

Examination and Improvement Pathways of Civil Online Litigation Rules

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Abstract

In recent years, with the rapid development of Internet technology and the continuous advancement of judicial informatization, civil online litigation rules have gradually become an important topic in China's judicial practice. On the basis of systematically reviewing the institutional value of civil online litigation rules, this paper selects two typical cases—the online hearing of a marriage dispute by the Jinxi County People's Court and the video hearing of a financial loan dispute by the Wuzhishan City People's Court—to analyze the application methods and practical effects of online litigation rules in specific judicial operations. The study finds that civil online litigation demonstrates clear advantages in improving litigation efficiency and reducing litigants' costs; however, certain deficiencies remain. In response to these issues, this paper proposes corresponding improvement pathways from the following aspects: improving shared network infrastructure platforms, clarifying the scope of application of online litigation and standardizing procedural operations, strengthening the rule awareness of litigation participants and judicial personnel, reinforcing network technology and data security safeguards, and optimizing judicial procedures outside online court hearings. It is hoped that these suggestions will provide reference for promoting the standardized development and effective implementation of civil online litigation rules.

Keywords

civil online litigation rules, pathway research, standardized procedures

1. Introduction

With the rapid advancement of information technology and the continuous progress of socio-economic development, traditional judicial models are facing increasingly prominent challenges and transformations. Against this backdrop, civil online litigation has emerged as a new judicial paradigm and is gradually attracting widespread attention. By virtue of its high efficiency and convenience, civil online litigation offers litigants more accessible channels for dispute resolution, while simultaneously presenting unprecedented challenges and opportunities to judicial institutions. Through in-depth analysis and comprehensive examination of the rules governing civil online litigation, we can better understand its role and developmental trends within the judicial domain, thereby contributing to the construction of a digital, efficient, and equitable judicial system.

2. Basic Concepts of Civil Online Litigation Rules

2.1 Concept of Civil Online Litigation Rules

Civil online litigation rules refer to a series of procedural rules and institutional arrangements that rely on information technology and Internet platforms to operate and regulate civil litigation activities online. Their core characteristic lies in the electronic and networked transfer of certain procedural stages-or even the entire litigation process-that were traditionally completed offline during court proceedings to online implementation. This specifically includes the online submission of litigation materials, the remote conduct of court hearings, and the electronic service of judgment documents, among others. Civil online litigation rules aim to leverage the convenience and efficiency of information technology to enhance the efficiency of the judicial system, shorten litigation cycles, reduce litigation costs, and provide litigants with more convenient, fair, and efficient litigation services [1].

2.2 Development Background and Significance of Civil Online Litigation Rules

2.2.1 Development Background

The development background of civil online litigation rules originates from the rapid advancement of modern science and technology and the widespread application of the Internet. With the rapid development of information technology, people's demand for legal services has grown significantly. However, traditional litigation models have certain limitations in terms of time, cost, and geography, making it difficult to meet the public's need for rapid, convenient, and efficient dispute resolution. Against this backdrop, civil online litigation rules emerged. They aim to utilize the convenience of the Internet and innovations in information technology to provide litigants with a more efficient and accessible litigation platform. Through online litigation, parties can participate remotely without appearing in person, thereby saving time and costs. In addition, civil online litigation rules stipulate provisions on electronic documents, electronic evidence, data security, and information disclosure to ensure the fairness, legality, and transparency of online proceedings [2]. With the rapid development of Internet technology and e-commerce, online transactions and cooperation have increased globally. This has created opportunities for the development of civil online litigation. Disputes arising from online transactions can be resolved through online litigation platforms, enabling parties to obtain fair trials and solutions regardless of their physical location.

Therefore, as part of the legal system, civil online litigation rules have gradually been improved and developed to adapt to the legal needs and changes in litigation models of modern society. They not only promote judicial justice and the protection of legitimate rights and interests, but also enhance litigation efficiency and the accessibility of legal services, providing litigants and legal professionals with more convenient and reliable means of dispute resolution.

2.2.2 Significance of Civil Online Litigation Rules

The existence of civil online litigation rules holds multiple layers of significance. First, it provides a convenient and efficient mode of litigation. Traditional litigation procedures typically require parties to appear in court in person to submit applications, provide materials, and attend hearings, which is both time-consuming and costly [3]. In contrast, online litigation can be conducted entirely through Internet platforms. Regardless of where the parties are located, they can submit litigation applications, provide electronic materials, and participate in hearings remotely at any time. This not only saves time and costs but also improves litigation efficiency and convenience. Second, civil online litigation rules expand the utilization scope of judicial resources. Traditional litigation models are, to a certain extent, constrained by geographical and temporal limitations, making it difficult for people in remote areas or with busy schedules to obtain timely and fair judicial services. The establishment of online litigation platforms enables information sharing and cross-regional cooperation, allowing judicial resources to be more fully utilized and thereby improving judicial fairness and efficiency.

3. Practical Application Cases of Civil Online Litigation Rules

3.1 Case Study: Online Hearing of a Marriage Dispute by the Jinxi County People's Court

The Jinxi County People's Court's online hearing of a marriage dispute constitutes a typical example of the application of civil online litigation rules in grassroots judicial practice. In this case, the parties completed the submission of litigation materials through the Internet litigation platform and participated in the court hearing via remote video at the scheduled time, thereby avoiding the time and travel costs associated with physical appearance in court. During the hearing, the judge organized the proceedings through video connection, heard the parties' statements, and conducted evidence examination. The entire hearing was synchronously recorded, and the relevant judgment documents were electronically served on the parties, demonstrating the convenience and efficiency of online litigation at the operational level.

This case illustrates the multifaceted advantages of civil online litigation rules, including improved judicial efficiency, reduced litigation costs, enhanced judicial transparency, and greater convenience. By handling the marriage dispute through an online hearing, the Jinxi County People's Court effectively utilized information technology, elevated the level of judicial services, and met the parties' demand for convenient and efficient judicial services, showcasing the positive role of civil online litigation rules in practical application. Therefore, the case not only demonstrates the institutional advantages of online litigation in enhancing judicial efficiency and reducing litigation costs, but also indicates that online litigation is not merely a technological substitute but a reshaping of the procedural structure of traditional civil litigation. How to affirm its efficiency value while safeguarding parties' procedural rights and procedural justice through clear rule design constitutes a key issue for the further improvement of civil online litigation rules.

3.2 Case Study: Video Hearing of a Financial Loan Dispute by the Wuzhishan City People's Court

The Wuzhishan City People's Court's video hearing of a financial loan dispute constitutes another typical practical example of the application of civil online litigation rules in property-related disputes. In this case, the borrower and creditor participated in the hearing through a video conferencing system without needing to appear in court in person, thereby effectively reducing litigation time costs and economic burdens. During the hearing, the judge organized the proceedings via video connection, heard the parties' statements and defense opinions, and conducted investigation and inquiry regarding the performance of the loan contract and related evidence. The hearing process was synchronously recorded, and the judgment documents were electronically served, enabling the parties to promptly learn the progress of the case and the judgment results.

This case once again highlights the multifaceted advantages of civil online litigation rules, including improved judicial efficiency, reduced litigation costs, enhanced judicial transparency, and greater convenience. By handling the financial loan dispute through a video hearing, the Wuzhishan City People's Court fully leveraged information technology, optimized judicial service procedures, improved the quality of judicial services, achieved rational utilization of judicial resources, and provided the parties with more convenient, fair, and efficient litigation services, fully demonstrating the positive role and value of civil online litigation rules in practical application [4].

4. Examination of Problems Existing in the Judicial Practice of Civil Online Litigation Rules

4.1 Incomplete Supporting Facilities for Online Litigation

In the judicial practice of civil online litigation rules, a series of problems exist, one of which is the incompleteness of supporting facilities for online litigation. This incompleteness is mainly manifested in the following aspects:

4.1.1 Insufficient Network Coverage

In some remote or underdeveloped areas, inadequate network coverage constitutes a major obstacle to online litigation. In certain locations, network signals are unstable or even inaccessible, preventing parties from smoothly using online litigation platforms.

4.1.2 Insufficient Technical Equipment

Some parties may lack the necessary technical equipment for online litigation, such as computers, smartphones, or cameras, or lack the corresponding operational skills, which restricts the implementation of online litigation.

4.1.3 Incomplete Platform Functions

The functions of some online litigation platforms may be insufficiently developed and unable to meet the needs of different case types and levels of complexity. The absence of a comprehensive and flexible online litigation platform also affects the smooth conduct of online proceedings.

4.1.4 Security and Privacy Issues

Online litigation platforms may have vulnerabilities in security and privacy protection, leading to the leakage of parties' personal information or the tampering of data, which undermines parties' trust in and willingness to use online litigation platforms.

4.1.5 Insufficient Supporting Services

In addition to the online litigation platform itself, related supporting services-such as legal aid, technical support, and online consultation-may also be inadequate, affecting the protection of parties' rights and interests and the realization of their litigation rights during online proceedings.

4.2 The Construction of Civil Online Litigation Rules Has Not Yet Formed a Complete System

In the judicial practice of civil online litigation rules, a prominent problem is that the construction of these rules has not yet formed a self-contained and complete system. This issue is mainly reflected in the following aspects:

4.2.1 Incomplete Laws and Regulations

Although some regions or countries have issued relevant civil online litigation rules, these rules are often scattered across various laws and regulations, lacking integrity and systematicity, and thus failing to form a unified normative system.

4.2.2 Unclear Scope of Application

The scope of application of current civil online litigation rules is often insufficiently defined, with ambiguities regarding different case types, litigation stages, and parties' statuses, leading to uncertainty and confusion in actual operation.

4.2.3 Non-transparent Rule-Making Process

In some regions or institutions, the formulation of civil online litigation rules often lacks open and transparent procedures and broad social participation, resulting in rules that may lack representativeness and authority and find it difficult to gain recognition and support from parties and the public [5].

4.2.4 Disconnect between Rules and Practice

Some civil online litigation rules may suffer from a gap between theory and practice, with a significant discrepancy between the formulated rules and actual operations, making it impossible to truly meet the needs of parties and the requirements of judicial practice.

4.2.5 Poor Coordination between Rules

In some regions or countries, there is a lack of smooth coordination between civil online litigation rules and traditional litigation rules, lacking a unified legal system and mutually coordinated rule framework, which creates difficulties for the implementation of online litigation.

4.3 Issues of Litigation Culture and Sense of Ritual in Online Litigation

In the judicial practice of civil online litigation rules, there exist problems concerning litigation culture and the sense of ritual during online proceedings. Traditional litigation processes are often constrained by a certain sense of ritual and solemn atmosphere, which helps maintain judicial authority and promote legal justice. However, on online litigation platforms, due to the absence of a physical courtroom environment and face-to-face interaction, it is difficult to create the solemn atmosphere and sense of ritual found in traditional courts. This may lead to a decline in parties' sense of identification with and respect for online litigation, and may even affect the seriousness and sense of justice of legal procedures. In addition, the convenience and speed of online litigation may cause some parties to adopt a relatively casual attitude toward the litigation process, lacking the necessary reverence and solemnity [6]. Therefore, how to establish a litigation culture and sense of ritual in online litigation that adapts to the needs of modern social development has become an important issue facing current civil online litigation rules. It is necessary to strengthen education and guidance for parties and to create a solemn atmosphere and sense of ritual in online litigation so as to uphold the dignity and justice of the law and ensure the effective implementation of online litigation.

4.4 Hidden Risks to Data Security in Online Litigation

In the judicial practice of civil online litigation rules, data security has become an increasingly prominent issue. Since online litigation involves a large amount of personal and sensitive information-such as parties' identity information, financial status, and legal claims-any leakage or illegal acquisition of such data would seriously infringe upon parties' privacy rights and legitimate interests [7].

Moreover, the security of online litigation platforms is often difficult to guarantee, with potential risks of hacker attacks, network intrusions, and data tampering, which may lead to data breaches, information theft, and tampering of case materials. These security risks not only affect the normal conduct of online litigation but also reduce parties' trust in and willingness to use online litigation platforms. Therefore, how to strengthen the security protection of online litigation data, establish sound data security management mechanisms, enhance data encryption and monitoring, and improve the security and stability of online litigation platforms has become a major challenge facing current civil online litigation rules. Relevant departments need to strengthen supervision and regulation, formulate stricter data security standards and management measures, intensify security assessments and oversight of online litigation platforms, and ensure that online litigation data remains secure and controllable, thereby safeguarding parties' legitimate rights and interests and judicial fairness.

4.5 Judicial Procedures Outside Court Hearings in Online Litigation Need Further Improvement

In the judicial practice of civil online litigation rules, a series of problems exist in the judicial procedures outside court hearings in online litigation, which require further improvement. Although online litigation provides a convenient litigation platform, in the pre-trial and during-trial stages-i.e., before case filing and during the hearing period-many judicial procedures still need improvement. The realization of mediation and negotiation before case filing on online litigation platforms remains inadequate, lacking face-to-face communication and interaction, which may affect the effectiveness of mediation and parties' satisfaction.

Furthermore, during the hearing period, certain extra-hearing procedures-such as investigation and evidence collection, evidence exchange, and lawyer debates-also face difficulties. Due to the lack of a physical courtroom environment and face-to-face interaction, the execution efficiency of these procedures may be low and the outcomes unsatisfactory. Communication and collaboration among lawyers, judges, and parties in the extra-hearing procedures of online litigation also encounter certain obstacles, requiring further enhancement of the functions and services of online litigation platforms to facilitate the smooth conduct of extra-hearing judicial procedures.

Therefore, how to improve the judicial procedures outside court hearings in online litigation, enhance the functions and efficiency of online litigation platforms, and promote the smooth implementation of relevant procedures has become an important issue facing current civil online litigation rules.

5. Improvement Pathways of Civil Online Litigation Rules

5.1 Construction of a Shared Network Infrastructure Platform

To improve civil online litigation rules, the construction of a shared network infrastructure platform is an important pathway. The aim of this platform is to address the problem of insufficient network facilities in online litigation and enhance its accessibility and convenience. First, network infrastructure construction must be strengthened by expanding coverage, improving speed and stability, and ensuring that people in all regions and at all levels can conveniently access the network. Second, a unified network platform should be established to provide a single service portal for online litigation, covering functions such as submission of litigation materials, conduct of hearings, and delivery of judgment documents, thereby enhancing efficiency and convenience. In addition, security safeguards for network facilities must be strengthened through effective measures to ensure data security and privacy protection on online litigation platforms, thereby increasing parties' trust in the platforms. Finally, management and supervision of the network infrastructure platform should be reinforced, with sound institutional mechanisms established to ensure its stable operation and sustainable development, providing solid technical support and guarantees for the improvement of civil online litigation rules.

In summary, the construction of a shared network infrastructure platform is an important pathway to promote the improvement of civil online litigation rules, helping to elevate the level of judicial services and meet parties' demands for convenient and efficient judicial services.

5.2 Clarifying the Scope and Conditions of Online Litigation and Standardizing Its Procedures

To improve civil online litigation rules, it is necessary to clearly define the scope and conditions of application of online litigation and to standardize its procedures, thereby ensuring fairness, efficiency, and convenience. The first step is to specify the types and scope of cases suitable for online litigation and to clarify which cases are appropriate for online platforms and which require traditional court hearings. Second, the conditions for online litigation should be clearly defined, including the technical equipment and skills required of the parties, as well as requirements for preparation and submission of case materials. Third, the procedures for online litigation need to be standardized, covering the submission and delivery of litigation documents, the conduct and recording of hearings, and the transmission and enforcement of judgment documents. Standardizing these procedures helps improve litigation efficiency, safeguard parties' litigation rights, and promote judicial fairness and transparency [8].

In addition, supervision and evaluation of online litigation should be strengthened, experiences and lessons promptly summarized, and the scope, conditions, and procedures of online litigation continuously refined to enhance its applicability and effectiveness in judicial practice, thereby providing parties with more convenient and efficient judicial services. In general, clarifying the scope and conditions of online litigation and standardizing its procedures is an important pathway to promote the improvement of civil online litigation rules, helping to enhance judicial efficiency and fairness while meeting parties' demands for convenient and efficient judicial services.

5.3 Cultivation of Knowledge of Online Litigation Rules among Litigation Participants and Judicial Personnel

To improve civil online litigation rules, a crucial step is to strengthen the cultivation of knowledge of online litigation rules among litigation participants and judicial personnel. This work includes the following aspects:

For litigation participants, such as parties and lawyers, training on online litigation rules should be provided, covering the basic procedures, operational skills, case submission requirements, and hearing protocols, so as to help them better understand and apply the rules and improve their operational capabilities and efficiency in online litigation [9].

For judicial personnel, including judges and court clerks, training on online litigation rules is also required. This should cover relevant laws and regulations, procedural provisions, and the use of technical tools, enabling them to better master operational skills and application methods, thereby improving the quality and efficiency

of handling online litigation cases. In addition, specialized online courses, seminars, and training programs can be organized to impart knowledge of online litigation rules to both litigation participants and judicial personnel. These activities provide a platform for exchange and learning, promoting the dissemination and application of such knowledge.

Finally, a sound mechanism for popularizing knowledge of online litigation rules should be established. Through publicity and information dissemination, knowledge should be widely spread to the general public, raising societal awareness and understanding of the rules and thereby promoting their broad application and development.

In summary, strengthening the cultivation of knowledge of online litigation rules among litigation participants and judicial personnel is one of the important pathways to improve civil online litigation rules. It helps enhance the quality and efficiency of online litigation and promotes the healthy development of these rules [10].

5.4 Exploration of the Construction and Safeguard of Network Technology and Data Security

In the pathways for improving civil online litigation rules, the exploration of the construction and safeguard of network technology and data security is a vital component. This pathway mainly includes the following aspects:

First, network technology construction must be strengthened, including increasing bandwidth, optimizing network architecture, and enhancing data transmission security. This ensures the stability and smoothness of online litigation platforms and improves user experience.

Second, data security safeguards should be reinforced, including the application of encryption technologies, access control management, data backup, and disaster recovery. These measures can effectively prevent risks such as hacker attacks and information leakage, thereby protecting parties' privacy and sensitive information.

Third, security assessment and supervision of online litigation platforms should be strengthened. A sound security management system should be established, emergency response and handling of network security incidents improved, and the overall security level of the platforms elevated. In addition, security awareness training and education for relevant personnel-including users, administrators, and technical staff-should be enhanced. This can increase their attention to network security, strengthen their awareness and prevention capabilities, and reduce the occurrence of security incidents.

Finally, international cooperation should be strengthened to share experiences and technologies and jointly address network security challenges. This can promote the global development of network technology and data security and improve the security and stability of the global network environment. Exploring the construction and safeguard of network technology and data security is one of the important pathways to improve civil online litigation rules. It helps enhance the security and credibility of online litigation platforms and promotes the healthy development of these rules.

5.5 Pathways for Improving Judicial Procedures Outside Online Court Hearings

The pathways for improving judicial procedures outside online court hearings include the following aspects:

5.5.1 Adding Online Pre-trial Hearings

An online pre-trial stage can be established before the main hearing, allowing both parties to submit evidence materials and statements in advance. This enables the judge to gain a deeper understanding of the case during the hearing and improves hearing efficiency.

5.5.2 Introducing Online Mediation Mechanisms

For simple dispute cases, an online mediation mechanism can be introduced before the hearing. Professional mediators can assist parties in resolving disputes, thereby reducing the workload and time costs of hearings.

5.5.3 Promoting Online Evidence Collection Methods

By establishing an online evidence collection system, parties can submit evidence materials online themselves or obtain witness testimony via online video. This reduces the evidence collection stage in traditional litigation and improves case-handling efficiency.

5.5.4 Strengthening Online Evidence Preservation

The online litigation platform can encrypt and securely store evidence materials submitted by parties to prevent tampering or loss and to ensure the authenticity and integrity of evidence.

5.5.5 Improving the Online Litigation System

Full online operation from case filing to judgment-including filing, defense, trial, and adjudication-should be realized to ensure the entire process operates efficiently.

5.5.6 Adding online Litigation Communication Platforms

Online communication platforms should be provided to facilitate real-time interaction among parties, judges, and lawyers, enabling questions to be answered, case progress to be adjusted, and information to be transmitted smoothly.

In summary, improving judicial procedures outside online court hearings can be achieved through multiple pathways, including adding online pre-trial hearings, introducing online mediation mechanisms, promoting online evidence collection methods, strengthening online evidence preservation, improving the online litigation system, and adding online litigation communication platforms. These measures can improve litigation efficiency, reduce costs, promote judicial fairness, and facilitate parties' participation in litigation [11].

6. Conclusion

Through a systematic examination of civil online litigation, the research object and boundaries of the study can be further clarified. Civil online litigation refers to the operational form of organizing and implementing civil litigation activities through online platforms relying on the Internet and information technology. Its research object encompasses not only the relevant legal institutions and procedural rules, but also the technical platforms supporting litigation operations and the multiple subjects involved. Its research scope covers multiple dimensions, including normative construction, technological application, and judicial practice.

From the perspective of developmental trajectory, with the continuous advancement of Internet technology and the continuous improvement of judicial informatization, civil online litigation has gradually moved from localized pilots to normalized application and has increasingly become an important component of judicial operations. In this process, online litigation has accumulated rich practical experience in improving trial efficiency, reducing litigation costs, and expanding access to justice, demonstrating significant institutional value.

At the same time, it should be recognized that civil online litigation still faces many issues in real-world operation that urgently require responses, including insufficient security safeguards for online litigation platforms, relatively high technical thresholds for parties' participation, and poor coordination of extra-hearing judicial procedures. These problems, to a certain extent, constrain the full realization of the institutional advantages of online litigation. It is therefore necessary to address them through measures such as strengthening network and data security construction, improving online litigation training mechanisms, and optimizing relevant procedural design.

Looking to the future, the development of civil online litigation should not remain limited to technological optimization but should focus on building a more mature and stable operational framework at the institutional level. This includes promoting the systematization and unification of the online litigation rule system, as well as achieving coordinated integration between online litigation and traditional litigation models on the premise of safeguarding procedural justice and parties' rights, thereby advancing the standardized operation and sustainable development of civil online litigation on a broader scale.

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