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Legal Reform in China: Technology, Transparency, and Enculturation

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Abstract

In China, the diffusion of communication technologies is extensive, as evidenced by the country's information-technological infrastructure and the accessibility and usage of the Internet, Weibo, WeChat, and short-video hosting services. China's recent wave of legal reform is the mandate of judicial transparency in terms of adjudicatory process, court trials, adjudicatory documents, and enforcement information. The "rule of law" entails not only an effective legal system but also the legal consciousness of the populace. How the populace appreciates the legitimacy of law and, thus, employs it to protect rights and resolve disputes are essential to the optimal functioning of all legal rules and institutions. Legal enculturation will result in legally conscious individuals who act in accordance with the law. Given that the diffusion of communication technologies in China has been rapid and widespread, this article discusses how communication technology can facilitate both judicial transparency and legal enculturation in China.

***Keywords**:* Communication technology; judicial transparency; legal enculturation.

Introduction

The rapid development and diffusion of communication technology has changed the landscape of human interaction. Most constituents of society—whether being individuals, business entities, educational or research institutes, social organizations, or government agencies—employ communication technologies to conduct daily activities, complete business transactions, impart knowledge and skills, reduce administrative costs, or execute government functions. Consequently, various studies have been conducted on the impacts of communication technologies on social changes.[1] In the administration of justice, communication technologies have been used to streamline the judicial process, such as the launch of e-filing and e-courts, and to facilitate case management and record keeping, thereby reducing the cost as well as time of litigation and expediting the resolution of disputes. Even so, the impacts of communication technologies on law should extend beyond matters relating to litigation or court administration. In this respect, the present study aims at undertaking two purposeful inquiries: what impacts communication technologies can have on judicial transparency, and whether judicial transparency can facilitate legal enculturation through the use of communication technologies. These two inquiries are sensible because judicial transparency is an attribute of a functioning legal system, legal enculturation can beget a legally conscious citizenry, and judicial transparency and the populace's recourse to the law are essential to the attainment of the "rule of law."

The "rule of law" is championed as a cardinal principle of social governance. On the one hand, judicial transparency unfolds how the courts operate and how judgments are made, which will enhance judicial accountability, competency, and credibility as well as augment the populace's comprehension of substantive laws and familiarity with judicial processes. On the other hand, the "rule of law" entails not only a legal system consisting of effective legal norms and efficient legal institutions but also the legal consciousness of the populace and the consequential recourse to the courts of law. This is because how the populace appreciates the legitimacy of law and, thus, employs law to protect rights and resolve disputes are essential to the optimal operability of all legal rules and institutions. In this light, it is important that the populace believes in the legitimacy and operability of law through legal enculturation.

[1] See, for example, Lin, Communication Technology and Social Change.

The concept of "enculturation," first defined by Melville J. Herskovits, is the process of socialization into and maintenance of the norms of one's indigenous culture, including its salient ideas, concepts, and values.[2] In other words, "enculturation" refers to the process by which individuals acquire appropriate values and behavioral norms by learning what their surrounding culture deems to be necessary and acceptable and through a network of influences.[3] Applying this concept to the law domain, legal enculturation will result in legally conscious individuals who safeguard their rights, perform their obligations, and organize their lives in accordance with the law.

For more than four decades, China has adopted a multitude of legal reforms.[4] Since the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China, "Xi Jinping's Thoughts on the Rule of Law" has laid a foundational framework for China's pursuit of the "rule of law." Therefore, the corollary question is what key elements constitute "Xi Jinping's Thoughts on the Rule of Law" or, alternatively, how the "socialist rule of law with Chinese characteristics" is envisioned. Succinctly stated, under the "socialist rule of law with Chinese characteristics," the populace is to be the master (people-centered basis), the Party is to govern the country in accordance with the Constitution and other legal norms (state governance), and the Party is to manage its members stringently in accordance with the Party rules (party governance).[5] There is no conflict between Party leadership and the "rule of law" because the Party must conduct activities within the bounds of the Constitution and other legal rules, every Party administrative organization or every leading cadre must abide by the law, and no organization or individual is privileged above the Constitution and the law.[6] Moreover, the "rule of law" is to be complemented by the "rule of virtue," excellent thoughts and concepts in China's traditional legal culture are to be passed on, and the beneficial results of the "rule of law" outside China will also be learned.[7] Hence, the "socialist rule of law with Chinese characteristics" is somewhat different from the "rule of law" as understood in many common law and civil law countries. In any case, the present study attempts to demonstrate how judicial transparency coupled with legal enculturation will create an environment conducive to the achievement of the "rule of law" in China.

As discussed below, the diffusion of communication technologies in China has been rapid and extensive. China has a large quantity of Internet, microblog, mobile phone app, and short-video users or viewers. Against the backdrop of the rule-of-law mandate, it will be instructive to examine the interface between communication technology, judicial transparency, and legal enculturation in China. Accordingly, the following discussion first illustrates the diffusion of communication technologies in China. The second section then outlines what initiatives China has instituted to promote judicial transparency and the progress of their implementation to date, including data based on official reports and audits of the websites of 50 Chinese courts.[8] The third section explores how judicial transparency resulting from the use of communication technologies can facilitate the legal enculturation of the Chinese populace. The fourth and final section draws conclusions.

I. The Diffusion of Communication Technology

In China, the diffusion of communication technologies is widespread. To provide a sketch of the extensive use of communication technologies, the following statistics highlight China's information-technological infrastructure and the accessibility and usage of the Internet, Weibo (microblog), WeChat,[9] and TikTok.[10]

As of December 2021, China had 35,931,063 domain names, 9,960,000 mobile phone base stations, 1.018 billion broadband access ports, 54,880,000 kilometers of optical cable, 392,486,656 IPv4s, and 63,052 IPv6s.[11] The three basic

[2] See Herskovits, Man and His Works. Enculturation is different from "acculturation," which is the dual process of cultural and psychological change that results from the contact between two or more groups and their individual members. Berry, "Acculturation," 520. In developmental and social psychology, "socialization" often incorporates both informal enculturation and deliberate shaping. Berry, "Acculturation," 525.
[3] Berry, "Acculturation," 525.
[4] For example, apart from numerous legislative enactments and amendments to deal with issues arising from economic and social changes, the reformation of the judiciary and the professionalization of lawyers have featured prominently on the legal reform agenda.
[5] Xi, "Socialist Rule of Law."
[6] Xi, "Socialist Rule of Law."
[7] Xi, "Socialist Rule of Law."
[8] The Chinese court system is four-tiered: The Supreme People's Court is the highest court; there is one high people's court in each province, municipality directly under the central government, or autonomous region; intermediate people's courts are located mainly in large cities; and the basic-level people's courts normally are the courts of first instance (except for foreign-related cases or cases involving a large amount of money). The names of the audited courts are listed in Table 1.
[9] Weixin (微信) is the Chinese version of WeChat. Since Weixin is commonly translated as WeChat, this article uses WeChat to refer to Weixin.
[10] Douyin (抖音), a short-video hosting service, is the Chinese version of TikTok. Since Douyin is commonly translated as TikTok, this article uses TikTok to refer to Douyin.
[11] CNNIC, 49th China Statistical Report, 3.

telecommunications enterprises[12] had 0.536 billion fixed Internet broadband access accounts[13] and 1.399 billion cellular IoT [Internet of Things] end users.[14] There were 1.643 billion mobile phone accounts, of which 1.069 billion were 4G and 0.355 billion were 5G.[15] Moreover, China had 4,180,000 websites,[16] 335 billion web pages,[17] and 2,520,000 monitorable apps in the market.[18] With respect to government service, China had 14,566 government websites,[19] of which 303,000 columns concerned information disclosure, handling matters online, and government development trends.[20] In December 2020, China had 140,837 Sina-verified government service microblogs,[21] 82,958 government service headline accounts,[22] and 26,098 government service TikTok accounts.[23]

Netizens in China reached 1.032 billion, of whom 27.6% lived in rural areas and 72.4% lived in urban areas.[24] The diffusion rate of the Internet in the urban areas was 81.3%, while the figure in the rural areas was 57.6%.[25] The users of nationally integrated government service platforms numbered over one billion, of whom more than 0.4 billion were registered users.[26] Netizens connected to the Internet by mobile phone (99.7%), desktop computer (35.0%), notebook computer (33.0%), television (28.1%), and tablet computer (27.4%).[27] The average time online per week was 28.5 hours.[28] Netizens connected to the Internet for various purposes, such as instant messaging (97.5%),[29] watching videos (94.5%),[30] using search engines (80.3%),[31] accessing news (74.7%),[32] performing work (45.4%),[33] making payments (87.6%),[34] shopping (81.6%),[35] ordering food takeouts (52.7%),[36] travel booking (38.5%),[37] live streaming (68.2%),[38] playing games (53.6%),[39] listening to music (70.7%),[40] reading literature (48.6%),[41] car booking (43.9%),[42] and obtaining health care (28.9%).[43]

Apart from the Internet, the number of monthly active Weibo accounts reached 0.573 billion, while the number of daily Weibo active accounts was 0.249 billion.[44] Since Weibo facilitated the dissemination of information on brands, products, and services, most of its revenue came from advertising and sale services.[45] Moreover, the commonly used mobile phone apps in China are WeChat, QQ, Taobao, Baidu, and Alipay. Specifically, the number of monthly active WeChat accounts across the globe was

[12] The three basic telecommunication enterprises are China Telecommunications, China Mobile, and China Unicom.
[13] CNNIC, 49th China Statistical Report, 13.
[14] CNNIC, 49th China Statistical Report, 15.
[15] CNNIC, 49th China Statistical Report, 12.
[16] CNNIC, 49th China Statistical Report, 8.
[17] CNNIC, 49th China Statistical Report, 9.
[18] CNNIC, 49th China Statistical Report, 10.
[19] CNNIC, 49th China Statistical Report, 70.
[20] CNNIC, 49th China Statistical Report, 73.
[21] CNNIC, 47th China Statistical Report, 65.
[22] CNNIC, 47th China Statistical Report, 66.
[23] CNNIC, 47th China Statistical Report, 67.
[24] CNNIC, 49th China Statistical Report, 17, 19. A netizen is a Chinese resident who has used the Internet for at least six weeks in the past six months. CNNIC, 49th China Statistical Report, 81.
[25] CNNIC, 49th China Statistical Report, 19.
[26] CNNIC, 49th China Statistical Report, 69.
[27] CNNIC, 49th China Statistical Report, 11. Specifically, the number of persons using a mobile phone to access the Internet was 1.29 billion. CNNIC, 49th China Statistical Report, 17.
[28] CNNIC, 49th China Statistical Report, 13.
[29] CNNIC, 49th China Statistical Report, 32.
[30] CNNIC, 49th China Statistical Report, 43.
[31] CNNIC, 49th China Statistical Report, 33.
[32] CNNIC, 49th China Statistical Report, 34.
[33] CNNIC, 49th China Statistical Report, 35.
[34] CNNIC, 49th China Statistical Report, 37. In 2021, Internet platforms, such as Meituan and Pinduoduo, supported various payment avenues, including WeChat Pay, Alipay, Union Pay, Apple Pay, Huawei Pay, and Samsung Pay (among others), while WeChat Pay has commenced interconnection with 12 banks. CNNIC, 49th China Statistical Report, 38.
[35] CNNIC, 49th China Statistical Report, 39.
[36] CNNIC, 49th China Statistical Report, 40.
[37] CNNIC, 49th China Statistical Report, 42.
[38] CNNIC, 49th China Statistical Report, 46.
[39] CNNIC, 49th China Statistical Report, 48.
[40] CNNIC, 49th China Statistical Report, 49.
[41] CNNIC, 49th China Statistical Report, 50.
[42] CNNIC, 49th China Statistical Report, 52.
[43] CNNIC, 49th China Statistical Report, 54.
[44] Sina Finance, "Weibo Financial Report."
[45] Sina Finance, "Weibo Financial Report."

1.268 billion, and video watching via WeChat channels has become the highlight of Tencent's recent developments.[46] In 2020, the number of daily active TikTok accounts hit 0.6 billion, and the number of average daily video searches was 0.4 billion.[47] Among various activities, students watched the live streaming of university classes on TikTok, while 42,779 commercial enterprises in Hubei sold 4.1 billion yuan worth of commodities.[48]

II. The Promotion of Judicial Transparency

In China, judicial transparency is the mainstay of the recent wave of judicial reforms. Put simply, the Chinese judiciary aims at achieving the "disclosure of the administration of justice" (司法公开). The Chinese phrase "司法公开" has been commonly translated into English as "judicial transparency," because this translation makes sense to most legal researchers and professionals. The word "公开," that is, "transparency," has its literal meaning. To wit, the Chinese courts are to disclose how they operate and how they decide cases in terms of the application of substantive law, trial procedure, and enforcement. In this context, the following highlights the Chinese judiciary's major initiatives for the promotion of judicial transparency and the progress of their implementation to date.

A. Platforms of Judicial Transparency

In 2009, the Supreme People's Court issued the *Six Provisions on Judicial Transparency*, prescribing transparency in relation to the filing of cases, court trials, enforcement, hearing of evidence, documents, as well as administration of the courts.[49] In 2013, the Supreme People's Court issued *Several Opinions regarding the Establishment of Three Large Platforms for Promoting Judicial Transparency*, requiring lower people's courts to establish platforms to promote transparency in respect of adjudicatory process, adjudicatory documents, and enforcement information.[50] Thereafter, the Supreme People's Court issued a number of accompanying rules to launch the implementation of judicial transparency, such as the *Provisions on Several Opinions regarding the Disclosure of Enforcement Process by the People's Courts*,[51] the *Provisions on Several Questions regarding Judicial Auctions on the Information Network by the People's Courts*,[52] and the *Provisions on the People's Court's Publication of Adjudicatory Documents on the Information Network*.[53] Hence, these normative documents constitute the top-level design and overall framework for judicial transparency in China.

With respect to its underlying objectives, the mandate of judicial transparency is designed not only to promote judicial impartiality, safeguard judicial probity, and enhance judicial credibility,[54] but also to provide important avenues to protect the general public's rights to know, participate, supervise, and express.[55] Nowadays, the high people's courts in provinces, autonomous regions, and municipalities directly under the central government are to establish four disclosure platforms: adjudicatory process, court trials, adjudicatory documents, and enforcement information,[56] to which the litigation websites or government service websites of lower-level people's courts are linked. Moreover, the people's courts at all administrative levels are to employ press conferences, 12368 litigation service hotlines, white papers, Weibo, WeChat, and mobile news clients to promote judicial transparency.[57]

As a result, the promotion of judicial transparency is organized, comprehensive, and systematic. Given the widespread diffusion of communication technologies, China is using new media, as discussed below, to expand the breadth and depth of judicial transparency. In essence, China aims at establishing an open, dynamic, transparent, and convenient "sunshine" judicial system.[58] Below are the particulars of implementation.

[46] Ye, "Tencent Bid Farewell."
[47] Xinhua Net, "2020 TikTok Data Report."
[48] Xinhua Net, "2020 TikTok Data Report."
[49] Supreme People's Court, Six Provisions on Judicial Transparency.
[50] Supreme People's Court, Three Large Platforms.
[51] Supreme People's Court, Enforcement Process.
[52] Supreme People's Court, Judicial Auctions.
[53] Supreme People's Court, Adjudicatory Documents.
[54] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 1.
[55] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 2; Zhi, New Media Application, 43, 80.
[56] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 2.
[57] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 2.
[58] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 1–2.

B. Implementation of Judicial Transparency

Starting from 2013, China has methodically and progressively implemented the mandate of judicial transparency. To date, three major reports on the implementation progress have been circulated—two reports published by the Supreme People's Court[59] and one report released by the Institute of Law of the Chinese Academy of Social Sciences.[60] A judicial transparency index has also been created to appraise the implementation progress of Chinese courts. For instance, the *Report on China's Judicial Transparency Index* (2021) has been published, which indexes judicial transparency of 218 courts in terms of adjudicatory matters, court trials, enforcement, judicial data, and judicial reforms, and is based on information and data from such disclosure platforms as websites, microblogs, and WeChat accounts.[61] Based on these reports and other Internet sources, the following is a synopsis of the implementation of judicial transparency hitherto in China.

In 2013, the Supreme People's Court launched the China Judgments Online website in July and the China Court Trial Live Broadcast website in December.[62] In November 2014, the Supreme People's Court launched the China Enforcement Information Online website and the China Judicial Process Information Online website.[63] In 2015, the National Information on Commutation of Punishment, Parole and Serving Sentences Temporarily outside the Prison website was launched.[64] In 2016, the China Court Trial Online website and the Judicial Case Academy of the Supreme People's Court website were launched.[65]

With respect to disclosure of adjudicatory process, all 31 high people's courts in China have established a uniform adjudicatory process information disclosure platform for the three levels of courts within their respective jurisdictions, which were linked to the China Judicial Process Information Online website.[66] The adjudicatory process disclosure platform not only enables the parties and their agents ad litem to track the progress of their cases, but also provides the public with information about the court structure, names of judges, and litigation guidance.[67] By the end of 2016, the China Judicial Process Information Online website had disclosed 520,000 adjudicatory items and 1,838 public notices about court sessions, with the total number of visits reaching 985,000.[68]

Regarding disclosure of court trials, court hearings used to be broadcast in the form of picture and text; however, with Sina's launch of the "judicial cloud" service, the video broadcast of court hearings via Weibo has been promoted nationwide.[69] At present, the public may watch live broadcasts of trials in real time, watch court trial videos on demand, and bookmark and share the same through Weibo and WeChat, thereby achieving the full coverage, real-time interconnection and in-depth disclosure of information on court trials.[70] As of September 13, 2022 (11.00 am), there had been 20,220,596 live broadcasts of court trials on the China Court Trial Online website, and the website had clocked 52,151,568,214 visits.[71] In addition, the courts in 31 provinces, municipalities directly under the central government, or autonomous regions had connected with the China Court Trial Online website. This includes Zhejiang (107 courts), Anhui (126 courts), Jiangsu (126 courts), Hubei (128 courts), Hunan (143 courts), Guangxi (130 courts), Jilin (93 courts), Sichuan (213 courts), Guangdong (159 courts), Shaanxi (121 courts), Shandong (174 courts), Shanghai (25 courts), Henan (185 courts), Chongqing (47 courts), Jiangxi (118 courts), Tianjin (23 courts), Fujian (95 courts), Liaoning (128 courts), Beijing (24 courts), Hainan (31 courts), Hebei (190 courts), Shanxi (134 courts), Inner Mongolia (123 courts), Heilongjiang (160 courts), Guizhou (99 courts), Tibet (82 courts), Gansu (113 courts), Qinghai (55 courts), Ningxia (29 courts), Xinjiang (166 courts), and Yunnan (149 courts).[72]

In terms of disclosure of adjudicatory documents, the China Judgments Online website has published numerous court decisions. As of September 15, 2022 (12.10 pm), the China Judgments Online website had disclosed a total of 135,841,975 adjudicatory documents, of which 83,443,128 were civil cases, 9,995,378 were criminal cases, 38,224,123 were enforcement cases,

[59] Supreme People's Court, Judicial Transparency of Chinese Courts; Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016.
[60] Zhi, New Media Application.
[61] Rule of Law Index Innovation Project Group, China's Judicial Transparency Index (2021).
[62] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 6.
[63] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 6.
[64] People's Daily, The Launch.
[65] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 6.
[66] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 8.
[67] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 8.
[68] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 8–9.
[69] Zhi, New Media Application, 67.
[70] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 18.
[71] China Court Trial Online (Homepage).
[72] China Court Trial Online (http://tingshen.court.gov.cn/dataOpen#640000).

3,053,835 were administrative cases, and 142,825 were compensation cases.[73] Importantly, the total number of visits to the website was 94,588,414,062.[74] As to disclosure of enforcement information, the China Enforcement Information Online website enables the public to obtain information on persons who have failed to comply with court orders, persons who are subject to enforcement orders, the process or progress regarding cases under enforcement, enforcement documents, persons who are subject to restrictions on consumption, and disposition of assets.[75]

Apart from websites, the Supreme People's Court launched its official Weibo ID, WeChat ID, and the Sohu News Mobile Client account in 2013.[76] The China Courts mobile TV app began to operate in February 2015, the China Adjudicatory Documents mobile app began in August 2016, and the China Enforcement WeChat official account ID launched in September 2016.[77] Besides, the Supreme People's Court has opened the official Sina Weibo ID and Renmin Weibo ID as well as launched the National Court Weibo Hall.[78] Further, in 2018, the Supreme People's Court created TikTok and Kwai accounts.[79]

By the end of 2018, the two official Weibo IDs had over 27.9 million "fans" and had published more than 28,000 messages.[80] Likewise, the official WeChat ID had published over 12,000 messages and had a record-breaking one million "fans."[81] Within 12 hours of their online launch, TikTok had 1.56 million plays with 32,000 likes, while Kwai had 18.54 million plays with 460,000 likes.[82] In about four months, Kwai had broadcast 267 short videos, with 0.26 billion plays, 5.01 million likes, and 700,000 "fans."[83] In 2021, 739 courts introduced 24-hour litigation services.[84] The 12368 hotline answered an average of 21,000 phone calls per day, assisting the resolution of 7.651 million requests and generating a satisfactory rate of 96% from the populace.[85] Under the so-called Smart Court, 11,439,000 cases were filed online, and the courts conducted 1,275,000 court hearings online.[86]

C. Implementation of Judicial Transparency by Audited Courts

In addition to the preceding accounts and statistics, four rounds of audits of the websites of 50 Chinese courts have been conducted to ascertain more concrete details of implementation. The first round was conducted from August to September 2016, the second round was conducted from November 2016 to January 2017, the third round was conducted from August to September 2021, and the fourth round was conducted in April 2022. The audited 50 courts consisted of the Supreme People's Court, 31 high people's courts, and 18 intermediate people's courts (see Table 1, Appendix). These audits, conducted in accordance with a questionnaire (see Table 2, Appendix), serve to provide only a window into how judicial transparency has been implemented, because the information posted on the websites of some courts may not be up to date; the unavailability of relevant information on the website of a court does not necessarily mean that the answer is negative; and information posted on the websites of some courts may not accurately reflect or fully capture what is happening in practice. Hence, these online audits provide only a thumbnail sketch of how the mandate of judicial transparency has been implemented. The major findings are highlighted below.

In executing the mandate of judicial transparency, the audited courts had created two types of websites. First, most high people's courts in provinces, municipalities directly under the central government, or autonomous regions had set up websites to disclose the required information for themselves and for the lower-level people's courts under their respective jurisdictions.[87] Second, some high people's courts in provinces and municipalities directly under the central government, as well as some intermediate people's courts in provincial capitals, had designed websites to disclose the required information primarily for their own

[73] China Judgments Online.
[74] China Judgments Online.
[75] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 28; China Enforcement Information Online.
[76] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 6. The Supreme People's Court has also opened other mobile client accounts, such as CCTV, Toutiao, Netease, and Yidianzixun.
[77] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 6.
[78] Supreme People's Court, Judicial Transparency of Chinese Courts 2013–2016, 38.
[79] Liu, "TikTok and Kwai." Like TikTok, Kuaishou (快手), or Kwai (the international version), is a short-video hosting service.
[80] Zhao, "New Media Annual Awards."
[81] Zhao, "New Media Annual Awards."
[82] Liu, "TikTok and Kwai."
[83] Zhao, "New Media Annual Awards."
[84] Zhou, "Supreme People's Court."
[85] Zhou, "Supreme People's Court."
[86] Zhou, "Supreme People's Court."
[87] For example, Courts No. 2, 4, 5, 6, 8, 11, 12, 13, 14, 16, 23, 25, 27, 28, 30, and 32.

courts.[88] Of these courts, some had easily accessible websites and provided all the required disclosures in a one-stop environment.[89] Others conveyed some information on their websites and provided links to national websites established by the Supreme People's Court on adjudicatory process, court trials, adjudicatory documents, and enforcement information, where the relevant information could be found.[90]

With regard to the adjudicatory process, the majority of the audited courts provided transparency in case filing and management by setting up a "litigation services net" or "sunshine judicature net," where the disputants could file their cases online or make appointments with the courts online to have their cases docketed.[91] Some of the audited courts allowed the parties to send queries about pending cases (such as case tracking and receipt of documents).[92] Most of the audited courts posted public notices about commutation of punishment, parole, and serving sentences temporarily outside the prison on their websites,[93] while several courts provided links to the National Information on Commutation of Punishment, Parole and Serving Sentences Temporarily outside the Prison website[94] set up by the Supreme People's Court, where such information about their own courts was available.[95]

As to disclosure of court trials, most of the audited courts provided video links for viewers to watch the trials of concluded cases on their own websites, the provincial or municipal websites on trial disclosure, or the China Court Trial Online website set up by the Supreme People's Court.[96] Some courts also provided live video broadcasts of court hearings while they were being conducted.[97] Consequently, the populace can watch concluded or pending trials online at any convenient time and without a physical presence in the courthouse.

To make adjudicatory documents readily available, all of the audited courts provided links for the public to access the complete judgments of concluded cases either on their own websites[98] or on the China Judgments Online website set up by the Supreme People's Court.[99] This extensive accessibility was in stark contrast to the limited availability in the previous decades when court judgments either were not readily obtainable or were reported mainly for educational or exemplary purposes.

Similarly, to inform the disputants or the public of enforcement activities, most of the audited courts had created web pages on which the following information was readily accessible: a list of persons who had failed to carry out their legal obligations or promises ("loss of credibility list"); the delivery and receipt of court documents; notices of auction; notices of appraisal; or any queries either on their own websites[100] or on the China Enforcement Information Online website set up by the Supreme People's Court.[101]

Apart from the disclosure websites, the audited courts had undertaken various measures to foster close links between the populace and the courts. For example, some courts could be contacted by sending messages to specific email addresses,[102] or by clicking the links or icons of "Court President's Mail Box,"[103] "Communication of Public Opinions,"[104] or "Leave a Message with the Justices."[105] In addition to Open Day,[106] most courts had held press conferences[107] or set up a "News Release Hall"[108] to inform the public of what they had achieved or would carry out. Moreover, many courts had set up 12368 litigation service

[88] For example, Courts No. 18, 19, 33, 35, 36, 39, 41, 44, and 49.
[89] For example, Courts No. 35, 36, 39, and 50.
[90] For example, Courts No. 6 (linked to jxjs.court.gov.cn), 20 (linked to tingshen.court.gov.cn), and 24 (linked to wenshu.court.gov.cn).
[91] For example, Courts No. 3, 6, 19, 21, 22, 24, 28, 33, 34, and 48.
[92] For example, Courts No. 4, 10, and 23.
[93] For example, Courts No. 2, 3, 4, 12, 13, 15, 21, 22, 23, 26, 28, 31, 34, 35, 38, 47, and 49.
[94] National Information on Commutation of Punishment.
[95] For example, Courts No. 6 and 7.
[96] For example, Courts No. 4, 11, 13, 15, 17, 20, 26, 37, 40, 41, 47, and 50.
[97] For example, Courts No. 2, 9, 12, 33, 38, and 42.
[98] For example, Courts No. 2, 3, 7, 8, 10, 13, 17, 20, 23, 27, 30, 35, 36, 41, 43, 46, and 50.
[99] For example, Courts No. 5, 18, 24, 26, 28, 31, 32, 34, 37, 38, 40, 44, 45, and 49.
[100] For example, Courts No. 2, 3, 4, 6, 14, 16, 19, 20, 21, 24, 25, 27,34, 35, 41, 46, 47, 48, and 50.
[101] For example, Courts No. 5, 7, 18, and 43.
[102] For example, Courts No. 6, 10, 11, 14, 46, and 48.
[103] For example, Courts No. 35, 26, 29, 37, 40, 42, 43, 47, and 50.
[104] For example, Courts No. 30, 38, and 45.
[105] For example, Courts No. 26, 28, 29, 41, and 43.
[106] Courts No. 1 and 35.
[107] For example, Courts No. 3, 6, 11, 12, 14, 21, 32, 29, 36, 37, 41, and 49.
[108] For example, Courts No. 18, 25, and 38.

hotlines for case inquiry, litigation guidance, or news reporting.[109] Significantly, all the audited courts had launched Sina or Renmin Weibo,[110] most courts communicated via WeChat,[111] and some courts also communicated via Android or iPhone mobile phone client.[112]

The empirical findings from these audits reveal that although the Supreme People's Court has established the framework for the promotion of judicial transparency, how the lower people's courts have executed the mandate varies from one court to another, especially in terms of the web design, ease of browsing or retrieving, and information coverage of the disclosure platforms. The differences may result from what resources are available to the courts, how early the construction of the disclosure platforms has started, and what kind of maintenance and follow-up work has been undertaken.[113] Given the existing multiplicity of platform design and information coverage, a more uniform structure or standardized format could be adopted nationwide to enhance readability and ease of retrieval, thereby further enhancing judicial transparency throughout the country.

Moreover, although the audited courts have their respective websites, information disclosed on the website of an intermediate people's court sometimes can be found on the website set up by a high people's court or on the national platforms set up by the Supreme People's Court. As such, it would be convenient for the public to retrieve the same information from different sources. However, overlapping, repeated, or inconsistent disclosure of information may result in confusion or a waste of resources. Hence, as the work of judicial transparency proceeds further, it makes sense to explore the question of how to coordinate and integrate the contents of various local, provincial, and national disclosure platforms.

According to the *Report on China's Judicial Transparency Index* (2021), the Futian District People's Court was ranked the champion among the basic-level people's courts for two consecutive years.[114] In 2021, the Futian District People's Court live broadcast 49,147 court hearings, and the total number of viewers was almost 90 million.[115] Similarly, judicial transparency of the Guangdong Province High People's Court was ranked the first among high people's courts.[116] The present study has audited the Guangdong Province High People's Court, but not the Futian District People's Court. In addition, the *Report on China's Judicial Transparency Index* (2020) concluded that judicial transparency had been steadily promoted, but owing to the low standardization of disclosure and insufficient pressure on courts in terms of evaluation and appraisal, there were discrepancies in the work of judicial transparency among the courts.[117] As such, the findings derived from the 50 audits in the present study are consistent with the conclusion in the 2020 report.

As a result, the audits of the websites of 50 selected Chinese courts reflect that the mandate of judicial transparency has been progressively implemented by provincial-, municipal-, and district-level courts under the unified leadership of the Supreme People's Court.[118] In addition, it is evident that communication technologies have played a significant role in facilitating the execution of the mandate of judicial transparency. Even so, the breadth and depth of judicial transparency in China can be further enhanced by more coordinated and vigorous efforts among courts at various levels.

III. The Legal Enculturation of the Populace

According to President Xi, the "abidance to law by the whole people" is fundamental to a rule-of-law society.[119] For this reason, it is necessary to raise the legal consciousness and legal literacy of the whole people, thereby giving social consensus

[109] For example, Courts No. 3, 12, 13, 16, 23, 28, 29, 31, 34, 36, 41, 44, 47, and 50.
[110] For example, Courts No. 3, 6, 14, 15, 16, 18, 25, 30, 35, 37, 38, 42, 45, 48, 49, and 50.
[111] For example, Courts No. 11, 12, 19, 22, 25, 26, 30, 32, 36, 39, 47, 49, and 50.
[112] For example, Courts No. 3, 4, 10, 11, 18, and 39.
[113] The coastal provinces and the provinces in the Middle and Western regions have different levels of economic development. In general, the courts in the coastal provinces have more financial, human, and technical resources to build the necessary IT infrastructure and to undertake follow-up work to implement judicial transparency.
[114] Zhang, "Judicial Transparency Index Report (2021)."
[115] Zhang, "Judicial Transparency Index Report (2021)."
[116] Southern Net, "Judicial Transparency Index Report (2021)."
[117] See Rule of Law Index Innovation Project Group, China's Judicial Transparency Index (2020).
[118] One may argue that judicial information can be selectively disclosed. This argument is not that relevant to the focus of the present study—that is, the impact of communication technology on judicial transparency. In addition, the Regulations on the Disclosure of Government Information, which apply to administrative organs, were amended in 2019 to enhance disclosure and transparency. The Chinese judiciary has formulated its own plans and methods to promote the disclosure of information on adjudicatory process, trials, adjudicatory documents, and enforcement. Further, most court cases deal with administrative, criminal, civil, intellectual property, and commercial law issues without raising any national security concerns.
[119] Xi, "Socialist Rule of Law."

to the "rule of law" and making the "rule of law" a basic principle.[120] To strengthen governance based on the "rule of law," it is crucial to popularize the law and to create an environment conducive to the "rule of law," wherein people handle affairs in conformity with law, deal with troubles by resorting to law, solve problems by employing law, and resolve conflicts in reliance of law.[121] In this respect, the legal enculturation of the Chinese populace is necessary for the materialization of the "rule of law."

Prior to the mandate of judicial transparency, the Chinese judiciary focused its disclosure efforts on written documents and open court trials. As a result, disclosure was limited, and the main purpose was to convey information. The underlying objectives of the mandate of judicial transparency are not only to convey information, but also to enhance judicial accountability, which, in turn, will augment judicial competency and judicial credibility. With the continuous rolling out of communication technologies, the Chinese judiciary is taking advantage of the Internet and new media to effect more comprehensive, interactive, and accessible disclosure of court-related information. Evidently, the widespread use of communication technologies has facilitated the implementation of the mandate of judicial transparency in China. Given the indispensability of "abidance to law by the whole people," one important question is whether judicial transparency can create an environment conducive to the legal enculturation of the Chinese populace.

According to Cavalli-Sforza and Feldman, cultural features can be transmitted from parents to children (vertical transmission), between peers (horizontal transmission), and via other individuals and social institutions (oblique transmission).[122] Enculturation, as one form of cultural transmission, involves parents, peers, other persons, and social institutions in a network of influences, which can limit, shape, and direct an individual.[123] Media, as an example of social institution, play an increasingly significant role as socializing agents in the lives of adolescents and children.[124] For example, positive or negative effects of mass media as agents of socialization have been found in such areas as education, multicultural awareness, social networking, violence, risk-glorifying conduct, and stereotypical portrayal of women and ethnic minorities.[125] Moreover, social networking through websites and microblogs has been linked with enhanced learning opportunities.[126] In the long run, attitudes, beliefs, and behavioral tendencies can be formed through repeated exposure to various types of social experiences.[127] Applying these findings to the law sphere, it can be argued that laypersons can learn legal rules and the trial process through repeated exposure to disclosure platforms via the Internet and new media. The exposure, whether being ample or limited in amount, will, in turn, enhance the populace's appreciation of the "rule of law."

In China, communication technologies, such as the Internet, microblogs, WeChat, TikTok, and Kwai, have enhanced the accessibility of legal knowledge outside the law school. One may argue that although legal information is readily accessible, whether the populace will access the disclosure platforms remains to be seen. As discussed, the China Judgments Online website had disclosed over 135 million adjudicatory documents and received over 9.45 billion visits. Likewise, the China Court Trial Online website had broadcast over 20 million court trials and received over 5.2 billion visits. Although the same persons might have repeatedly visited these two websites, and the visitors might be law researchers or legal professionals, the remaining number of lay visitors is still not negligible. According to one statistical report, 74.1% of non-age netizens know that they can report illegal conduct infringing their rights via the Internet.[128] Moreover, users of TikTok and Kwai have made such positive comments as "That's good; we can learn legal knowledge" and "Disseminate law and learn law 666."[129] Hence, the populace has accessed the disclosure platforms or watched short videos, even though the approximate numbers of its visits and views to date should be ascertained.

Prior to 1979, based on the theory of "two social contradictions," antagonism between the people and the enemy (such as criminals and counterrevolutionaries) was to be handled by law, while antagonism among the people was to be resolved by means of education and persuasion.[130] Consequently, the populace was not legally conscious, and individuals did not make decisions on civil matters in accordance with the law. As explained, enculturation is the process by which individuals acquire appropriate values and behavioral norms by learning what their surrounding culture deems necessary and acceptable. Given

[120] Xi, "Socialist Rule of Law."
[121] Xi, "Socialist Rule of Law."
[122] See Cavalli-Sforza, Cultural Transmission and Evolution.
[123] Berry, "Acculturation," 525.
[124] Prot, "Media as Agents of Socialization," 276.
[125] Prot, "Media as Agents of Socialization," 278, Table 12.1.
[126] Prot, "Media as Agents of Socialization," 290.
[127] Prot, "Media as Agents of Socialization," 277.
[128] CNNIC, 49th China Statistical Report, 28.
[129] Liu, "TikTok and Kwai." The expression "666" may mean "great," "awesome," or "impressive."
[130] See Lo, "Civil Disputes," 125.

that information on adjudicatory process, court trials, adjudicatory documents, and enforcement is readily available on various disclosure platforms via the Internet and new media, most individuals, whether they are parties to disputes or non-party readers or viewers, will be able to acquire basic legal knowledge in terms of substantive law, trial process, and enforcement efforts. If individuals are surrounded by a culture in which the "rule of law" is deemed necessary and acceptable as a means of social governance, they will become legally conscious and law-abiding. In this light, the diffusion of communication technologies in China has not only effected judicial transparency, but can also facilitate the legal enculturation of the populace.

IV. Conclusions

In the context of ongoing reformation and earnest aspiration of the Chinese judiciary, communication technologies are not only used to expedite the resolution of disputes in China, but are also instrumental in enhancing judicial accountability, judicial competency, and judicial credibility. Certainly, the achievement of all these objectives will enhance the legitimacy of law, thereby fostering the "rule of law" in China. Although increased disclosure results in enhanced transparency, unrestricted disclosure also triggers privacy concerns. In addition, the collection, analysis, and utilization of data by research institutes and commercial entities are on the rise. Thus, another concern is how data will be used, especially in view of the increasing deployment of artificial intelligence. Recently, the Party and the State Council have promulgated the "20 Measures on Data," which are directives in relation to property rights in data, circulation and transaction of data, income distribution, and security governance for the purposes of safeguarding national security and protecting personal data and trade secrets.[131] Consequently, it is a matter of time that legislation will be enacted, amended, or strengthened to protect privacy and ensure data security.

Toward the "rule of law," it is essential to have a legally conscious populace who act or refrain from acting in accordance with the law. "Enculturation," a concept commonly discussed in anthropology and social psychology, is applied in the present study to explore how communication technologies can facilitate legal enculturation in China. Owing to the diffusion of communication technologies in China, the disclosure platforms via the Internet and new media have fostered judicial transparency, which, in turn, will assist in cultivating a culture in which individuals value the "rule of law" and behave in accordance with legal norms. In this sense, communication technologies can also be instrumental in fostering legal enculturation in China.

Based on official accounts, Internet sources, and audits of the websites of 50 selected courts in China, the present study has illustrated what impacts communication technologies have on judicial transparency in China. Nonetheless, the present study merely explores the likelihood of legal enculturation of the Chinese populace as a result of the implementation of judicial transparency via the widespread use of communication technologies. Hence, a longitudinal study spanning over a specific period, or a methodically designed meta-analysis study, regarding the impacts of communication technologies on legal enculturation should be undertaken to generate evidence-based research findings. Based on currently available data, the present study concludes that the interface between communication technology, judicial transparency, and legal enculturation can play a significant role in the attainment of the "rule of law" in China.

[131] Central Committee of the Communist Party of China, Data Infrastructure System.

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Appendix

Table 1. Fifty Chinese Courts in the Present Study

Court number	Court name	URLs	Last visited
1	Supreme People's Court	http://www.court.gov.cn/	April 2022
2	Beijing City High People's Court	https://bjgy.chinacourt.gov.cn/index.shtml	April 2022
3	Shanghai City High People's Court	http://www.hshfy.sh.cn/shfy/web/	April 2022
4	Guangdong Province High People's Court	http://www.gdcourts.gov.cn/	April 2022
5	Tianjin City High People's Court	https://tjfy.chinacourt.gov.cn/index.shtml	April 2022
6	Hebei Province High People's Court	https://hbfy.chinacourt.gov.cn/index.shtml	April 2022
7	Shanxi Province High People's Court	https://shanxify.chinacourt.gov.cn/index.shtml	April 2022
8	Inner Mongolia Autonomous Region High People's Court	https://nmgfy.chinacourt.gov.cn/index.shtml	April 2022
9	Liaoning Province High People's Court	https://lnfy.chinacourt.gov.cn/index.shtml	April 2022
10	Jilin Province High People's Court	http://jlfy.chinacourt.gov.cn/index.shtml	April 2022
11	Heilongjiang Province High People's Court	http://www.hljcourt.gov.cn/	April 2022
12	Jiangsu Province High People's Court	http://www.jsfy.gov.cn/	April 2022
13	Zhejiang Province High People's Court	http://www.zjsfgkw.cn/	April 2022
14	Anhui Province High People's Court	http://ahfy.chinacourt.gov.cn/index.shtml	April 2022
15	Fujian Province High People's Court	https://www.fjcourt.gov.cn/	April 2022
16	Jiangxi Province High People's Court	https://jxfy.chinacourt.gov.cn/index.shtml	April 2022
17	Shandong Province High People's Court	http://www.sdcourt.gov.cn/	April 2022
18	Henan Province High People's Court	http://www.hncourt.gov.cn/	April 2022
19	Hubei Province High People's Court	https://hubeigy.chinacourt.gov.cn/index.shtml	April 2022

Court Number	Court name	URLs	Last visited
21	Guangxi Zhuang Autonomous Region High People's Court	http://gxfy.chinacourt.gov.cn/index.shtml	April 2022
22	Hainan Province High People's Court	http://www.hicourt.gov.cn/	April 2022
23	Chongqing City High People's Court	https://cqfy.chinacourt.gov.cn/index.shtml	April 2022
24	Sichuan Province High People's Court	http://scfy.chinacourt.gov.cn/index.shtml	April 2022
25	Guizhou Province High People's Court	http://www.guizhoucourt.gov.cn/	April 2022
26	Yunnan Province High People's Court	http://ynfy.chinacourt.gov.cn/index.shtml	April 2022
27	Tibet Autonomous Region High People's Court	http://xzgy.chinacourt.gov.cn/index.shtml	April 2022
28	Shaanxi Province High People's Court	http://sxfy.chinacourt.org/index.shtml	April 2022
29	Gansu Province High People's Court	http://www.chinagscourt.gov.cn/	April 2022
30	Qinghai Province High People's Court	http://qhfy.chinacourt.gov.cn/index.shtml	April 2022
31	Ningxia Hui Autonomous Region High People's Court	http://www.nxfy.gov.cn/	April 2022
32	Xinjiang Uighur Autonomous Region High People's Court	http://xjfy.chinacourt.gov.cn/index.shtml	April 2022
33	Beijing City First Intermediate People's Court	https://bj1zy.chinacourt.gov.cn/index.shtml	April 2022
34	Tianjin City First Intermediate People's Court	https://tj1zy.chinacourt.gov.cn/index.shtml	April 2022
35	Shanghai City First Intermediate People's Court	https://www.a-court.gov.cn/xxfb/no1court_412/sy_40602/index.html	April 2022
36	Chongqing City First Intermediate People's Court	http://cqyzy.cqyzfy.gov.cn/index.shtml	April 2022
37	Shijiazhuang City Intermediate People's Court	http://sjzzy.chinacourt.gov.cn/index.shtml	April 2022
38	Zhengzhou City Intermediate People's Court	http://zzfy.hncourt.gov.cn/	April 2022
39	Wuhan City Intermediate People's Court	http://www.whzy.hbfy.gov.cn/	April 2022

Court number	Court name	URLs	Last visited
40	Changsha City Intermediate People's Court	http://cszy.chinacourt.gov.cn/index.shtml	April 2022
41	Nanjing City Intermediate People's Court	http://www.njfy.gov.cn/www/njfy/index.htm	April 2022
42	Nanchang City Intermediate People's Court	http://nczy.chinacourt.gov.cn/index.shtml	April 2022
43	Shenyang City Intermediate People's Court	https://syzy.chinacourt.gov.cn/index.shtml	April 2022
44	Xi'an City Intermediate People's Court	http://xazy.chinacourt.gov.cn/index.shtml	April 2022
45	Taiyuan City Intermediate People's Court	http://tyzy.shanxify.gov.cn/	April 2022
46	Jinan City Intermediate People's Court	http://jnanszqfy.sdcourt.gov.cn/	April 2022
47	Chengdu City Intermediate People's Court	http://cdfy.chinacourt.gov.cn/index.shtml	April 2022
48	Xining City Intermediate People's Court	http://xnzy.chinacourt.gov.cn/index.shtml	April 2022
49	Hefei City Intermediate People's Court	http://ahhfzy.chinacourt.gov.cn/index.shtml	April 2022
50	Guangzhou City Intermediate People's Court	http://www.gzcourt.org.cn/	April 2022

Table 2. Questionnaire for the Court Audits

Is there disclosure of the adjudicatory process?
Is there disclosure of adjudicatory documents?
Can trials or trial videos be viewed on the website?
Is there disclosure of enforcement information?
Is there any information on commutation of punishment, parole, or serving sentences temporarily outside the prison?
What avenues are used to communicate with the populace? 1. Email? 2. Leaving a message with the Judge? 3. Press conferences? 4. Weibo (Sina, Tencent, or Renmin)? 5. WeChat? 6. Mobile phone client? 7. 12368 hotline?
Are there any other innovative ways to promote judicial transparency?