

Historical evolution and characteristics analysis of the judicial officer responsibility system in ancient China

Xiaomin Cheng*

Dalian Ocean University

Abstract. China's history has been developed for five thousand years, although it is not the exact development time, but the profound cultural deposits and historical process, explain the cultural connotation of China. The judicial responsibility system in ancient China is a part of the development of Chinese history, and can be traced back to the Xia, Shang and Zhou dynasties. After the change of dynasties, the judicial responsibility system has been constantly improved, and a more comprehensive judicial responsibility system in line with socialism with Chinese characteristics has been formed. Therefore, this paper summarizes the meaning of the judicial responsibility system in ancient China, focuses on the development of the judicial responsibility system in various dynasties, and summarizes the characteristics of the judicial responsibility system in ancient China.

1 Introduction

One of the main functions of ancient Chinese officials was to obey prison, maintain social order and promote mainstream ethical values. And judicial duties as the main responsibility of ancient Chinese bureaucracy, especially in Chinese history, and the role of ancient Chinese office is mainly reflected in the judicial judgment, although the role of ancient Chinese office is far more than this, but in the development of the biggest role is often related to people's vital interests, compared with other responsibilities, the responsibility is easier to reflect the role of ancient Chinese bureaucracy.

2 Summarize the meaning of the judicial officer responsibility system in ancient China

The basic meaning of the responsibility field of judges in ancient China is the legal system that ancient Chinese judicial officials did not perform their duties or had problems in the process of performing their duties, so they should bear the corresponding responsibilities. In the history of development in China, the dynasties will have their own judicial institutions and law enforcement personnel, a fair judicial ruling is very conducive to the development of political, people's livelihood, society, is an important part of dynasties, although the ancient Chinese centralized system, but for the importance of the magistrate responsibility system is every dynasty must be strictly enforced. In order to ensure the stability of the state power, to ensure the judicial justice of the judiciary, but also to avoid the phenomenon of covering up be-

tween the judicial officials, the judicial magistrate system also emerged at the historic moment[1].

3 The historical evolution of the judicial magistrate responsibility system in ancient China

The historical evolution of the responsibility system of judicial officials in ancient China is shown in Figure 1 as the historical evolution of the responsibility system of judicial officials in ancient China. The content can be summarized as the general situation of the responsibility system of judicial officials in various dynasties in China. The detailed analysis is as follows.

*3277356488@qq.com

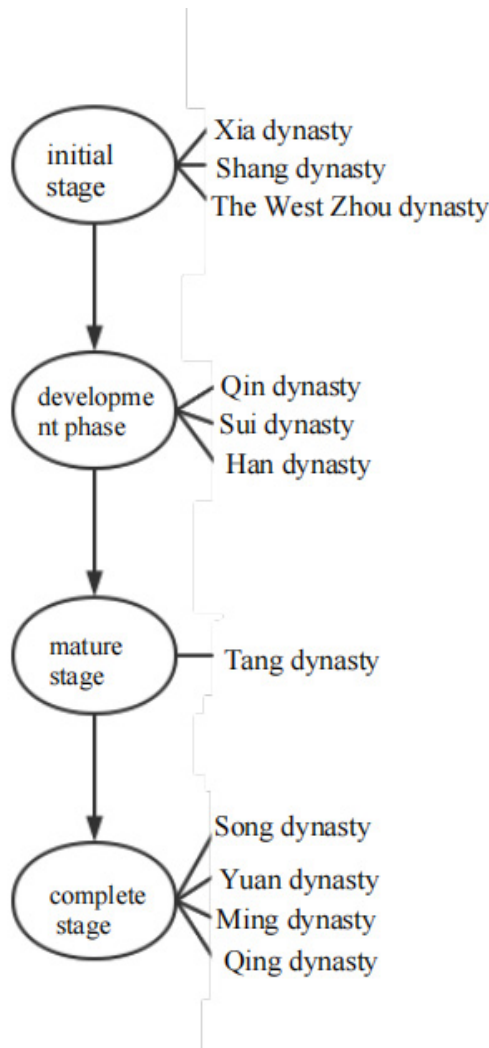


Fig. 1. Brief picture of the historical evolution of the judicial officer responsibility system in ancient China

3.1 Initial stage- -summer, business, week

The early stage of the judicial officer responsibility system in ancient China can be traced back to the Xia, Shang and Zhou dynasties. First is the summer shang zhou period, the principle of criminal law, the magistrate in performing their duties, can not be constrained by the law, if necessary need to break the routine handling judicial cases, also cannot let innocent people are persecuted, at the same time for bribery of judicial officials, using their functions and powers to shield criminals, thus not to perform the principle of justice in the magistrate. In addition, Xia Chao also clearly stipulated in the politics and law that judicial officials were required to strictly abide by the relevant laws and regulations when driving their powers, and perform their duties in accordance with the laws and regulations. Therefore, we can see that the judicial officer responsibility system began to appear since the Xia Dynasty. The second was the Shang Dynasty, and the first image of the Shang Dynasty was King Zhou, but this figure not only existed and fairy tales, but also in the history of the Shang Dynasty. Of course, not only King Zhou in the Shang Dynasty, but the judicial re-

sponsibility system of the Shang Dynasty followed the relevant contents of the Xia Dynasty, and added other provisions on the judicial management responsibility system of the Xia Dynasty. Shang dynasty attaches great importance to the official style of rectification and governance, requires all management strictly abide by the laws and regulations, and ethics constraints their behavior, including judicial officials, which reflects the difference between the two dynasties, judicial tube responsibility not only on the judicial duties, also on the personal behavior constraints, this after the development of the judicial officer responsibility system is of great significance. Finally, in the Western Zhou Dynasty, the judicial officer responsibility system of the Western Zhou Dynasty was based on the previous two dynasties[2]. Through learning the experience of predecessors and focusing on analyzing the content of the system, it made special provisions on the judicial management responsibility, requiring judges to have a cautious attitude towards the use of punishment. In addition, if the judicial magistrate in the process of judicial execution, fear of power, private revenge, bribery and other acts, resulting in the case is not executed in accordance with the laws and regulations, then the judicial magistrate responsible for the trial of the case will be the same crime as the criminal, and according to the judicial magistrate responsibility system to accept the corresponding punishment.

3.2 Stage of development- -Qin, Han and Sui

The development of the judicial management responsibility system in ancient China came to the development stage, when the Qin and Han Dynasties and the Sui Dynasties were one of the few unification in Chinese history, especially the Qin Dynasty, the first great unification in Chinese history. First is the qin dynasty, qin dynasty punishment is particularly severe in the process of execution of, is a typical legalist political thought, when the law as the basic means of governance, high legal requirements for officials, thus the ancient Chinese judicial tube responsibility system in the Qin dynasty got more detailed development, is the breakthrough of previous dynasties cannot compare. Second by the han dynasty, the han dynasty in the process of development of judicial tube responsibility system is promoted in the han zhao emperor period, and emphasized the responsibility of the criminal, so the responsibility system of the han magistrate adhering to the punishment of violations of the magistrate, strict execution shall be investigated for magistrate misjudgment, wrong, so the criminal responsibility. Finally, the sui dynasty, the sui dynasty magistrate responsibility system is based on the qin and han dynasties, not only embodies the political thought of the rule of law, also surface the policy principle of officer, so the magistrate responsibility system to the qin and han dynasties sui stage in the stage of development, and lay a solid foundation for the development, later many magistrate responsibility system is mostly at this stage[3].

3.3 Mature stage- -Tang Dynasty

The mature stage of the judicial officer responsibility system in ancient China. In the Tang Dynasty, the development history of the Tang Dynasty showed a strong mark in Chinese history. During the tang dynasty, countries live and work in peace and contentment a good landscape, rapid development, governance also mature, in the tang dynasty, the magistrate responsibility system, the behavior of the magistrate responsibility made detailed division and classification, not only the behavior of the magistrate function, also maintained the social security order, is an important means to ensure the stability of state power, and the magistrate responsibility system marks the mature ancient Chinese magistrate responsibility system, after the Ming and qing dynasties magistrate responsibility system is based on this perfect. The laws of the Tang Dynasty clearly stipulated that judicial officials should, in accordance with the legal regulations and the duties of judicial officials, In taking the appellant's case impartially, For criminal acts endangering the ruling class of the state, Must be dealt with seriously, Suppose the sheriff in executing the case, In the process of executing the judgment, the violation of the law and discipline shall be severely punished; In order to ensure judicial justice, Avoid the indiscriminate use of authority by the magistrate, A strict system of responsibility for torture, And to explain in detail the relevant contents of torture in the system, For example: the use of instruments of torture for torture, Suitable parts and objects of action, besides, It also clearly stipulates the difference in torture between the elderly, the sick, the disabled and pregnant and ordinary people, Guaranteed the rights of the nobles and civilians of the time, Fully take into account the judicial requirements of all classes of people[3].

3.4 Improvement stage- -Song, Yuan, Ming and Qing

The responsibility system of judicial officials in ancient China has become very mature in the Song, Yuan, Ming and Qing dynasties. First of all, the judicial magistrate responsibility system of the Song Dynasty was inherited from the Tang Dynasty, and there were no major reforms and changes. The Song Dynasty mainly promoted the light punishment for the judicial magistrate would also be exercised according to the verdict of the case, if the sheriff who was found guilty was lighter, and the guilty person was judged as innocent. Secondly, the Yuan Dynasty, in addition to the above content, also increased that the judicial magistrate must strictly abide by the trial time limit of the case, stipulating that the case handling needs to be completed within a certain period of time. Finally, the Ming and qing dynasties, the Ming and qing dynasties two times as the late era of ancient Chinese society, magistrate responsibility system, the Ming dynasty law specified, case documents must be written by the presiding officer, shall not write by others, violators

stick eighty, also specifically stipulated the magistrate must be after the case, the responsibility of the criminals within the legal time, shall not extend the punishment time, offenders bear the corresponding responsibility. And the qing dynasty inherited the magistrate responsibility system of the Ming dynasty, and on the basis of improve, which specified the judicial officials illegal detention of others, details the relevant punishment content and legal provisions, organization is very clear and operational ability is also very strong, is before the collection of the magistrate responsibility system of all dynasties[4].

Table 1. Overview of the responsibility system of judicial officials in various Chinese dynasties

dynasty	Content (ancient text)
summer	Rather than kill, rather wrong; faint ink thief kill, Gao Tao punishment also
discuss	Three wind ten diffraction
the Western Zhou Dynasty	Ming de careful punishment; five fault
Qin	rule of law
the Han Dynasty	Vertical prisoner-so longitudinal, not straight-so not straight; impeach ten people sin is not straight
the Sui Dynasty	Rule the country by law, by the rule of law officer
the Tang Dynasty	The offender is guilty; no illegal interrogation; the public felony judgment; the magistrate is jointly and severally liable.
Song	Advocating light punishment
first	Strictly abide by the time limit for handling cases
bright	The trial documents of the case must be prepared by the presiding officer, may not be written by others, the violators shall be punished 80; after the trial, the execution of the criminal within the legal time, shall not extend the punishment time without authorization, the violators shall bear the corresponding responsibility
unmixed	It clearly stipulates the responsibility of judicial officials to illegally detain others

4 Summarize the characteristics of the judicial officer responsibility system in ancient China

Throughout the historical development process, the ancient Chinese magistrate responsibility system is the product of The Times, is each dynasty in order to stabilize the regime of the state management system, from the initial stage to the final perfect stage through the evolution of eleven dynasties, eventually formed a complete ancient Chinese magistrate responsibility system[5], it has the following four characteristics. One is the magistrate responsibility system issued by the state and strong

guarantee implementation, so the ancient magistrate responsibility system is mandatory and authoritative, constraint magistrate behavior function and guide the magistrate to complete the case processing, and the magistrate in the illegal system will be punished by the state administrative units, and shall be investigated for criminal responsibility. Second, it is highly hereditary. Through the above content, it can be seen that the judicial responsibility system in ancient China inherited the previous dynasties. By combining the social development needs of the current dynasties and the stability of the regime, the judicial responsibility system is constantly improved on the basis of the former, making it the judicial responsibility system of its own dynasty. Third, scientific, the design of the ancient Chinese magistrate responsibility system is very scientific, all cases in the process pay attention to evidence, and make clear provisions on the responsibility of the magistrate, abuse of power when what kind of punishment are clearly described. Four is not reasonable, the ancient Chinese magistrate responsibility system is unreasonable, mainly reflected in the time limit of the case, this regulation although will improve the efficiency of the case, but the magistrate under the pressure of trial time, will use some illegal torture, such as play, this is not consistent with the principle of the legal system. Therefore, the magistrate responsibility system of the ancient capital of China has good characteristics and bad characteristics. We need to objectively analyze the magistrate responsibility system of each dynasty, so as to learn from the good characteristics, constantly improve the modern magistrate responsibility system in China, and further protect the safety of people's lives and property and rights and interests[6].

5 Conclusion

To sum up, the evolution and characteristics of the judicial responsibility system in ancient China need to objectively analyze the actual implementation of each dynasty, and also understand the content of the judicial responsibility system of each dynasty. According to the chronological order from far to close, gradually understand the evolution of the ancient Chinese magistrate responsibility system, understand the origin of the magistrate responsibility system of the Chinese dynasties, what is the standard. The study of the basic theory of the judicial officer responsibility system in ancient China is conducive to the reference and learning in contemporary times, and provides some useful reference for ensuring the fair administration of justice and maintaining a good social order.

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