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## CHINA'S THREE INTERNET COURTS

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With arguably the most developed e-commerce business in the world, the People's Republic of China has recently set up several Internet Courts to handle internet-related cases. Alongside this new development in information technology use by the Chinese judiciary, there have also been reforms in the direction of 'diversified dispute resolution' processes, encouraging greater processual pluralism. The development of internet courts is part of China's larger project of 'judicial reform' and combines deployment of new information and communication technologies. The internet and other information technology tools are used to handle litigation more efficiently and are also seen as contributing to the building of a more pluralistic dispute resolution system. China's Supreme People's Court in particular is encouraging digitization and utilization of cyberspace and technologies such as blockchain and cloud computing to streamline the handling of cases within China's vast court system. China established three Internet Courts in Hangzhou, Beijing and Guangzhou on 18 August 2017, 9 September 2018 and 28 September 2018, respectively. The emergence of Internet Courts as sites of court 'informatization' and multiple processes of dispute resolution has led to new discussions within China about such issues as potential challenges to the traditional rules of judicial adjudication, and how best to integrate emerging technologies with the processes of trial and adjudication in the court.

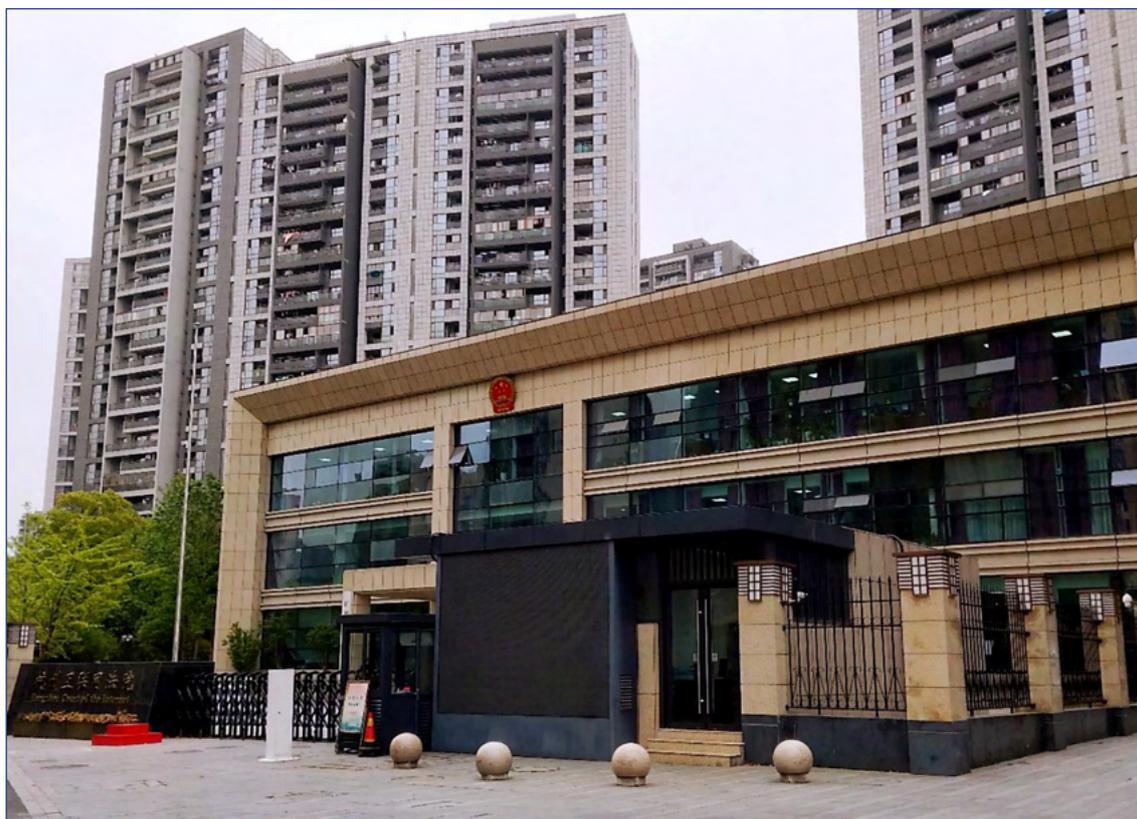
Hangzhou, the capital seat of Zhejiang Province in central East China, in the past a famed retreat for Mao Zedong and other senior Chinese Communist Party (CCP) officials (Barmé 2011) has now become known as the 'E-commerce capital of China' and is home to many internet technology companies such as Alibaba and Netease. It is now also the site

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of China's 'comprehensive cross-border e-commerce pilot zone'. Given the rapid commercial development in the Hangzhou area—where local residents claim that the city was a pioneer in inventing money and is now the pioneer in developing a cashless economy—it is not surprising that the court system in Hangzhou in recent years came to handle a large number of e-commerce-related cases. While 600 cases were filed in 2013, more than 10,000 were handled in 2016. Thus, in 2015 (*Legal Daily* 2018) the Zhejiang Provincial High Court selected within Hangzhou three local ('grassroots') courts and the intermediate courts above them as pilot e-commerce cyber courts in order to handle internet-related cases. This system was the predecessor of the Hangzhou Internet Court. The specific establishment of the Hangzhou Internet Court can be traced back to the decision reached at the 36th meeting of the CCP's Central Leading Group for Comprehensively Deepening Reforms on 26 June 2017 (Xinhua 2017).

The Hangzhou Internet Court, with Supreme People's Court approval (and see Supreme People's Court 2018), is responsible for hearing first instance civil and administrative cases related to the internet in the Hangzhou area.



*The Hangzhou Internet Court building at No 22 Qianchao Road, Hangzhou, Zhejiang Province: photo by Yang Lin.*



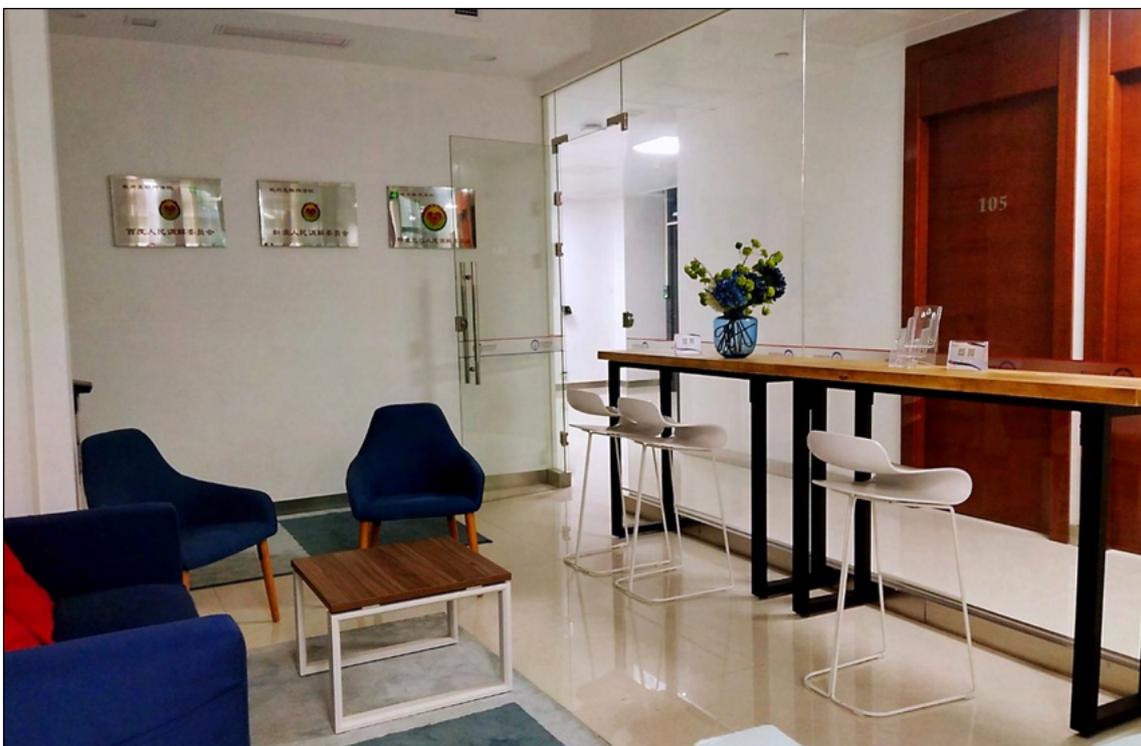
*Hangzhou Internet Court's Litigation Service Centre: photo by Yang Lin.*

While traditional court proceedings are increasingly facilitated by using web-based resources, the Internet Court is distinctive because the actual proceedings are conducted online. It is argued that such an approach can reduce to a certain extent the litigation and court costs paid by the parties, as well as the sometimes burdensome transportation expenses and time costs. The Internet Court provides guidelines to assist disputants in their litigation preparations. The [official website](#) of Hangzhou Internet Court also provides 24/7 access and services as an online litigation platform. At the same time, the court does provide more traditional offline litigation services—it is equipped with the latest hardware facilities to assist in the provision of assistance for the disputing parties. The court is physically located in Jianggan District, Hangzhou City, Zhejiang Province, and the office building was formerly an annex to the Holiday Inn Hangzhou CBD, so it is stylishly decorated and (unlike many Chinese court buildings) relaxed in tone.

Because parties may submit pleadings and initiate case applications at any time, they are no longer restricted by the working hours of traditional courts. Parties are free to file a lawsuit at any time of their choice and to pay the court's litigation fee online. After filing suit, parties can check the progress of the case and upload information and electronic evidence on



*Facilities at the Hangzhou Internet Court for welcoming and assisting parties to litigation: photo by Yang Lin.*



*Mediation room in the Court for conventional face-to-face mediation, with three plaques on the wall indicting close links with people's (community) mediation: photo by Yang Lin.*



*Reporters visit the online mediation room inside the Beijing Internet Court: photo taken on 9 September 2018 by Ju Huanzong, Xinhua News Agency.*

the webpage of the litigation platform. In addition to the webpage access on the litigation platform, different forms of access interface, including mobile apps, have been developed for parties to select and use, making the platform more convenient for the parties. In pre-litigation mediation, the parties can conduct online negotiation and mediation through the litigation platform in the form of web video and voice conversation. This approach is also applicable to formal hearings of the court. In such hearings, the parties do not need to go to the offline physical courtroom of the court to participate in trial proceedings, as the trial is conducted via the internet. At the end of the trial, the judge will read the judgment in court and upload it to the litigation platform for the parties to view and will also mail offline a copy of the paper judgment to the parties. In terms of enforcing the outcome, the parties may apply for the execution of the official verdict online. For such applications, the court will accordingly activate its own internal (quite powerful) information system to enquire about and preserve the property of a defendant, or conduct further offline enforcement to the extent that such enforcement is possible. For cases that have been closed, the court will file and store the automatically generated electronic files of the case.



*Beijing Internet Court: photo by Beijing Daily.*



*Guangzhou Internet Court: photo by Guangzhou Internet Court.*



*Guangzhou Internet Court hearing: photo by YCWB.*

Of course, internet courts do not offer a perfect system, and their development is limited by various factors, such as the local level of economic development, infrastructure construction progress (especially the level of information system construction), the education level of the internet users (that is, local residents), the degree of legal professionals' understanding of technology, the computing competence of judges and other judicial personnel, and so on. For persons without internet access, it is a matter of concern if they are not to be assured access to judicial remedies. For persons that do have access to the internet and who are able to conduct litigation online, important issues include how best to adapt to this emerging online dispute resolution system and, for the judiciary, how best to popularize and meet the needs of users—including provision of a user-friendly interface (Long 2018). Changes are emerging in styles of courtroom proceedings, etiquette, and parties' trial strategies in the online trial setting, and issues are arising from the application of a range of new technologies, especially artificial intelligence.

Like the Hangzhou Internet Court, the Beijing Internet Court and the Guangzhou Internet Court also handle internet-related cases in their respective jurisdictions.

In their unfolding practice, the three Internet Courts look to the application of new technologies, including blockchain technology, to better handle internet cases. The pressures created by the Covid-19 epidemic have further reinforced the importance of online dispute resolution processes. The establishment and operation of the Internet Court can

also be regarded as a typical example of the construction of specialized people's courts in China's judicial system reform (*Legal Daily* 2021).

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## Websites

[Beijing Internet Court](#)

[Guangzhou Internet Court](#)

[Hangzhou Internet Court](#)