，《宪法》所规定的最高人民法院与全国人民代表大会及其常委会、国务院、最高人民检察院之间的关系，属于各种国家权力之间的分工与制约，并不违背独立审判的原则。

第三，公正司法原则。人民法院审理案件，必须居中裁判，不偏不倚，公平处理，不因任何因素而失去中立地位和公平态度。公正司法原则的实



## X Basic Principles of the Court Trial

**The people's courts strictly observe the following principles in hearing cases in accordance with the Constitution and laws:**



First, the principle of taking the facts as the basis and the law as the criterion. This is a fundamental requirement of the Criminal Procedure Law, the Civil Procedure Law and the Administrative Procedure Law for judicial activities. According to this principle, courts must establish the truth of cases on the basis of evidence. The adjudicative process must stringently follow the judicial procedures stipulated by the law, and judgments must be made by properly applying the law. No provision of the law shall be breached. People's courts must stick to the consistency requirement of the legal system so as to uphold the authority and dignity of the law.

Second, the principle of exercising judicial power independently according to law. Article 126 of the Constitution provides, "the

people's courts exercise judicial power independently, in accordance with the provisions of the law, and are not subject to interference by any administrative organ, public organizations or individuals." Independent trial is the basic guarantee for people's courts to fulfill their mandates and responsibilities under the Constitution. The relationships between the SPC and the NPC and its Standing Committee, the State Council, the SPP belong to the separation and check and balance of different types of state power, which do not conflict with the principle of independent trial.

Third, the principle of fair trial. When hearing cases, the people's courts must be neutral, impartial and give fair treatment to all parties and must not lose its neutral status and fair attitude for any reason. The realization



现一方面要依靠法定的诉讼程序保障，另一方面要靠法官高尚的职业道德保障。

**第四，法律面前人人平等原则。**最高人民法院审理案件，对于一切公民，不分民族、种族、性别、职业、社会出身、宗教信仰、教育程度、财产状况，在适用法律上一律平等，不允许有任何特权。各民族都有使用本民族语言文字进行诉讼的权利。人民法院对于不通晓当地通用的语言文字的当事人，应当为他们翻译。在少数民族聚居或者多民族杂居的地区，人民法院应当用当地通用的语言进行审讯，用当地通用的文字发布判决书、布告和其他文件。

**第五，公开审判原则。**《宪法》第125条规定：“人民法院审理案件，除法律规定的特殊情况外，一律公开进行。”作为一项宪法原则，审判公开要求人民法院审判案件，一律公开进行，但涉及国家秘密、商业秘密、未成年人、个人隐私等案件除外。不公开审理的案件，宣布判决仍应公开。



of this principle relies on the procedural guarantee stipulated by the law on the one hand and the guarantee of the professional ethics of the judges on the other.

Fourth, the principle that all people are equal before the law. In individual cases, the SPC shall treat all people equally in the application of law and shall allow no privilege, regardless of ethnicity, race, gender, profession, social background, religious beliefs, education, or personal wealth. All ethnic groups have the right to participate in litigation in their own languages. The people's courts shall provide translation services for litigants who do not understand the local language. In the areas where an

ethnic minority lives together or mingles with other ethnicities, the people's courts conduct trials in the languages commonly used in that local area, and issue judgments, announcements and other documents in the languages in common use there.

Fifth, the principle of open trial. According to Article 125 of the Constitution, "except in special circumstances as specified by law, all cases in the people's courts are heard in public." As a principle of the Constitution, open trials require that people's courts try cases in public, except those involving state secrets, trade secrets, juveniles, or personal privacy. In cases which cannot be tried openly, the judgment must still be made public.

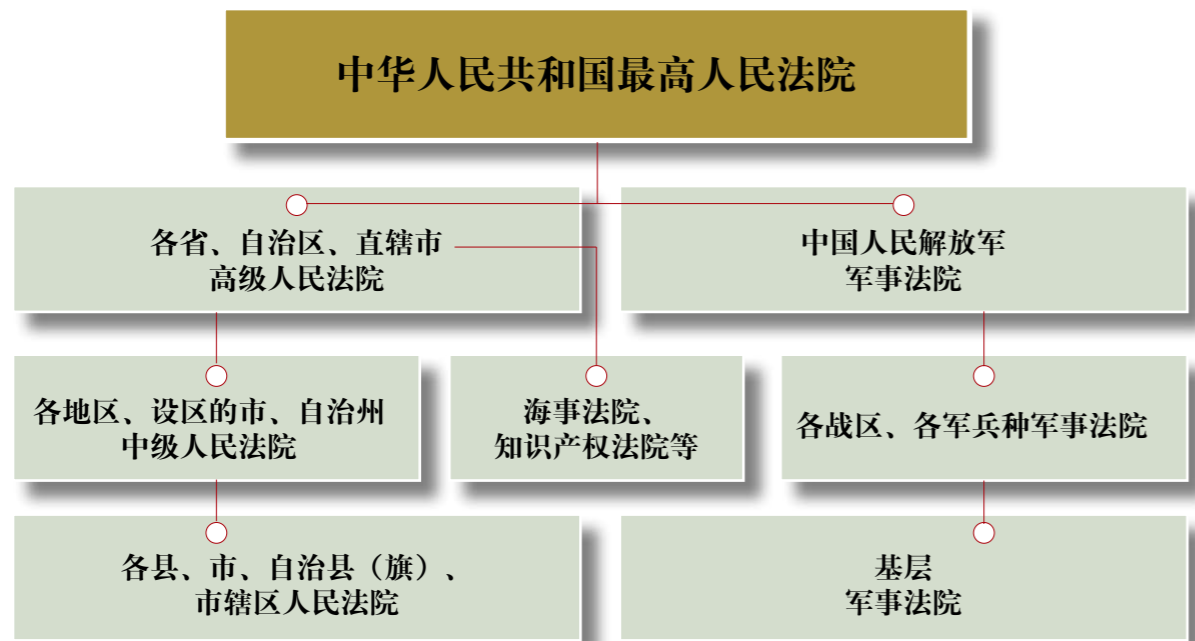


## 十一 地方各级人民法院与专门人民法院

依照《宪法》规定，中华人民共和国设立最高人民法院、地方各级人民法院和军事法院等专门人民法院。目前，地方各级人民法院包括高级人民法院、中级人民法院、基层人民法院，专门人民法院包括军事法院、海事法院、知识产权法院等。1984年以来，中国先后在天津、大连、上海、宁波、厦门、青岛、武汉、广州、北海、海口设立了10个海事法院。2014年以来，分别在北京、上海、广州设立了知识产权法院。

最高人民法院监督地方各级人民法院和专门人民法院的审判工作。上级人民法院监督下级人民法院的审判工作。至2015年底，全国共有32个高级人民法院（含解放军军事法院），413个中级人民法院（含专门人民法院），3129个基层人民法院（含专门人民法院）。全国共有法官21.1万人，其中高级人民法院共有0.7万人，中级人民法院共有4万人，基层人民法院共有16.4万人，女法官6.6万人。地方各级人民法院和专门人民法院，都是最高人民法院的下级法院，其体系结构如下：

中国法院体系结构图

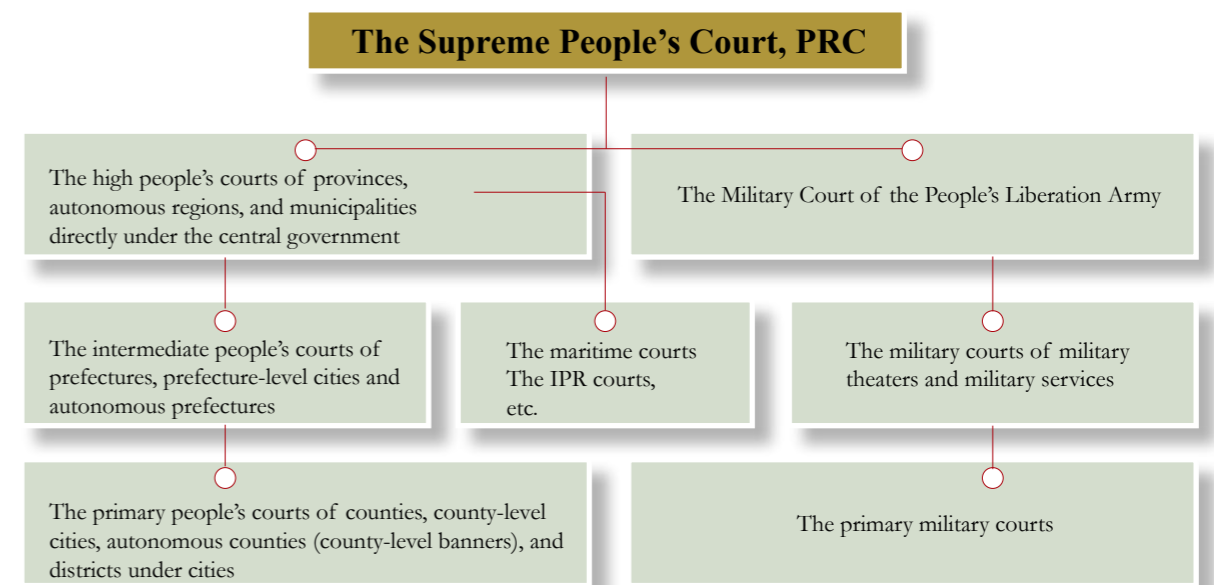


## XI The Local People's Courts at Various Levels and the Specialized People's Courts

In accordance with the Constitution, the People's Republic of China has established the SPC, the local people's courts at various levels and the specialized people's courts such as the military courts. Currently, the local people's courts consist of the high people's courts, the intermediate people's courts, and the primary people's courts. The specialized people's courts include the maritime courts, the military courts and the IPR courts, etc. Since 1984, China has set up 10 maritime courts in Tianjin, Dalian, Shanghai, Ningbo, Xiamen, Qingdao, Wuhan, Guangzhou, Beihai and Haikou. Since 2014, China has set up IPR courts in Beijing, Shanghai and Guangzhou.

The SPC supervises the trial work of local people's courts and specialized people's courts. The people's courts at higher levels supervise the trial work of the courts at lower levels. By the end of 2015, there were 32 high people's courts (including the PLA Military Court), 413 intermediate people's courts (including specialized people's courts), and 3,129 primary people's courts (including specialized people's courts). There are altogether about 211,000 judges in China, of whom about 7,000 sit in the high people's courts, about 40,000 in the intermediate people's courts, and about 164,000 in the primary people's courts. Of these, about 66,000 are female judges. The local people's courts and specialized people's courts are all subordinate courts to the SPC. The structure of the courts system can be shown in the following chart:

The Organizational Chart of the Chinese Courts System



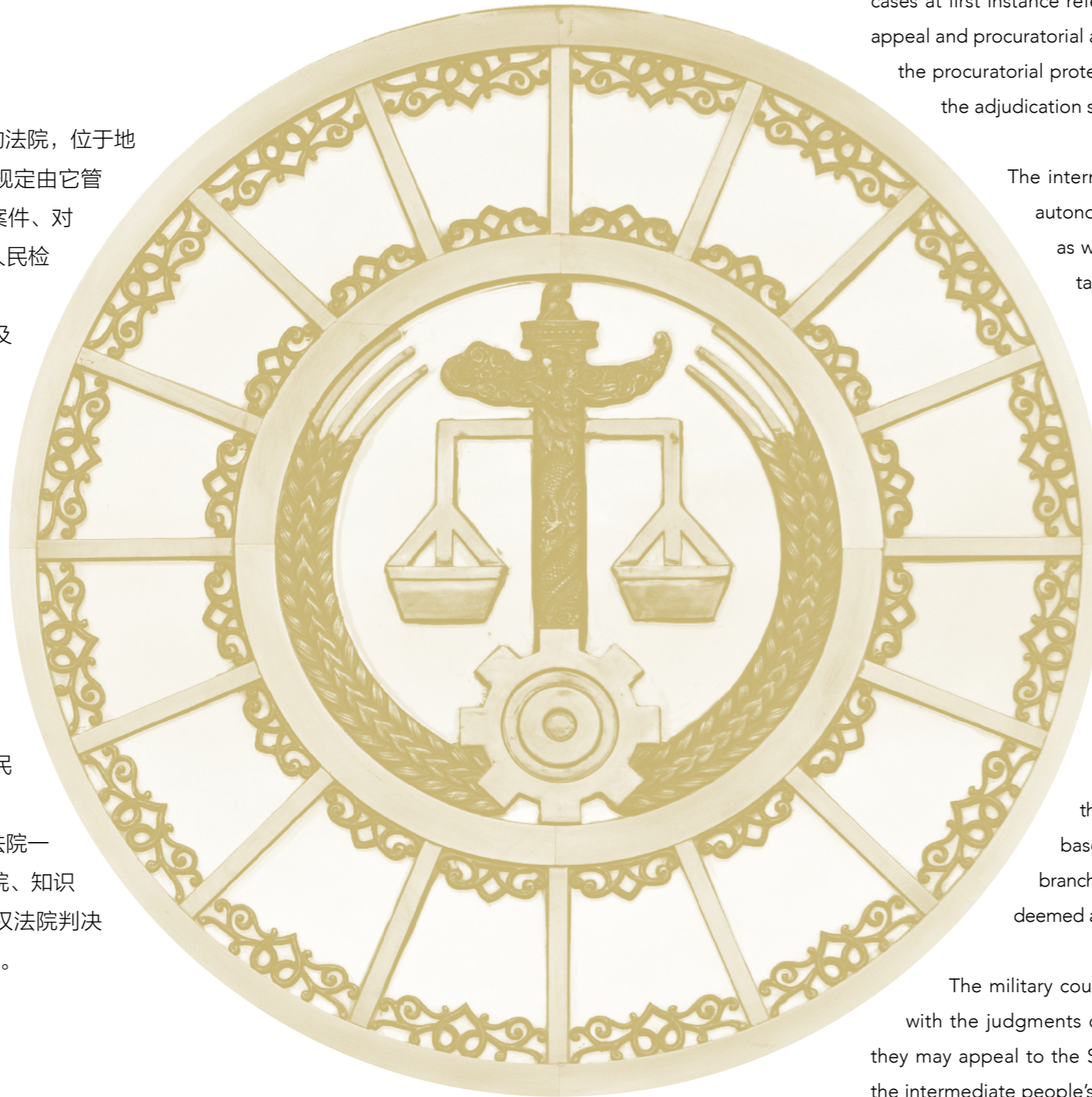


高级人民法院是设在省、自治区、直辖市一级的法院，位于地方各级人民法院的最高层次，负责审理法律、法令规定由它管辖的第一审案件、下级人民法院移送审判的第一审案件、对下级人民法院判决和裁定的上诉案件和抗诉案件、人民检察院按照审判监督程序提出的抗诉案件。

在省、自治区内的地区和自治州，设区的市以及直辖市内，设立中级人民法院，负责审理法律、法令规定由它管辖的第一审案件、基层人民法院移送审判的第一审案件、对基层人民法院判决和裁定的上诉案件和抗诉案件、人民检察院按照审判监督程序提出的抗诉案件。

在县和市、自治县（旗）、市辖区设立基层人民法院，负责审理第一审民事、刑事和行政案件，但是法律另有规定的案件除外。基层人民法院根据地区、人口和案件情况，按照《人民法院组织法》的规定，可以设立若干人民法庭，作为基层人民法院的派出机构和组成部分，其作出的裁判就是基层人民法院的裁判。

军事法院分为三级，不服中国人民解放军军事法院一审判决的案件，可以上诉至最高人民法院。海事法院、知识产权法院按照中级法院组建，对海事法院、知识产权法院判决和裁定的上诉案件，由其所在地的高级人民法院审理。



The high people's courts sit at the level of provinces, autonomous regions and municipalities directly under the central government, and are the highest among local courts, taking charge of hearing cases at first instance under their jurisdiction, cases at first instance referred to the high people's courts by lower courts, cases of appeal and procuratorial appeal against the judgments or rulings of lower courts, and the procuratorial protests filed by the people's procuratorates in accordance with the adjudication supervision procedure.

The intermediate people's courts sit at the level of prefectures and autonomous prefectures within provinces and autonomous regions as well as municipalities directly under the central government, taking charge of cases at first instance under their jurisdiction, cases at first instance referred to the intermediate people's courts by the primary people's courts, cases of appeal and procuratorial appeal against the judgments or rulings made by the primary people's courts, and the procuratorial protest cases put forward by the people's procuratorates in accordance with the adjudication supervision procedure.

The primary people's courts sit in the counties, county-level cities, autonomous counties (banners of county level), and districts under cities, and are responsible for hearing civil, criminal and administrative cases at first instance, unless otherwise provided by law. According to the Law of the People's Republic of China on the Organization of the People's Courts, the primary courts can set people's tribunals based on the factors of locations, populations, and cases. As a branch and part of the primary courts, these tribunals' judgments are deemed as judgments of their respective primary people's courts.

The military courts fall into three levels. When the litigants are dissatisfied with the judgments of cases at first instance made by the PLA Military Court, they may appeal to the SPC. The maritime courts and IPR courts are equivalent to the intermediate people's courts in terms of the organizational system, and therefore litigants who are dissatisfied with the judgments of maritime courts and IPR courts may appeal to the local high people's courts.



## 中国的法官制度

中国法官管理制度主要依据《宪法》《人民法院组织法》《法官法》建立，具体包括法官选任、等级、培训、考核、保障、惩戒等制度。



(一) 法官选任制度。根据《法官法》规定，担任法官必须具备的条件包括：具有中华人民共和国国籍；年满23岁；拥护《宪法》；有良好的政治、业务素质和良好的品行；身体健康；具有大学本科以上学历；通过国家统一司法考试。随着司法改革不断推进，法官选任的渠道和方式主要有三种：一是基层法院主要从本院符合条件的人员（主要是法官助理）中择优选拔初任法官；二是上级法院从下级法院法官中遴选法官；三是从律师和专家学者中公开选拔初任法官。根据《宪法》及有关规定，各级人民法院院长由同级人民代表大会选举和罢免，副院长、审判委员会委员、庭长、副庭长、审判员由本院院长提请同级人民代表大会常务委员会任免，助理审判员由本院院长任免。

(二) 法官等级制度。根据《法官法》相关规定，法官的等级分为十二级。最高人民法院院长为首席大法官，二至十二级法官分为大法官、高级法官、法官。

法官等级的确定，以法官所任职务、德才表现、业务水平、审判工作实绩和工作年限为依据。

(三) 法官培训制度。根据《法官法》及有关规定，对法官应当有计划地进行理论培训和业务培训，法官培训贯彻理论联系实际、按需施教、讲求实效的原则。根据最高人民法院制定下发的《法官培训条例》，法官培训包括预备法官培训、任职培训、晋级培训、续职培训等种类。培训内容包括职业道德素质和业务素质教育，重点是提高法官庭审驾驭能力、诉讼调解能力、法律适用能力和裁判文书制作能力，并视不同培训对象的需求有所侧重。法官在培训期间的学习成绩和鉴定，作为其任职、晋升的依据之一。

## XII Judges System in China

China's judges system is based on the Constitution of the People's Republic of China, the Law of the People's Republic of China on the Organization of the People's Courts and the Judges Law of the People's Republic of China, which includes the judges' recruitment and appointment, levels, training, evaluation, job security and guarantee, and discipline and punishment systems, etc.

1. Recruitment and Appointment of Judges. Stipulated by the Judges Law, a judge should meet the following qualifications: a citizen of the People's Republic of China; at least 23 years of age; be loyal to the Constitution; of good political, professional and moral standing; in good health; holder of a bachelor's degree or above; having passed the National Judicial Examination. As judicial reform deepens, currently, there are three ways to recruit a judge:

(1) selecting the most qualified from primary courts staff (especially from judges' assistants) to be junior judges;

(2) the higher people's courts selecting judges from judges of lower court;

(3) recruiting newly-appointed judges from lawyers, legal experts and scholars.

are appointed and removed by the president of the court.

According to the Constitution and relevant laws, presidents of courts at various levels are elected and removed by the people's congress at the equivalent level. The president of a court shall nominate vice presidents, members of the adjudicative committee, divisional chief judges, deputy divisional chief judges and judges for appointment and removal by the standing committee of the people's congress at the equivalent level. Assistant judges of a court

2. Hierachy of Judges. According to the Judges Law, judges are divided into 12 levels, with the president of the SPC being the Chief Justice and those between Level 2 and 12 being labeled Justice, Senior Judge and Judge. The level of a judge is determined by the judge's position, working ability and integrity, professional competence, work performance and seniority.



法槌  
Court gavel

3. Training of Judges. According to the Judges Law and relevant regulations, judges should receive theoretical and professional training by following the principle of applying theory to practice, educating judges according to their needs with an emphasis on tangible results. According to the Judge Training



(四) 法官考核制度。根据《法官法》相关规定，对法官的考核，由法官所在的人民法院组织实施。人民法院设法官考评委员会，负责指导对法官的培训、考核、评议工作。法官考核内容主要包括审判工作实绩、思想品德、审判业务和法学理论水平、工作态度和审判作风等，重点考核审判工作实绩。

(五) 法官保障制度。根据《法官法》相关规定，法官享有履行职责应当具有的职权和工作条件；依法审判案件不受行政机关、社会团体和个人的干涉；非因法定程序、法定事由，不被免职、降职、辞退或者处分；获得劳动报酬，享受保险、福利待遇；人身、财产和住所安全受法

律保护等权利。在法官工资福利方面，法官实行定期增资制度，享受国家规定的审判津贴、地区津贴、其他津贴以及保险和福利待遇，退休后享受国家规定的养老保险金和其他待遇，因公牺牲法官享受国家规定的特殊优抚政策。

(六) 法官惩戒制度。根据《法官法》相关规定，法官不得有下列行为：贪污受贿；徇私枉法；刑讯逼供；隐瞒或者伪造证据；滥用职权；玩忽职守等。法官有以上行为的，应当给予处分。处分分为：警告、记过、记大过、降级、撤职、开除。受撤职处分的，同时降低工资和等级；构成犯罪的，依法追究刑事责任。

Regulations formulated and released by the SPC, judges training programs include: training for pre-appointment of judges, pre-post training, training for promotion, and in-service training.

The training consist of ethical and professional education, focusing on improving judges' ability to steer court hearings, mediate lawsuits, apply laws and produce and draft judicial documents, and adapting to their personal needs. The performance records and appraisals for the judge during the training are taken as one of the references for his appointment and promotion.

4. Performance Evaluation of Judges. Under the Judges Law, evaluation of judges is conducted by the people's courts where the judges work. People's courts set up commissions for examination and evaluation of judges in charge of giving guidance on training, examination and evaluation. The evaluation of judges is based on their adjudicative work results, ethical standards, professional competence, mastery of jurisprudence, working attitude and style. However, the main focus is on their actual work performance.

5. Job Security and Guarantee of Judges. Under the Judges Law, judges enjoy the following rights: to have the power and working conditions which are essential to the performance of functions and duties of judges; to be free from interference from

administrative agencies, public organizations or individuals in trying cases according to law; to be exempted from sanction, such as dismissal from post, demotion, discharge from courts or disciplinary punishment, in the absence of statutory cause or without going through statutory procedures; to be remunerated for work and to enjoy insurance and other benefits; to enjoy the safety of the person, property and residence as ensured by law. Judges' salaries are raised on fixed terms and judges enjoy judicial allowances, regional allowances and other allowances, insurance and other benefits as prescribed by the state. Upon retirement, judges enjoy pensions and other benefits as prescribed by the state.

6. Sanctions of Judges. Under the Judges Law, no judges may commit any of the following acts: to embezzle money or accept bribes; to bend the law for personal gain; to interrogate by torture; to conceal or falsify evidence; to abuse powers; to grossly neglect his or her duty. A judge who has committed any of the acts listed above is subject to sanctions. Sanctions include a disciplinary warning, a demerit recorded, a grave demerit recorded, demotion, dismissal from post, and discharge from courts. The salary and rank of a judge who has been dismissed from the post should be reduced, and at the same time he or she should be demoted. If the judge's wrongdoing constitutes a crime, he or she should be pursued for criminal liability.



## 十三 中国法院的司法改革

实行司法改革，是中国特色社会主义司法制度的自我完善和发展。改革开放以来，随着中国经济社会发展和法治建设进步，人民群众对司法公正的需求日益增长，诉讼案件数量持续增加，原有的司法制度已经不能适应形势发展的需要。因此，最高人民法院在法院组织机构、法官制度、诉讼程序、审判方式、执行制度、司法管理等方面开展了一系列改革，并于 1999 年、2005 年、2009 年、2015 年分别发布了四个“人民法院五年改革纲要”。这四个纲要成为中国法院改革的基本纲领和依据。

### “一五”改革纲要：

1999 年最高人民法院发布的《人民法院五年改革纲要》，试图通过改革当时的审判、执行

工作机制，逐步建立依法独立公正审判的机制，解决司法活动中的地方保护主义、审判工作中的行政管理模式等问题。

“一五”纲要取得的改革成就主要包括：（1）进行了以权力制约为核心的法院内部机构改革，实现了立审分立、审执分立、审监分立；（2）进行了以强化合议庭审判职能为核心的审判组织改革，实现审理与判决的有机统一；（3）进行了以公开审判为核心的审判方式改革，强化了庭审功能，使法庭真正成为审判的中心；（4）进行了以增强裁判文书说理性为主要内容的裁判文书改革，增强了公众对司法的信任度；（5）进行了以繁简分流为主要内容的诉讼程序改革，提高了审判效率；（6）进行了以法官职业化建设为内容的法官制度改革，进一步提高了法官的职



## XIII Judicial Reform of the Chinese Courts

Judicial reform serves to further improve and develop the socialist judicial system with Chinese characteristics. Since the launch of the reform and opening up policy, China has enjoyed all-round economic and social development, and made progress in building its legal system. The people express an increasing demand for judicial justice. With the number of lawsuits rising continuously, the original judicial system can no longer meet the needs of the changing times. Therefore, the SPC has launched a series of reforms in terms of court institutional setup, judges system, litigation procedure, forms of trial, enforcement system, and judicial administration, etc. The SPC released the Five-Year Reform Plan of the People's Courts in 1999, 2005, 2009 and 2015 respectively. These four plans serve as the basis of China's court reform.

### The First Five-Year Reform Plan

The SPC announced the Five-Year Reform Plan of the People's Courts in 1999, in an attempt through reforming working mechanisms of trial and enforcement of that time to gradually put in place an independent and fair trial mechanism in accordance with the law and to resolve a series of outstanding problems such as local protectionism in judicial activities and administrative tendency of court trials.

The implementation of the first Five-Year Reform Plan of the People's Courts yielded the following results: (1) The SPC implemented an internal organizational reform of courts that centered on check and balance of powers, realizing the separation

of trial and case filing, the separation of trial and enforcement, and the separation of trial and supervision. (2) The SPC carried out a reform of trial organization that centered on the reinforcement of the functions of collegiate panels, realizing the integration of trial and judgment making. (3) The SPC launched a reform of trial modes that centered on open trial, strengthening the functions of courtroom trials and rendering the courtroom as the center of a trial in a real sense. (4) The SPC carried out a reform of written judgments that focused on enhancing the persuasive and reasoning of opinions, thus boosting the public trust in justice. (5) The SPC implemented a reform of litigation procedures that consisted of separating complex cases from simple ones, and therefore enhanced the efficiency of trial. (6) The SPC reformed the judge system by promoting the professionalization of judges, and thus improved the professional competencies of judges. (7) The SPC reformed the people's tribunals by setting up courts that transcend the boundaries of administrative divisions, thus achieving the popularization, standardization and modernization of the people's tribunals.

### The Second Five-Year Reform Plan

After finishing the tasks listed in the first "Five-Year Reform Plan of the People's Courts," China initiated a national institutional judicial reform in a more comprehensive and systemic manner. According to the national overall plan, the SPC announced the Second Five-Year Reform Plan of the People's Courts (2004-2008), covering eight areas and introducing 50 reform measures.



业素质；（7）进行了以人民法庭跨行政区设置为主要内容的人民法庭改革，实现了人民法庭的规模化、规范化和现代化。

### “二五”改革纲要：

“一五”改革纲要任务完成后，全国范围内启动了更加全面、系统的司法体制改革。按照国家的总体部署，最高人民法院于2005年发布了《人民法院第二个五年改革纲要（2004—2008）》，涉及了8个方面，50项改革措施。



在此过程中，各级人民法院全面推进审判程序、审判机制、执行机制以及司法审判管理、司法政务管理、司法人事管理、内外部监督制约机制等各项改革。特别是，通过死刑核准权的统一行使，规范了死刑案件裁判标准，保证了死刑案件的审判质量；通过完善公开审判制度，实行立案、庭审、证据采信、事实认定、判决理由、裁判文书、执行过程等全方位公开，有力促进了司

法公正；通过改革和完善审判委员会制度，逐步实现审判委员会委员的专业化和工作的规范化；通过完善案件管理和行政管理相分离机制，初步建立了以审判为中心、其他工作为审判服务的运行模式；通过完善审判流程管理、案件质量监督评查、法官审判业绩考评和岗位目标管理等制度，逐步形成结构合理、配置科学、程序严密、制约有效的审判权和执行权运行机制；通过改革和完善陪审员制度，充分发挥了人民陪审员制度维护司法公正、促进司法公开、推进司法民主等重要作用。

### “三五”改革纲要：

2009年3月发布的《人民法院第三个五年改革纲要（2009—2013）》共有30项改革措施，涉及5个领域：一是优化人民法院职权配置，包括改革和完善人民法院司法职权运行机制，改革和完善上下级人民法院之间的关系，加强司法职业保障制度建设等；二是落实宽严相济刑事政策，要求建立和完善依法从严惩处和依法从宽处理的审判制度与工作机制，建立健全贯彻宽严相济刑事政策的司法协调制度与保障制度；三是加强人民法院队伍建设，包括改革法官招录培养、培训制度，完善人民法院编制和职务序列制度，改革和完善法官工资福利和任职保障制度等；四是加强人民法院经费保障，包括建立“明确责任、分类负担、收支脱钩、全额保障”的体制，建立人民法院公用经费正常增长机制，加强法院信息化建设；五是健全司法为民机制，包括加强司法公开，建立健全多元纠纷解决机制，建立健全民意沟通表达机制，完善涉诉信访工作机制，建立健全司法为民的长效机制，改革和完善司法救助制度。

In this process, courts at various levels pressed ahead with reforms in all respects including trial procedure, trial mechanism, enforcement mechanism, trial management, judicial administration, judicial personnel management, internal and external supervision and check and balance mechanisms. In particular, through centralizing the power to review and approve death sentences, the SPC standardized the criteria against which death penalties would be applied, and guaranteed the trial quality of death penalty cases. By improving the open trial system, courts realized a wholly transparent process covering case filing, court trial, evidence admission, fact establishment, judgment reasoning, written judgment, and enforcement process, thus greatly boosting judicial fairness. Courts reformed and improved the system of adjudicative committees, gradually achieving the goal that adjudicative committee members have become more professional and their work more procedure-based. The people's courts also preliminarily put in place a trial-centered operation model by improving the mechanism of separating case management from administrative management. Meanwhile courts improved the systems of trial proceedings management, supervision and review of trial quality, assessment of judges' performance, and goal-oriented management, which contributed to the formation of an operation mechanism of adjudicative power and enforcement power with a rational structure, scientific functional allocation, well-knit procedure, and effective check and balance mechanism. By reforming and improving the system of the people's assessor system, the courts gave full play to the important role of people's assessors in safeguarding

judicial fairness, promoting judicial openness and boosting judicial democracy.

### The Third Five-Year Reform Plan

The SPC announced the Third Five-Year Reform Plan of the People's Courts (2009-2013) in March 2009. It introduced 30 reform measures and covered five areas.

First, to optimize the allocation of functions and powers of the people's courts, including reforming and improving operational mechanisms of their judicial functions and powers, reforming and improving the relationship between higher courts and lower courts, and enhancing the professional safeguard system.

Second, to implement the criminal trial policy of balancing severity and leniency, including establishing and improving trial system and working mechanisms combining aggravated punishment and mitigating treatment according to the law, putting in place and improving the judicial coordination and guarantee systems that ensure the implementation of the criminal policy of balancing severity and leniency.

Third, to reinforce team building in the people's courts, including reforming the recruitment and training systems of judges, improving the systems of staffing and judges' professional titles and levels of the people's courts, and reforming and improving the systems of judges' salaries and benefits as well as their security of tenure.

Fourth, to reinforce courts' budget guarantee, including building a system featuring clearly defined responsibilities, categorized funding, decoupling of income from expenditure and guaranteed provision of funds, establishing a regular increase mechanism





北京知识产权法院审判委员会全体委员直接公开开庭审理一起商标行政案件  
All members of the Adjudicative Committee of Beijing IPR Court hear a trademark administrative case in public

### “四五”改革纲要：

2015年以来，深化司法体制改革被纳入国家全面深化改革的范畴。2015年2月，最高人民法院发布了《人民法院第四个五年改革纲要（2014—2018）》。围绕建成具有中国特色的社会主义审判权力运行体系这一关键目标，纲要提出了65项司法改革举措，包括建立与行政区划适当分离的司法管辖制度，建立以审判为中心的诉讼制度，优化人民法院内部职权配置，健全审判权力运行机制，构建开放、动态、透明、便民的阳光司法机制，推进法院人员的正规化、专业化、职业化建设，确保人民法院依法独立公正行使审判权等7个方面。

具体的路线图和时间表是：一是到2015年底，健全完善权责明晰、权责统一、监督有序、配套齐全的审判权力运行机制；形成体系完备、信息齐全、使用便捷的人民法院审判流程公开、裁判文书公开和执行信息公开三大平台，建立覆盖全面、系统科学、便民利民的司法为民机制。二是到2016年底，推动建立以审判为中心的诉讼制度，形成定位科学、职能明确、运行有效的法院职权配置模式。三是到2017年底，初步建立分类科学、分工明确、结构合理和符合司法职业特点的法院人员管理制度。四是到2018年底，推动形成信赖司法、尊重司法、支持司法的制度环境和社会氛围。

in the budget of courts, and further boosting the courts' IT application.

Fifth, to improve justice for the people by means such as strengthening judicial openness, establishing and improving alternative dispute resolution mechanisms, establishing and improving the mechanism and channels to communicate with and express public opinions, improving the working mechanism of lawsuit-related petitions by letters and visits, establishing and improving long-lasting effect mechanisms with people-oriented justice, and reforming and improving the system of providing legal aid.

### The Fourth Five-Year Reform Plan

The further reform of China's judicial system has been integrated into the overall national reform since 2013. The SPC released the Fourth Five-Year Reform Plan of the People's Courts (2014-2018) in February 2015. With the crucial objective of building a socialist judicial power system with Chinese characteristics, the plan introduces 65 judicial reform measures, which can be generalized into seven categories:

- establishing a jurisdiction system that separates courts' jurisdiction from administrative divisions
- creating a trial-centric litigation system
- optimizing the internal power allocation in people's courts
- improving the working mechanism for applying judicial power

- building an open, dynamic, transparent and easily accessible judicial mechanism

- improving the professionalism of court staff
- ensuring the courts to exercise judicial power independently and impartially.

### The specific roadmap and timeline are as follows:

1. By the end of 2015, to improve the working mechanism for applying judicial power, featuring clearly-defined duties and responsibilities, integrated powers and obligations, orderly supervision and complete support. The SPC will establish three public platforms to make known to the public the trial proceedings, judgment documents, and enforcement information, which are systematically sound with all information easily accessible, and establish a scientific and convenient justice-for-people system that serves all the people.
2. By the end of 2016, to establish a trial-centric litigation system and will help form a judicial power allocation model that features a scientific orientation, clarified functions, and effective operations.
3. By the end of 2017, to preliminarily set up a court staff management system that features well-planned classification of posts, clear division of responsibility and a rational structure, and that is compatible with the professional character of court professionals.
4. By the end of 2018, to improve the institutional context and social atmosphere whereby people trust, respect and support China's judicial system.



## 十四 中国法院的司法公开

最高人民法院始终把深化司法公开、积极推进阳光司法摆在重要位置，坚持以公开为原则、不公开为例外，以公开促公正，以公开促廉洁。建设审判流程公开、裁判文书公开、执行信息公开三大平台，全面推进立案、庭审、执行、听证、文书、审务全过程公开，依托现代信息技术和新媒体平台，不断丰富创新司法公开形式和内容，拓展公开的广度和深度。

2002年，最高人民法院官方网站（www.court.gov.cn）正式建立。在此之前，全面反映人民法院各项工作的中国法院网（www.chinacourt.org）已经开通。2013年开通最高人民法院官方微博、微信和新闻客户端，建成“全国法院微博发布厅”。公众可通过报刊、电视、广播、杂志、互联网、自媒体等多种途径查询最高人民法院的审判动态、开庭信息与典型案例。目前，已建成“中国审判流程信息公开网”（http://www.court.gov.cn/zgsplcxxgkw/）、“中国裁判文书网”（http://wenshu.court.gov.cn/）、“中国执行信息公开网”（http://shixin.court.gov.cn/）、“中国法院庭审直播网”（http://ts.chinacourt.org/）等，方便当事人了解案件进展、查询被执行人信息，方便公众查阅裁判文书、在线观看庭审实况。最高人民法院的裁判文书和审判流程等信息除依法不公开的外，当事人都可以利用网络方便地查阅。此外，最高人民法院经常开展主题开放日等活动，邀请人大代表、政协委员、基层群众、未成年人等走进法院、走近法官，零距离感受法院工作。



中国审判流程信息公开网  
China Judicial Process Information Online  
(http://www.court.gov.cn/zgsplcxxgkw/)



中国裁判文书网  
China Judgments Online (http://wenshu.court.gov.cn/)

## XIV Judicial Transparency of the Chinese Courts

The SPC always takes the openness of judicial work as one of its top priorities. It sticks to the principle of treating public access to information as a principle and secrecy as an exception, and improving justice and integrity through openness. The SPC has constructed openness platforms on trial proceedings, judgments, and enforcement information, to make the entire process of case-filing, trial, enforcement, hearing, judgments delivery and trial-related affairs available to the public. Relying on modern information technology (IT) and new media platforms, it constantly enriches and innovates the form and content of judicial openness to expand depth and width of the exposure.

In 2002, the official website of the SPC (www.court.gov.cn) was formally launched, the successor to the Chinese Courts' Network (www.chinacourt.org). The SPC's official Weibo, WeChat, News Client, and the Pressroom of the People's Court on Sina Weibo were formed in 2013. The public can inquire about updated trial information, court session agendas, and typical cases through newspapers, TV, broadcasting, magazines, internet or We-media. A series of websites are now accessible and available providing case flow tracking (www.court.gov.cn/zgsplcxxgkw), information about persons subject to enforcement (http://shixin.court.gov.cn), judgment documents (http://wenshu.court.gov.cn), and live court hearing (http://ts.chinacourt.org). Except for cases required by law to be heard in secrecy, judgment documents and trial process information on other cases tried in the SPC can be quickly found online. The SPC often organizes "Open Days" and invites representatives from all walks of life, such as NPC deputies, CPPCC members, ordinary people, and juveniles to enter courts and experience their work at zero distance.



中国执行信息公开网  
China Law Enforcement Information Online  
(http://shixin.court.gov.cn/)



## 十五 国家法官学院（最高人民法院法官国际交流中心、最高人民法院司法案例研究院）

国家法官学院是最高人民法院下设的专门负责法官培训和司法研究的机构，其主要任务和职责是对各级人民法院的院长、副院长、各级法院的高级法官及其后备人才进行任职、续职、晋级资格培训和审判业务专项培训，对预备法官进行岗前培训。

国家法官学院于1997年9月18日成立。其前身是于1985年成立的全国法院干部业余法律大学和于1988年成立的中国高级法官培训中心。2015年以前，在北京市通州区天成桥甲1号办公。2015年9月15日，国家法官学院新校区在北京市丰台区南四环西路111号正式启用，占地约248亩，建筑面积约6万平方米。

国家法官学院拥有一支高素质的专兼职师资队伍。现设有教务部、培训部、进修部、科研部、外事办公室等17个内设机构，专职教职员工115人，年平均举办各类培训班80期次、培训法官及法院工作人员1.8万人。国家法官学

院在全国设有若干个分院，分别负责所在地区的法官培训工作。

国家法官学院（最高人民法院法官国际交流中心）注重加强与海内外法学院校、学术团体、有关机构和组织的交流、联系，并与之建立了良好、稳定、长期的合作伙伴关系。国家法官学院经常邀请国内外理论研究学者和司法实务界专家召开各类学术交流和司法专题研讨，同时负责规划、组织全国法院学术研讨活动。

国家法官学院（最高人民法院司法案例研究院）负责开展司法案例研究，包括对中国内地和港澳台地区以及中国古代典型司法案例进行收集、整理、编纂；对金砖组织国家和上合组织国家，美、英、法、德等主要西方国家，其他主要发展中国家各类司法案例进行收集、整理、编纂及翻译；组织国内外司法案例交流和学术活动，建立司法案例交流平台；提出人民法院司法案例年度研究课题并组织实施等。

国家法官学院新校区主楼

Main building of the National Judges College's new campus



## XV

## National Judges College (Judges International Exchange Center of the Supreme People's Court and the Research Institute of Judicial Cases of the Supreme People's Court)

The National Judges College (NJC) is a specialized institution under the SPC in charge of training judges and conducting judicial research. The College is mainly responsible for providing training for appointment, promotion, and professional adjudication to all courts' presidents, vice presidents, senior judges and backup teams who are qualified to serve and progress in their careers. It also offers reserve judges with pre-job training.

Founded on September 18, 1997, the NJC grew out of the Sparetime Law School of National Court Officials set up in 1985 and the Senior Judges Training Center of China established in 1988. Before 2015, it was located at Tongzhou District, Beijing. On September 15, 2015, its new campus on No.111, South Fourth Ring Western Road in Fengtai District was officially brought into use, covering 165,000 sq m of land, with floorage about 60,000 sq m.

The NJC boasts a high-quality full-time and part-time teaching team. It now has 17 departments responsible for activities such as teaching affairs, training, further education, research, and international exchange. With 115 full-time teaching and staff members, it holds an average of 80 training sessions each year, training about 18,000 judges and other court staff. The NJC has set up several

subsidiary schools across China to take charge of judges training in their respective areas.

The NJC (Judges International Exchange Center of the Supreme People's Court) attaches importance to communication and contact with overseas law schools, academic groups and relevant agencies and organizations, and builds sound, stable and long-term partnership with them. The NJC often invites experts from both academic and practical fields from both home and abroad to hold academic exchanges and judicial seminars in addition to planning and organizing national academic discussions for courts.

The NJC (Research Institute of Judicial Cases of the Supreme People's Court) also engages in research of judicial cases, which includes collecting, organizing and compiling typical and historical judicial cases in China's mainland, Hong Kong, Macao and Taiwan; collecting, organizing, compiling and translating judicial cases of BRICS, SCO countries, Western countries such as the U.S., the UK, France, and Germany and other major developing countries; organizing communication and academic activities on judicial cases at home and abroad and setting up communication platforms; proposing and implementing an annual research program of judicial cases for people's courts.



## 中国应用法学研究所

中国应用法学研究所是最高人民法院设立的专门从事司法制度、应用法学研究的机构。自 1991 年 2 月 21 日成立以来，法研所根据司法工作的需要开展了一系列专题研究，为最高人民法院和全国法院在审判、管理、改革等方面提供了决策参考。这些课题包括：中国特色社会主义司法制度研究，司法透明机制研究，执行体制改革研究，法律统一适用机制改革研究，案例指导制度研究，量刑改革研究，死刑制度研究，性别平等与司法公正问题研究，司法成本与效率研究，物权效力研究，合同法实施问题研究，互联网司法问题研究，药品知识产权保护研究等。2000 年，最高人民法院进行机构改革后，法研所和国家法官学院合署办公，共同承担司法研究和法官培训职责。2004 年 7 月，为切实发挥法研所在应用法学研究和司法改革工作中的作用，最高人民法院决定重新改组法研所。

法研所现设有宪法与行政法室、刑事法室、民商法室、科研管理处、中国审判理论研究会秘书处、性别与法律研究中心、互联网司法研究中心、博士后工作站等，已经拥有一支高素质的研究队伍。法研所与许多国际组织、外国法院和研究机构保持良好的学术交流关系。

## XVI China Institute of Applied Jurisprudence

The China Institute of Applied Jurisprudence (CIAJ) is a specialized institution for judicial system and applied jurisprudential research established by the SPC. Since its foundation on February 21, 1991, the Institute has launched a series of studies in line with the needs of judicial work, offering references to the SPC and other courts all over the country in their decision making in areas such as trials, management and reform. These research subjects include the socialist judicial system with Chinese characteristics, transparent judicial mechanisms, reform of the enforcement system, reform of the mechanism of unified application of law, the system of case guidance, sentencing reform, the system of the death penalty, gender equality and judicial fairness, judicial cost and efficiency, effect of property right, implementation of the Contract Law, judicial issues on the internet, and the protection of the medical IPR.

In 2000, after the SPC's institutional reorganization, the CIAJ was combined with the National Judges College, and they jointly take the responsibility for judicial research and judges training. In July 2004, in order to give full play to the role of the CIAJ in applied jurisprudential research and judicial reform, the SPC decided to reorganize the Institute.

The CIAJ has set up several branches such as the Constitution and Administrative Law Division, the Criminal Law Division, the Civil and Commercial Law Division, the Research Management Office, the Secretariat of the Institute of Judicial Theory Studies of the China Law Society, Center for Gender and Law Studies, Center for Judicial Research on the Internet, and the Post-doctoral Work Station. The Institute boasts a high-caliber research team. The Institute maintains friendly academic exchange relationships with many international organizations, foreign courts and research institutes.



## 十七 中国法院博物馆

中国法院博物馆建于2008年2月，经国家文物局、北京市文物局审批，在北京市文物局登记注册。中国法院博物馆新馆位于北京市东城区正义路4号（原日本正金银行旧址，建于1910年，国家重点文物保护单位），建筑面积3000余平方米，2016年1月1日正式向公众开放。

中国法院博物馆设有三个基本陈列展厅，六个专题展厅，三个普法互动区，一个法制影视放映厅。第一展厅为中国审判历史展，回顾中国古代司法文明的发展历程；第二展厅为人民审判历程展，展示人民法院建设和审判工作成就；第三展厅为“全面依法治国，走向伟大复兴”主题展，全面展示中共十八大以来人民审判工作。专题展厅包括“法律古籍珍本特展”、“正义的审判——审判日本战犯”、“港澳台地区法院掠影”、“外国法院及国际法院掠影”、“时世沧桑东交民巷”、“中国古代最高审判机构”六个展厅。普法互动区包括“模拟法庭”、“知识问答平台”、“普法活动教室”三个区域。法制影视放映厅汇集展示中外法制有关的影视作品。



中国法院博物馆藏品—  
第一枚最高人民法院院印  
Collection of China Court Museum –  
the first official stamp of the SPC



中国法院博物馆藏品—明会典  
Collection of China Court Museum –  
Collected Statutes of the Ming Dynasty (1638-1644)



中国法院博物馆藏品—1806年法国民法典  
Collection of China Court Museum –  
French Civil Code in 1806



中国法院博物馆  
China Court Museum

## XVII China Court Museum



The China Court Museum was set up in February 2008, which traces the court and legal system of China through the ages, and reopened to the public on January 1, 2016. It was approved by the State Administration of Cultural Heritage and Beijing Municipal Administration of Cultural Heritage, and registered with the latter.

The Museum is located in No.4 Zhengyi Road in Dongcheng District of Beijing. It was built by using the building of an old Japanese bank which was set up in 1910 and identified as a key cultural relic site under state protection. The Museum now covers more than 3,000 sq m.

The Museum has three general exhibition halls, six specialized exhibition halls, three interactive sections for promoting the legal knowledge, and one video hall. On display in the first hall is the judicial history of China, reviewing judicial development in ancient China. The second hall presents the development of people's courts and their achievements. In the third hall is an exhibition on the work of people's courts since the 18th CPC National Congress; the themes are the rule of law and the great rejuvenation of China. The six specialized exhibitions concern rarely seen and precious ancient legal books; the justified trial of Japanese war criminals; glimpses of Hong Kong, Macao and Taiwan courts; glimpses of foreign and international courts; Dongjiao Minxiang (also called Beijing Legation Quarter in old times) in the old days; and the highest judicial organs in ancient China. Interactive activities take place in three sections: a moot court, a platform of Q&A, and a classroom for activities. The video hall collects and shows movies about Chinese and foreign legal systems.



## 最高人民法院图书馆与出版物

最高人民法院图书馆馆舍面积 2000 余平方米，现有纸质藏书 13 万余册，内网电子数据库 7 个，外网电子数据库 6 个。图书馆采用大平面、全开架、借阅合一的管理模式。法官除可入库借阅、在馆内阅读外，还可在办公室通过内网电脑浏览图书馆网页，查询书目、续借图书、浏览内网数据库，也可通过互联网使用中国知网、法信、Westlaw 等中英文数据库。图书馆备有宽敞、明亮的阅览区，成为法官们休憩阅读的场所。

最高人民法院通过定期公开典型案例与审判信息，指导全国法院审判，促进法律统一适用。最高人民法院的定期出版物主要有：最高人民法院主办的《最高人民法院公报》《人民司法·应用》《人民司法·案例》，最高人民法院审判业务部门主办的《立案工作指导》《刑事审判参考》《民事审判指导与参考》《商事审判指导》《知识产权审判指导》《涉外商事海事审判指导》《行政执法与行政审判》《审判监督指导》《执行工作指导》《司法研究与指导》，以及国家法官学院主办的《法律适用》、中国应用法学研究所主办的《人民法院案例选》等。上述出版物刊载的内容包括：最高人民法院最新发布的司法解释和规范性文件；审判政策解读；审判实务释疑；最高人民法院直接审理的重大、典型案件的裁判文书；各级人民法院审理的具有指导意义的典型案例与裁判要旨；全国法院审理各类案件的主要司法统计资料；国外司法机关最新审判动态等。

《人民法院报》是最高人民法院主办的日报，专门刊登最高人民法院和地方各级人民法院的工作信息、最新政策、工作经验、理论研讨、典型案例等。该报纸汇集了全国法院最全面的信息，成为了解中国法院工作和司法改革的必读报纸。此外，人民法院出版社承担出版各类与司法工作有关的书籍的任务，并办有新闻月刊《中国审判》，报道全国法院的审判信息。



## The Library and Publications of the Supreme People's Court

The SPC Library covers an area of over 2,000 sq m, and contains more than 130,000 books, 7 databases for intranet, and 9 databases for internet. Opening all the shelves in a large floor space, the Library facilitates both borrowing and reading. In addition to borrowing books from the stacks and reading books in the Library, judges can also, sitting at their offices, browse the web pages of the Library, search for books, renew borrowed books online and use SPC databases through the intranet, and also browse the Chinese and English databases such as CNKI, Faxin (Faxin.cn is a website providing digital legal information services) and Westlaw via the internet. The Library is equipped with a spacious and well-lighted reading area and has become a comfortable place for judges to read and relax.

The SPC guides court trials across China and promotes the unified application of law by releasing information on typical cases and trials on a regular basis. The main regular publications of the SPC include the *Gazette of the Supreme People's Court*, the *People's Judicature: Application* and the *People's Judicature: Cases*. The SPC's adjudicative divisions have published the *Guide to Case Filing, Reference to Criminal Trial, Guide and Reference to Civil Trial, Guide and Reference to Commercial Trial, Guide and Reference to Intellectual Property Trial, Guide and Reference to Foreign-related Commercial and Marine Trial, Administrative Enforcement and Trial, Reference to Adjudication Supervision, Reference to Enforcement, and Judicial Research and Reference,*

as well as *Journal of Law Application* issued by the National Judges College. *The Selected Cases of the People's Courts* is a publication compiled by the China Institute of Applied Jurisprudence.

The contents of these publications include:

- the latest judicial interpretations and regulatory documents issued by the SPC
- expositions of trial policies
- explanatory elaborations for judicial practice
- the judgments of major and typical cases directly heard by the SPC
- the key points of cases and judgments by the people's courts at various levels
- major judicial statistics of all types of cases heard by the courts nationwide
- the latest adjudicative developments of foreign judiciaries.

*The People's Courts Daily* is the daily newspaper sponsored by the SPC, publishing work information, latest policies, work experience, theoretical discussions, typical cases of the SPC and the local people's courts. This newspaper provides the most comprehensive information on Chinese courts, and therefore has become a must-read regarding Chinese courts' work and judicial reform. In addition, the People's Courts Publishing House takes on the task of publishing various books related to the judicial work, and runs the news journal of *China Trial*, which covers latest adjudicative information on courts across China.



## XVIII “互联网+”时代的最高人民法院

进入互联网时代，最高人民法院高度重视信息化建设，已基本实现电子化办公，推行无纸化办公。所有法官及工作人员均配备了个人电脑，并可通过局域网络传输公文，查询各种诉讼档案与行政卷宗，开展网上办案，登陆学术期刊、法律法规与判例数据库。通过信息科技的运用，加强了对审判流程和审判质效的监督管理，有效提升了审判质量和效率。

最高人民法院设有人民法院信息技术服务中心，主要负责制定中国法院信息化建设发展规划、实施方案和技术标准，组织拟定重点工程项目和关键技术方案并组织实施，总结全国法院信息化建设经验，对全国法院信息化应用成效进行

评估，并负责监督指导，完成国家电子政务建设相关工作。

近年来，中国法院积极推动司法业务与信息技术融合，建成了以网络互联互通为基本特征的信息化 2.0 版，着力推进信息技术在服务社会公众、服务审判执行和服务司法管理方面的应用。

在司法公开方面，通过“中国审判流程信息公开网”为案件当事人及其诉讼代理提供案件进展各环节信息，通过“中国裁判文书网”公布各级法院生效裁判文书，通过“中国执行信息公开网”，公开执结案件信息、失信被执行人名单，广泛的公开保障了公众的知情权。

在诉讼服务方面，建成诉讼服务中心、网

最高人民法院信息管理中心演示大厅

Presentation room of the Information Management Center of the SPC



## XIX The Supreme People's Court in the “Internet+” Era



人民法院数据集中管理平台

The Centralized Data Management System of the People's Courts

Stepping into the era of internet, the SPC has put a high value on the informatization and basically realized the electronic office and paperless office. Judges and court staff are equipped with personal computers and can therefore transfer official documents, look up various lawsuit archives and administrative dossiers, handle cases online, and log onto the databases of academic journals, laws and regulations, and legal precedents via LAN. Using IT, the SPC has enhanced the supervision and

administration of the trial proceedings and effectively improved its quality and efficiency.

The SPC has established the People's Courts IT Service Center, which is in charge of formulating IT development programs, implementation plans and technical standards; organizing and carrying out major projects and key technology solutions; summing up experience and evaluating the effect of IT application in courts nationwide; supervising and guiding



最高人民法院官方网站 (中文)

SPC official website (in Chinese)

上诉讼服务平台、12368 诉讼服务热线、律师服务平台等，打造全方位、立体式的“互联网+”诉讼服务体系，努力从立案、审判、执行等各个环节消除群众诉讼障碍，为当事人、律师提供便捷高效的诉讼服务。同时，为加强与被告人的沟通、交流和进行普法宣传，还建设手机电视 APP、官方微博、官方微信，及时向社会提供充分、权威的信息，积极回应网民对法院工作提出的意见

和建议。

在审判方面，使用综合办案系统，服务法官快速进行网上案件流转和审批，高质量辅助生成裁判文书、智能纠错，大大提高办案效率和质量。全国法院建成 1.8 万余个科技法庭，实现多媒体证据展示、远程审判、远程示证作证、证人保护、庭审音视频信息记录、庭审直播、同声传译等功能。



中国法院手机电视  
SPC TV on Mobile

national e-government construction and relevant work.

In recent years, China's courts have promoted the integration of judicial work and IT to increase its application in serving the public, adjudication and judicial administration.

In judicial transparency, for guaranteeing the public's right to know, the China Judicial Process Information Online

(<http://www.court.gov.cn/zgsplcxxgkw>) provides information of the lawsuit process for the litigants and legal representatives, the China Judgments Online (<http://wenshu.court.gov.cn>) releases effective judgments of courts at all levels, the China Law Enforcement Information Online (<http://shixin.court.gov.cn>) publicizes information about concluded cases and persons subject to enforcement.



最高人民法院官方网站 (英文)

SPC official website (in English)





最高人民法院官方微博  
SPC Official WeChat

在司法管理方面，建成人民法院数据集中管理平台，实现全国法院案件数据全面、准确、及时的汇聚。实现了数据自动生成，数据全部来源于各级法院的办案系统，自动抓取、自动汇聚，每5分钟自动更新数据，动态展现收案情况。目前，全国3512个法院均实现实时上报数据，中国最高法院已经汇聚全国法院近五年7300多万件案件数据，并以日均4至5万件案件数据递增，形成26万组图表，可用于开展审判质效、热点问题、特定类型案件等分析，让实时、动态掌握全国法院审判态势和审判质效成为可能。

当今世界，信息化已成大势所趋，信息技术必将对人类社会未来发展产生广泛而深刻的影响。今后，中国法院将顺应信息技术飞速发展的时代潮流，乘势而上，积极作为，秉持“大数据、大格局、大服务”的理念，坚持服务人民群众、服务审判执行、服务司法管理，以促进审判体系和审判能力现代化为目标，建成支持全业务网络办理，全流程审判执行要素公开，面向法官、诉讼参与人、社会公众和政务部门提供全方位智能服务的智慧法院。

In litigation services, Litigation Service Center, online litigation platform, 12368 hotline, lawyer service platforms are built to form a comprehensive internet-based litigation service system and provide convenient and efficient litigation services for removing obstacles to case-filing, trial and enforcement. In the meantime, in order to enhance communication with the public and publicize legal culture, the courts release abundant and authoritative information on their mobile TV app, Sina Weibo and WeChat to address the netizens' suggestions and concerns to courts.

In trial proceedings, the courts use comprehensive case-handling system to facilitate case flow, examination and approval online, to assist to compose judgments and intelligently correct errors, greatly improving efficiency and quality of case handling. The courts across China have set up over 18,000 technology-based courtrooms, making possible multi-media presentation of evidence, remote trial, evidence display and bear witness, witness protection, audio-video recording and live broadcast of court hearing and simultaneous interpretation.

In judicial administration, the Centralized Data Management System of People's Courts is set up to

collect case data of all courts in a comprehensive, timely and accurate manner. Automatically generated, these data are all from case handling system of courts of all levels and updated every 5 minutes to show the dynamic change of case filing number. The 3,512 courts nationwide have all realized realtime data reporting. The SPC has accumulated the data from over 73 million cases in the last five years, and this number continues to rise each day by 40,000 to 50,000, forming 260,000 groups of charts, for analysis of quality and efficiency of trials, hot issues and cases of specific types. This gives a realtime and dynamic picture of court trials nationwide and their quality and efficiency.

The application of IT is now an irreversible trend. IT will surely exert extensive and profound impact upon future social development. The people's courts will keep up with the times, take advantage of the fast development of IT, and apply the idea of "Big Data, Big Thinking and Big Service." The services will center on the people, trials and enforcement as well as judicial administration, aiming to modernize the judicial system and capability, and build courts which support online management of all legal services, full openness of adjudication and enforcement, and offer comprehensive intelligent services to judges, litigants, the public, and government agencies.



## 十 最高人民法院现址与建筑

最高人民法院建院之初，定址于北京市司法部街 72 号司法大楼，该楼原系清朝大理院所在地，民国时期先后为北洋政府最高法院、河北高等法院的办公场所。1959 年 9 月，因建设人民大会堂，大楼被拆除，最高人民法院临时迁至西城区月坛北小街 4 号办公，1961 年又迁往东交民巷 37 号。1971 年，最高人民法院迁至现址，即北京市东城区东交民巷 27 号。

最高人民法院现址在清朝时原是太医院和钦天监，清末成为俄国驻华使馆所在地。最高人民法院于 1971 年迁入现址后，由于原来房屋年久失修，数量稀缺，不敷公用，遂于 1984 年修建了审判办公大楼（西楼），1994 年建成大法庭（中楼）。2002 年 5 月，对大楼的全面扩建改造工程开始，大法庭东侧建起了新的审判办公大楼（东楼），同时将西、中、东三楼连为一体。2005 年 12 月，新大楼正式启用，作为办公一区，斯时正逢最高人民法院成立 55 周年。2007 年 12 月在北京市东城区北花市大街 9 号启用办公二区，主要作为刑事审判办公大楼。2009 年 11 月在北京市朝阳区小红门乡红寺村 316 号启用办公三区，作为立案和接待人民群众来访业务用房。此外，最高人民法院第一巡回法庭位于广东省深圳市罗湖区红岭中路 1036 号，第二巡回法庭位于辽宁省沈阳市浑南区世纪路 3 号，均于 2015 年 1 月启用。



最高人民法院旧址  
Former site of the SPC



最高人民法院本部——全景图  
A panorama of the SPC headquarters in Beijing

## XX The Current Sites and Buildings of the Supreme People's Court

In the early days of the SPC, it was housed in the Justice Building, No.72, Ministry of Justice Street, Beijing. The building used to be the original site of the Da Li Yuan (the Central Judicial Office) of the Qing Dynasty (1644-1911), and then the office building of the Supreme Court of Beiyang Government and Hebei High Court during the period of the Republic of China (1912-1949). In September 1959, in order to build the Great Hall of the People, this building was demolished and the SPC was temporarily relocated to No.4, Yuetan Beixiaojie and later to No.37, Dongjiao Minxiang in 1961. In 1971, the SPC was relocated to its current sites – No. 27, Dongjiao Minxiang, Dongcheng District, Beijing.

The current location of the SPC used to be the site of Tai Yi Yuan (the Imperial Hospital) and Qin Tian Jian (the Observatory) during the Qing Dynasty and later the location of the Russian Embassy in China in the late Qing Dynasty. At its current location the office space available could not meet

the requirements. The SPC therefore built the Trial Office Building (West Wing) in 1984 and the Grand Court (Middle Building) in 1994. In May 2002, an all-round expansion project for the buildings was launched. A new Office Building (East Wing) was built in the east of the Grand Court. In the meantime, the east and west wings were connected to the central building. The new building came into use as the first major office site in December 2005 on the occasion of the 55th anniversary of the SPC. In December 2007, the second office site on No. 9, Beihuashi Street, Dongcheng District was opened as the office mainly for criminal divisions. In November, 2009, the third office site on No. 316, Hongsi Village, Xiaohongmen Township, Chaoyang District was put to use to file cases and receive petitions from the public. The SPC's First Circuit Court located at No. 1036, Hongling Middle Road, Shenzhen, Guangdong Province and the Second Circuit Court located at No. 3, Shiji Road, Hunnan District, Shenyang, Liaoning Province, both opened in January 2015.

## 联系我们 / Contact Us

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官方网站 / Websites: <http://www.court.gov.cn/> (中文)  
<http://english.court.gov.cn/> (English)

官方微博 / Sina Weibo: 最高人民法院

### 最高人民法院互联网数字平台二维码矩阵

Some QR Codes of the Supreme People's Court

轻松扫描下载 让诉讼更透明

Scan the Codes, Keep up to Date with Court Information



1 最高人民法院  
官方新浪微博



2 最高人民法院网



3 最高人民法院  
官方微信



4 中国审判流程信息  
公开网



5 中国裁判文书网



6 中国执行信息  
公开网



7 全国法院微博  
发布厅



8 中国法院  
手机电视 APP



9 最高人民法院官网  
iPhone 版手机客户端



10 最高人民法院官网  
android 版手机客户端



11 最高人民法院  
搜狐新闻客户端



1 SPC official Sina Weibo

2 SPC official website (in Chinese)

3 SPC official WeChat

4 China Judicial Process Information Online

5 China Judgments Online

6 China Law Enforcement Information Online

7 Pressroom of the People's Courts on Sina Weibo

8 SPC TV on Mobile

9 iOS app of the SPC

10 Android app of the SPC

11 News of the SPC on Sohu