

Ways to Improve the Acceptability of Sentencing Reasoning

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Abstract: Argumentation and explanation of the formal and substantive justice of the judgment can now be done using judgment reasoning as a visual language tool. However, it is not difficult to find that the poor reasoning brought on by the reasoning of the lack of acceptability of the problem is more prevalent when assessing the existing status quo of judgment papers. In this regard, the paper suggests enhancing the acceptability of the decision as the legal interpretation as the objective of reasoning orientation, enhancing the ability of judges to safeguard the system, implementing measures to increase their power to do so, and implementing multiple measures to enhance their capacity to interpret the law, with a focus on incentives and forcing and encouraging judges to be motivated by reason. Enhancing the reasons behind the judgment document's Acceptability would also help to strengthen the judiciary's credibility and the nation's sense of security.

A peaceful society is not one where there are no conflicts; rather, it is one where every conflict can be settled quickly and effectively. The application of substantive and procedural justice is undoubtedly crucial, and the conclusion of the argument that the verdict cannot be disregarded rationale, regardless of whether the issue can be successfully handled or if the parties truly recognize the "case is closed". The purpose of the judgment to explain the law is to improve the fairness of the judgment behavior, transparency, standardize the exercise of judicial power, enhance judicial credibility and authority, play the judgment of the settlement of disputes and the value of the role of leading, and promote socialist core values. The judgment also aims to make the public feel fair and just in every judicial case and effectively protect the legitimate rights and interests of the people.

1. Formulation of the issue

In addition to promoting socialist core values, the goal of the judgment to explain the law is to increase the fairness of the judgment behavior, transparency, standardize the exercise of judicial power, increase judicial credibility and authority, and play the judgment of the settlement of disputes and the value of the role of leading. The ruling also strives to preserve the public's legitimate rights and interests and foster a sense of fairness and justice in all judicial cases. The public will eventually question and disapprove of the use of judicial authority and even judicial fairness, which will cause a crisis of trust in the court. In light of this situation, China's judicial system has adopted a number of reform measures, one of which focuses on the judicial trial in the pursuit of the "verdict acceptability"

goal, in an effort to boost judicial power and gain the confidence of the public. The acceptability of the verdict rationale must have a significant impact on the process of accomplishing this goal. In order to further create a new situation of the rule of law after the people's court ends the dispute, the image of justice, and the "people-oriented" judicial concept of positive response, it is urgently necessary to conduct a study on the acceptability of the verdict.

2. Analysis of the reasons for the lack of acceptability of criminal sentence reasoning

2.1 Disdain for the concept of reasoning in sentencing leads to reluctance on the part of judges to reason

The Supreme People's Court issued the Guiding Opinions on Strengthening and Standardizing Interpretation and Reasoning about Judgments in order to further strengthen and standardize the work of people's courts in interpreting and reasoning about judgments, improve the level of interpretation and reasoning, and improve the quality of judgments. Writing judgment documents is still not given enough consideration in court practice, nevertheless. A portion of the judge is the existence of weighty outcomes, light procedure of thought, and the mistaken belief that it is not necessary to explain the grounds for the judgment as long as the parties do not object to the judgment's results. However, in every criminal case, the judgment's conclusion is frequently of most relevance to the parties and other interested parties. The winning side wishes for a fair and just victory; the losing party wishes for a cowardly defeat that serves as a lesson. Additionally, defense attorneys aim to present a fair and legal explanation of the verdict to the parties. As a result, the public's perception of the acceptability of a criminal judgment was significantly diminished because the decision, as a judicial trial accessory, ridiculed the idea and practice of interpreting reasoning and plainly neglected the parties and the public with regard to the general expectations of justice.

2.2 Lack of a mechanism to guarantee the reasoning of judgments, resulting in judges not daring to reason

Judges have been encouraged to practice self-control and discipline to some extent by the modern method of releasing judgment records, but there are also clear disadvantages. The most notable point is that judges frequently fall victim to the "no credit, no fault" mentality when under pressure from the public to scrutinize their decisions^[1]. As a result, they tend to maintain the integrity of the document's structure by refraining from overly developing their arguments in order to avoid the fallacy that "more said than done, the more wrong" applies. We can only guarantee that the panel of three judges who rendered the meticulous and serious judgment in the Yu De Shui theft case did so on the basis of our conscience and independent judgment, on the basis of our comprehensive understanding of the case's facts and analysis, and on the basis of our understanding of the law as well as the spirit of the law^[2]. We cannot confirm or guarantee that the judgment is the only correct understanding." The psychological state of "trembling with fear and treading on thin ice" is reflected in this remark, which is a little humble and even lacking in self-confidence, but which also describes how judges feel when they prepare judgment documents in a system where their jobs are insecure. Judges can only "skillfully" use the strategy of mentioning facts and legal provisions in a vague manner to avoid the mistakes that may be caused by comprehensive reasoning in the lack of job security in order to protect themselves^[3].

2.3 Incentives and constraints on the reasoning of judgments have been deflated, resulting in judges not reasoning at all.

The supreme people's court proposed requirements "to systematically organize training courses, and carry out excellent judgment documents evaluation activities, in order to continuously improve the quality of the documents" as early as 2000, but the majority of courts do not include the judgment document quality as an evaluation of the project in their performance appraisal program, even if it is included, the proportion of its weighting is also low. Even if it is considered in the evaluation, the amount of its weight is negligible. Another significant factor contributing to judges' poor reasoning is the absence of strict limitations on the reasoning of judgements. The improvement of the rigorous constraint mechanism and reward system for reasoning in judgment papers is suggested in Article 34 of the Fourth Five-Year Reform Program of the People's Court (2014-2018). It is clear that both the stiff constraint mechanism and the incentive mechanism are quite important. The majority of courts' current incentive system for reasoning, however, lacks the requisite "disciplinary" tools and is unable to impose restrictions to ensure that the judgment's reasoning is of a high caliber. This shows that the court places a high value on judgment and deductive reasoning over "discipline" as a management tool. In these conditions, the majority of judges' opinions on the incentive mechanism of judgment reasoning have evolved to include the phrase "it's better to have it, but it doesn't matter if it's not there."

2.4 Inadequate skills in sentence reasoning leading to poor reasoning by judges

Although the caliber of judges in China has gradually increased, many judges still find it challenging to carry out a thorough, appropriate, and detailed justification. They frequently encounter more complex cases that require more in-depth reasoning from the judges. In actuality, the following are the principal manifestations of this:

2.4.1 The too technical language of reasoning prevents popular adoption and understanding.

Any specialized language makes it more difficult for laypeople to read and understand, even though it helps professionals solve professional problems quickly, skilfully, and accurately. The specialized language of law is no exception, with its abundance of specialized words and concepts. Legal phrases like "over-defense," "indirect intent," "armed robbery," etc. frequently have additional definitions. But since the general public and the parties make up the majority of the judgment's audience, "French language" should only be utilized up to a certain cognitive threshold; beyond that point, the language of the judgment becomes overly specialized. The parties and the public can hardly maintain the correct mentality of both victors and losers in the face of "can not understand the justice." In this way, it is unavoidable to obstruct communication between the parties, the public through the judgment documents, and the judge. This will inevitably have an impact on, if not outright destroy, the public's confidence in the judge and the legitimacy of the criminal verdict, leading to a breakdown in the administration of justice.

2.4.2 The absence of adaptability in the manner of logical thinking hinders the attainment of a favorable outcome in reasoning.

The twin attributes of law and writing exist in criminal judgments as a sort of national public document; "legal attributes" automatically call for standardization while "writing attributes" call for flexibility. Article 13 of the Supreme People's Court's "The Supreme People's Court on Strengthening and Standardizing the Interpretation of the Judgment Document of the Guiding Opinion" noted that judges may rely on axioms, rules of thumb, trading customs, civil statutes, professional ethics, and

other normative legal documents as long as they do not conflict with the reasons for the decision. This article offers instructions for the diversification and enrichment of the judgment document's interpretation. The use of legitimacy-oriented reasoning is quite common in judicial practice, but regrettably, the current criminal judgment is too based on a single line of reasoning. This type of judgment is only concerned with stating the results of the judgment in the end in how legal, as if the legal is reasonable and can be accepted by the public. However, the social consciousness that underlies the criminal judgment, not the criminal judgment itself, is what the public accepts. As a result, it is clear that a single line of reasoning cannot convince the public that the judgment is valid, and it is challenging to understand the logic behind the conclusion.

2.4.3 Lack of depth and thoroughness in the reasoning's argumentation results in a lack of reflection of the decision's legality.

A qualified judgment must also satisfy the condition that the narrative be clear. However, the fullness and thoroughness of the reasoning is much more crucial. And by reviewing a portion of the criminal judgment, it is not difficult to find that some of these judgments' reasoning is somewhat thin, that many of these judgments' reasoning is not sufficient, absurd, and that there are not enough litigants to examine the claims of the parties' and the case's particular circumstances. Instead, there is only a short list of the same type of case's commonality of reasoning, which frequently uses phrases like "no factual and legal basis" and this makes it difficult to embody procedural justice and protect individual rights and interests, and also leads to the lack of judicial justification.

3. The Path to Improving the Acceptability of Criminal Sentence Reasoning under the Concept of Justice for the People

3.1 Improving the acceptability of judgments as a goal-oriented interpretation of Judgement reasoning

The degree to which the public generally accepts the method and outcomes of judicial operation is highly correlated with the development of judicial credibility. Therefore, it is essential for the development of judicial identity to increase the verdict's acceptability as the target orientation of the verdict reasoning. One way to establish judicial credibility is to increase the acceptability of judgment reasoning. To establish a judicial decision and the public's confidence in the relationship between the judiciary and the establishment of the judiciary's credibility and authority, the public must first feel the authority of the rule of law and social justice. This can only be done through the case of argumentative procedures and judgment conclusions of the direct perception, awareness, and acceptance. On the other hand, increasing the acceptability of the decision as the interpretation of reasoning's objective might actualize the stream's sophisticated thinking. Although the judgment documents address the dispute's main points, this does not imply that they are a thousand words long. On the most challenging and complicated situations in the contentious topics, explanation and thorough reasoning should be the main goals. The rights and obligations of the relationship between the simple instance, however, can be explained more simply because the facts are obvious. The form must follow the content of the judgment document rationale, especially in the current environment with more cases and fewer personnel. This will help the judges lighten their workload and increase the effectiveness of their work.

3.2 The enhancement of the system of safeguards aimed at protecting judges in the execution of their responsibilities, as well as the establishment of measures to safeguard the powers vested in judges

The preservation of judges' reasoning in judgment documents and minutes of trial committee meetings, in line with legal requirements, constitutes an integral aspect of the exercise of judicial authority and the fulfillment of judicial responsibilities, and thus warrants safeguarding. The expeditious realization of comprehensive coverage by the Judges' Rights and Interests Committee is imperative. This is necessary to extend support to judges whose lawful rights and interests have been violated, to establish a centralized mechanism for judges to submit claims and grievances pertaining to their protection while carrying out their duties in accordance with legal provisions, and to coordinate efforts in rectifying the reputational damage and mitigating the negative consequences faced by judges who have been unjustly treated or disciplined. These measures are crucial for fostering a conducive professional environment. However, it is important to note that there is a potential for an escalation of nefarious attempts to interfere with judges in the execution of their responsibilities, while still adhering to legal frameworks for retribution. It is not uncommon in judicial practice for certain parties to employ various tactics, such as the production of banners and black banners, as well as engaging in activities like drumming in front of the court, with the aim of amplifying their influence, garnering public sympathy and concern, and ultimately exerting pressure on the judge's decision. Furthermore, subsequent to an unfavorable outcome in a legal proceeding, they express their discontentment via online platforms by disseminating false assertions that malign the reputation of the presiding judge.ⁱ The aforementioned behavior, characterized by a lack of attention, renders punishment ineffective. It is seen that certain parties involved in the judicial process engage in wanton abuse, threats, defamation, and intimidation, motivated by significant factors. Hence, it is imperative to consider augmenting the penalties for deliberate obstruction of a judge's lawful execution of their responsibilities, streamlining the process for disciplinary action, and imposing severe sanctions on those implicated in the violation of a judge's conduct. These measures are crucial in safeguarding the judge's vulnerable state of security.

3.3 The enhancement of judges' capacity to interpret the law through a confluence of initiatives.

The key to improving the professional quality of judges and enhancing the rationale of judgment documents lies in certain measures. The purpose of reasoning is to demonstrate the judge's theoretical aptitude and artistic creativity in the realm of space. This involves incorporating various disciplines of knowledge, such as economics, philosophy, and social ethics. As the primary author of the judgment document, the judge should possess a proficient command of the law and possess the ability to engage in thorough debates to support their judicial reasoning. The ability of a judge to engage in judgment reasoning is crucial in order to effectively fulfill their role. A judge must possess solid knowledge of jurisprudence, employ rigorous logical reasoning, and demonstrate a high level of professionalism in order to create high-quality judgment documents. In order to achieve this objective, it is important to focus on three key areas: First and foremost, it is imperative to exercise stringent control over the threshold of post judges. During the post-examination phase, it is imperative to focus on the applicants' ability to analyze reasoning and assess legal logical reasoning skills, particularly in relation to controversial issues. The implementation of a specialized, professional, and elite justice system requires the deployment of highly skilled judicial employees at the forefront of each case. Additionally, there is a need to enhance the development of judges' writing skills through rigorous training. In the era of the Internet, the reach of judgments rendered by parties involved in restricted cases has expanded to encompass a broader scope within the social sphere. Consequently, the significance of enhancing the writing proficiency of judges in their judgment compositions has been

more pronounced. The training of judgment writing is regarded as a crucial skill for judges, as it enables them to effectively develop and enhance their ability to produce well-reasoned and balanced written documents. This training aims to ensure that judgments are clear, enforceable, and free from excessive embellishments or didactic styles. Ultimately, it seeks to strengthen the application of the law and adherence to established norms by promoting rigor and consistency in judicial writing. In conclusion, it is imperative to enhance the exchange and communication among judges, as well as foster interactive learning among them. This will effectively encourage judges to expand their scope of work, expedite the development of their case-handling abilities, and effectively transmit their professional ethics. Consequently, this will significantly enhance their capacity for reasoning.

3.4 This analysis centers on the examination of both positive incentives and negative disincentives as mechanisms to cultivate and enhance judges' fervor for the process of reasoning.

In the pursuit of a new era and a new journey, it is imperative to thoroughly implement thought of leadership on the rule of law. It is crucial that we engage in a more deliberate practice of ensuring justice for the people, while firmly adhering to the perspective of the masses and implementing the mass line. We must conscientiously fulfill the responsibilities entrusted to us by the Constitution and the law, with a specific focus on safeguarding the rights and interests of the people in the pursuit of justice. Our aim is to ensure that individuals experience fairness and justice in every judicial case. Hence, the implementation of realistic and effective procedures aimed at fostering judges' inclination towards thinking is of considerable importance in enhancing the quality of their judgment. In order to achieve this objective, it is imperative to effectively coordinate both positive incentives and negative forces. One aspect to consider is the importance of implementing incentive mechanisms that have a tangible effect on a judge's career prospects. For instance, the evaluation of a judge's reasoning abilities could be a significant factor in their performance appraisal, as well as in decisions regarding their treatment, selection, rewards, punishments, and promotion. This linkage serves as a means to stimulate the motivation behind a judge's reasoning capabilities. Conversely, it is imperative to enhance the oversight of judges and their accountability to ensure they devote sufficient attention to the process of legal interpretation and reasoning. By increasing the scope of dissemination of judgment documents, operators can better embrace media and public scrutiny, so enhancing their reasoning skills and proficiency. Additionally, a system of accountability can be implemented to address situations where the logic behind a verdict is unclear or insufficient, leading to parties refusing to accept the judgment. In such cases, parties can resort to appeals, petitions, and thorough investigations to ensure a fair and appropriate punishment is administered. From the point of view of the judges' own interests, it forces them to prioritize the logic behind the decision.. By using this approach, the judge can effectively harness the excitement and creativity in producing judgment papers, so elevating the quality of judgment reasoning and subsequently enhancing the acceptability of such reasoning.

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