International Journal of Scientific Engineering and Science
Volume 7, Issue 4, pp. 42-48, 2023. ISSN (Online): 2456-7361

The Efficiency Dilemma and Solution of the Pretrial Conference System in Chinese Criminal Litigation

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Abstract*—The pretrial conference system is an important measure to promote the substantive trial, but in practice, it is confronted with the game between efficiency and anti-efficiency, resulting in the system can not play its role fully. The reason is that the efficiency value of criminal proceedings should be subordinate to the value of justice, the lack of specific procedural guidance, and the system of diversion mechanism, evidence display, and exclusion of illegal evidence is not perfect. Lack of legal effect and responsibility protection mechanism. Taking China's current laws and regulations as reference, this paper studies the current situation of China's pretrial conference system, analyzes the causes of efficiency dilemma, finds out the existing defects of the current system, and puts forward targeted solutions, such as improving the corresponding supporting system, strengthening the legal effect, and establishing the responsibility system, so as to create an efficient and perfect pretrial conference system.*

***Keywords*—** *Pretrial meeting; Efficiency dilemma; Supporting system; Legal effect; Responsibility system.*

I. INTRODUCTION

The Criminal Procedure Law of China clearly stipulates the pretrial conference system, and gives a clear explanation of its connotation and process. This system is mainly initiated by the judicial personnel and can solve specific matters before the court. However, this provision is not perfect, so the Criminal Procedure Rules of the People's Procuratorate was subsequently issued, which detailed the specific provisions of this system. The pretrial conference system has its necessity and feasibility. However, from the current situation of various places, the progress of the substantive reform of the trial has not been as smooth as imagined. In addition to the dilemma of effectiveness, many scholars point out that the pretrial conference system violates the principle of efficiency, and the judges' evaluation of the current application rate is quite different, which not only delays the proceeding of the lawsuit to a large extent. It also increases the time cost and economic cost. Nowadays, China's trial system pays attention to timeliness, and the new round of reform mainly focuses on reducing the waste of judicial resources and improving the trial efficiency of cases. However, the system of pretrial conference is a rather tedious procedure, and its function is not proportional to the cost paid, so it will cause a lot of disputes. Based on this, on the background of substantive reform of trial, combined with related theories and legislation of criminal procedure, the efficiency dilemma of pretrial conference system and its causes are analyzed, so as to seek solutions to the current problems.

Due to the small number of judges in China, the excessive number of cases and the long time consuming, many judges do not have the time and energy to review every case, so there has always been a clear doctrine of filing, which violates the principle of fairness and justice. The pretrial conference system was born from this, which is mainly to promote the trial-centered system, build the substantive trial, and reduce the occurrence of unjust, false and wrong cases. It can solve a lot of procedural problems and clarify a series of substantive problems, so as to ensure the smooth development of the trial process. It is of great significance for the investigation of facts and the protection of the legitimate rights and interests of both parties. While protecting judicial justice, it can effectively improve the efficiency of the trial activities.

II. THE EFFICIENCY DILEMMA OF THE PRETRIAL CONFERENCE SYSTEM IN CHINESE CRIMINAL PROCEDURE

A. The theoretical advantages of the pretrial conference system

The pretrial conference system has its necessity. Firstly, it can guarantee the smooth development of the trial process and improve the efficiency of the proceedings. Specifically, it is mainly manifested in the following five aspects.

1. The system can solve procedural problems, such as avoidance, jurisdiction and so on, which often produce a lot of disputes in the trial process, thus delaying the process of litigation. If these problems can be solved before the court, it can avoid the adjournment or delay of the trial procedure due to the parties' avoidance or non-public application in court. It saves the time of the formal trial, and can avoid some accidents, so as to ensure the smooth proceeding of the trial.

2. It helps both parties to have a clearer understanding of the factual evidence. Through the pretrial conference system, a preliminary understanding of the differences in evidence between the parties will require a lot of time to be saved in the formal trial.

3. Through this system, the controversial focus of the case can be clarified, the thoughts of the trial can be straightened out, the disputed facts and the links requiring key cross-examination can be selected, so as to avoid the debate of the prosecution and defense parties entangled in the details of the trial, and focus on the main facts and evidence differences. While improving the quality of the prosecution and defense, the time and frequency of the trial can be greatly reduced.

4. Help the prosecution and defense parties to do preparatory work in advance such as obtaining audiovisual materials and electronic data, notifying witnesses to testify in court, obtaining new evidence, etc., so as to avoid being

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Volume 7, Issue 4, pp. 42-48, 2023. ISSN (Online): 2456-7361

forced to postpone the hearing or adjourn the hearing midway due to lack of preparation.

5. Some substantive issues such as guilty plea negotiation and civil compensation were solved at the pretrial conference, which helped to eliminate the differences between the prosecution and the defense, simplify the process of the case, promote the settlement of the case and enhance the efficiency.

B. Reduce the efficiency of the trial performance

However, in the practical operation, it cannot be ignored that the pretrial conference system reduces the efficiency of trial and even the efficiency of the whole litigation. It is mainly manifested in the following four aspects.

1. The issues targeted by this system, such as civil compensation, to a certain extent, there is the possibility of disputes between the prosecution and the defense. The solution of these problems should be based on full debate between the prosecution and the defense. Otherwise, the principle of debate in the procedural law will be violated, and the Pretrial Conference will be just a formality. However, if both sides of the prosecution and defense are allowed to fully debate, then the Pretrial Conference is no different from a formal hearing, plus a formal trial, which is not in line with the principle of centralized trial, and it is easy to cause the shift of focus, not only cannot achieve the original intention of improving the efficiency of litigation and saving litigation time, but also will run counter to the purpose of the establishment of this system.

2. China's relevant laws clearly stipulate that in the pretrial conference system, judges should make corresponding inquiries about evidentiary materials. If there is any objection, they should focus on the examination. This shows that no matter whether there is any objection on both sides of the evidence material, it still needs to go through the trial review and repeat the process of evidence presentation, cross-examination and certification of the Pretrial Conference. In this way, it seems to improve the efficiency of the trial, but in fact it is inefficient or even counterproductive to the whole proceedings.

3. In the proceedings of the pretrial conference, even if the two parties reach a consensus, new circumstances arise, such as the existence of new evidence, or the discovery that the original consensus may lead to undue increase of the defendant's criminal liability, or may lead to the evasion of legal investigation and other consequences by the outsiders, so that they have to retry the relevant issues of the pretrial conference at the trial stage. Repeated procedures of presentation, cross-examination, certification and debate. As a result, not only is a lot of time wasted in Pretrial Conferences, but relevant issues still take time to resolve at trial. Therefore, from this perspective, the establishment of the system violates the efficiency principle.

4. China's relevant laws clearly stipulate that new witnesses and new evidence can be presented or people with special knowledge can be applied to appear in court, which should be settled in the pretrial conference system. However, many parties choose to attack during the trial for their own interests, and put forward well-founded refutation opinions after obtaining the judge's consent. As a result, the consensus before the court was overturned, and the court had to go through the procedure of proving, cross-examining, authenticating and debating the facts and evidence, which greatly reduced the efficiency of the trial.

To sum up, the pretrial conference system not only improves the trial efficiency at the expense of the entire litigation efficiency, but even the due efficiency in the trial may be offset by the drag of the problems left over from the pretrial conference procedure, which not only fails to play the original role of the system, but also delays the proceeding of the proceedings, wastes judicial resources and increases litigation costs, which runs counter to the direction of the current trial reform.

III. A RATIONAL REVIEW OF THE PRETRIAL CONFERENCE SYSTEM IN CHINESE CRIMINAL PROCEDURE

What causes the pretrial conference system to game between efficiency and anti-efficiency, and even fall into the "efficiency dilemma"? To solve this problem, we should start from the system itself. If we make a deep analysis of the pretrial conference system, we will find that the system actually contains a very wide range of comprehensive contents, involving the value orientation, function category, supporting mechanism, legal effect and responsibility bearing and many other aspects. It is the result of the game between the different values of the ruling system, and also the inevitable result of the incompatibility of the system in all aspects

A. Value rank constraint

The value of law is often reflected in the purpose and task of law. It is clearly stipulated in Articles 1 and 2 of the Criminal Procedure Law of China that the purpose of this law is mainly to safeguard the legitimate rights and interests of both parties, punish criminals and educate the society. It can be seen that there are two main purposes of law, one is to fight crime and the other is to safeguard rights. From this purpose, the value of law should include justice, efficiency, order, freedom, equality, human rights and so on. In other words, justice is its primary and most direct value orientation, which is above efficiency, order, freedom and other values. Efficiency, order, freedom and other values should be subordinate to and serve justice. Therefore, first of all, the principle of justice should be adhered to. The purpose of establishing laws is mainly to fight crimes, prevent the occurrence of miscarriages of justice and safeguard the legitimate rights and interests of victims. The result of criminal proceedings concerns the seizure of people's life, property, personal freedom and other basic rights. If the value of justice is not put in the first place and the simple pursuit of efficiency, it will certainly lead to frequent unjust, false and wrong cases, the basic human rights of citizens will not be protected, and the loss of social security will lead to social unrest. The social anxiety caused by the famous Huge case proves this point. The pretrial conference system also needs to conform to the value principle of law, and pursue efficiency and fairness on the basis of adhering to the principle of justice.

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Volume 7, Issue 4, pp. 42-48, 2023. ISSN (Online): 2456-7361

Specifically in criminal proceedings, the proper settlement of issues such as avoidance, jurisdiction, evidence display, exclusion of illegal evidence and settlement of disputes is mainly aimed at the smooth proceeding of the trial process, safeguarding the rights and interests of both parties, and constantly improving the efficiency of proceedings. Its primary purpose is to clear obstacles for the formal trial. We will ensure that the court focuses its efforts and hearing on the focus of disputes between the prosecution and the defense over facts and evidence, so as to ensure fairness and justice. Based on this premise and basis, the pretrial conference can minimize the time consumed by the trial and even the whole litigation process, which is the implementation of the fairness principle and efficiency principle. In the game between efficiency and justice value, the relationship between efficiency value and justice value in the pretrial conference system tends to be consistent under normal circumstances, such as the exclusion principle of illegal evidence. If the legitimacy of evidence is denied from the root, the subsequent disputes and cross-examination can be avoided, which not only maintains justice but also saves time. However, in many cases, the principles of justice and efficiency conflict with each other. At this time, we should adhere to the principle of justice value first, and have to sacrifice the value of efficiency temporarily. If the consensus of "no application for withdrawal" is reached on the withdrawal of the judges at the Pretrial Conference, problems related to withdrawal are often encountered in the process of trial. If the parties believe that there are various problems with the judges, which may lead to the fairness of the result, this requirement should be strictly examined, and even the consensus reached before should be overturned. Thus, the pursuit of efficiency value of pretrial conference procedure is subordinate to the premise of just value.

Based on the above analysis, the "efficiency dilemma" encountered by the pretrial conference system is not the chronic disease of the system itself, but the result of the value game of criminal procedure law, which is restricted by the value rank of criminal procedure. In other words, the "efficiency dilemma" of the pretrial conference system is inevitable in a sense. We should not blindly demand the absolute continuous efficiency of the pretrial conference system. The efficiency principle should be subordinate to the principle of justice, and the efficiency of cases should be improved under the premise of ensuring fairness and justice.

B. The operation procedures and supporting systems are not perfect

One of the advantages of the system is to deal with similar or similar affairs in the same behavior mode, so as to save time and cost and improve efficiency while standardizing transaction behavior. It is obvious that a series of problems cannot be solved by relying only on one procedure, and corresponding supporting measures must be taken to solve each system problem. From the perspective of foreign legislation and criminal justice practice, the pretrial conference system has relatively complete pretrial conference procedures and supporting systems to promote and guarantee its efficient operation. For example, in the United States, the relevant laws are relatively complete. In order to ensure that the pretrial preparation procedure can be fully implemented, the specific contents are detailed into the following four levels: 1. The rights of the parties are clearly defined. For example, the court has the right to summon, the parties have the right to answer and so on, so that the parties can clarify their responsibilities, understand their rights, and ensure the smooth progress of the system. 2. Improve the corresponding defense process. Detailed provisions for the defense links, so that the defendant fully understand the nature of the case, the consequences of the defense and so on, so as to help them weigh the advantages and disadvantages. 3. The evidence link is also clearly stipulated to ensure that most disputes can be resolved when the evidence is disclosed. 4. Finally, there are clear provisions on pretrial motions. If one party believes that the other party has an illegal procedure, or other problems can be raised for settlement. There are different choices in the outcome of each procedure. In the arraignment procedure, if the not guilty plea is selected or the answer is rejected, the trial will be held as early as possible; if the guilty plea is selected, the trial will enter the defense part of the pretrial preparation procedure; if the defendant thinks guilty, the trial time may be advanced; if the negotiated guilty plea is selected, the plea bargaining will be adopted. After reaching an agreement, enter the evidence discovery process of the preparation procedure. Such procedure arrangement makes the case exit at different links or shorten the pretrial preparation procedure and enter the trial, greatly shortening the litigation cycle and improving the efficiency of litigation and trial. In contrast, there are many similarities between the civil law system and the common law system. For example, the judge plays a very important role in the pretrial conference procedure, but there are also very big differences between the two legal systems. For example, the role of the judge is mainly the middle judgment in the common law system, while it is the dominant role in the civil law system.

In view of China's current regulations, the system of pretrial meetings is still not perfect. Article 187 of the Criminal Procedure Law of China stipulates the connotation of the system, and Articles 226 to 232 of the Interpretation of Criminal Procedure also briefly explain the content of the system. However, there are no clear provisions on its legal effect and supporting measures. The relevant implementation steps have not been detailed, and there is no classification of guilty plea, not guilty plea and refusal plea according to different content of defense opinions, so as to facilitate simplified handling according to different situations. There is no case how to withdraw from the pretrial conference, that is, as long as the pretrial conference, all relevant questions have to "go over", no matter guilty plea or not guilty plea, have to go through the evidence presentation process. Although the Rules for Criminal Procedure of the People's Procuratorates further clarify the relevant obligations and responsibilities of the People's Procuratorates, the procuratorates participate in criminal proceedings as specialized organs, and have no validity or space to apply to participants in the proceedings.

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From the supporting system, "Interpretation of Criminal procedure" did not expand too much. Although some new provisions have been added to the evidence link, the question of whether relevant evidence materials should be transferred has not been raised to the system level, nor has it been targeted at specific types of cases, such as guilty plea or not guilty plea. Regarding the exclusion of illegal evidence, the Provisions on Several Issues concerning the Strict Exclusion of Illegal Evidence in the Handling of Criminal Cases clearly stipulate that the principle of comprehensive exclusion of illegal evidence should be followed. For evidence with illegal procedures, if it affects the impartiality of proceedings, it should not be used, but whether it seriously affects judicial justice is a subjective standard that is difficult to grasp. From the above analysis, many documents only make superficial provisions, and the specific steps and procedures are not detailed. In terms of case diversion, although there are summary procedures, the application of quick judgment in the case of the defendant's guilty plea, simplified trial methods of summary or ordinary procedures objectively play a diversion role, whether it is applicable in the pretrial conference procedure, At present, the relevant laws and regulations have not made clear provisions. The third amendment to China's Criminal Procedure Law, adopted on December 26, 2018, added a "leniency system for admitting guilt and offering punishment". After pleading guilty, the defendant can negotiate with the prosecution for sentencing and make full use of the bargaining chips for a lighter sentence, so it is known as the Chinese version of "plea bargaining" system. China has made relevant provisions on the "leniency system of guilty plea and punishment", clarifying the concept and characteristics. However, this procedure is only "leniency can be shown according to law" for sentencing, and takes the result of guilty confession as the basis for sentencing, rather than plea bargaining in the real sense. Meanwhile, limited by the scope of cases and the applicable conditions, it will not play a significant role in diverting the cases entering the pretrial conference procedure.

To sum up, there are only rough provisions on the pretrial conference system in relevant legal documents in China, which lacks detailed procedures and mature supporting systems. The pretrial conference convened by the judicial personnel lacks procedural guidelines, and the opinions of both the prosecution and the defense should be consulted in every detail, and it is not possible to decide to continue or withdraw the pretrial conference procedure according to the development of the case. As a result, the efficiency advantage of the procedure and the diverting function of the system have not been brought into play, and it is not surprising that the pretrial meeting has low efficiency or even anti-efficiency.

C. Lack of effectiveness and responsibility guarantee mechanism

The realization and operation of the system need corresponding effectiveness and responsibility guarantee mechanism as backing. The responsibility mechanism is closely related to the effectiveness mechanism. The effectiveness mechanism is the premise and foundation for the existence of the responsibility mechanism, while the responsibility mechanism is the realization and result of the effectiveness mechanism. The two jointly maintain and promote the operation and realization of the system.

From the perspective of relevant foreign regulations, regarding the pretrial conference system, the United States mainly applies for the parties to enter the system, and the relevant matters are submitted to the judge to make a pretrial decision, and the judge shall not refuse to postpone the decision unless it is based on legitimate reasons. If there is any error in the pretrial resolution, such as exclusion of illegal evidence and evidence display may affect the jury's correct identification of the facts of the case, the parties are allowed to start the "intermediate appeal" system There is an intermediate appeal system in common law, the parties should first apply to the court for permission to appeal, if the court considers that it meets the conditions of appeal and has reasonable reasons after examination, The decision made by the court after an interlocutory appeal has final effect. Interlocutory appeal can help correct the wrong evential ruling in time, save judicial resources and guarantee the accuracy of the final judgment. In accordance with the principle of equal arms and fair trial, both the prosecution and the defense should have the right to file an interlocutory appeal. At the same time, in order to control the number of appeals and improve the quality of review, the intermediate appeals in Britain and the United States basically adopt the discretionary appeal and appeal permission system, and set up strict appeal conditions. In the United Kingdom, the judge can set a date for hearing the dispute between the prosecution and the defense and give guidance, and can also make a decision based on the application of both parties, unless the relevant matters have changed materially. It can be seen that the United States adopts the effectiveness guarantee mode of recognizing the legal binding force as the principle and denying the legal binding force as the exception in special circumstances for the consensus reached by the precourt conference. It is this effective mechanism that guarantees the effective operation of the pre-tribunal conference procedure, which not only ensures justice but also improves efficiency.

The Criminal Procedure Law clearly stipulates that the Pretrial Conference system should be implemented, but it stipulates that the purpose of the system is to understand the case, clarify the handling ideas of the case, and listen to the opinions of all parties. Such provisions make people pay no attention to the selection meeting system, believing that it is just a formality and the relevant results have no mandatory binding force of law. As a result, the importance of the system is ignored. In addition, in the process of trial, the parties have the right to apply for new witnesses to appear in court, to obtain new evidence or to apply for people with professional knowledge to appear in court, and the appearance of these people is likely to lead to the invalidation of the decision made in the pretrial conference system. Therefore, in fact, there are institutional conflicts between these two provisions. This leads to many parties not presenting evidence in the pretrial conference system, waiting for raids during the trial, making the pretrial conference process useless. China's criminal procedure Law also stipulates that evidence should be

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classified in the evidence link of the pretrial meeting procedure, evidence agreed by both parties can weaken the cross-examination, and evidence with strong controversy should be dealt with with emphasis. Such provisions not only fail to clarify the effectiveness of the pretrial meeting, On the contrary, it gives people a clear direction that no matter what kind of evidence in the trial, it has to go through the process of evidence-raising and cross-examination, which also makes the evidence link in the pretrial conference procedure lose its practical significance. It is precisely because of the lack of corresponding protection in the pretrial conference procedure system that the purpose of the system is difficult to be fully realized, and it is inevitable to be reduced to the situation of "virtual" and "going through the motions". In addition, a lot of time will be wasted due to the repeated procedures, especially the repeated procedures of evidence presentation, cross-examination and certification. This is the reason why the pretrial conference system delays the efficiency of proceedings, which is completely contrary to the original purpose of the system.

In terms of the liability protection mechanism, generally speaking, the liability in the procedural law is mostly borne by the participants in the litigation for the adverse consequences caused by the violation of the provisions of the litigation procedure. Only when the participants in the litigation intentionally or with gross negligence carry out an act that may cause the normal proceeding of the proceedings, or cause large losses to other parties, or seek improper benefits for themselves, etc., Party has to bear punitive responsibility, such as reprimanding the disorderly behavior of the court, ordered to withdraw from the court, are in order to maintain the requirements of the procedure. By contrast, the pretrial conference system has led to its current outcome mainly because of the lack of accountability mechanisms.

This is mainly due to the following reasons :1. The relevant legislation in China is not perfect, the relevant provisions on the pretrial conference system are not comprehensive enough, and the corresponding legal effect is not given to it. As a result, the result of the pretrial conference procedure is not legally binding, and there is no premise and foundation for it to bear the corresponding legal responsibility. If one of the parties reverses the consensus reached in the Pretrial Conference procedure without a valid reason, or intentionally fails to submit relevant evidence in the Pretrial Conference, and conducts "evidence raid" in the formal trial to achieve the purpose in favor of his own side, it cannot be sanctioned because there is no relevant effective basis. 2. The pretrial conference system itself has no corresponding sanction measures, and the sanction against relevant behaviors lacks legal basis. For example, the judge cannot sanction the behavior of one party intentionally not raising objections to relevant matters in the pretrial conference, but conducting "court ambush" by camera in the formal trial. Due to the lack of liability protection mechanism, the parties' reneging, raids and ambushes become more and more serious, which will waste a lot of judicial resources and time, and the effectiveness of the trial and the whole litigation procedure will be greatly reduced.

IV. THE WAY OUT OF THE EFFICIENCY DILEMMA IN THE PRETRIAL CONFERENCE SYSTEM

The purpose of the establishment of Chinese laws is mainly for judicial fairness and fairness. Therefore, efficiency value should be pursued on the basis of adhering to the principle of justice. At present, what needs to be done is to adhere to the principle of justice, improve relevant systems, procedures and mechanisms, realize the separation of cases and precourt meeting matters, reduce the consumption during litigation, and ensure the smooth and efficient operation of the system. Get rid of the "efficiency dilemma" and realize the maximum efficiency.

A. Standardize pretrial procedures

First of all, further improve the Pretrial Conference initiation procedures. According to the current Interpretation of Criminal Procedure, there are two types of initiation procedures for Pretrial Conferences: one is based on application and the other is based on authority. We can refer to the relevant provisions of foreign laws to determine the status of the court, safeguard its decision, and specify the conditions for convening the Pretrial Conference based on the complexity of the case rather than the significant social impact, so as to prevent the parties from abusing the right to apply for convening the Pretrial Conference, and prevent the judicial personnel from abusing their power and wasting judicial resources.

Secondly, make clear the specific content of the Pretrial Conference. In view of the fact that the matters of public hearing and withdrawal depend on the intuitive cognition of the parties, we should ask the parties whether to apply for private hearing and withdrawal matters in advance to the time when the copy of indictment is served to the parties, and cancel this item in the Pretrial Conference procedure, so as to improve the efficiency of the system. In addition, the process of the meeting should be refined. For example, options can be set for some specific matters. If both parties reach a consensus, the summary procedure can be adopted, or the meeting procedure can be terminated and the trial procedure can be directly entered.

Thirdly, the defense opinions should be stipulated comprehensively. The defendant's defense types should be classified into innocent defense, minor defense and guilty plea, and the pretrial conference procedures should be terminated in advance for the guilty plea cases. Special treatment plans should be set up for these types, which can be divided into simple treatment and ordinary treatment. Decisions on whether to continue the proceedings are made with due respect for the specific views of the parties. The acquittal defense (including rejection defense) is completed in turn according to the matters and procedures determined by the pretrial meeting, so as to realize the diversion of cases entering the pretrial meeting and improve the efficiency of litigation.

Finally, criminal reconciliation should be introduced. For public prosecution cases in which the parties reach a settlement agreement at the pretrial meeting, the pretrial meeting may be terminated in advance, and such trial methods

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Volume 7, Issue 4, pp. 42-48, 2023. ISSN (Online): 2456-7361

as expedited trial procedure or summary procedure may be applied to the trial, and lenient punishment shall be given according to law.

B. Improving supporting systems

Any completely independent system cannot comprehensively solve specific problems, so relevant supporting measures are needed to enable it to be implemented. So is the pretrial conference system. Corresponding supporting measures should be improved to improve its operability, specifically including the following aspects:

First of all, the case should be divided, for some cases are clear, crime and punishment are relatively light cases, can be applied to the quick trial procedure or summary procedure trial, will be divided into the jurisdiction of the pretrial conference procedure, so as to focus on some of the more complex cases.

Secondly, the defense system of the defendant is established to give the defendant the right to answer the facts and evidence of the charges in the pretrial meeting, which lays the foundation for the trial personnel to type the defense opinions, so as to facilitate the pretrial meeting to further divide the cases and save the litigation time.

Third, improve the evidence display system, the public security and procuratorial organs should be transferred but not transferred to the evidence should be forced to transfer, for all the evidence to be transferred, should inform the defendant, protect the defendant's right to know, for evidence submission should be determined a suitable period. Submitting evidence to the court, avoiding evidence raid and applying for obtaining evidence to delay the litigation time, also encourages the defendant to confess his guilt and repent, which helps to facilitate the settlement of the mediation, so as to better solve the dispute and safeguard the legitimate rights and interests of both parties.

Fourth, it is necessary to improve the relevant evidence principle and strictly follow the exclusion system of illegal evidence. As long as the evidence obtained through improper procedures affects the legal rights of a party, it should be excluded. This procedure can be completed in the pretrial conference system, which is conducive to safeguarding the rights of the defendant, but also to abide by the principle of fairness and justice. The exclusion of such illegal evidence can also save the time of litigation and reduce subsequent disputes.

Finally, a complete plea bargaining system has been gradually established. For cases with relatively weak guilty evidence in Pretrial Conferences, the prosecution can make concessions in exchange for guilty plea of the defendant, which can give a lenient punishment to such defendants, thus saving litigation costs and guaranteeing litigation fairness.

C. To give legal effect and improve the system of responsibility

1.Give legal force

At present, the reason why the pretrial conference procedure is not paid attention to, or even fails to achieve the purpose of the establishment of this system is mainly because it lacks the corresponding legal effect, and the meeting results of this system lack the corresponding legal binding force, so it will be ignored by the parties. Effectiveness is the "ballast stone" of the whole system, and failure to demonstrate effectiveness will reverse restrict the application of the court to the pretrial meeting. In order to make all parties really attach importance to the procedure of the pretrial meeting, it is necessary to confirm the status of the results of the pretrial meeting by law, the judges attach importance to the effectiveness of the results of the pretrial meeting according to law, and the litigants abide by the results of the pretrial meeting according to law. The law can list some special circumstances to prevent a lot of situations in the process of the trial, negate the effect of the previous behavior, in order to avoid repeated waste of time in the procedure.

Specifically, the following elements should be included :(1) For recusal matters, the application should be made in the pretrial conference proceedings, unless the evidence is found after the conference proceedings. (2) Exculpatory and minor evidence shall be transferred in the pretrial conference procedure, except for those discovered afterwards. (3) If new evidence is found after the pretrial conference which has a significant impact on the case, it may be introduced during the trial. (4) New witnesses were discovered after the end of the pretrial session and could be presented at the trial. (5) There is evidence afterwards to prove that the evidence approved by the pretrial meeting was collected in violation of legal procedures and may lead to improper investigation of the defendant. (6) It is later found that the defendant's admission of guilt may lead to undue investigation or undue aggravation of his criminal liability. (7) It is later found that the excluded evidence was legally collected or that the approved actions of the defendant will lead to the escape of the defendant or an outsider from criminal responsibility. (8) Exceptional circumstances had arisen in the case which made it impossible for the previous procedure to be applied.

2.Improve the responsibility system

First of all, the court will not allow those who renege on the consensus reached at the Pretrial Conference without justifiable reasons, and will criticize and admonish them. On the basis of correctly distinguishing the defendant's exercise of the right to defense from the statement of confession and repentance, it can be used as the discretionary circumstances to influence the sentencing. Secondly, in actual cases, lawyers often hide part of the evidence in order to protect the interests of the parties, not show in the Pretrial Conference procedure, but submit evidence at the trial of the "raid" behavior, the court has the right to decide whether to cross-examine the evidence, certification; If cross-examination or certification is really needed, the party providing evidence shall be criticized, admonished and fined, and corresponding judicial suggestions may also be put forward to its superior department. Third, if the parties or agents do not raise objections, the court has the right to decide whether to permit the "ambush trial" of objections raised at the trial according to the progress of the case; If permission is really needed, the party may be criticized, reprimanded or fined, and a judicial proposal may be put forward to the competent department of judicial

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Volume 7, Issue 4, pp. 42-48, 2023. ISSN (Online): 2456-7361

administration for defense lawyers or attorney AD litem lawyers to order rectification.

V. CONCLUSION

The pretrial conference system implements the trial-centered principle, conforms to the direction of China's criminal procedure reform, and reflects the fairness and justice of the proceedings. It can not only play the role of sorting cases before the court, but also strengthen judicial credibility and reflect the authority and effectiveness of the law. From the perspective of the whole criminal procedure system, the pretrial conference system is one of the important points to realize the "trial as the center". The development and improvement of the system is the process of interaction with the trial reform system. At present, the number of criminal cases in China is increasing gradually, but the number of judicial personnel is not increasing accordingly. With the continuous improvement of the trial and trial system, judicial personnel will pay more and more attention to and apply the pretrial conference system. In order to match it, the pretrial conference system has to be developed more perfect, in order to provide suitable system supply.

However, from the current legislative status and practice status, there are still many problems in the pretrial conference system, such as value rank constraint, imperfect operation procedure and supporting system, and lack of effectiveness and responsibility guarantee mechanism. At present, it is urgent to seek a way out of the efficiency dilemma. Specifically, it is necessary to standardize the pretrial procedure, improve the supporting system, enshrine legal effect and improve the responsibility system. In order to better promote the perfection of the pretrial conference system.

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