

E ”

Ï@Ö > , u # U3i@ö@é,%)3@ç '1>ñ F x zU' 6 ò>® u Å#2 U3i@ö@é - " ! *
C "52 & U3i@ö@é+±*y Ç 6 £! Ç "âU' @Ñ g 9 ' @ö@é £ : \ U3i@ö@é+± ± € m 4U > *U'
U3i@ö@é 2 9 '@ö@é 1 / '@ö@é Q.ú N <U' s / '@ö@é £ W # ,7 > ,M³ ! > * > , u
U3i@ö@é ËKr 7 \ 4 > , u # U3i 9 '@ö@éU' £E/*U80 ! 6 mK} T !EGDô & > * > , u #
U3i@ö@é '-m)3@ç µ í>óU' Ä ' £E/*U mK}+±# o N Ì ÷)3@çKÉ-° ! 'U' > * >
, u # U3i 9 '@ö@é+±>ñ80Dý=y ú 6Bf »,% >ñ F+±E/*UK} ÇU' 2 Eç x Î Q Z ð h vU' R
iK} cE/*U ò • 180 !U ‡ . ÔDÖ 0v Ì FU' r 3 7Fú@ö@é 1 æ+±E6 pU B\ "" ,+p, Ì
FU' r 3 @î í +p,•p0v !

U3i@ö@éU / '@ö@éU 9 '@ö@éU U3i@ö@é>ñ F

[中图分类号] D925.2 [文献标识码] A [文章编号] 2096-6180 (2023) 03-0021-16

1

2

3

2021 12 1

1
2
3

2016 6 88
2020 4 162
2021 107

17CFX023

2020 49

3

4

U•-UŽ 9' E \ /' Uα

2016
2016 21

10

2018
6

2021

20

2022 3 28

1

20

+

14

20

2 1

20 2

2 2

U• 1UŽE /8>6M¾ \ S ‹ » U3i@ö@éU▣

10

7

8

21

2021

231
650¹²

13

U• 6UŽ U3i@ö@é òE/*U »! Ç ç4ÑUα

14

15

16

1

3

4

12 2012

13

14

15

16

544

2022 1 52

2016 6 94

2021 2 41

2021 63

8

3

U• -UŽ,! Ò? -@ú Ì F \ SL->@Fú ÝK=F÷U▯

17

18

19

20

17

18

19

20

2

2007

2016

2020

6

291

2018

4

94

3

170

119 – 120

Craig

22

2004 Crawford

Craig

Roberts 23

24

Fitzpatrick

25

1994

Pope

Crawford

Craig

26

Craig

27

2004

Crawford

21

ODR

2021

5

95

22 Maryland v. Craig, 497 U.S. 836, 111 L. Ed. 2d 666(1990).

23 Roberts

Ohio v. Roberts,

448 U.S. 56, 65 L. Ed. 2d 597(1980).

24 Crawford v. Washington, 541 U.S. 36, 124 S. Ct. 1354, 158 L. Ed. 2d 177(2004).

25 People v. Fitzpatrick, 158 Ill. 2d 360(1994).

26 People v. Pope, 441 Ill. Dec. 698(2020).

27

2007

9

51

28

U•1UŽÎQ™ -ÌF SÄ r3Ë(ÝUα

29

30

27 1

27 2

27

27 3

31

28

29

30

31

7

		2022	1	46
	2021		109	
2020	4		170	
	2021		300	

10

14

32

U•6UŽ/8 ¼" Ç Ì F \ S Ä] R i E ç x U α

33

34

U• UŽ@ö@é ÷ # Ì F \ S Ä] r 3 € (Ý U α

20 1

9 3

32

2

2007

125

33

2

2007

68

34

2016

4

250

48

24

35

U• ÁUŽ ì ø@î › E u>ñ F \ S Ä M§ V9j ĚUα

36

37

11 13 15

11 3

1004

8

84

16

21

35

2022 2

80

36

7

2021

210–211

37

2022

3

34

20

12 13

12

13

U• -UŽEϕ x Î Q Z đ h vU' R iK} cE/*U ò • 180 !

2014

2016

3 2

37 2 3

253 1

2

20

3 2

3 2

38

39

U•'UŽ ‡ . ÔDÖ 0v ì FU' r 3 7Fú@ö@é 1 æ+±E6 p

40

37 1

37 1

2017 106

2 4

3 2

37 1

2 2

10 2

6

U•6UŽB\ "" ,+p,• ÌFU' r3 @î í +p,• p

2023 4 18

37

41

20

42

Theoretical Review and Rule Limitation of China's Online Litigation in Criminal Cases

LIU Hui

Abstract: Before discussing the theories and rules of online litigation in criminal cases, it is necessary to clarify the concept of online litigation. Scholars abroad define online litigation with its specific connotation and hold that synchronous litigation is not the specific meaning of online litigation. In our country, the online litigation includes synchronous litigation and asynchronous

litigation patterns, but the asynchronous litigation did not extend to the criminal field. The online litigation of criminal cases actually refers to the synchronous litigation of criminal cases, and its application scope has limitations. Through examining the basic theory of online litigation in criminal cases, we can find out the deep reason and theoretical obstacle of its application limitation. Therefore, the standard operation of online synchronous litigation of criminal cases still depends on the limitation of relevant rules, including following the centralism of trial, and strictly limiting the application situation and scope; Adhere to the principle of equal prosecution and defense, and fully respect the right of choice of the parties to the lawsuit; Implement the principle of legal supervision and fully guarantee the power of procuratorial supervision.

Keywords: Online Litigation; Simultaneous Litigation; Asynchronous Litigation; Rules of Online Litigation

U•BP (4CD^{3/4}UÿKu “ p !— ø iUŽ