

RELATIONSHIP OF GUIDING CASES TO ECONOMIC DEVELOPMENT AND JUDICIAL CIVILIZATION IN CHINA*

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The case guidance system, as a case system with Chinese characteristics, has its main guiding cases generated by the Supreme People's Court's (SPC) selection of cases recommended by courts at all levels. Guiding cases originating in various places and at various trial levels are de facto binding throughout the country and should be referred to by courts at all levels when hearing cases similar to the guiding cases. As the guiding cases have a strong judicial administrative attribute, this leads to their production and use in relation to a number of external factors. This paper mainly examines whether the generation and use of guiding cases are correlated with economic development and judicial civilization indices. It is derived from the collection and analysis of the number of guiding cases generated and used, economic development, and judicial civilization index in 31 provinces in mainland China: (1) Although there is no obvious positive correlation between the use of guiding cases and the generation of guiding cases, there is a certain relationship, and the provinces that generate a lot of guiding cases also have a relatively large number of judgments using guiding cases; (2) The use of guiding cases has a significant correlation with economic development, the more the economy develops, the higher the number of guiding cases used; but it is also related to the population size of the region and the number of cases adjudicated each year; (3) There is no significant correlation between the use of guiding cases and the judicial civilization index, but the provinces that use more guiding cases generally also rank relatively high on the index.

Keywords

Chinese guiding cases, judicial civilization, economic development, Chinese 31 provinces, empirical methodology

1. Introduction

In the process of judicial adjudication, in order to implement the law effectively and adjudicate fairly, civil law and common law systems adopt different modes of implementing the law and form different judicial systems. In order to make up for the shortcomings in judicial adjudication under the dominance of statutory laws, China has created the case guiding system. The main purpose is to unify judicial decision, to resolve the “similar-case-different-judgement” problem, to regulate the exercise of judicial discretion as well as to supplement and enrich statutes (Deng 2015, 6–7). Unlike case law and national precedents that play a spontaneous role in judicial adjudication, the role played by Chinese cases in judicial adjudication is not

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spontaneous but has a strong judicial administrative flavor and requires continued investment in judicial administrative resources (Lei 2021, 116). Generally, the time interval from the conclusion of a case to it becoming a guiding case is about 5 years (Guo, Y. & Sun, M 2018),² so it is a time-consuming process.

However, in addition to the issuance and application of guiding cases themselves, that is, how many guiding cases are issued each year and how many guiding cases are applied to judicial decisions, it is also important to consider how to evaluate and examine guiding cases from an external perspective. In other words, is the application of guiding cases related to the economic level and judicial civilization of a region? Does the application of guiding cases contribute to the improvement of the level of judicial civilization in a region? Does the judicial civilization index need to include guiding cases as one of the indicators to be measured? Does the development of the economic level affect the use of guiding cases?

The above question assumes that regions with higher levels of economic development and greater judicial civilization tend to have higher demand for judicial justice and more emphasis placed on reasoning in judicial decisions. Consequently, such regions are more likely to select and utilize guiding cases.

As one of the ways of judicial reform to unify the application of law and improve judicial justice, guiding cases have a strong judicial administrative attribute in their origin and use. The Case Guidance Office of the SPC is responsible for the collection, selection, review, issuance, research and compilation of guiding cases, and establishes paper files and electronic information databases of guiding cases to facilitate the reference, application, query, retrieval and compilation of guiding cases. Each trial operations unit of the SPC is responsible for the recommendation and review of guiding cases and designates a specially-assigned person to be responsible for liaison work. Each high people's court is responsible for the recommendation, research, and supervision of guiding cases within its jurisdiction. The intermediate people's court and basic people's courts should recommend guiding cases through the high people's court and designate a specially-assigned person to be responsible for case guidance. It can be seen that the operation of the case guidance system requires the investment of a lot of human, financial and material resources. (see Table 1)³

Table 1. The Assignment of Responsibility of Different Level Court to Select Guiding Case

Court	Assignment of Responsibility
The Supreme People's Court	Responsible for the collection, selection, review, issuance, research and compilation of guiding cases, and establishes paper files and electronic information databases of guiding cases

² By the end of 2018, a total of 98 guiding cases were during 5 years to become guiding case, reported by Guo, Y. & Sun, M (2019). 2018 Annual Judicial Application Report of Guiding Cases of the Supreme People's Court. Chinese Applied Jurisprudence (3). In later reports, the time one case to become guiding case is not be counted again, but the time are basically the same.

³ Detailed Rules for the Implementation of the Provisions of the Supreme People's Court on Case Guidance, Articles 4 and 13.

Each trial operations units of the Supreme People's Court	The recommendation and review of guiding cases, and designates a specially-assigned person to be responsible for liaison work
Each high people's court	Recommendation, research, and supervision of guiding cases within its jurisdiction
Each intermediate people's court and basic people's courts	Recommend guiding cases through the high people's court and designate a specially-assigned person to be responsible for case guidance

Source: author's compilation based on the Detailed Rules for the Implementation of the Provisions of the Supreme People's Court on Case Guidance (No. 130 [2015] of the Supreme People's Court)

The operation of a system is related to the external environment in addition to the nature and arrangements of the system itself. In addition to the influence of the administration of justice, what external factors will affect the development and application of guiding cases?

The usage rate of guiding cases is low, with only around 10,000 guiding cases applied in adjudication so far, which is only about 0.01% of the more than 100 million adjudication documents made public in China Judgement Online. Scholarly analysis has identified three reasons for the low application rate of guiding cases: (1) the judges' insufficient understanding of guiding cases; (2) the quality problems of some of the guiding cases; and (3) the fact that the additional function of the cases themselves (e.g., the political function or the policy function) is stronger than the guiding function (Sun 2018, 151–152). It cannot be denied that these are some of the reasons for the low use of guiding cases, but these reasons are analysed in terms of the guiding cases themselves, without examining the external factors and environment.

Generally speaking, the level of economic development of a region affects the comprehensive development of that region. China is a vast country with 31 provinces, excluding Hong Kong, Macao and Taiwan, and the level of development varies greatly from different regions. The Western Programme was proposed to bridge the gap between the rapid economic development in the East and the relative backwardness of the West.⁴ The higher the economic level of a region is, the higher the comprehensive strength of the region is, and the more guiding cases are produced and used. Because guiding cases have the attribute of judicial administration, the production of guiding cases requires cost input. In addition to the high-quality judgment argument of the case itself, it also needs the meeting, argument, recommendation and report of the judicial committee of the court at all levels, which all require their own visible and invisible cost input. In addition, the more developed the economy is, the more disputes; the larger the case base, the more cases can be recommended and reported. Accordingly, the economically developed regions have higher requirements for the unified application of

⁴ The Western Programme is a sub-project of the National Major Talent Project "Grassroots Training Programme for College Graduates" and is one of the five special projects for guiding and encouraging college graduates to work at the grassroots level. The Western programme is divided into seven special programmes according to the content of service: basic education, service to the three rural areas, medical and health care, grassroots youth work, grassroots social management, service to Xinjiang, and service to Tibet. Source: https://xibu.youth.cn/xmjs/201510/t20151015_7212132.htm.

law and the interpretation and reasoning of judges. Because economically developed regions gather a large number of talents and are generally more educated, people have higher requirements for visible justice. Therefore, the generation and use of guiding cases seem to be related to external economic conditions.

In addition, in recent years, it is a trend to establish a corresponding index evaluation system to evaluate the development of the system, that is, “quantitative rule of law”, which quantifies and evaluates the development of the rule of law (Zhou & Yang 2016; Zhou & Peng 2014; Zheng 2014). The establishment of the index system is a process that needs to find influencing factors from practice, assign value to influencing factors and then evaluate the development of practice. The establishment of quantitative indicators helps to clarify the relationship between goals and practices, and then point out the shortcomings in practice. At present, government evaluation under the rule of law and judicial civilization index have been produced, which play an important role in the development of evaluation practice and clarifying specific problems. As one of the judicial reform systems to improve judicial justice, guiding cases are directly related to the development of judicial civilization.

Therefore, by linking the selection and use of guiding cases with economic development and the judicial civilization index, we can see the influence of the external environment on guiding cases and promote the further improvement of the judicial civilization index.

Based on this, the author puts forward two hypotheses:

Hypothesis 1: Where the level of economic development is higher, the number of guiding cases formed and applied will be higher.

Hypothesis 2: Provinces that generate more guiding cases will use more guiding cases.

Hypothesis 3: The higher the number of guiding cases generated and applied, the higher the judicial civilization index.

2. Introduction of Case Guidance

2.1 Concept of the Case Guidance System

The Case Guidance System refers to the SPC timely response to the phenomenon that the country has a vast territory, uneven economic and social development in various regions, complex and diverse litigation disputes, and “different judgments for the same case” between certain courts and even between different judges of the same court. It is a judicial system with Chinese characteristics that summarizes trial work experience, guides the trial work of courts at all levels, unifies judicial standards and judgment standards, regulates judges’ discretion, and gives full play to the guiding role of cases in trial work. A Chinese scholar argues that the guiding case system plays a role in adapting law to social needs, strengthening judicial autonomy and supplementing existing statutory law, decreasing judicial discretion by establishing judicial review of regulatory and local rules, and by expanding judicial review of agency activities (Deng 2016, 8).

In common-law countries, precedent has the status of a source of law and is known as case law; in civil-law countries, legal cases are not a formal source of law, but they

are de facto binding, as lower courts often need to follow the legal case of a higher court, or else their judgment will be set aside in the face of review by a higher court. The precedent of the former binds decisions by the status of the source of law, while the “legal case” of the latter binds decisions by the objective facts of the litigation hierarchy.

China's case guidance system is not the same as the “case” mentioned above, the guiding role of guiding cases stems from the logic and persuasiveness of their correct application of the law, the scientific nature of the case guidance system, and the authority of the organ issuing the guiding cases, which means that they have multiple meanings, such as reference, demonstration, guidance, inspiration, regulation, supervision, etc., and need to be understood and grasped in a comprehensive manner (Hu, Luo, Wang & Liu 2011). Guiding cases can originate from any region and any level of court, and as long as they are recognized as guiding cases by the SPC, they have a guiding effect on the national courts whenever they are hearing the same type of cases, and actually produce a certain binding effect. Therefore, after the lowest level case is selected as a guiding case, it breaks through the limitations of the court's hierarchy and geographical limitations and becomes a case that can be referred to by courts in all regions and at all levels of the court. As such, our current treatment of guiding cases is neither in line with the jurisprudence of the civil law system nor with the case law of the common law system, since in these systems cases that are a source of law can only be used by the lower courts to reference when making their decision.

According to article 3 of Detailed Rules for the Implementation of the Provisions of the Supreme People's Court on Case Guidance, a guiding case shall consist of a title, key words, key points of judgment, relevant legal provisions, basic facts, results of the judgment, judgment's reasoning, and notes including the names of the judges in the effective judgment, among others. According to an empirical study, the elements of guiding cases with reference value are ranked in order of importance as follows: key points of judgment (70.64%), the judgment's reasoning (64.43%), and the results of the judgment (43.53%) (Chen & Zuo 2013). It can be seen that the key points of judgment is the most frequently used element in trial practice. The summary of the rules of adjudication in a case usually contains the key points of the judge's decision-making process. These rules are specific to the written law and embody the judge's interpretation of the law and their judicial philosophy. They also outline the method of adjudication used in the specific case and other related issues that informed the judge's decision. Generally speaking, the main points of adjudication are divided into four categories: (1) the judgement of the facts of the case and its methodology; (2) the interpretation of legal concepts, i.e., the judgement that a certain state of facts belongs or does not belong to a certain legal concept; (3) the interpretation of the existing law; and (4) the interpretation of other issues in adjudication (Lang 2008).

2.2 History of the development of the Case Guidance System

In 1955, China initiated a campaign to review trial experience. This campaign aimed to learn from experience by collecting, organizing, and studying a large number of cases, and to standardize the work of the courts (Zhou 2004). Because the nation's courts tried many cases and gained significant experience during this period, the formulation and

promulgation of laws was not yet perfect; it needed to learn from practice.

From 1955 to 1984, the SPC issued cases through internal documents to guide the nation's trial work and address problems of legal application raised in trials. As China began to promulgate a large number of laws, it faced the challenge of solving problems of legal application in practice. However, cases issued through internal documents were not made public.

In 1985, the SPC decided to publish cases in the "Gazette", initially once every three months, but after 2004 once a month. During this period, in accordance with the Thirteenth Party Congress' call for greater openness and to inform both domestic and foreign audiences about the trials and other work of the courts in China and to publicise the socialist legal system, cases were published in the Gazette.

Since 2000, typical cases discussed and decided by the Trial Committee of the SPC in which there were problems with the application of the law have been made public for the reference of lower courts in the trial of similar cases. In the 2001 report on the work of the SPC, it was pointed out that "the transparency of trial activities should be further enhanced to speed up the reform of adjudication documents. Starting this year, the adjudication documents of the SPC will gradually be published in the media and on the Internet, so as to be more widely subjected to the scrutiny of the masses of the people". In 2002, local courts also began to issue cases on their own for the purpose of guiding trial work (the cases issued by local courts are not considered Guiding Cases).

After that, the SPC further issued a series of documents to co-ordinate guiding cases:

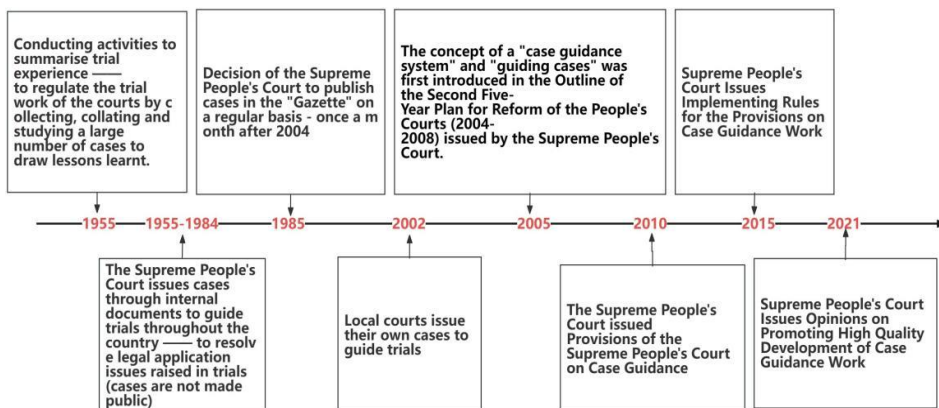
(1) In 2005, the SPC proposed the concept of a "Case Guidance System" and "Guiding Cases" for the first time in the Outline of the Second Five-Year Plan for the Reform of the People's Courts (2004-2008). In 2010, the Provisions of the Supreme People's Court on Case Guidance were issued by the SPC to improve the quality and efficiency of trials, unify judicial standards, and enhance the credibility and authority of the judiciary.

(2) The SPC further strengthened and standardized the Case Guidance work in 2015 by issuing the Detailed Rules for the Implementation of the Provisions of the Supreme People's Court on Case Guidance, which aimed to give full play to the guiding role of guiding cases in trials, unify the standards of legal application, and safeguard judicial justice.

(3) In 2021, the SPC issued the Several Opinions on Promoting the High-quality Development of Case Guidance to effectively bring into play the important role of the case guidance system in promoting judicial justice, enhancing judicial credibility, and unifying adjudication standards through continuous optimization of the case guidance work mechanism.

The flowchart below illustrates the development of guiding cases (Figure 1):

Figure 1. The development of guiding case



Source: author's compilation

2.3 Selection of guidance cases

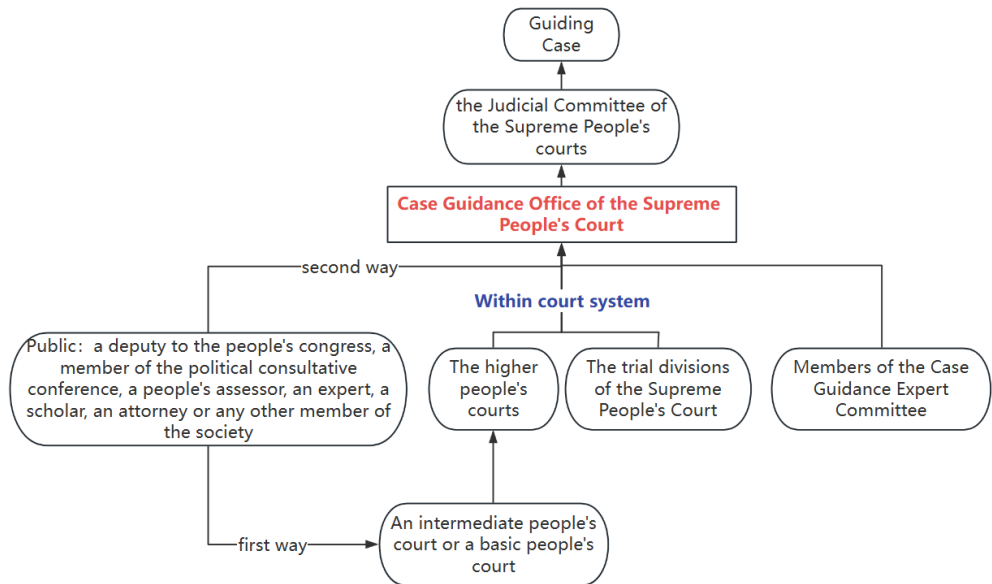
According to Articles 4 and 5 of the Detailed Rules for the Implementation of the Provisions of the SPC on Case Guidance, the main bodies recommending guiding cases are divided into three categories: firstly, within the court system; secondly, members of the public; and thirdly, Members of the Case Guidance Expert Committee.⁵ Recommendations from the court system have hierarchical requirements, with intermediate people's courts and basic people's courts being recommended through the Higher People's Court. There are two ways for the public to make recommendations, one is to the people's court which originally tried the case, and the other is to render a more effective way to directly recommend the case to the Case Guidance Office (Figure 2).

⁵ Article 4 (2) The trial divisions of the Supreme People's Court shall be in charge of the recommendation and examination of guiding cases, among others, and designate special persons to be responsible for liaison work.

(3) The higher people's courts shall be in charge of the recommendation and survey of, and supervision over guiding cases within their jurisdictions, among others. A potential guiding case recommended to the Supreme People's Court by a higher people's court shall be determined by the judicial committee upon deliberation or approved by the judicial committee by a simple majority.

(4) An intermediate people's court or a basic people's court shall recommend potential guiding cases through a higher people's court, and designate special persons to be responsible for case guidance work. Article 5 A deputy to the people's congress, a member of the political consultative conference, a people's assessor, an expert, a scholar, an attorney or any other member of the society concerned with the trial and enforcement of the people's courts may recommend a case satisfying the conditions of a guiding case to the people's court which originally tried the case and has rendered an effective judgment, or recommend the case to the Case Guidance Office.

Figure 2. The process of the selection of guiding case



Source: author's compilation

2.4 Modalities of the role of Guiding Cases

According to Articles 9 and 10 of the Detailed Rules for the Implementation of the Provisions of the Supreme People's Court on Case Guidance, in cases where a pending case is similar to a guiding case, the decision should be made by taking into account the key points of the relevant Guiding Case. The Guiding Case should be cited as the reason for the decision, but not as the basis for the decision.⁶ It is the duty of the judge to inquire about the relevant Guiding Case during the case proceedings. Judges shall inquire about relevant guiding cases in the course of handling cases, and where other litigation participants cite guiding cases as grounds for prosecution or defence, the case handler shall respond to whether or not the guiding cases have been referred to in the reasons for the decision and explain the reasons for doing so.⁷

⁶ Article 9 Where a case being tried by a people's court at any level is similar to a guiding case issued by the Supreme People's Court in terms of basic facts and application of law, a judgment shall be rendered by reference to the key points of judgment in the relevant guiding case.

⁷ Article 10 Where a people's court at any level refers to a guiding case in the trial of a similar case, it shall quote the guiding case as the judgment's reasoning, instead of citing it as the basis for the judgment.

Article 11 In the process of handling a case, the case handling personnel shall consult relevant guiding cases. Where any relevant guiding case is quoted in the written judgment, the number of the guiding case and its key points of judgment shall be quoted in the judgment's reasoning.

3. Judicial Civilization Index (CJI)

3.1 Introduction of Judicial Civilization Index

CJI is a quantitative assessment tool for the rule of law developed by the Centre for Collaborative Innovation in Judicial Civilization of the China University of Political Science and Law (CUPL). As shown in Figure 3, the CJI measurement index system involves four major areas, namely, judicial system, judicial operation, judicial subject and judicial culture, and from this system, 10 first-level indicators and 32 second-level indicators are deduced. According to the scores of the respondents on the 32 second-level indicators and aggregated with certain weights, a comprehensive measurement value of the level of judicial civilization of different areas can be obtained. As some scholars have pointed out, in the context of China's rule of law and judicial civilization, the assessment of judicial civilization and its results can reflect the strengths and weaknesses of judicial civilization in various places, thus providing a self-contrasting "mirror" for the national judiciary to strengthen the construction of judicial civilization in an all-round manner, so that local judiciaries can, on the basis of comprehensive analyses of the results of the assessment, find specific solutions to their own problems (Zhang, 2015). Figure 3 shows the composition of the Judicial Civilization Index.

3.2 Methodology for obtaining the Judicial Civilization Index

The following methods are used to acquire the data about the level of judicial civilization (Jiang 2023).

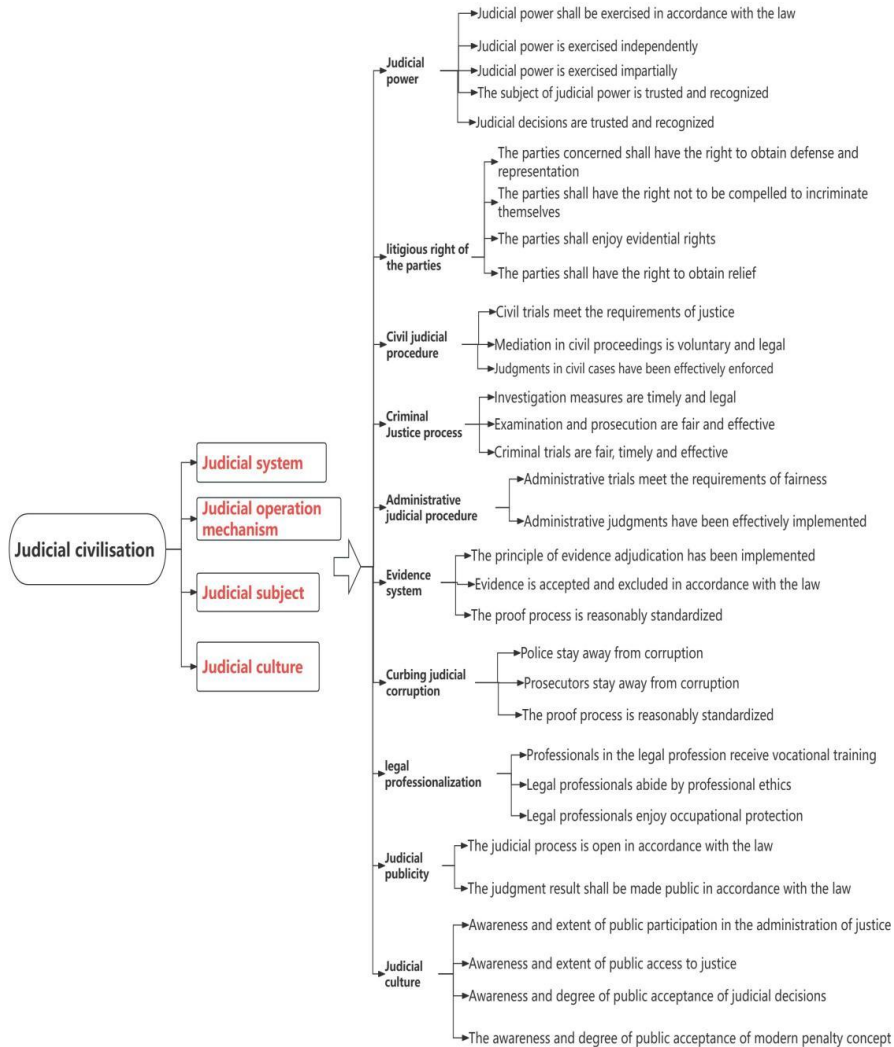
Firstly, the questionnaire method. The sample subjects of the questionnaire are divided into judicial professionals and the general public, so two different questionnaires (professional and public) are made for distribution. Taking the data collection of 2020–2021 as an example, 800 questionnaires were distributed in each province, autonomous region and municipality directly, including 600 questionnaires for the general public, 200 questionnaires for the professionals (40 for judges, prosecutors and police officers, and 80 for lawyers). The data collection for the public questionnaire was carried out in three of the most populous cities in each province, autonomous region and municipality directly, with a random sample of 600 people, equally divided between men and women, and covering at least six of the nine occupations in the sample. The distribution of the professional questionnaires took into account the distribution of the survey respondents, with the surveyor first explaining the content, meaning and methodology of the "China Judicial Civilization Index", and then judges, prosecutors, police officers and lawyers answering the questions on the spot. In 2020–2021, 24,354 valid questionnaires were actually returned, of which 6,273 were from the legal profession and 18,081 were from the public.

The second is the method of analysing annual reports. Every year, the Higher People's Courts and People's Procuratorates in all provinces, autonomous regions and municipalities are required to make an annual report on their work to the provincial people's congresses. The content covers the work of the courts and procuratorates for the year and self-assessment.

Finally, the method of statistical analysis of data. Indicator scores are assigned to the

data collected, with each of the 10 first-level indicators assigned a 10 per cent weighting, and the 10 per cent weighting divided equally among the corresponding second-level indicators; accordingly, the weighting of the second-level indicators is divided equally among the corresponding topics. The scoring of specific indicators follows the calculation method of "topic score → secondary indicator score → first indicator score".

Figure 3. The indicators of Judicial Civilization Index



Source: author’s compilation based on the Report on China Justice Index 2020–2021

3.3 Judicial Civilization Index from 2015 to 2021

Table 2 below shows the index of judicial civilization in different provinces from 2015 to 2021. The data was collected from the relevant literature and official news reports.

Table 2. The score of judicial civilization in different provinces

Judicial Civilization Index (CJI) in different provinces								
Rank	Province	2015	2016	2017	2018	2019	2020-2021	Average
1	Shanghai	66.6	70.5	71.5	71.4	70.9	73.3	71.52
2	Ningxia	65.6	70.3	71.4	70.2	70.1	72.5	70.9
3	Zhejiang	65.8	68	73.1	69.6	72.5	71.2	70.88
4	Jiangsu	65	69.2	71.2	70.7	71.3	71.3	70.74
5	Shandong	64.7	68.4	71.1	69.7	70.9	73.2	70.66
6	Yunnan	65.1	69.7	71.9	70.7	69.2	71.8	70.66
7	Hainan	63.7	68.4	76.2	69.5	68.5	70.7	70.66
8	Chongqing	63.8	68.1	69.4	70.6	71.7	72.1	70.38
9	Jilin	64.8	69.1	71	68.5	70.4	72.6	70.32
10	Xingjiang	—	70	69	69.8	70.4	72.4	70.32
11	Beijing	64.3	69.7	68.7	70.6	70.9	71.4	70.26
12	Guangdong	64.2	69.3	69.7	70.5	70.9	70.6	70.2
13	Sichuan	64.8	68.9	68.7	70.6	71.3	71.4	70.18
14	Tianjing	—	69.8	69.1	69.7	70.2	71.8	70.12
15	Anhui	64.9	67.4	70.3	70.7	70.3	70.3	69.8
16	Qinghai	63.5	68.2	71	69.1	69.8	70.5	69.72
17	Fujian	65.3	69	70	69.7	67.6	71.9	69.64
18	Jiangxi	—	67.3	69.7	69.8	70.9	70	69.54
19	Hebei	—	69.9	70.3	68.7	68.4	70	69.46
20	Hubei	63.4	67.9	67.4	69.2	71.1	71.5	69.42
21	Xizang	—	68.4	67.8	69.9	70.8	70	69.38
22	Inner Mongolia	65.4	68.3	69.8	67.8	71.3	69.2	69.28
23	Guizhou	63	67.8	68.9	68.4	68.7	71.6	69.08
24	Henan	—	64.9	69.2	70.4	70.5	69.7	68.94
25	Liaoning	—	69.5	69.8	67.4	68.2	69.5	68.88
26	Shanxi	64.3	67.4	69.1	68.6	69.4	69.5	68.8
27	Shaanxi	—	63.8	69.7	69.6	68.2	71.4	68.54
28	Guangxi	—	66.3	67.9	68	68.9	71.5	68.52
29	Heilongjiang	62.8	65.6	68.6	68.5	69.2	70.7	68.52

30	Gansu	—	66.5	69.9	65.2	69.7	70.4	68.34
31	Hunan	—	66.6	67.6	66.4	67.1	69.4	67.42

Source: author's compilation based on relevant literature and official news reports about the Report on China Justice Index

4. Data analysis

4.1 Data about Guiding Cases

Firstly, Table 3 contains data about the number of guiding cases that came from different provinces during 2016–2022. The data about guiding cases was collected from PKULaw (Beida Fabao)⁸.

Table 3. Guiding cases originating in different provinces during 2016–2022

Guiding cases originating in different provinces								
Rank	Region	2016	2017	2018	2019	2020	2021	2022
0	Supreme People's Court	18	25	26	46	46	63	65
1	Jiangsu	12	14	14	16	17	20	28
2	Shanghai	11	11	12	13	13	14	22
3	Zhejiang	7	9	10	10	10	11	13
4	Beijing	5	5	6	6	8	9	12
5	Shandong	4	5	6	8	8	8	8
5	Chongqing	1	1	3	6	6	7	8
5	Jiangxi	2	2	3	3	5	5	8
6	Sichuan	5	5	5	6	6	7	7
7	Tianjin	3	3	3	4	5	5	5
7	Guangdong	1	1	1	1	2	3	5
7	Anhui	3	4	5	5	5	5	5
7	Hunan	0	0	1	1	1	3	5

⁸ Peking University Legal Treasure is a comprehensive online legal search website co-founded by Peking University Yinghua Company, Peking University Legal Information Centre and Peking University Legal Translation Research Centre, which developed the first legal database by the Law Department of Peking University in 1985 and launched the website in 1995. Peking University Legal Treasure" has developed into a comprehensive online legal search site including "Laws and Regulations", "Judicial Cases", "Law Journals", "Law Firm Practices", and "Law Firms' Practices", "Law Firm Practice", "Topical Reference", "English Translation" and "Procuratorial Documents". "Administrative Penalties", "Faber Book City", "Faber New AI", "Case Search" and other search systems. These systems comprehensively cover various types of legal information, and are leading in terms of content and functions, with a certain advantageous market share. The website: <https://pkulaw.com/english?way=topGuid>.

8	Henan	1	1	1	1	2	2	3
9	Yunnan	0	0	0	1	1	2	2
9	Guizhou	0	1	1	1	1	1	2
9	Shaanxi	0	0	2	2	2	2	2
9	Hebei	0	0	1	2	2	2	2
9	Inner Mongolia	1	1	2	2	2	2	2
10	Jilin	0	0	0	1	1	1	1
10	Fujian	1	1	1	1	1	1	1
10	Hubei	1	1	1	1	1	1	1
10	Guangxi	0	0	0	0	0	1	1
10	Hainan	0	0	0	0	0	1	1
10	Heilongjiang	1	1	1	1	1	1	1
10	Gansu	0	1	1	1	1	1	1
11	Ningxia	0	0	0	0	0	0	0
11	Xinjiang	0	0	0	0	0	0	0
11	Qinghai	0	0	0	0	0	0	0
11	Xizang	0	0	0	0	0	0	0
11	Shanxi	0	0	0	0	0	0	0
11	Liaoning	0	0	0	0	0	0	0

Source: PKULaw (Beida Fabao). The website: <https://pkulaw.com/english?way=topGuid>.

Secondly, the data in Table 4 shows the number of applications of guiding cases in different provinces from 2016–2022.

Table 4. Number of applications of guiding cases in different provinces during 2016–2022

Number of applications of guiding cases in different provinces								
Rank	Region	2016	2017	2018	2019	2020	2021	2022
1	Guangdong	165	366	666	863	1114	1337	1438
2	Shandong	98	176	279	430	643	819	935
3	Henan	66	166	351	469	631	747	806
4	Beijing	58	224	313	464	552	681	778
5	Jiangsu	82	152	229	319	417	506	545
6	Zhejiang	91	180	279	386	473	516	532
7	Liaoning	35	87	161	242	329	445	523

8	Sichuan	66	137	203	274	366	410	414
9	Fujian	72	108	192	249	310	351	368
10	Anhui	34	97	165	245	295	335	365
11	Hebei	34	77	147	231	311	356	361
12	Hubei	35	76	148	208	273	325	351
13	Hunan	28	77	116	169	247	309	347
14	Heilongjiang	14	43	82	119	175	264	270
15	Inner Mongolia	45	113	174	219	250	258	269
16	Jilin	31	60	102	135	192	238	260
17	Guizhou	21	55	86	118	174	225	227
18	Jiangxi	17	56	79	144	185	211	223
19	Shanxi	7	35	79	136	182	206	209
20	Guangxi	13	37	61	90	144	182	199
20	Shaanxi	6	46	71	103	133	175	199
21	Shanghai	34	50	69	79	129	159	171
22	Chongqing	19	61	108	136	156	164	169
23	Tianjin	20	41	61	92	126	143	150
24	Supreme People's Court	13	26	45	77	104	132	140
25	Gansu	3	7	15	28	44	109	113
26	Yunnan	12	16	37	54	94	103	112
27	Hainan	6	34	47	71	76	85	86
28	Xinjiang	6	17	23	35	46	62	74
29	Ningxia	4	13	18	25	42	43	54
30	Qinghai	2	4	7	8	9	12	13
31	Xizang	0	3	3	4	4	5	5

Source: Datas come from China Judgements Online. The website: <https://wenshu.court.gov.cn/>

4.2 Analysis of data

4.2.1 Analysis of data on guiding cases

Several patterns can be identified from the above data regarding the relationship between the generation and application of guidance cases:

Firstly, it is worth noting that the use of guiding cases is not limited by the province of origin. Guiding cases selected and issued by the Supreme People's Court are authoritative throughout the country. Some regions like Ningxia, Xinjiang, Qinghai, Tibet, Shanxi, and Liaoning have not yet produced any guiding cases, however, the guiding cases produced in other provinces are still used in adjudication in these provinces. On the one hand, it shows that the binding force of guiding cases spans the influence of regions, and even regions that did not produce guiding cases will use guiding cases from other regions. On the other hand, it shows that guiding cases have different influences on different regions. For example, by 2022, among the six provinces that did not produce guiding cases, Tibet used the least number of guiding cases in judgment, with only five cases, while Liaoning used the most, with a total of 523 cases, a difference of more than 100 times (see Table 5).

Table 5. The comprehensive compare of six provinces without guiding case created

Liaoning							
	2016	2017	2018	2019	2020	2021	2022
Guiding cases	0	0	0	0	0	0	0
Application	35	87	161	242	329	445	523
GDP	22037.8 8	2394 2	25315.3 5	24909. 5	25115.0 0	27584. 1	28975. 1

Shanxi							
	2016	2017	2018	2019	2020	2021	2022
Guiding cases	0	0	0	0	0	0	0
Application	7	35	79	136	182	206	209
GDP	12928. 3	14973. 5	16818.1 1	17026.6 8	17651.9 3	22590.1 6	25642. 59

Xinjiang							
	2016	2017	2018	2019	2020	2021	2022
Guiding cases	0	0	0	0	0	0	0
Application	6	17	23	35	46	62	74
GDP	9550	10920	12199.08	13780	13797.58	16000	17741.34

Ningxia							
	2016	2017	2018	2019	2020	2021	2022
Guiding cases	0	0	0	0	0	0	0
Application	4	13	18	25	42	43	54

GDP	3150.0 6	3453.9 3	3705.1 8	3748.4 8	3920.5 5	4522. 3	5069.5 7
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Qinghai							
	2016	2017	2018	2019	2020	2021	2022
Guiding cases	0	0	0	0	0	0	0
Application	2	4	7	8	9	12	13
GDP	2572.49	2642.8	2865.23	2966.0	3005.92	3346.63	3610.1

Xizang							
	2016	2017	2018	2019	2020	2021	2022
Guiding cases	0	0	0	0	0	0	0
Application	0	3	3	4	4	5	5
GDP	1148	1310.6	1477.63	1600.00	1902.74	2000	2132.64

Source: author's compilation

There are a number of reasons for the differences in the use of guiding cases in these six provinces. One is that their level of economic development varies greatly. As shown in the figure below (see Table 6), Liaoning has the highest economic ranking and the highest number of guiding cases used, Xizang has the lowest economic ranking and the lowest number of guiding cases used, and the ranking of the number of guiding cases used by the other four regions decreases in the same order as their economic ranking.

Table 6. The Application and GDP compare of six provinces without guiding case created

Province	Application	GDP
Liaoning	523	28975.1
Shanxi	209	25642.59
Xinjiang	74	17741.34
Ningxia	54	5069.57
Qinghai	13	3610.1
Xizang	5	2132.64

Source: author's compilation

Other reasons are related to external factors, such as the population of each province and the number of cases tried per year that are not analyzed in this paper. As shown in the figure below (see Table 7), there was a visible correlation between the application of guiding cases, the total population of the six provinces in 2020 and the number of cases tried in 2022 (the latest data available on the official website). However, the province of Ningxia is special, as the population and the number of cases basically maintain a positive correlation, that is, the more the population, the higher the number of cases brought to trial.

Table 7. The Application and Gross population and Cases closed compare of six provinces without guiding case created

Province	Application	Gross population (2020)	Cases closed (2022)
Liaoning	523	42591407	5602300
Shanxi	209	34915616	595600
Xinjiang	74	25852345	508600
Ningxia	54	7202654	1248000
Qinghai	13	5923957	118221
Xizang	5	3648100	61941

Source: author's compilation

What makes Ningxia special is the suddenly increase in the number of cases closed in 2022. As shown in the figure, from 2017 to 2021, the number of cases in Ningxia basically maintained around 200,000, but in 2022, it increased by 90.6% year on year (see Table 8). As for the reasons, Ningxia work report does not mention. Therefore, excluding the sudden increase of cases concluded in Ningxia in 2022, the use of guiding cases is also positively related to the population and the number of cases concluded.

Table 8. The number of case be closed in Ningxia during the 2017–2022

Province	2017	2018	2019	2020	2021	2022
Ningxia	181897	218533	25200	241000	268000	1248000

Source: The Work Report of Ningxia High Court from 2017 to 2022

Secondly, there is no obvious correlation between the generation of guiding cases and the use of guiding cases, although there is a certain link. The provinces that produce the most guiding cases are not necessarily the provinces that use the most guiding cases (see Table 9 and Table 10). The SPC has produced the most guiding cases, but by 2022, the SPC has used guiding cases to adjudicate only 140 cases. Excluding the SPCt, the provinces with the largest number of guiding cases produced are Jiangsu, Shanghai, Zhejiang and Beijing, with 28, 22, 13 and 12 cases respectively, while the other provinces have no more than 10 guiding cases. Guangdong, Shandong, Henan, Beijing, Jiangsu, Zhejiang, and Liaoning used the most guiding cases, with 1438, 935, 806, 778, 545, 532, and 523 cases, respectively. Among them, only Beijing and Jiangsu rank in the top five in terms of the number of guiding cases generated and used, and the rest are quite different.

Table 9. The top 5 rank of guiding case originating

Guiding case originating in different provinces							
	2016	2017	2018	2019	2020	2021	2022
Supreme People's Court	18	25	26	46	46	63	65
Jiangsu	12	14	14	16	17	20	28

Shanghai	11	11	12	13	13	14	22
Zhejiang	7	9	10	10	10	11	13
Beijing	5	5	6	6	8	9	12

Source: author's compilation

**Table 10. The number of application of guiding case more than 500
Number of applications of guiding case in different provinces**

	2016	2017	2018	2019	2020	2021	2022
Guangdong	165	366	666	863	1114	1337	1438
Shandong	98	176	279	430	643	819	935
Henan	66	166	351	469	631	747	806
Beijing	58	224	313	464	552	681	778
Jiangsu	82	152	229	319	417	506	545
Zhejiang	91	180	279	386	473	516	532
Liaoning	35	87	161	242	329	445	523

Source: author's compilation

In particular, Guangdong province has used thousands of guiding cases, but only 5 guiding cases have been generated. The reasons are twofold. First, Guangdong province has taken the lead in the construction of the rule of law. For example, the first law firm in China was established in 1983 in Shenzhen, the first procuratorial reporting system in China was launched in 1988, similarly in Shenzhen, the first government approval system reform was implemented in China in 1997 (again in Shenzhen), the first criminal settlement case in China took place in 2005 (in Dongguan), and the first government indicator of rule of law in China was issued in 2008, in Shenzhen (Zhou & Peng 2014).

The second reason is related to Guangdong province's active announcement of judgment documents. In 2000, after the Work Report of the SPC mentioned the reform of judgment documents, and the judgment documents of the SPC would be gradually published on the media and the Internet, Guangdong Province responded positively. In the 2002 Work Report of Guangdong High People's Court, it was mentioned that "some courts have put the judgment documents online for the convenience of the parties and the masses to check". This was one year earlier than the SPC's emphasis on the implementation of the "public inspection system of judgment documents" in 2003. Therefore, Guangdong courts are more receptive to relying on previous cases, both in spirit and action.

Where fewer guiding cases are produced, the number of guiding cases used is also relatively lower. For example, out of the six places that have not produced guiding cases so far, Tibet, Qinghai, Ningxia and Xinjiang rank last in the country in the number of guiding cases used (5, 13, 54 and 74 respectively).

In addition, producing more guiding cases leads to the use of a higher number of

guiding cases. For instance, Jiangsu produced 28 guiding cases and utilized 545 guiding cases, ranking 5th. Similarly, Zhejiang produced 13 guiding cases and used 532 guiding cases, ranking 6th. Beijing produced 12 guiding cases and used 778 guiding cases, ranking 4th. Although Shandong, Chongqing and Jiangxi only produced 8 guiding cases each, their use of guiding cases was quite different, Shandong used 935, Chongqing used 169 and Jiangxi used 223 respectively, and from a national perspective, their use of guiding cases remains at the forefront.

For provinces with the same number of guiding cases, the average number of guiding cases used is positively correlated with the number of guiding cases produced. Among the eight provinces with more than five guiding cases each, the average number of guiding cases used in each province is 471. Among the four provinces with five guiding cases, excluding the particularity of Guangdong province, the average number of guiding cases used by Anhui, Hunan and Tianjin is 287. Among the five provinces with two guiding cases, Hebei, Inner Mongolia, Guizhou, Shaanxi and Yunnan used 234 guiding cases on average. Among the seven provinces with 1 guiding case, the average number of guiding cases used by Fujian, Hubei, Heilongjiang, Jilin, Guangxi, Gansu and Hainan is 235 (On average, there is only a difference of one case number between provinces having one and two guiding cases, and the difference could be ignored). Among the six provinces that did not generate any guidance cases, the average number of guiding cases used in Liaoning, Shanxi, Xinjiang, Ningxia, Qinghai and Tibet is 146. Therefore, based on the average numbers of guiding cases used in the provinces with the same number of guiding cases, there is also a correlation between the use of guiding cases and the generation of guiding cases (see Table 11).

Table 11. The compare between the application and creation of guiding case

Region	Application (2022)	Creation(2022)	Average
First level: more than 5 guiding cases created			
Jiangsu	545	28	471
Shanghai	171	22	
Zhejiang	532	13	
Beijing	778	12	
Shandong	935	8	
Jiangxi	223	8	
Chongqing	169	8	
Sichuan	414	7	
Second level: 5 guiding cases created			
Guangdong	1438	5	287
Anhui	365	5	
Hunan	347	5	
Tianjing	150	5	
Henan	806	3	
Third level: 2 guiding cases created			
Hebei	361	2	234
Inner Mongolia	269	2	
Guizhou	227	2	

Shaanxi	199	2	
Yunnan	112	2	
Fourth level: 1 guiding case created			
Fujian	368	1	235
Hubei	351	1	
Heilongjiang	270	1	
Jilin	260	1	
Guangxi	199	1	
Gansu	113	1	
Hainan	86	1	
Fifth level: no guiding case created			
Liaoning	523	0	146
Shanxi	209	0	
Xinjiang	74	0	
Ningxia	54	0	
Qinghai	13	0	
Xizang	5	0	

Source: author's compilation

4.2.2 Data analysis of the judicial civilization index

The results of the judicial civilization index are very similar for all provinces, all of which scored around 70. Scores are considered 'good' above 70 and 'qualified' below 70. As can be seen from Table 12 below, there are 14 good provinces and 17 qualified provinces. On average, provinces with good judicial civilization indexes produce 8 guiding cases and use 408; provinces with qualified judicial civilization indexes produce an average of 2 guiding cases and use 285. It can be seen that there is a relationship between the Judicial Civilization Index and the production and use of guiding cases: the higher the Judicial Civilization Index, the greater the number of guiding cases produced and used in the region overall.

Table 12. The compare of the creation and application number based on the 'good' and 'poor' justice quality

Rank	Quality	Province	Judicial civilization (Average)	Creation number of guiding cases	Application number of guiding cases
1	Good	Shanghai	71.52	22	171
2		Ningxia	70.9	0	54
3		Zhejiang	70.88	13	532
4		Jiangsu	70.74	28	545
5		Shandong	70.66	8	935
6		Yunnan	70.66	2	112

7		Hainan	70.66	1	86
8		Chongqing	70.38	8	169
9		Jilin	70.32	1	260
10		Xinjiang	70.32	0	74
11		Beijing	70.26	12	778
12		Guangdong	70.2	5	1438
13		Sichuan	70.18	7	414
14		Tianjin	70.12	5	150
Sum total				112	5718
Average				8	408
15	Qualified	Anhui	69.8	5	365
16		Qinghai	69.72	0	13
17		Fujian	69.64	1	368
18		Jiangxi	69.54	8	223
19		Hebei	69.46	2	361
20		Hubei	69.42	1	351
21		Xizang	69.38	0	5
22		Inner Mongolia	69.28	2	269
23		Guizhou	69.08	2	227
24		Henan	68.94	3	806
25		Liaoning	68.88	0	523
26		Shanxi	68.8	0	209
27		Shaanxi	68.54	2	199
28		Guangxi	68.52	1	199
29		Heilongjiang	68.52	1	270
30	Gansu	68.34	1	113	
31	Hunan	67.42	5	347	
Sum total				34	4848
Average				2	285

Source: author's compilation

However, the judicial civilization index of some individual provinces does not seem to be consistent with the number of guiding cases produced and used. For example, the top five provinces in the judicial civilization index are Shanghai, Ningxia, Zhejiang, Jiangsu and Shandong. Their figures can be seen below, in Table 13.

Table 13. The compare of top five provinces in the judicial civilization

Province	Ranking of Judicial Civilization	Number of Guiding Cases Originated	Ranking of Guiding Cases Originated	Application Number of Guiding Cases	Ranking of Application Number of Guiding Cases
Shanghai	1	22	2	171	22
Ningxia	2	0	26	54	29
Zhejiang	3	13	3	532	6
Jiangsu	4	28	1	545	5
Shandong	5	8	5	935	2

Source: author's compilation

Ningxia, which has not produced any guiding case and ranks third from the bottom in the country in terms of the number of guiding cases used, is ranked second in the country in terms of the Judicial Civilization Index. From the judicial civilization index of Ningxia in the past years, it can be seen that 2020-2021 have been the two fastest growing years, and it was also the period of fastest economic growth in Ningxia in recent years. And by 2022, the number of closed cases in Ningxia grew to 1248000, which is more than 90% higher than before. From this data, it can be concluded that (1) the accelerated economic development has fuelled the development of Ningxia's judicial civilization index; (2) the growth of the judicial civilization index also reflects that Ningxia's development is sufficient to cope with the sudden increase in cases in 2022. Therefore, this may be one of the reasons why Ningxia's average score on the Judicial Civilization Index is able to rank second in the country (see Table 14).

Table 14. The development of Ningxia in judicial civilization, GDP and case closed

Ningxia							
Year	2015	2016	2017	2018	2019	2020-2021	Average
Judicial civilization	65.6	70.3	71.4	70.2	70.1	72.5	70.9

Ningxia								
Year	2016	2017	2018	2019	2020	2021	2022	Average
GDP	3150.06	3453.93	3705.18	3748.48	3920.55	4522.3	5069.57	3214.36

Ningxia						
Year	2017	2018	2019	2020	2021	2022
Cases closed	181897	218533	25200	241000	268000	1248000

Source: author's compilation

Shanghai, Zhejiang, Jiangsu and Shandong rank among the top five provinces in the country in terms of the number of guiding cases produced. In terms of the use of guiding cases, Shanghai is an exception, as it is on the low side with only 171 cases used, ranking 22nd, but the other three provinces all have more than 500 and rank among the top six provinces in the country. Among them, Shanghai produces more guiding cases, but the reason for using fewer guiding cases may be related to the fact that even typical cases tried locally are often published in Shanghai's local judicial documents. The judicial documents of typical cases published in each region, as retrieved by PKULaw (Beida Fabao) are shown below in Table 15. As of 2023, among the top five provinces ranked in terms of judicial civilization, Shanghai has more typical cases, which can explain the contrast between the production and use of guiding cases in Shanghai: (1) It makes Shanghai have a sufficiently large sample of cases when recommending guiding cases, with high case quality and a high probability of being selected as a guiding case. (2) Compared with guiding cases selected from other regions, judges are more familiar with typical cases in their own regions and favour the use of cases from their own regions. (3) Shanghai is developing rapidly and is in the forefront of the country in many aspects, and cases selected with reference to other regions are not sufficiently informative.

Table 15. The published judicial documents in top five judicial civilization

Local judicial documents about typical cases				
Shanghai	Jiangsu	Zhejiang	Shandong	Ningxia
91	88	23	17	4

Source: PKULaw (Beida Fabao). The website: <https://pkulaw.com/english/?way=topGuid>.

The bottom five in terms of judicial civilization were Hunan, Gansu, Heilongjiang, Guangxi and Shaanxi: except for Hunan Province, which produced 5 guiding cases, the other provinces did not have more than 2 cases each. At the same time, the use of guiding cases in these five provinces did not exceed 400, ranking in the middle and lower ranks (see Table 16 below).

Table 16. The comprehensive compare of bottom five judicial civilization

Province	Ranking of Judicial Civilization	Number of Guiding Cases Originated	Ranking of Guiding Cases Originated	Application Number of Guiding Cases	Ranking of Application Number of Guiding Cases
Shaanxi	27	2	10	171	22

Guangxi	28	1	11	54	29
Heilongjiang	29	1	11	532	6
Gansu	30	1	11	545	5
Hunan	31	5	8	935	2

Source: author' compilation

As can be seen from the above data, there is a relationship between the number of guiding cases produced and used and the judicial civilization index:

Firstly, provinces that produce and use more guiding cases have correspondingly higher indices of judicial civilization, and although there are a few provinces (such as Ningxia) where the phenomenon does not fit the pattern, most provinces still meet the requirement.

Secondly, although the lower ranking of judicial civilization does not mean that the number of guiding cases produced and used is lower, since the gap between the judicial civilization is relatively small, and the five provinces at the end of the judicial civilization rankings are basically close to each other in terms of the number of guiding cases produced and used and their rankings, it can be concluded that there is a correlation between the production and use of guiding cases and judicial civilization.

In addition, among the ten indicators of judicial civilization, the process of legal professionalism, judicial culture and judicial corruption rank in the bottom three in terms of scores (Jiang, 2023), and the remedying of these deficiencies has been one of the objectives of the emphasis on the role of the cases, that is, to achieve uniformity in the application of the law through the concretization of the cases and to improve the civilization of judicial justice.⁹

4.2.3 Data analysis of economic development

Table 17 below shows the ranking of different provinces by GDP in 2022.

Table 17. The GDP of 31 provinces in 2022

GDP of 31 provinces in 2022			
Ranking	Province	GDP (million yuan)	Year-on-year growth rate (%)
1	Guangdong	129118.58	1.9
2	Jiangsu	122875.6	2.8
3	Shandong	87435	3.9
4	Zhejiang	77715	3.1

⁹ *Detailed Rules for the Implementation of the Provisions of the Supreme People's Court on Case Guidance* Article 1 These Detailed Rules for the Implementation are hereby developed to specifically implement the Provisions of the Supreme People's Court on Case Guidance, strengthen, regulate and promote case guidance, maximize the directive role of guiding cases in trial work, unify the standards for the application of law, and safeguard judicial justice.

5	Henan	61345.05	3.1
6	Sichuan	56749.8	2.9
7	Hubei	53734.92	4.3
8	Fujian	53109.85	4.7
9	Hunan	48670.37	4.5
10	Anhui	45045	3.5
11	Shanghai	44652.8	-0.2
12	Hebei	42370.4	3.8
13	Beijing	41610.9	0.7
14	Shaanxi	32772.68	4.3
15	Jiangxi	32074.7	4.7
16	Chongqing	29129.03	2.6
18	Liaoning	28975.1	2.1
17	Yunnan	28954.2	4.3
19	Guangxi	26300.87	2.9
20	Shanxi	25642.59	4.4
21	Inner Mongolia	23159	4.2
22	Guizhou	20164.58	1.2
23	Xinjiang	17741.34	3.2
24	Tianjing	16311.34	1
25	Heilongjiang	15901	2.7
26	Jilin	13070.24	-1.9
27	Gansu	11201.6	4.5
28	Hainan	6818.22	0.2
29	Ningxia	5069.57	4
30	Qinghai	3610.1	2.3
31	Xizang	2132.64	1.1

Source: data collected from Bureau of Statistics of each province

The creation and implementation of guiding cases have a direct correlation to the economic growth of a region, as well as the level of judicial development.

First, more guiding cases are produced and utilized in regions with higher economic development, leading to an increase in the level of judicial development. This section

compares the data on guiding cases of the top five and bottom five provinces to examine the correlation, as the top five provinces have a more significant discrepancy in data and can provide a better understanding of the relationship between guiding cases and economic development (see Table 18).

Table 18. The compare of top five GDP

Province	Ranking of GDP	Ranking of Guiding Cases Originated	Ranking of Application Number of Guiding Cases	Judicial Civilization	Ranking of Judicial Civilization
Guangdong	1	7	1	70.2	12
Jiangsu	2	1	5	70.74	4
Shandong	3	5	2	70.66	5
Zhejiang	4	3	6	70.88	3
Henan	5	8	3	68.94	24

Source: author's compilation

According to the economic development ranking of provinces in 2022, Guangdong, Jiangsu, Shandong, Zhejiang and Henan are the top five provinces in terms of economic ranking. Jiangsu, Shandong and Zhejiang are among the top five provinces in terms of the source of guiding cases, while Guangdong and Henan are also ranked relatively high at seven and eight respectively. In terms of the number of instructive cases applied, the top six provinces are Guangdong, Jiangsu, Shandong, Zhejiang and Henan.

At the same time, the better the economic development of provinces, the more the number of guiding cases produced and used, the higher the corresponding judicial civilization. For example, the rankings of Jiangsu, Shandong and Zhejiang provinces are ranked in the top six in various data indicators, and the rankings of the number of guiding cases produced in Shandong and Zhejiang are consistent with the rankings of the judicial civilization index. Guangdong ranks first in economy, and also ranks first in the number of guiding cases. Although the ranking of judicial civilization is not high, it is only different from Shanghai – which ranks first in the judicial civilization index (the average of the index is 71.52) – by 1.32 points, and it is also in the “good” list alongside Shanghai.

Second, the lower the number of guiding cases produced and used, the lower the economic ranking, and the lower the degree of judicial civilization. There will be individual contrast between the judicial civilization and the use of guiding cases and economic development, but it is basically the correlation that the fewer the number of guiding cases, the slower the economic development, and the lower the degree of judicial civilization:

- (1) The economic ranking of the six provinces without guiding cases is positively correlated with the use of guiding cases. The slower the economic development, the lower the number of guiding cases (see Table 19).

Table 19. The compare of province without guiding case created

Province	Number of Guiding Cases Originated	Ranking of GDP	Ranking of Application Number of Guiding Cases	Ranking of Judicial Civilization
Liaoning	0	18	7	25
Shanxi	0	20	19	26
Xingjiang	0	23	28	10
Ningxia	0	29	29	2
Qinghai	0	30	30	16
Xizang	0	31	31	21

Source: author's compilation

- (2) Among the seven provinces with only one guiding case, the lower the economic ranking of Heilongjiang, Jilin, Gansu and Hainan, the fewer the number of guiding cases used; The economic rankings of Hubei, Fujian and Guangxi are basically the same as their ranking by the number of guiding cases used (see Table 20).

Table 20. The compare of one guiding case created

Province	Number of Guiding Cases Originated	Ranking of GDP	Ranking of Application Number of Guiding Cases	Ranking of Judicial Civilization
Hubei	1	7	12	20
Fujian	1	8	9	17
Guangxi	1	19	20	28
Heilongjiang	1	25	14	29
Jilin	1	26	16	9
Gansu	1	27	25	30
Hainan	1	28	27	24

Source: author's compilation

Out of the total 31 provinces, 13 of them did not produce any guiding cases or only one guiding case. Among these, Ningxia, Jilin, and Xinjiang were ranked among the “good” provinces in the judicial civilization index, with rankings of 2, 9, and 10, respectively. However, these three provinces are at the bottom of the economic rankings and the rankings of the number of guiding cases used. Especially Ningxia and Xinjiang, which are in the bottom three. The remaining 10 provinces were all in the “qualified” category in the judicial civilization ranking, and except for the top 10 economic rankings of Fujian and Hubei, the economic rankings of the remaining provinces are at the bottom

of the list, and their numbers of guiding cases used are below 400 (except for the special case of 532 cases used in Liaoning) (see Table 21).

Table 21. The compare of no and have one guiding case created

Province	Ranking of GDP	Number of Application Number of Guiding Cases	Judicial Civilization (average)	Ranking of Judicial Civilization
Ningxia	29	54	70.9	2
Jilin	26	260	70.32	9
Xinjiang	23	74	70.32	10
Qinghai	30	13	69.72	16
Fujian	8	368	69.64	17
Hubei	7	351	69.42	20
Xizang	31	5	69.38	21
Hainan	28	86	70.66	24
Liaoning	18	523	68.88	25
Shanxi	20	209	68.8	26
Guangxi	19	199	68.52	28
Heilongjiang	25	270	68.52	29
Gansu	27	113	68.34	30

Source: author's compilation

5. Conclusion

5.1 Regarding the guiding cases themselves

First, the guiding cases based on the 2011 “Notice by the Supreme People’s Court of Effectively Conducting Case Guidance” and the 2015 “Detailed Rules for the Implementation of the Provisions of the Supreme People’s Court on Case Guidance” are universal in all provinces in the country, and their use in each region is not affected by their different places of origin. In other words, even where no guiding cases have been produced, guiding cases from other provinces will be applied in the adjudication.

Second, the provinces that produce the most guiding cases are not the provinces that use the most guiding cases, and the utilization rate is low. The SPC, which produces the most guiding cases, rarely uses guiding cases, but this is related to the particularity of the SPC. Excluding the SPC, in Jiangsu, the province with the most guiding cases produced, only 545 cases were adjudicated using guiding cases from 2016 to 2022, ranking in the top five, but the utilization rate was not high. Guangdong, as the province with the largest number of guiding cases used, has only produced 5 guiding cases so far, and its use of guiding cases is nearly 500 more than Shandong, the province ranking

second. However, even in Guangdong, which uses the most guiding cases, the number of guiding cases used for adjudication in the past seven years is barely more than 1000, and the utilization rate of guiding cases is still very low.

Third, there is a certain correlation between the generation of guiding cases and the use of guiding cases: the fewer guiding cases are produced, the fewer guiding cases are used. Where more guiding cases are produced, the number of guiding cases used is also higher. In provinces with similar rankings, the average number of guiding cases used is positively correlated with the number of guiding cases produced.

5.2 Guiding cases and judicial civilization index

First, the judicial civilization of provinces with more guiding cases produced and used is relatively high.

Second, although a lower judicial civilization ranking does not necessarily mean that a province produces and uses fewer guiding cases, because the gap between provinces in terms of judicial civilization is relatively small, and the last five provinces in the ranking of judicial civilization are essentially close in terms of the production and use of guiding cases and are all in the lower middle of the ranking. It can be concluded that there is still a correlation between the generation and use of guiding cases and judicial civilization.

5.3 Economic development and guiding cases and judicial civilization

First, the higher the degree of economic development, the more the number of guiding cases produced and used and the higher the degree of judicial civilization.

Second, the lower the number of guiding cases produced and used, the lower the economic ranking. There will be individual differences in the relationship between the judicial civilization and the use of guiding cases and economic development, but the basic correlation is that the fewer the number of guiding cases, the slower the economic development, and the lower the degree of judicial civilization.

Therefore, in the case that the judicial civilization index does not include the production and use of guiding cases as one of its indicators of judicial civilization, the relevant data on guiding cases should still be considered as one of the elements to measure judicial civilization, because there is a certain positive correlation between the two.

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