

Causes and Countermeasures for the Insufficient Judicial Credibility of Basic People's Courts

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Abstract: As various kinds of conflicts and disputes in the social transition period continue to be highlighted, the number of difficult and complicated cases is increasing, and the difficulty of resolving conflicts is gradually increasing, the problem of insufficient judicial credibility of the people's courts, especially the basic people's courts, is becoming more and more prominent, and how to explore specific ways to strengthen the construction of judicial credibility of the people's courts under the new situation has become a problem that the people's courts should pay attention to and need to solve. This paper focuses on the connotation and components of judicial credibility, and takes the work of the Siming District People's Court in Xiamen as a sample. On the basis of a concrete analysis of the current situation and causes of the lack of judicial credibility, it proposes corresponding ideas and countermeasures on how to strengthen the construction of judicial credibility of the people's courts: strengthen judicial authority, crack the difficulties of justice for the people; improve the level of service, expand the field of justice for the people; build Sound team to enhance the level of justice for the people.

Keywords: Judicial Credibility, Insufficient credibility, Countermeasures

1. Introduction

In recent years, as various types of conflicts and disputes in social transition continue to come to the fore, the number of difficult and complex cases is increasing, and the difficulty of resolving conflicts is gradually increasing, the people's courts, especially the basic people's courts, are facing huge challenges in their trial work, among which the problem of insufficient judicial credibility is becoming increasingly prominent and has become an important factor affecting the realization of the goal of a fair, efficient and authoritative judiciary. In this regard, the Supreme People's Court has clearly put forward the working policy of "establishing a credible court", and has set the further enhancement of the judicial credibility of the people's courts as the main work of the people's courts at present and in the future, so as to provide strong judicial guarantee for achieving sound and rapid economic and social development and promoting social harmony and stability. How to explore specific ways and means to strengthen the judicial credibility of the people's courts under the new situation has become a problem that the people's courts should pay attention to and urgently need to solve. This paper focuses on the connotation and components of judicial credibility, and takes the work of the Siming District People's Court in Xiamen City as a sample. On the basis of a concrete analysis of the current situation and causes of the lack of judicial credibility, it puts forward corresponding ideas and countermeasures on how to strengthen the construction of judicial credibility of the people's courts.

2. A Preliminary Exploration of the Concept: The Connotation and Formation Elements of Judicial Credibility

2.1 The Connotation of Judicial Credibility

The so-called justice, in a narrow sense, refers to the activities of the people's courts in applying the provisions of the law to settle disputes, which is the process of combining the provisions of the law with real life, and its main role is to maintain the fairness and justice of society. Credibility is people's recognition of social phenomena and things, it reflects the psychological feelings of the subject of knowledge, when a certain number of majority of people have a sense of recognition of a social phenomenon or thing, that is, this social phenomenon or thing has achieved credibility. Judicial credibility refers to the public's psychological recognition of the operation of judicial power and its

results, which means people's trust in the people's courts and their effective adjudication documents, etc. It can indicate whether the public trusts and respects the courts and the extent to which they trust, respect and consciously obey the effective decisions of the courts [1]. Therefore, it is a concept with a double dimension. Analyzed from the perspective of power operation, judicial credibility is the qualification and ability of judicial power to gain public trust in the process of its operation with its subject, system, organization, structure, function, procedure and just results; analyzed from the perspective of audience psychology, judicial credibility is a subjective evaluation or value judgment of social organizations and people on the judicial behavior of the court [2]. It can be seen that the core part of judicial credibility is the credit of the judiciary to the public and the trust of the public in the judiciary, which is an interactive process between the two sides.

2.2 Elements of Judicial Credibility Formation

2.2.1 Direct Elements: Judges' Judicial Competence and Professional Image

As mentioned above, judicial credibility reflects the public's trust in the judicial activities of judges and the value recognition of judges' freedom of mind, which requires the judges' specific adjudication to obtain a good evaluation of the judiciary by the public. Therefore, whether it is the credit of the court to the public or the public's trust in the court, it is inevitably closely related to the judge as the main subject of judicial activities, and the judge's judicial ability, quality and image are therefore closely related to the making of the decision, the public's acceptance and the establishment of judicial credibility. Specifically, the judicial ability and professional image of judges are governed by the following factors: (1) the skills and judicial rationality of judges. In order to accurately apply the law to resolve the various types of cases encountered in judicial practice, judges must possess not only a great deal of professional knowledge in jurisprudence, but also the skills to understand and interpret legal norms, the ability to think and reason legally, and the ability to debate and write legal documents. In addition, the law is part of the life of society as a whole, and judges must also have the social knowledge and humanistic qualities necessary to deal with legal matters. (2) Independence of the judge. This means that judges are subject only to the law when applying it to cases and are not interfered with by any external factors. (3) Self-discipline of judges. Compared to external supervision and control, the professional ethics and self-discipline of judges is a more important and effective guarantee mechanism, which is an important line of defence for internal control of "judicial corruption"[3].

2.2.2 Basic Elements: The Functions and Positioning of the Courts and Their Allocation of Resources

The people's courts at all levels exercise judicial power on behalf of the state, apply uniform legal norms from the top down and protect the interests of all parties on an equal footing. The positioning of court functions, the allocation of powers and the trial operation mechanism are related to the efficient and smooth operation of the courts and various departments, and to the legitimacy of the application of judicial procedures, the finality and enforceability of judicial decisions, which in turn affects the effective establishment of judicial credibility through the realization of binding judicial decisions. In addition, the adequacy of judicial resources is the basic guarantee for the courts to conduct fair and efficient trials, and is also an important support for the strength or weakness of judicial credibility. It can be said that if there is no correct positioning of legal functions and adequate and reasonable allocation of judicial resources, the establishment of judicial credibility will become water without a source.

2.2.3 Guarantee element: Good Public Opinion Communication Mechanism

From the connotation of judicial credibility, it can be seen that it is a credit relationship between the court and the public, that is, the public's "faith" and the judiciary's "being faith", which is an interactive, dynamic and balanced trust interaction and evaluation process. Whether the judicial power is sufficiently credible in the process of operation determines the public's trust in the court, and the credit status of the court is ultimately reflected through the public's evaluation. Therefore, this inter-subjective interactive feature of judicial credibility requires the court, in the face of the public's new demands and expectations for justice, to promote mutual communication between the court and the parties through a good public opinion communication mechanism, to fully listen to the parties' opinions, to give more consideration to the parties' litigation requirements, suggestions and actual situation, and to give more consideration to the public's recognition and acceptance, in order to improve the public's trust in justice. The public's trust in the judiciary can only be enhanced by taking into account the public's recognition and acceptance[4]. In addition, due to the information advantage enjoyed by the courts in the litigation

process, it is also necessary for the courts to meet the amount of information enjoyed by the parties in the process of filing cases, court trials, sentencing and enforcement through a smooth communication mechanism, in order to achieve information parity between the two sides, which in turn generates and enhances public trust.

2.2.4 The Psychological Element: The Public's Awareness of the Law

Only when people faithfully believe in the law can they have respect and trust in the justice that applies legal activities [5]. It is out of trust in the law that the judges are consciously accepted, and trust in the law comes from the grasp and recognition of the value rationality of the legal system, and the axis of this belief is the citizens' legal consciousness. If the law can be agreed or accepted by the majority of citizens, so that people can form a consensus and agreement on the law, judicial decisions with legitimacy will naturally have persuasive power, and it will be relatively easy to achieve judicial credibility. Therefore, the public's awareness of the law is a psychological element in the formation of judicial credibility. This element includes the public's respect for judicial subjects, their compliance with judicial procedures, their trust in judicial self-control and exclusion, and their recognition of judicial decisions, which ultimately manifests itself in the conscious observance of the legal order and the protection of their legitimate rights and interests in accordance with the law. [6]

3. Sample Analysis - the Current Situation of Judicial Credibility

In recent years, people's courts at all levels have strengthened the construction of harmonious justice, open justice and justice for the people, taking the new demands and expectations of the people for justice in the new era as the starting point, and the satisfaction of the people has been improved to a certain extent, but the problem of insufficient judicial credibility is still more prominent, especially in the basic people's courts where the conflict between the number of cases and the number of judges has intensified. In 2012, the Si Ming Court, where I work, received more than 5,000 calls from the public; received and handled 172 letters (including personal letters, mayor's special line, referrals from the National People's Congress, the government and the president's mailbox); and received 109 batches of visits from the public. As a sample, the current situation of judicial credibility is not optimistic in the following aspects.

3.1 Insufficient Credibility of Court Hearings

This is mainly reflected in the public's lack of confidence in the judiciary. The public habitually treats the differences in the application of jurisprudence as an unjust application of the law, often linked to favouritism and corruption, which makes them magnify judicial injustice and judicial corruption infinitely, and eventually become tired and fearful, and no longer believe in the trial ability and level of the courts. This mistrust is further exacerbated by the fact that in practice litigation petition cases and interventions in the trial of cases through channels outside the legal process occur from time to time. This has directly led to the fact that after a court case is filed, some parties often follow the inertia of thinking and want to win the trust of the judge by taking unlawful means such as treats and gifts or secure their favorable position through human relations, adding an unnecessary and unlawful insurance for the final outcome of the case, and seriously disrupting the normal process of the case. According to statistics, in 2012, there were 46 letters and visits, accounting for 16.37% of the total number of visits, which were based on subjective assumptions that were suspicious of the case, reflecting the situation of the case and requesting a fair trial.

3.2 Insufficient Credibility of Judicial Decisions

This is mainly reflected in the lack of conviction of the parties to the decision. In practice, after the first instance decision, some parties are resistant to the results, often do not fully consider whether the facts are clear, whether the application of the law is correct, as long as they do not meet their own litigation requests, that is, to file appeals or complaints, resulting in "the final trial is difficult to end", "the case is closed but not This has led to anomalous situations such as "final trial is difficult" and "the case is closed". In the sample, calls expressing dissatisfaction with the outcome of their cases and consulting how to further defend their litigation claims accounted for 8% of the total number of calls; letters and visits expressing dissatisfaction with the verdict, mediation, requesting the law to revoke the original verdict, change the verdict or apply for retrial reached 61 times, accounting for 21.71% of the total.

In recent years, there has been an increase in the number of petition cases involving litigation, and some courts have adopted practices such as compensating petitioners in order to calm down cases, which has further caused a loss of credibility of the existing decisions, and has caused some parties to "believe in the petition" rather than "believe in the law", using the petition as a way to seek. They use petitions as a way to seek undue compensation to satisfy their own undue psychological needs. In the sample, there were nearly 10 cases of unreasonable stalking and multiple petitions because the decision did not meet psychological expectations.

3.3 Insufficient Credibility of the Judicial Process

According to the sample statistics, the dissatisfaction of the parties with the judicial procedures of the court is mainly concentrated in two aspects.

(1) Blind spots exist in judicial openness

There are blind spots in judicial disclosure: from filing, trial to execution, the parties are not informed early and effectively of their rights and obligations in litigation; the information on court sessions, pretrial announcements and adjudication documents involved in judicial proceedings are not publicized to a high enough extent, incomplete or even inaccurate; in the trial and execution of cases, the names, contact information and whereabouts of the judges, clerks and other case handlers, as well as the progress of the case. In the trial and execution of cases, the names, contact details and whereabouts of the judges, clerks and other case officers, as well as the progress of the trial, were not open and transparent to the parties. In addition, the courts' channels of public disclosure are not open, their means are limited and their mechanisms are not perfect. In the sample, 35% of the people called to enquire about the case officer and office telephone number, another 15% called to report that their repeated calls to the judge's office telephone number were not answered, and 5% of the people called to report that they had received a notice in the name of the court to "collect a summons" from the court, asking whether it was a fraudulent call.

(2) Low judicial efficiency was reported

In a variety of statutory not counted in the trial period or to extend the trial period of the case more and more, and the case although the application of summary procedures but the rate of court pronouncement is not high, objectively to the parties to the impression of delay in litigation, the court also did not make timely and reasonable to make the corresponding explanation, then deepen the parties to the low efficiency of litigation awareness. This is more prominent in the implementation of the procedure. According to statistics, 12% of the callers reflected that their cases had not been completed for a long time and consulted on the progress of the case; 18 of the letters and visits requested that the trial and judgment be held as soon as possible, accounting for 6.41% of the total; 117 of the requests were made to speed up the implementation and increase the implementation efforts, reaching a proportion of 41.64%.

3.4 Insufficient Professional Credibility of Judges

This is mainly reflected in the lack of trust of the parties in the judges. Due to the improper publicity of a few news reports, the public has doubts about the professional ethical level of judges, and is not optimistic about the overall professional quality of the judiciary. In practice, some litigants are dissatisfied with the work of judges, as reflected by the fact that many litigants reflect that the trial style of the judges is not correct, judicial conduct is not standardized, the trial efficiency is not high enough, the judicial ability is lacking, etc., which to a certain extent hinders the establishment of the public's trust in judges. In the sample, there were nine cases of letters and visits reflecting that the judges were unfair in the trial process, favoring another party, demanding that the judges be held accountable for their duties and bending the law.

4. Tracing the Root of the Problem - Exploring the Reasons for the Lack of Judicial Credibility

The data shows that our judicial credibility is declining. In the face of this indisputable fact, we need to seriously explore the deep-seated reasons for the loss of judicial credibility in order to fundamentally solve the problem. As mentioned earlier, credibility is a concept with two dimensions: on the one hand, it is the result of evaluation by the public, and on the other hand, it is the expression of the inherent quality attributes and public authority of state public power and its exercising organs.

Therefore, the author intends to analyse the deep-seated reasons for its loss from these two aspects.

4.1 Judicial Credibility is Drifting Away in the Minds of the Public

According to Coleman: "The fundamental nature of rights is rooted in their social basis. Social recognition is a precondition for the existence, disappearance and transfer of rights. The enforcement of rights must be secured by power, i.e. the holder of a right protects its claim by virtue of power, and the actor relies on power to claim participation in the distribution of rights. [7]" According to Coleman's theory, justice does not directly embody coercive violence; it has credibility when, and only when, it is internalised in the conscious legal perceptions of the social public.

4.1.1 The National Memory of "Fear of Litigation" and "Aversion to Litigation" Rejects Judicial Power

Due to historical and cultural traditions, our people have always had a distrust of justice and litigation, as expressed in the folk sayings "the courthouse is open to the south, no one can come in without money" and "a lawsuit is a relationship", and thus do not respect justice. Under the guidance of such social beliefs, many parties, in order to win their cases, ask for favours from people everywhere to find judges, and if they win their cases, they think they have done their "job" properly; and once the other party wins, they think the judge is biased towards the other party and the verdict is unfair, so they keep appealing and petitioning. This mistrust makes it difficult for people to have the opportunity to revise their views and to have trust and respect for the judicial power and its implementation process or results. It can be argued that the lack of judicial credibility is to a large extent not a result of practice, but a product of *a priori* [8].

4.1.2 Poor Communication Channels Stretch the Distance between Justice and the Public

Habermas assimilated some components of Ruman's systemic theory and argued that the core quality of modern social opinion is "dialogue-communication"[9]. At present, the communication channels between the judiciary and the social identity mechanism in China are not yet smooth. On the one hand, the parties to a case are often emotional in their judgement of the judicial decision, and they are eager to know the progress of their case, while on the other hand, the judges are exhausted under the pressure of a heavy trial, and are unable to respond to every party's question in a timely manner, which in turn directly leads to the parties' catching wind and Therefore, we need a mechanism of communication between the judiciary and the public, so that the public can keep abreast of judicial developments and processes, in order to dispel the mystique of justice and build up a sense of respect for it.

4.1.3 Delayed Litigation Efficiency Lowers Public Expectations of Justice

The reality is that the courts are "overloaded with cases and undermanned", which has become a common consensus in the judicial sector. The Siming Court has received more than 20,000 cases for three consecutive years, with an average annual growth rate of 9%, while the actual number of cases handled has not increased despite the gradual increase in the court's establishment. In the actual work of the courts, the administrative management system has led many judges to take on several jobs. The daily complicated administrative work they are required to handle, organize studies and carry out activities, etc. take up a lot of their time. In addition, the small and unstable number of trial support staff is also an important factor affecting the efficiency of court trials. Among the support staff recruited by the Siming Court, some of those with higher education have found other jobs after passing the judicial or civil service examinations, resulting in a shortage of court staff and the need for judges to do everything themselves, thus affecting the efficiency of trials. "Justice is the eternal pursuit of justice, while efficiency is an inherent requirement of judicial justice. Therefore, in order to fully establish the supreme trust and absolute obedience of the public to the law, it is necessary to re-examine and reposition the value of judicial efficiency of the times, find the bottlenecks that restrict the improvement of litigation efficiency, and explore ways and means to improve litigation efficiency.

4.1.4 Negative Public Opinion Reports Have Triggered a Crisis of Public Trust in Justice

At present, some media, in order to create a sensational effect, deliberately tied to the justice of social hot issues of public concern, and thus attract public attention, interfere with the normal work of the court trial, and cause negative public opinion. Nowadays, whenever the "Xu Ting case", "Peng Yu case" or "Yao Jiaxin case" is mentioned, the issue is immediately brought into question the entire judicial system, and then the judiciary. The questioning of the entire judicial system, and then of the judiciary, and finally of the rule of law. A problem may not be a problem or a serious problem, but

when more people talk about it, it becomes a problem [10]. Thus, with the "unconscious complicity" of the media, public opinion and even academia, judicial corruption has constantly rattled the public's visual nerves, causing the whole society to question the credibility of the judiciary.

4.2 Judicial Credibility is Difficult to Blossom in the Inner Workings of the Judicial Body

Court trials are at the centre of litigation, and judges are the concrete implementers of judicial activities, determining the actual state of justice, as Dworkin has classically pointed out, "In the empire forged by law, the court is the capital of the legal empire, and the judge is the prince of the legal empire.[11]" It can be seen that whether justice has credibility is closely related to the operating mechanism of the courts and the personal qualities of judges.

4.2.1 The Positioning of Court Functions And the Configuration of Their Powers Affect Judicial Credibility

In our country, the executive power has always been in the absolute centre of the entire state power structure, and the judicial power is in a relatively weak position, even subject to the intervention of the executive power. At present, the courts are subject to the local party committees and governments, whether in terms of material and financial resources or in terms of personnel appointments, and they lack independence and have even become subordinate to local governments, making it difficult to establish their own authority. At the same time, the administrative nature of the court's internal management has made it difficult for judges to maintain their independence. The case reporting system, the case approval system and the trial committee system fully reflect the alienation of the internal operation of our courts. Judges "try but do not judge" and leaders "judge but do not try", a problem that leads to a lack of credibility in judicial decisions and further induces speculative behaviour by the parties.

4.2.2 Judges' System and Court Personnel System Affect Judicial Credibility

In recent years, the internal assessment indicators set by the local courts and the "wrong case accountability system" have put judges on thin ice. Some courts have placed too much emphasis on rankings and have focused their efforts on the unilateral pursuit of numbers and efficiency in order to meet standards, treating judges as ordinary workers in piecework production and intending to achieve quality control of "judicial products" through numerical management. In particular, individual courts are only concerned with data, leaving aside the basic work that is of long-term importance and slow to yield results. In fact, some of the indicators do not fully comply with the laws and requirements of judicial work, while the courts and judges in order to pursue and improve the corresponding indicators, ignoring the basic functions of the trial, and even do not have the conditions to force the work, which not only undermines the legitimate rights of the parties, affecting the seriousness and fairness of the law, some may also lead to malpractice and corruption.

4.2.3 Judges' Judicial Ability and Professionalism Affect Judicial Credibility

Analysis of the 2012 annual calls, letters, visits, the parties justified or have some justification accounted for 80%, this figure is sufficient to reflect that we in the case, whether the reception of the defeated party, or the reception of the rights and interests of the winning party is not met, a little inappropriate language, a little simple response, a little ill-considered, even if the decision is fair, even if repeatedly explained, will cause The judge's ability and professionalism are inseparable from the judge's dissatisfaction, which has become a regular complaint. In recent years, the courts have been increasing their recruitment efforts for fresh university students, and the number of young judges in some courts has even reached one third of the total number of judges. However, due to their short working time and shallow experience, young judges lack confidence in their own hearings and decisions, and can easily lose the right to take charge of their own cases and make decisions involuntarily, which obviously makes it difficult to convince the parties. At the same time, we should also be soberly aware that some judges have not established a correct world view, view of power and values, some courts do not have the right internal supervision and control, the system is not sound, resulting in discipline and violation of the law in the team. Although these problems exist only in a very small number of people and individual courts, they have caused serious adverse effects in society, damaging the image of the people's courts and people's judges and shaking the public's trust in and respect for the courts.

5. Cracking the Path - Suggestions for Enhancing Judicial Credibility

As the Taiwanese scholar Mr. Su Yongqin said, "In terms of the nature of judicial social control, the key to giving full play to its normative power, as in the case of religious living ethics, still lies in the trust and acceptance of its decisions, not in its correctness. Therefore, when trust is insufficient, it is decided that even if its quality and quantity are improved, it will be in vain.[12]" Therefore, in order to change the current situation of judicial credibility, it is necessary to establish the credibility of the judiciary in China with the value goal of being open, fair, efficient and credible, and to insist on realizing the people's right to know, participate, supervise and express themselves in the judiciary to the greatest extent possible; only in this way can we continuously improve the social recognition of the judiciary and thus enhance the credibility of the judiciary.

5.1 Strengthening Judicial Authority and Cracking the Difficulties of Justice for the People

To strengthen judicial credibility, we must first confirm the finality of judicial decisions. The finality of judicial decisions is a key symbol of judicial authority, only judicial decisions have finality, the public can take litigation as an effective means of safeguarding their legitimate rights and interests and the final way, in order to believe in the authority of the judiciary, but also to fundamentally solve the current very prominent "petition" not It is only by doing so that the public can be convinced of the authority of the judiciary and can fundamentally solve the problem of "trusting the petition" but not "trusting the law"[13]. The first is to prevent the occurrence of unjust and wrongful cases, to strictly enforce the standard of proof, to conscientiously implement the principle of the benefit of the doubt, and to adhere to the standard of "clear facts and sufficient evidence" and the interpretation of "only one conclusion" as stipulated in the Criminal Procedure Law. Secondly, to achieve balanced sentencing, some specific sentencing indicators should be quantified and made public to a certain extent, so as to rebuild people's confidence in the law and achieve the value of social stability. The third is to ensure the timely implementation of the verdict in force, for different cases, different parties to adopt the implementation of deterrent mechanisms, linkage mechanisms, reporting mechanisms, audit mechanisms, bounty enforcement and many other new implementation methods, the formation of a credit environment conducive to the implementation of the work in society.

5.2 Improve the Level of Service and Expand the Field of Justice for the People

In a time of diversified needs of the masses and high incidence of conflicts in a period of social change, justice must be close to the masses and close to life in order to better serve the masses. The company's main goal is to create a high-quality, efficient and user-friendly window for filing services, and to give full play to the eight functions of the window for filing lawsuits, filing review, filing mediation, relief services, enquiry and consultation, material collection and transfer, post-judgment question and answer, and letter and visit reception to guide the correct exercise of litigation rights. To gradually expand the scope of judicial openness, take the newspaper, the Internet, television and the masses to participate in a variety of ways to broaden the judicial openness channels, expand the social awareness. Information technology should be used to speed up the construction of network courts and digital courts, and through initiatives such as the normalisation of live webcasting of court hearings, the full-scale audio and video recording of court hearings, and the networking of public access to archives and effective adjudication documents, judicial work should be effectively placed under the supervision of the public, enhancing the transparency of justice and safeguarding citizens' right to know.

5.3 Bringing Judicial Activism into Play to Enhance the Effectiveness of Justice for the People

China's justice is called "people's justice" and has the essential attribute of being people's, which determines that the people's courts must take the initiative to strengthen close ties with the people in their judicial activities and effectively safeguard the legitimate rights and interests of the people [14]. First, the relationship between judicial professionalism and judicial popularization should be correctly handled. Judges should not only accurately understand the spirit of the law and correctly adjudicate cases, but also grasp the public sentiment and effectively resolve disputes; they should adhere to legal procedures and take into account the specific circumstances of the parties, prevent isolation from the masses and closed cases, prevent artificial dogmatization and mystification of judicial work, and prevent situations where the law is "correct" but the masses are not satisfied. The public is not satisfied with the situation. The second is to correctly deal with the relationship between authority and clientelism, not only to abandon the traditional authority, to put an end to the judge to the litigation of

the big package; but also to oppose the one-sided emphasis on clientelism, affecting the dynamic play of the judge. In particular, we should pay attention to the guidance and assistance to vulnerable groups and parties with low litigation ability. Third, we must correctly handle the relationship between litigation mediation and legal adjudication. On the one hand, to adhere to the priority of mediation, enhance the awareness of mediation, on the other hand, to adhere to the combination of mediation, for really do not have the conditions for mediation or by full mediation is still difficult to reach agreement on the case, as well as the case can not be mediated according to law, to make a timely decision in accordance with the law, to avoid the formation of social hotspots due to the long delay in the case, resulting in passive work, not to mention the pursuit of mediation rate and illegal mediation, forced mediation. Finally, we must correctly handle the relationship between judicial passivity and judicial activism. We should strengthen the concept of dynamic justice, proactive protection and services, but also to grasp the scale of dynamic justice, to move the evidence, move the effective.

5.4 Sound Team Building, Enhance the Level of Justice for the People

General Secretary Hu Jintao clearly pointed out at the national political and legal work conference: The ability of political and legal organs to enforce the law is concentrated in the credibility of law enforcement. Therefore, we should further strengthen the construction of the judiciary and improve judicial credibility, especially by improving the overall quality of the team; starting from what the people are satisfied with and improving from what the people are not satisfied with, in order to meet the judicial needs and fair expectations of the public. To carry out the professionalization of judges, strengthen the ideological and business training of judges, training should gradually realize the transformation from knowledge-based to competence-based, from popular to professional, from experience-based to quality-based. Judges should also establish the concept of lifelong learning, the only way to make the judge's ability to handle cases, mediation and guidance, the ability to apply the law, analysis and judgment, coordination and comprehensive ability to be constantly improved. At the same time, we must also strengthen the professional ethics education of judges, because the expectations of society for fair justice and the demands of the people for social justice depend to a large extent on the professional ethics of judges. Only with good professional ethics, judges can persist in the pursuit of justice, and strive to maintain social justice. At the same time, the construction of style should be strengthened to improve the public's satisfaction with justice. The court must promote the construction of style, strengthen the sense of enterprise and responsibility, be punctual in court, observe judicial etiquette, speak gently and dress in a standard manner. The court should be active and enthusiastic, civilized, patient and meticulous, and should not work in a simple and violent way, cold and hard to push, but should be as convenient as possible to the people, so that the parties can enjoy quality judicial services.

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