

# *The Historical Evolution of the Judicial Organ*

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**Abstract:** Since the founding of the People's Republic, the development of the institutional mechanisms of public security, procuratorial, judicial, and judicial administrative organs in our country has gone through five periods: the start-up period (1949-1952), the early development period (1953-the first half of 1957), the period of frustration (1957-1966), the period of stagnation (1966-1976), and from 1976 to the present, the period of restoration and development (1976 to the present). Before 2013, the various documents of the Central Government mainly aimed at the construction of the system and mechanism of the three organs of public security organs, procuratorial organs, and judicial organs. After the Fourth Plenary Session of the 18th Central Committee was held in 2014, the judicial and administrative organs and their executive powers were added, creating a new situation in which the four organs performed their respective functions, cooperated with each other, and restricted each other.

## 1. Introduction

Since the founding of the People's Republic of China, there have been different regulations on the systems and mechanisms of the three organs of the Public Inspection Law in different historical contexts. After many practices and explorations, the 1982 Constitution established an institutional mechanism of division of responsibilities, mutual cooperation and mutual restraint between the three organs. Since then, a relatively stable relationship has been formed between the judicial organs, and this institutional mechanism has been used to this day. After china's top leader was elected as the General Secretary of China, extensive and profound reforms were carried out in the judicial field. Based on the systems and mechanisms of the three organs, he creatively improves the systems and mechanisms that enable public security organs, procuratorates, courts, and administrative agencies for justice to perform their respective functions and to coordinate with and check one another. This kind of scientific system and system is constructed in the long judicial history and benefits from the rich historical and legal experience. It is another exploration and improvement of the allocation of powers and powers of judicial organs and the mechanism of power operation.

## 2. Five Periods

### 2.1 The Start-up Period(1949-1952)

From 1949 to 1952, the public security organs, procuratorial organs, judicial organs and judicial

administrative organs were first established. According to *the Organization Law of the Central People's Government of the People's Republic of China*, four organs were established: the Ministry of Public Security, the Ministry of Justice, the Supreme People's Procuratorate and the Supreme People's Court. Although there is no clear legal document proposing the system and mechanism of each performing its own duties, cooperating with each other and restricting each other, the division of labor is reflected in the institutional structure. After 1951, the division of labor was gradually blurred, and the prosecution was even considered to be abolished.

On September 21, 1949, the first session of the National Committee of the Chinese People's Political Consultative Conference (CPPCC) was held in Zhongnanhai, Beijing. The meeting adopted *the Organization Law of the Central People's Government of the People's Republic of China*. The document established the Government Administration Council as the country's highest executive organ, the Supreme People's Court as the country's highest judicial organ, and the Supreme People's Procuratorate as the country's highest procuratorial organ. Within the Administrative Council, four committees were established, with the Ministry of Public Security, the Ministry of Justice, and its Legal Committee under the unified leadership of the Political and Legal Committee. Since then, the public security organs, judicial organs, procuratorial organs, and judicial administrative organs corresponding to the Ministry of Public Security, the Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Justice were established in the form of law in the early days of the founding of the People's Republic of China. According to the above provisions, the Government Administration Council, the Supreme People's Procuratorate, and the Supreme People's Court are all organs under the leadership of the Central People's Government. The above three organs are equal and parallel in legal status, while the Ministry of Public Security and the Ministry of Justice are led by the Political and Legal Committee, and the Political and Legal Committee is led by the Government Administration Council. In legal status, The Supreme People's Procuratorate and the Supreme People's Court are higher than the Political and Legal Committee of the NPC, as well as the ministries of Justice and Public Security.

At the beginning of the founding of the People's Republic of China, the public security organs, procuratorial organs, judicial organs and judicial administrative organs still performed their respective duties and were interrelated, but with the changes in the situation, the mechanism of division of labor and cooperation was difficult to implement

On May 11, 1951, Peng Zhen made a report on *The Situation and Current Tasks of Political and Legal Work* at the 84th Meeting of the Government Affairs Council, proposing that under the current circumstances, we should not overemphasize the fine division of labor between various departments, and we should advocate that all departments cooperate with each other and within each department around the work of the center.<sup>[1]</sup> That is, the judicial, public security and procuratorial organs can participate in their administrative and professional meetings, which further indicates that the boundaries of the division of labor are blurring, and common goals can be reached through consultation meetings of various organs and cooperation around the central work.

1951 the Government Affairs Council formulated *the Decision on Adjusting the Structure of the Organization*. The public security organs, judicial organs, and procuratorial organs jointly operate, and they propose that the procuratorial organs only retain their names, do not set up institutions, and are not staffed. At the specific implementation level, public security is mainly the main focus, and the work of other organs is also carried out. However, later, the party group of the Supreme People's Procuratorate reported to Chairman Mao, and Dong Biwu, secretary of the Central Political and Legal Party Group, also reported this issue to Chairman Mao, stating the role of the procuratorial organs and the necessity of retaining them. Chairman Mao decided to retain the procuratorial organs.<sup>[2]</sup>

It is not difficult to see that *the Organization Law of the Central People's Government of the*

*People's Republic of China* of 1949 clarified the division of labor for judicial organs, and later put forward the working principles of mutual cooperation and interconnection. However, after 1951, this division of labor gradually blurred, and it was even planned to directly abolish the procuratorial office and implement a separate public security organ. There are three main reasons. The first is that the remaining tasks of the democratic revolution have not yet been completed, and the work of suppressing the counter-revolution and defending the regime is mainly undertaken by the public security organs. At this time, the military power of the Kuomintang has not been completely wiped out. The territories of western province, Taiwan, and a few islands have not been liberated. There are still many people who do not lay down their weapons and those who are waiting for the opportunity on hidden fronts. <sup>[3]</sup>This is a continuation of the military battlefield contest. At that time, the internal and external environment was complex. As the public security work of defending the regime, it was necessary to quickly reflect and respond to various situations. If it was restricted and supervised by the procuratorial office and the court, it might lead to inefficiency and delay. The second is the country's economic difficulties, and state organs, including political and legal organs, must reduce their funds. After ten years of civil war in the early days of the founding of the People's Republic of China, the country's economic foundation was very weak and the country's economy was in difficulties. The judicial department was fully allocated in accordance with the functions of reconnaissance, prosecution, and trial, which would generate more financial expenditures. Military simplicity was the main practice at that time. The third is the shortage of manpower in the national political and legal team. Although in the early days of the founding of New China, there was a system design where various departments performed their own duties and restricted each other, but when it was implemented, it was found that there were not enough people who understood political and legal work, and the social situation at that time was grim. The task of clearing up accumulated cases and suppressing counter-revolutions was heavy, and the staffing implemented in accordance with the four organs of public security, procuratorial, judicial, and judicial administration was insufficient. Until July 1951, a quarter of the counties in our country did not have courts. Among the more than 2,200 cities and counties, only 300 cities and counties have set up procuratorial offices, and the public security organs in more than 80 counties do not have the main person in charge. <sup>[4]</sup>It is unrealistic to follow the establishment of the four judicial departments of public security, procuratorial, judicial, and judicial administration, and it is difficult to achieve a refined division of judicial work.

## **2.2 The Early Development Period(1953-the first half of 1957)**

The period from 1953 to the first half of 1957 was the early development and establishment period of the system and mechanism of public security organs, procuratorial organs, and judicial organs. During this period, the Central Government put forward the system and mechanism of division of responsibilities and mutual restriction among the three organs. Although this system and mechanism was not written into the 1954 Constitution, the judicial organs at this stage operated according to this mechanism of division and restriction. In November 1953, Peng Zhen submitted a proposal to the supreme leadership organization on strengthening procuratorial work, proposing that the three departments of the court, public security and procuratorial office can reduce the phenomenon of wrongful arrest, wrongful arrest and wrongful judgment by cooperating and restricting the judicial system. On June 12, 1954, the supreme leadership organization of China approved the *Resolution of the Second National Conference on Procuratorial Work* and *Gaoclin's Report on the Summary of Past Procuratorial Work and the Guidelines and Tasks of Future Procuratorial Work*, pointing out that procuratorial organs, courts, public security organs, and people's supervisory committees should not only have a clear division of labor but also assign

orders to each other and restrict each other in their work. <sup>[5]</sup>On November 21, 1954, Peng Zhen made a report at the National Procuratorial Business Conference. The second part of the report specifically mentions the interrelationship between the three organs of public security, courts, and procuratorates, and proposes that these three organs are all weapons of state dictatorship. There must be cooperation and division of labor between the three organs, as well as mutual constraints. For the outcome of a case, all three organs are responsible. In September 1956, Liu Shaoqi at the Eighth National Congress of the Communist Party of China proposed that our public security organs, procuratorates, and courts should implement a system of division of responsibilities and mutual restraint in the legal system.

It is worth noting that in the Constitution formulated in 1954, Chapter II of the state institutions did not include expressions such as judicial organs performing their respective functions, cooperating with each other, and restricting each other. The reason is that when the First Session of the First People's Congress was about to be held in 1954, it was not prepared to formulate a constitution at that meeting at the beginning, and the process of formulating a constitution was relatively rapid and rough. It was learned from a telegram sent by Liu Shaoqi to Mao Zedong in October 1952 that Liu Shaoqi had written to Stalin telling him that my country was using *The Common Program of the Chinese People's Political Consultative Conference* and would formulate a constitution when it entered socialism. Stalin wrote back and said: I agree with you to use the Common Program, but you have to prepare a constitution. The reason given is that the CPPCC, which formulated the *The Common Program of the Chinese People's Political Consultative Conference*, was not elected, but the first National People's Congress was elected, and the constitution it formulated was democratically elected, and the government produced by the Constitution will be orthodox and democratic. At that time, the Central Government took into account that my country was undergoing socialist transformation. The constitution formulated at this time did not yet have the attributes of socialism, which would cause duplication with *The Common Program of the Chinese People's Political Consultative Conference*, but in the end, it adopted Stalin's suggestion. The first *Constitution* of the People's Republic of China was formulated at the time of the First National People's Congress. The *Constitution* was formulated in a hurry. *The Common Program of the Chinese People's Political Consultative Conference* was repeated in many places, and a lot of leniency was reserved on many issues. "This kind of constitution is naturally a crude product, but it is better to have a constitution than not." <sup>[6]</sup>Therefore, although expressions such as performing their duties, cooperating with each other, and restricting each other appeared in various other documents of the central government at that time, they were not included in the Constitution in the end.

### 2.3 The Period of Frustration(1957-1966)

The second half of 1957 to 1966 was a period of frustration, and it was a tortuous exploration of the institutions and mechanisms of public security organs, procuratorial organs, and judicial organs. As a result of the "anti-Rightist" movement and the "Great Leap Forward" movement, the previous institutional mechanism of division of labor and responsibility and mutual restraint was broken, and replaced by the joint office of the public, the procuratorate, and the law. However, after 1961, under the amendment of the Central Government, the relationship between public security organs, procuratorial organs, and judicial organs gradually returned to the right track.

On June 8, 1957, the Central Committee of the Communist Party of China issued instructions to counter the rightists and began the anti-Rightist movement that swept the country. In the anti-Rightist movement, the division of labor and responsibility, mutual cooperation, and mutual restraint of speech is regarded as "Right deviationist ideas". At this time, judicial work emphasizes

the unified grasp of the Party Committee and can directly intervene in the approval of all cases. Peng Zhen recognized this problem. At the symposium of the Supreme Court, the Ministry of Justice, the presidents of the high courts of various provinces, cities, and autonomous regions, and the directors of the Department of Justice in 1957, he proposed that the public security, courts, and procuratorates should not only supervise and restrict each other, but also divide and cooperate. Only some major political cases are submitted to the Party Committee for approval, not all cases. <sup>[7]</sup>However, this kind of statement was immediately denied. On December 14 of the same year, the Central Committee of the Communist Party of China approved the *Report on Judicial Work and the Struggle against the Rightists of the Supreme People's Court* of the Supreme Court and the Ministry of Justice Party Group, proposing that all local political and legal departments should accept the supervision of the Party leadership, the Party Committee has the right to handle all cases, and cases within the scope of the Party Committee's approval must be submitted to the Party Committee for approval before they are pronounced. <sup>[8]</sup>This has invisibly weakened the independence of the judicial department, and the mechanism of division of responsibilities and mutual supervision between the three organs has been broken by the strong intervention power of the Party Committee and the Political Law Commission.

In 1958, the "Great Leap Forward" movement began, and at the same time, the People's commune movement was also launched. At that time, it was proposed that "One chief acting on behalf of three chiefs" and "One member acting on behalf of three members". The former refers to the director of the Public Security Bureau, the president of the Procuratorate, and the president of the court. The first chief replaces the leadership positions of the other two organs. For example, the director of the Public Security Bureau not only leads the investigation work of public security, but also leads the procuratorial work and trial work of the procuratorate and the court. "One member acting on behalf of three members" is an extension of "One chief acting on behalf of three chiefs", that is, one of the pre-examiners of the public security Bureau, the procurator of the procuratorate, and the court judge acting on behalf of the other three members. Later, he put forward a "Great Leap Forward" in judicial work, and put forward the slogan of achieving no counterrevolution, no theft, no rape, and even no civil disputes within three years. At this time, the mechanism of mutual division of responsibilities, mutual supervision, and mutual restraint between public security organs, procuratorial organs, and judicial organs was completely broken, and replaced by the joint offices of the public, procuratorial, and legal organs to handle cases together. The characteristic of the people's commune is "Yi da er gong". "Da" refers to the large scale, and "Gong" refers to the high degree of public ownership of the means of production. It is this characteristic that makes administrative power and social power highly unified and concentrated. At that time, it was believed that the system of decentralization of public inspection and law organs would hinder the improvement of productivity. The concentration of resources and the concentration of judicial power will bring about the improvement of productivity and the leap-forward development of justice, but facts have proved that this underestimates the long-term nature and complexity of socialist construction, and it is a tortuous exploration of the socialist rule of law.

In response to the above-mentioned issues, Dong Biwu, then the President of the Supreme People's Court, proposed in April 1958 that the unity of the three organs of the Public Inspection Law is based on the division of labor, responsibility and mutual restraint, not on the basis of satisfaction. The Public inspection Law is all aspects of the judicial system, just like production, distribution, exchange and consumption. If the three organs are completely satisfied, it will be unified, and it will not become a division of all links. <sup>[9]</sup>However, on June 23 of the same year, the Fourth National Judicial Conference was held. Although this meeting was not named, it was mainly critical of Dong Biwu's remarks. The meeting clearly rejected the "link theory" put forward by Dong Biwu that the public, the inspection, and the law perform their respective functions, and stated

that the joint office of the public, the inspection, and the law is a good form of organization for the joint execution of tasks during the mass movement, and the three organs adopted the practice of joint office to perform common tasks in the mass movement, whether in the past, present or future, it is correct and must be affirmed.<sup>[10]</sup>

In October 1959, the National Procuratorial Business Work Conference was held. The conference proposed the principle of supporting the first and restricting the second, replacing the principle of division of labor and responsibility and mutual restraint. On October 21, 1960, Xie Fuzhi, then the Minister of Public Security, presided over a meeting of the Central Political and Legal Affairs Group and submitted a report on the office of the Public, Prosecution and Law Cooperation Agency. On November 11 of the same year, the Central Government issued the *Approval on Streamlining the Institutions of Political and Legal Organs and Changing the Management System*, stipulating that the Ministry of Public Security, the Supreme Procuratorate, and the Supreme Law Office shall be headed by the Party organization of the Ministry of Public Security internally. This is to incorporate the Supreme Procuratorate and the Supreme Law into the Ministry of Public Security and become a vassal of the Ministry of Public Security. This is completely contrary to the system of division of responsibilities and mutual restraint between the three organs proposed by the Eighth Party Congress, and it is also contrary to the 1954 Constitution. Later, with the intervention of Liu Shaoqi and Peng Zhen, the Central Political and Legal Affairs Group revoked the decision of the joint office three days after the meeting.<sup>[11]</sup>

After 1961, the Party Central Committee made some reflections and amendments on the relationship between the three organs of public security, procuratorate, and court. In June 1961, Xie Fuzhi made some reflections at the meeting of the three central public, procuratorial, and legal organs. He said that all three of our organs have had many setbacks. The problem with public security in recent years is that the scope of responsibilities has increased, and those that do not belong to public security have also been used. The scope of responsibilities of the Procuratorate and the court has become smaller. This situation needs to be changed. On July 3 of the same year, at the expanded meeting of the party group of the Ministry of Public Security, Xie Fuzhi said that the responsibilities of the three public inspection agencies have also been messed up in recent years.<sup>[12]</sup> It is a simplistic practice for three organs to engage in one party group and one organ without investigation and research. This shows that Xie Fuzhi also recognized the problems brought about by the office of the three organs, and it is necessary to clarify the relationship between the public, prosecutors and legal organs in a timely manner, and the public security cannot be a monopoly, but cannot confuse their respective functions. After the 7000 People's Congress, by the spirit of the Central Committee, all local political and legal work was reorganized. The previous practice of joint offices and the "One chief acting on behalf of three chiefs" and "One member acting on behalf of three members" systems have been corrected. After the leaders represented by Liu Shaoqi and Peng Zhen reflected on and criticized the previous political and legal work, both the central and local political and legal work have steadily resumed, and the relationship between public security, procuratorates, and courts has returned to the previous division of responsibilities and mutual constraints.

## 2.4 The Period of Stagnation(1966-1976)

From 1966 to 1976, the system and mechanism of public security organs, procuratorial organs, and judicial organs stagnated. Affected by the revolutionary movement in special period, the institutional mechanism of division of responsibilities and mutual restraint between the three organs has disappeared, the socialist legal system and the political system have been seriously destroyed, and the Party and the country have suffered unprecedented catastrophe. During this period of time,

the public, procuratorial, and legal organs throughout the country were gradually taken over by the military, or military representatives were stationed. After the military administration, the trial work is carried out by the “trial team” in the Military Administration Committee of the public security organs, which has gradually reduced the political and legal organs to a tool of dictatorship and persecution. The consequences are very serious. “The power of the public security organs is infinitely expanded, like a wild horse, acting arbitrarily.”<sup>[13]</sup> On August 7, 1967, Xie Fuzhi, then the Minister of Public Security, put forward the slogan “Smash the public, the prosecution, and the law” at the general meeting of all the staff of the Ministry of Public Security, and the political and legal system was paralyzed. On December 11, 1968, at the behest of Xie Fuzhi, the representatives of the Supreme Procuratorate, the Supreme French Army, the military representatives of the Ministry of Internal Affairs, and the leading group of the Ministry of Public Security jointly submitted the *Report on the Abolition of the three units of the High Procuratorate, the Ministry of Internal Affairs, and the Office of Internal Affairs, and the Ministry of Public Security and the High Court left a small number of people* stipulates that the procuratorial organs are abolished, and a large number of leading cadres of political and legal organs are delegated to the 57th Military Academy. At this time, the institutional mechanism of division of responsibilities and mutual restraint between public, procuratorial, and legal organs was seriously damaged.

Since 1970, Lin Biao and the Gang of Four have tried to dominate the revision of the Constitution, attempting to expand the scope of power of the public security organs, divide the power of the procuratorate organs to the public security organs, and abolish the procuratorial organs in the form of fundamental law. On February 15, 1970, at the meeting of the Kangsheng Constitution Revision Group, it was proposed that the public security organs exercise the powers and powers of the procuratorial organs, and the legislation and the judiciary are integrated.<sup>[14]</sup> On January 17, 1975, the first session of the Fourth National People's Congress was held and the 1975 Constitution was adopted. Article 25 of which stipulates that the powers and powers of procuratorial organs shall be exercised by public security organs at all levels. This is a state institution stipulated in the form of a fundamental law, which has greatly undermined our country's democratic politics. The institutions and mechanisms of public security organs, procuratorial organs, and judicial organs have been seriously damaged, and their development has stagnated.

## 2.5 The Period of Restoration and Development(1976 to the present)

From 1976 to the present, it has been a period of restoration and improvement of our country's judicial system, the allocation of powers and the mechanism of power operation. During the revolutionary movement in special period from 1966 to 1976, some party and government organs, including the judiciary, were severely affected. Therefore, for a period of time after the revolutionary movement in special period, state institutions and corresponding institutional mechanisms were also restored and rebuilt. Until the Fourth Plenary Session of the 18th Central Committee of the Party in 2014, judicial administrative organs and their executive powers were included in it, from the original three organs of public security, procuratorate, and court to the four organs of public security, procuratorate, court, and judicial administration, from the three powers of investigation, prosecution, and trial to the four powers of investigation, prosecution, trial, and execution, the judicial system has been improved, and the allocation of judicial powers and the mechanism for the operation of power have been made more scientific.

In March 1978, Ye Jianying made the *Report on Amending the Constitution* at the Fifth National People's Congress. He criticized the crimes during the revolutionary movement in special period and made amendments to the institutions and mechanisms of public security organs, procuratorial organs, and people's courts. He said that under the premise of strengthening the unified leadership

of the party and relying on the masses, he would give full play to the roles of special organs such as public security organs, procuratorial organs, and people's courts so that they can cooperate with each other and restrict each other. This is very important to protect the people and fight the enemy.<sup>[15]</sup> On March 5th, the General Assembly passed the 1978 Constitution and restored the establishment of the procuratorate, but did not include the mutual cooperation and mutual constraints between the three organs in the *Report on Amending the Constitution* in the Constitution. On July 1, 1979, the Second Session of the Fifth National People's Congress passed the Criminal Procedure Law. Article 5 stipulates that people's Courts, People's Procuratorates and public security organs shall divide responsibilities, cooperate with each other, and restrict each other to ensure the accurate and effective implementation of the law. Article 3 also clarifies how the three organs divide their labor: the public security organs shall be responsible for the investigation, detention, and pre-trial of criminal cases. The People's Procuratorate shall be responsible for approving arrest, prosecution (including investigation), and initiating public prosecutions. The people's court shall be responsible for the trial. In the subsequent *Criminal Procedure Laws* of 1996, 2012, and 2018, the principles of division of labor and responsibility, mutual cooperation, and mutual restraint in 1979 have been continued. In 1982, China prepared to enact a new constitution. In October 1982, some comrades in the Constitutional Revision Committee headed by Hu Qiaomu proposed to abolish the Procuratorate and incorporate it into the Ministry of Justice.<sup>[16]</sup> Peng Zhen, Chen Pixian, and others firmly opposed it, arguing that it involved major changes in the national judicial system and that the previous Criminal Procedure Law stipulated the distribution of functions of the three major judicial organs. However, it was not advisable to change it. In the end, Deng Xiaoping clapped and retained the Procuratorate. On December 4, 1982, the Fifth Session of the Fifth National People's Congress adopted the Constitution. Article 135 stipulates that people's Courts, People's Procuratorates and public security organs shall divide responsibilities, cooperate with each other and restrict each other in handling criminal cases to ensure the accurate and effective implementation of the law. Finally, the division of labor and responsibility, mutual cooperation, and mutual restraint were incorporated into the Constitution. Since then, this constitutional provision has been used to this day.

After china's top leader was elected as the General Secretary of the Central Committee of the Communist Party of China in 2013, he made many important documents and instructions in the judicial field and continuously improved the operation mechanism of judicial power and the allocation of judicial powers. On November 12, 2013, the Third Plenary Session of the 18th Central Committee of the Party adopted the *Decision of the Central Committee of the Communist Party of China on Several Major Issues of Comprehensive Deepening Reform* and proposed to improve the operation mechanism of judicial power. Optimize the allocation of judicial powers and powers, and improve the mechanism of division of responsibilities, mutual cooperation, and mutual restraint of judicial powers.<sup>[17]</sup> On January 7, 2014, at the Central Political and Legal Work Conference, General Secretary china's top leader proposed that the mechanism of division of responsibilities, mutual cooperation and mutual restraint of political and legal departments should be improved.<sup>[18]</sup> On October 23, 2014, the Fourth Plenary Session of the 18th Central Committee of the Party deliberated and adopted the *Decision of the Central Committee of the Communist Party of China on Comprehensively Promoting the Rule of Law on Several Major Issues*, which proposed to improve the system and mechanism of public security organs, procuratorial organs, judicial organs, and judicial administrative organs to perform their respective functions, and the investigative, procuratorial, judicial, and executive powers cooperate with each other and restrict each other.<sup>[19]</sup> This is the first time that judicial and administrative organs and their executive powers have been incorporated into an institutional mechanism that performs their functions, cooperates with each other, and restricts each other. On October 16, 2022, General Secretary china's top leader delivered a report entitled *Holding High the great banner of Socialism with Chinese Characteristics and*



*Striving for the Comprehensive Construction of a Modern socialist Country* at the 20th National Congress of the Communist Party of China, proposing to standardize the operation of judicial power and improve the system and mechanism of public security organs, procuratorial organs, judicial organs, and judicial administrative organs to perform their duties, cooperate with each other, and restrict each other.<sup>[20]</sup>

It can be seen that after the division of labor and responsibility, mutual cooperation and mutual restraint were incorporated into the Constitution in 1982, the institutional mechanisms of public, procuratorial and legal organs that were destroyed by the revolutionary movement in special period have been restored. It was not until the Fourth Plenary Session of the 18th Central Committee in 2014 that the institutional mechanisms of the three organs were gradually enriched and improved. It has become the division of labor and responsibility of the four organs, cooperating with each other and restricting each other, opening a new chapter in the construction of our country's judicial field.

### 3. Conclusion

The public security, procuratorates, courts, and judicial administrative organs are the four important functional departments that constitute our country's judicial system, and jointly safeguard our country's judicial justice and judicial majesty. Under different historical contexts, the relationship between various departments has also undergone several adjustments and reforms. Since the establishment of New China, the institutional mechanisms of the public, procuratorates, courts, and divisions have undergone five periods of development. From 1949 to 1952, the four departments based on the *Government Organization Law* were established in the initial period. The division of labor was clarified during this period, and the working principles of mutual cooperation and interconnection were also put forward in the later period, but in practice, the public security organs are independent. From 1953 to the first half of 1957, it was the early development period of the four departments. During this period, expressions such as each performing its own duties, cooperating with each other, and restricting each other appeared in various documents of the central government. Although this expression was not adopted in the first Constitution, this organizational concept has been deeply rooted in people's hearts. The second half of 1957 to 1966 was a period of frustration. Due to the anti-Rightist movement and the Great Leap Forward Movement, a joint office dominated by public security organs was formed during this period to handle cases together, weakening the boundaries of the powers of various departments. From 1966 to 1976, the period of stagnation in the development of the system and mechanism was affected by the revolutionary movement in special period, and even the establishment of the procuratorate was abolished, and the system and mechanism of the original judicial organs were destroyed. From 1976 to the present, it has been a period of restoration and development of the institutions and mechanisms of public, prosecution, law and judicial administrative organs. During this period, the establishment of the procuratorate was restored, and the division of labor and responsibility, mutual cooperation, and mutual restraint were written into the Criminal procedure Law and the Constitution. In the Fourth Plenary Session of the 18th Central Committee in 2014, it was innovatively proposed to incorporate judicial and administrative organs and their executive powers into the institutional mechanism of each performing its duties, cooperating with each other, and restricting each other, creating a new era of the four organs performing their duties, cooperating with each other, and restricting each other.

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