Exploring the Path of Judicial Independence and Internal Governance Structure Optimization in China's Courts

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ABSTRACT
Based on the realistic context of the rule of law construction in China, this paper focuses on the institutional obstruction encountered by the principle of judicial independence in the internal operation of the court. In view of the implicit restriction of the inertia of administrative management on the independent judgment of judicial power in current practice, this paper probes into the coupling mechanism between judicial independence and the internal governance structure of the court. The generalization of the examination and approval authority of the president, the alienation of the functions of the audit Committee and the lack of professional security constitute the structural tension in the current internal governance. Therefore, this paper constructs a power reconstruction model based on trial centralism, and advocates that the core business of trial should be physically separated from judicial administrative affairs. By refining the list of rights and responsibilities, breaking the rigid management of posts and establishing the bottom line of duty exemption, the system puts forward the optimization scheme. Scientific internal governance structure is not only the key to improve judicial efficiency, but also the cornerstone to ensure the independent exercise of judicial power according to law. Only by clarifying the power boundary in an institutionalized way can "let the judges judge" move from slogan to essence and promote the perfection and maturity of Socialism with Chinese characteristics' judicial system.

Keywords: *Judicial independence, Court governance, De-administration, Judicial responsibility system, Power allocation*

1. INTRODUCTION

Judicial independence, as the core proposition of modern rule of law, has a clear declaration of principle in China's constitutional text. However, transforming this abstract principle into concrete institutional practice is always a process full of tension [1]. In recent years, with the deepening of the reform of the judicial system, "let the judges judge and the judges are responsible" has become a consensus reform slogan [2]. However, in the concrete operation picture, the logic of power allocation within the court still presents some hidden paradox: on the one hand, it emphasizes the independent judgment attribute of judicial power; on the other hand, it is difficult to get rid of the inertia thinking of bureaucratic management [3]. This internal structural tension restricts the improvement of judicial efficiency and deeply affects the generation of judicial credibility.

Looking at the current internal governance of the court, the problem is generally not the pressure of the external environment, but the self-regulation and supervision boundary of internal power is blurred [4]. For a long time, judicial management has been equated with administrative management to a great extent. The power of examination and approval of the president of the hospital, the decision-making power of the audit committee and the quantitative indicators in performance appraisal constitute the invisible shackles that affect the formation of judges' independent evaluation of evidence [5]. This phenomenon is not a simple management technical error, but a deep crux rooted in the traditional judicial administrative model. When there is a lack of a clear list of powers and

responsibilities within the judicial organization, and when professional security is not enough to support judges to resist improper intervention, the so-called "independent exercise of judicial power" is easy to become a mere formality [6]. To explore the realization path of judicial independence, we must return to the micro-foundation of optimizing the internal governance structure of the court.

The existing studies mainly focus on the changes of the macro-level system or provide statistical analysis of empirical data, while the theoretical deduction for internal logic of mechanism operated by judicial power is relatively weak [7]. This paper focuses on the coupling relationship between judicial independence and internal governance by normative analysis and theoretical reconstruction. On the basis of clarifying the local connotation of judicial independence, the full text will analyze the legal root of the administrative tendency in the current governance structure and build a set of internal governance model with judicial power as the core and power and responsibility unified. This is a theoretical response to the existing reform measures, in order to find a more feasible connection path between theory and system.

2. THEORETICAL COUPLING MECHANISM BETWEEN JUDICIAL INDEPENDENCE AND INTERNAL GOVERNANCE OF COURTS

Judicial independence has never been a solo dance in a vacuum, but it must be attached to the internal governance structure of the court to operate. In fact, the two are mutually exclusive: if there is something wrong with the governance structure, the so-called independence is empty talk. The distribution of internal power directly locks the degree of independence of judicial power. At present, many places call for independence, but it is difficult to implement it. The root cause is that internal governance still has a strong administrative inertia, and there are many levels of examination and approval, and the reporting process is long, and the judge's evaluation process is often interrupted invisibly.

Statutory authority means that the boundary of internal power at every level is recognized, and administrative power cannot easily cross-cover judicial power [8]. Procedural justice is also very important here. How to make internal rules transparent, so as not to make people feel like taking advantage of loopholes? In the final analysis, the powers and responsibilities are consistent. If you are sentenced, you will be responsible. When the power comes down, the risks will follow.

3. STRUCTURAL TENSION AND THEORETICAL DILEMMA IN THE CURRENT INTERNAL GOVERNANCE OF COURTS

Current the structural tension of the court internal governance in fact is judgment attribute and enforcement within the organization attribute of management power of judicial power, deep collision between. This collision is not simply a complicated process, but a theoretical dilemma involving the foundation of judicial power operation. In actual operation, the inertia thinking of administrative management often erodes the professional space of trial, which leads to the phenomenon of "the judge does not judge, and the judge does not judge" being rationalized in disguised form at the institutional level. The original intention of the examination and approval signature of the president and the president is quality control, but in the absence of clear legal boundaries, it is often alienated into a pre-determination of the outcome of the case. This makes the professional judgment ability of front-line judges gradually shrink and turn to rely on administrative instructions to avoid liability risks [9]. This state of separation of powers and responsibilities makes it difficult to truly implement the judicial responsibility system. In this paper, a simplified model is constructed to show the intersection areas and friction points of internal power, as shown in Figure 1.

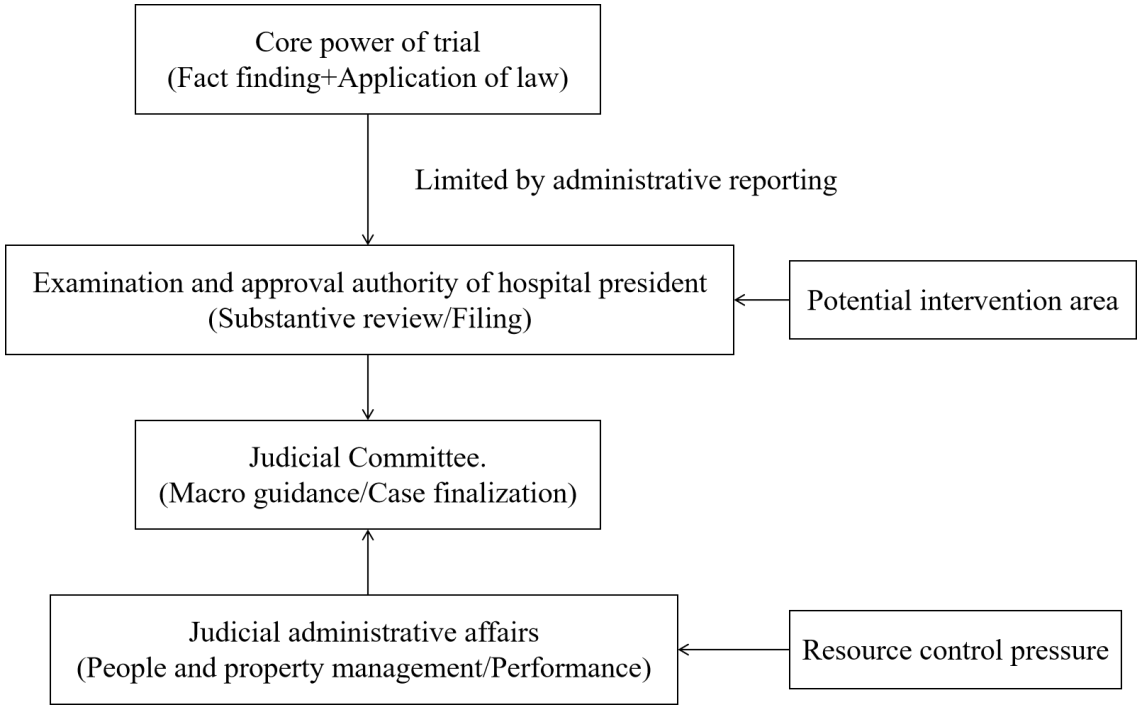


Figure 1 Schematic diagram of the dislocation between the operation and supervision of power within the court

So there is a big intersection of the real decision making area of trial team and supervision domain of administrative management, while in this intersection area, procedural fairness often takes back stage to efficiency assessment. The graphic structure shows the common three-tier structure in court internal governance. This structural overlap not only reduces the trial efficiency, but also eliminates the application basis of the principle of direct words in jurisprudence, making the formalization of the trial process normal.

There is also a theoretical paradox in the design of responsibility mechanism itself. The proposal of lifelong accountability system aims at forcing judges to use their power cautiously, but in the absence of corresponding immunity mechanism, it may induce conservatism. In order to avoid accountability, judges tend to ask for instructions rather than make independent decisions, which objectively strengthen internal administrative centralization. The reform of the audit Committee system is also in a dilemma. If it retains its function of discussing major and difficult cases, it will be easy to overhead the collegiate bench; if it is completely abolished, it may lose the platform for unified law application. This dilemma reflects the lack of a clear theoretical definition of how to balance collective wisdom and individual responsibility when designing the system. Therefore, to solve these problems, we can't just rely on technical adjustment, but must reconstruct from the source of power allocation, and theoretically clarify the bottom line that administrative power should not interfere with judicial judgment across borders. Only through this deep structural adjustment can we break the current governance deadlock and provide a solid institutional support for judicial independence.

4. BASIC PRINCIPLES AND LOGICAL ORIENTATION OF OPTIMIZING THE INTERNAL GOVERNANCE STRUCTURE OF THE COURT

The optimization of the internal governance structure of the court is not simply a technical repair; its essence is to establish a set of underlying logical systems that conform to the laws of judicial power operation. The first principle must be a complete return to trial centralism, which means that the focus of power allocation needs to shift from the vertical administrative management to the horizontal group of judges who directly try cases. Under the traditional bureaucratic inertia, the decision-making chain is often artificially lengthened, which leads to the spatial separation between the fact finding and the judgment result, and the optimization direction should be to shorten this chain and ensure who is responsible for the trial.

This profoundly reflects the substantive requirement of the principle of direct words in jurisprudence, that is, the referee should focus on the trial site rather than the administrative report, and avoid written review replacing personal judgment. At the same time, the reconstruction of supervision mechanism must guard against the alienation of supervision power into intervention power, so the new governance logic needs to introduce "separation of functions" instead of "vertical control" to ensure that procedural justice is not sacrificed by efficiency goals [10]. This paper attempts to build a micro-governance model based on functional separation, as shown in Figure 2.

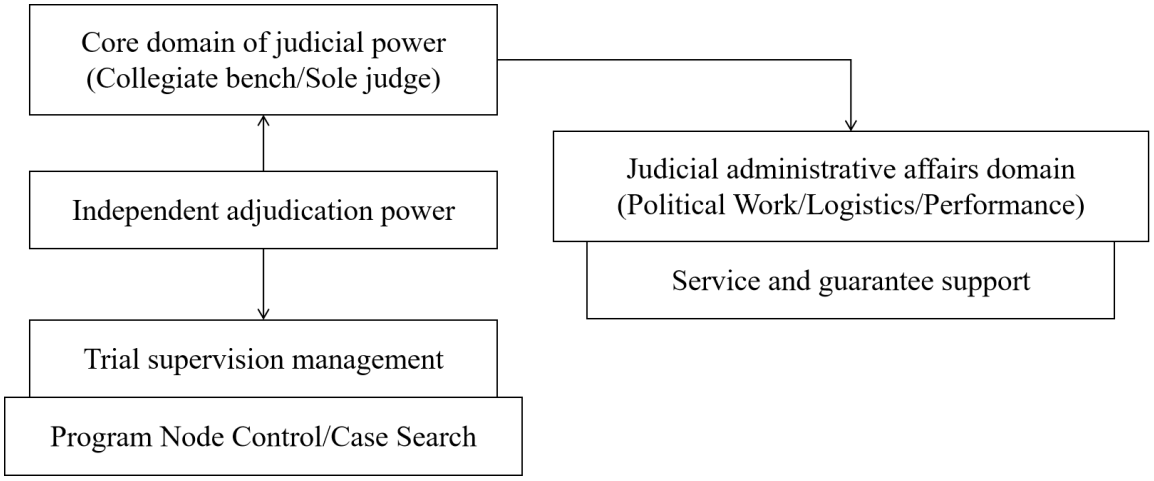


Figure 2 Optimization model of court internal governance based on separation of functions

In this framework, the judges have independent discretion space, while the administrative department retreats to the auxiliary and safeguard position, and the boundary between them is divided through a clear negative list to prevent the management power from invading the trial field at will. This logical orientation requires us to recognize that the judgment attribute of judicial power is different from the execution attribute of administrative power in system design, and we cannot simply apply administrative assessment indicators to evaluate complex trial performance, otherwise it will lead to the proliferation of formalism and even induce the defensive judicial behavior of judges. The principle of consistency of power and responsibility is also crucial. Since judges are given greater independence, they must be accompanied by a complete list of duty exemption; otherwise the decentralization of power will only bring the responsibility panic of judges and form a new attachment chain. In addition, transparency has become another key variable to restrain power. The internal operating rules should be moderately open and subject to external scrutiny by the legal professional community, so as to enhance the predictability of the referee.

5. RECONSTRUCTION OF THE INTERNAL GOVERNANCE OF THE COURT FROM THE PERSPECTIVE OF JUDICIAL INDEPENDENCE

They must be operationalized as institutional norms, and can thus take effect simultaneously in three dimensions: power allocation, personnel management and occupational security; this is the key to reconstruction of the path. The lag of any link may drag down the overall reform effect. The refinement of the power list system is the primary task. It is necessary to clearly define the authority boundary between the president of the court and the collegial panel, and effectively return the core power of the trial to the front-line judges. Any examination and approval link should have a clear legal basis rather than internal management practices. At present, the examination and approval process still exists in the practice of reform in some areas, so it is necessary to establish a strict procedural restriction mechanism to ensure that the supervision power is not alienated into the decision-making power, so that every intervention can be well documented through data traces. In the aspect of personnel classification management, simple identity distinction is not enough to solve the fundamental problem. A dynamic post entry and

exit mechanism should be established to break the administrative dependence brought by the simplification of promotion channels, so that personnel with strong professional ability can get corresponding professional honor without the administrative job sequence. This means that the salary system needs to be decoupled from the administrative level and turned to an evaluation model oriented to the quality of handling cases and professional contributions to prevent performance appraisal from becoming a new administrative baton. The improvement of the occupational security system is the bottom line support for maintaining judicial independence. Especially in the system of liability exemption, the law needs to clearly distinguish the boundary between illegal judgment and reasonable discretion of risk, so as to avoid the defensive psychology of judges and the tendency of conservatism caused by the generalization of accountability.

The theoretical significance of the pilot promotion of cross-administrative jurisdiction system will help to cut off the relationship between local courts and local interests in physical space and reduce the institutional cost of improper external intervention. Although there are challenges in overall financial planning, it will help to enhance the unity of national judicial power in the long run. These paths are not isolated, but interlocking systems engineering. Only when resource allocation, power operation and responsibility commitment form a closed loop can judicial independence truly move from paper to practice. The cultivation of the rule of law culture cannot be ignored, and the internal professional ethics construction should be externalized as respect for the application of the law to reduce the erosion of human relations on trial activities. The channels of social supervision also need to be further standardized to prevent public pressure from interfering with normal judicial judgment. The future reform direction should be devoted to building a de-administrative judicial ecosystem, so that the court can return to the essential role of the referee, rather than the subsidiary body of administrative management, and realize the benign interaction between judicial justice and social governance.

6. CONCLUSION

The realization of judicial independence in China is not an overnight result, but a dynamic process of institutional evolution, its core being to reshape the power ecology within the court. The main contradiction at present is not the lack of independent external declaration, but the blurred boundary between administrative power and judicial power in the internal governance structure. When managers have too much room for substantial intervention and front-line judges face unlimited liability risks, independent adjudication loses institutional soil. Therefore, the optimization of internal governance can not only stay at the technical level of process streamlining, but also need to touch on the deep logic of authority allocation.

The separation of functions model proposed in this paper seeks to sever the penetration of administrative chain into trial activities, which is excessive with physical isolation and logical isolation. At the same time, the supporting occupational security system must keep up; otherwise decentralization will only lead to new responsibility panic. The design of supervision mechanism also needs to be extra cautious; not only to prevent the absence of supervision, but also to be alert to the fact that supervision has crossed the border and become an excuse for intervention. Of course, any system design needs to be constantly revised in practice, and specific measures such as cross-administrative jurisdiction and detailed rules of judicial responsibility system still need follow-up legislation. In the long run, only by establishing a governance system with clear powers and responsibilities, strong guarantee and transparent supervision can judicial independence be transformed from constitutional provisions into socially perceptible fairness and justice. This is related to the credibility of the court itself and the stability of the foundation of the rule of law in the country. In the future, the reform should continue to be cautious and gradual, avoid the sudden change of the system of quick success and instant benefit, ensure the judicial system to seek a breakthrough in stability, and finally form a modern court governance model with China characteristics to serve the grand goal of governing the country according to law in an all-round way.

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