

Research on the Application of the “Complex-Simple Case Diversion + Law Interpretation through Cases” Model for the Expedited Handling of Minor Criminal Cases

Junjie Pan

Melbourne Law School, The University of Melbourne, Melbourne, Australia

Abstract: *At present, the contradiction between the large number of cases and the limited number of judicial personnel has become increasingly prominent in judicial practice. With the growing number of minor criminal cases, the traditional one-size-fits-all trial model can no longer meet the needs of rapidly developing judicial practices. Against this backdrop, exploring a more efficient and socially functional model for handling minor criminal cases is of great significance. Meanwhile, as public demands for efficiency and fairness continue to rise, studying the application of the “complex-simple case diversion + law interpretation through cases” model for the expedited handling of minor criminal cases has become necessary. This paper systematically analyzes the practical challenges of implementing this model and, based on China’s judicial practice and national conditions, explores pathways to optimize its application. The aim is to promote the transformation of the expedited trial model from pilot exploration to theoretical institutionalization, thereby further improving the allocation of judicial resources and advancing the modernization of social governance.*

Keywords: *Minor Criminal Cases; Complex-Simple Case Diversion; Law Interpretation through Cases; Expedited Case Handling*

1. Introduction

With the rapid development of the economy, the number of minor criminal cases — such as dangerous driving, minor traffic accidents, and small-scale illegal business operations — has been increasing. However, due to the shortage of judicial resources, the contradiction between the high number of cases and limited personnel has become increasingly evident. The current criminal trial model suffers from certain shortcomings, resulting in low trial efficiency and an inability to meet the demands for judicial transparency. In this context, implementing centralized hearings for minor criminal cases and innovatively practicing the “complex-simple case diversion + law interpretation through cases” model for expedited case handling can effectively address these challenges and further promote the efficient allocation of judicial resources.[1]

2. Practical Dilemmas in Applying the “Complex-Simple Case Diversion + Law Interpretation through Cases” Model for the Expedited Handling of Minor Criminal Cases

Although the “complex-simple case diversion + law interpretation through cases” model for the expedited handling of minor criminal cases has certain advantages in application, it also faces numerous problems in practice that need further optimization. The specific issues are as follows:

2.1 Problems in the Operation of the Complex-Simple Case Diversion Mechanism

Currently, many problems remain in the process of complex-simple case diversion for minor criminal cases, mainly reflected in three aspects: standards, coordination, and resources. First, in terms of diversion standards, the criteria generally adopted in both theory and practice are “clear facts, guilty plea, and minor social harm.”[2] While these standards have certain practical value, they lack quantifiable indicators tailored to specific offenses, resulting in weak operability. In particular, for dangerous driving cases, there is no diversion standard based on blood alcohol concentration, and for traffic accident cases, no distinction is made according to the amount of property damage. Due to the ambiguity of these criteria,

law enforcement officers often rely on personal experience when deciding how to divert cases, leading to inconsistent handling of similar cases. Some may believe that a case should follow a summary procedure, while others may argue for a regular procedure. Such inconsistencies not only undermine fairness and justice but also damage the credibility of the judiciary [3]. Second, in terms of coordination, there is a lack of established cooperative mechanisms between the procuratorate and the court during the process of case diversion. If the procuratorate fails to reach an agreement with the court during the case screening stage, even after the case is transferred to the court, it may be returned due to insufficient evidence or differing opinions on sentencing recommendations. This affects processing efficiency and prolongs the trial period. Even when the case proceeds to the pre-trial stage, disagreements may still arise between the procuratorate and the court regarding the extent of procedural simplification. In the absence of unified legal standards, disputes may occur over whether the court investigation process should be retained or whether the evidence examination process is necessary, thereby disrupting the trial proceedings. Finally, regarding resource allocation, current judicial practice shows that most courts have not allocated specialized resources for expedited handling of simple cases. For example, the People's Court of Chengzhong District concluded 276 dangerous driving cases from 2021 to 2023, accounting for 26.5% of all criminal cases, with 123 cases in 2023 alone. This reflects both the large volume of minor criminal cases and the growing diversion pressure. However, nearly 80% of courts nationwide have not established special collegial panels for simplified cases. In terms of personnel, ordinary criminal trial judges generally handle these simple cases, and when major or complex cases arise, simple cases are often delayed, thereby extending the trial cycle for minor criminal cases. From a technical perspective, the cross-departmental electronic file transfer system has not yet been fully developed, and auxiliary tools for simplified case sentencing have not been widely implemented. These issues significantly reduce the efficiency of handling simple cases.

2.2 Shortcomings in the Implementation of Law Interpretation through Cases in the Expedited Handling of Simple Cases

In the judicial practice of expedited handling of simple cases, the implementation of law interpretation through cases also faces many challenges, making it relatively difficult to achieve the intended function of legal education. Specifically, the problems are reflected in the following aspects: First, in terms of content design, most judicial authorities focus primarily on interpreting the legal application of specific cases, without conducting an in-depth analysis of the public's actual legal needs or tailoring the content accordingly. For example, in dangerous driving cases, law interpretation often centers on provisions such as "the defendant's blood alcohol concentration meets the criteria for the crime of dangerous driving" or "in accordance with Article 133-1 of the Criminal Law, sentenced to two months of detention." However, it fails to address issues of greatest concern to the public, such as how long a driver's license will be revoked after a DUI, whether a person can reapply for a license after serving the sentence, and whether a criminal record will affect a child's eligibility for civil service background checks. Similarly, when interpreting the law in illegal business operation cases, judicial officers tend to emphasize that selling fireworks without a license violates Article 225 of the Criminal Law, but do not explain what approval procedures are required for legal operation, where to apply for a fireworks business license, or what the difference is between administrative and criminal liability for unlicensed operations. These are precisely the issues most relevant to the public. Such an approach to law interpretation through cases fails to meet the needs of ordinary citizens; even though it clarifies the legal outcome, it does not serve an educational or guiding function. As a result, the public cannot clearly understand the legal boundaries of their own behavior from these cases, which greatly weakens the effectiveness of law interpretation through cases.[4] Second, in terms of channels for legal education, most judicial authorities still rely mainly on offline courtroom hearings as the primary method for implementing law interpretation through cases. However, because the number of attendees is limited, only individuals related to the case and nearby residents can participate, making it difficult to achieve broad educational impact. For example, in Xiangtan City, although the expedited handling rate for dangerous driving cases exceeds 95%, law interpretation remains primarily offline, and thus fails to produce a large-scale educational effect. At present, a diversified communication network has not been established. Most judicial authorities have not reprocessed or adapted law interpretation through cases materials for wider dissemination, nor have they uploaded them to online platforms or converted them into promotional brochures. The limited coverage prevents a large portion of the public from directly accessing legal knowledge, making it difficult to effectively guide behavior. Finally, regarding the expression of legal language in law interpretation through cases, some judicial officers habitually use technical legal terminology without considering the general public's level of legal literacy. As a result, ordinary citizens often find it difficult to understand the content, defeating the purpose of legal education. For example, when explaining the leniency system

for those who confess and accept punishment, judicial officers often quote directly from the Criminal Procedure Law: “According to Article 15, a criminal suspect or defendant who voluntarily confesses truthfully, admits to the criminal facts charged, and is willing to accept punishment may be given lenient treatment according to law.” However, such professional phrasing is rarely simplified for public comprehension. Similarly, when explaining sentencing reasons, officers often state that the defendant is a first-time or occasional offender, voluntarily surrendered, and poses relatively low social harm. These expressions are overly technical and difficult for many older or less-educated citizens to understand, making it hard for them to grasp the reasoning behind the judgment or relate it to their own behavior — thus failing to achieve the intended goal of public legal education.

2.3 Practical Obstacles in Promoting the Expedited Handling Model for Simple Cases

Although the expedited handling model for simple cases has certain institutional advantages, it still faces many obstacles in transitioning from pilot implementation to broader promotion, making it difficult to achieve regular and stable application. These obstacles are mainly reflected in three aspects: First, from the perspective of institutional development, the expedited handling model has not yet formed a stable and effective mechanism and remains in the pilot stage. For example, according to the practice of the Bangshan District Court, its centralized trial session was the first time the results of this model were publicly presented, indicating that the model has not yet been incorporated into the regular work processes of courts and procuratorates. The main reason lies in the lack of a clear operational plan for expedited handling. Courts have not specified the frequency of centralized trials or set target proportions for fast-handled cases. Due to the absence of unified theoretical standards, the promotion of this model largely depends on the subjective initiative of individual judicial officers, making it difficult to establish a normalized mechanism. At the same time, the advancement of the expedited handling model also lacks a performance evaluation and incentive mechanism. Indicators such as “number of expedited cases,” “public satisfaction with law interpretation,” and “process coordination efficiency” are not included in the annual performance assessments of case handlers. Consequently, judicial officers lack motivation to actively promote the model, and many still habitually prefer traditional trial procedures. Second, from the perspective of public awareness, many citizens lack understanding and trust in the expedited handling model. Most people are accustomed to traditional trial processes and tend to believe that simplifying procedures may compromise their rights or result in insufficiently rigorous handling. Some citizens may question, for example, whether a drunk driving case concluded within three days allows enough time for the judge to verify the authenticity of the alcohol test report, or whether an expedited illegal business case ignores the defendant’s actual difficulties and mitigating factors. In addition, there are concerns among the public that their procedural rights may not be fully protected under the expedited model. These perceptions largely stem from insufficient public communication by judicial authorities, who have not explained the internal logic of the expedited handling model through accessible and engaging means. As a result, public acceptance remains low, hindering the promotion of the model. Finally, in terms of departmental coordination, fragmented operations among different institutions are still common, and an integrated system of collaboration between judicial bodies and social governance mechanisms has not yet been established. The implementation of the expedited handling model involves multiple entities, including courts, procuratorates, community organizations, and government service platforms. However, cooperation among these parties remains loose and unstructured, significantly limiting the model’s advancement. The lack of close collaboration makes it difficult to identify potential risks in grassroots governance or to effectively convey law interpretation content to individuals at risk of committing similar offenses, thus greatly undermining the overall effectiveness of promoting the expedited handling model for simple cases.

3. Pathways to Optimize the “Complex-Simple Case Diversion + Law Interpretation through Cases” Model for the Expedited Handling of Minor Criminal Cases

To address the challenges encountered in the operation, implementation, and promotion of the “complex-simple case diversion + law interpretation through cases” model for expedited handling of minor criminal cases, improvements should be made from the following three perspectives:

3.1 Improving the Complex-Simple Case Diversion Mechanism

The existing issues in the complex-simple case diversion mechanism can be optimized in several ways to promote the implementation of the expedited case-handling model. First, regarding case diversion

standards, courts and procuratorates should jointly formulate Quantitative Guidelines for the Complex-Simple Diversion of Minor Criminal Cases, establishing measurable criteria for common offenses such as dangerous driving, traffic accidents, and illegal business operations. For dangerous driving cases, blood alcohol concentration can serve as the key criterion: 80–120 mg/100 ml for fast-track handling, and 120–200 mg/100 ml for simplified expedited handling. For traffic accident cases, diversion can be based on property loss: if the loss is below 50,000 yuan, no casualties are involved, and both parties have reached a compensation agreement, the case may be processed through expedited procedures. For illegal business operation cases, the criterion can be the amount involved: if the amount is under 100,000 yuan, it is a first-time offense, and the offender has voluntarily returned the illegal gains, the simplified expedited model may apply. Typical cases should be provided as examples to ensure uniform judgment standards and to prevent subjective deviation in case handling. Second, to address issues of coordination between the procuratorate and the court, targeted solutions should be implemented. When screening cases, the procuratorate should complete the review at least five working days in advance and coordinate with the court at least three working days prior to the hearing to clarify evidentiary requirements and sentencing expectations, thus minimizing disagreements. For example, Xiangtan City established an integrated criminal justice coordination center, integrating resources from multiple departments and increasing the proportion of expedited minor cases to 41.67%. During trials, courts and procuratorates can jointly develop Collaboration Guidelines for Centralized Trials of Simple Cases, detailing the operational standards for simplified procedures such as “omitting the courtroom investigation phase” or “batch evidence verification” to avoid process disjunctions. Finally, in terms of resource allocation, courts should prioritize the expedited handling model. Dedicated panels can be established, consisting of three judges experienced in minor criminal cases and two full-time clerks, who focus exclusively on expedited cases rather than complex trials. In Xiangtan City, through the centralized mechanisms of case transfer, prosecution, and adjudication, the average processing time for dangerous driving cases was reduced to less than 28 days, while procuratorial closure time averaged only 7.14 days — demonstrating that standardized procedures and specialized staffing significantly enhance efficiency. From a technological perspective, a sentencing assistance system for simple cases should be introduced, with preset sentencing calculation formulas for each offense, along with an automated document generation tool. These measures can effectively improve the efficiency of handling expedited cases.

3.2 Optimization of the “Explaining Law through Cases” Approach

In the process of explaining law through cases, judicial authorities need to optimize from three aspects — content, channels, and language — to achieve effective legal education. Specifically, the following points should be addressed: First, in terms of the design of explanatory content, it is necessary to focus on the needs of the general public. For example, in dangerous driving cases, in addition to explaining professional legal knowledge, it is also important to supplement explanations regarding issues such as “driver’s license suspension for five years,” “conditions for applying probation,” and “the impact on a child’s political background review.” In illegal business operation cases, guidance content such as “procedures for legal business operation approval” and “civil liability for illegal business operations” should be added to help guide the public. In traffic accident cases, the public is often more concerned about issues like “whether insurance compensation covers losses arising from criminal liability” and “the aggravated consequences of fleeing after an accident.” Judicial personnel should provide specific explanations to these questions to ensure that professional legal knowledge aligns with public concerns. Second, regarding legal publicity channels, existing methods are too limited and need to be further expanded. During offline trials, targeted invitations can be made to key groups such as drivers and individual business owners to attend court hearings. At the same time, online channels should be expanded — judicial personnel can record short legal education videos to serve as behavioral warnings, upload them to online platforms in a timely manner, and cooperate with community grid networks to share them, thereby overcoming physical limitations and achieving broader publicity. Finally, in terms of the transformation of judicial language, it is necessary to use clear and easily understandable expressions. When citing legal provisions, judicial personnel should translate legal terms into plain language. For instance, “Article 15 of the Criminal Procedure Law — Leniency System for Pleading Guilty and Accepting Punishment” can be expressed as “those who plead guilty and accept punishment may receive a lighter sentence according to law.” When explaining sentencing, it can be stated as “the defendant reported the accident and compensated for the loss, thus receiving a lighter sentence than those who fled.” Through such approaches, the goal of effectively explaining law through cases can be better achieved, lowering the threshold for public understanding.

3.3 Promoting the Application of the Simplified and Expedited Case-Handling Model

At present, the transition of the simplified and expedited case-handling model from pilot implementation to broader promotion faces multiple challenges, mainly due to the lack of a sound long-term mechanism for multi-departmental coordination. To address this, improvements can be made from the following aspects: First, it is necessary to establish a normalized institutional framework. The courts and procuratorates should jointly issue an “Annual Work Plan for Simplified and Expedited Case Handling.” This document should specify the frequency of centralized hearings — such as once a month — and set a target for expedited cases to account for more than 70% of all minor criminal cases. It should also stipulate clear deadlines: the procuratorate should complete case screening by the 5th of each month, and the court should organize hearings by the 20th. Such procedural arrangements can further promote the implementation of the simplified and expedited model.[5] Second, a comprehensive performance evaluation and incentive mechanism should be established. Assessment authorities should include indicators such as the number of expedited cases handled, public satisfaction with legal explanations, and the smoothness of procedural coordination in the performance evaluations of case-handling personnel. Those who perform well should be commended, while those who fail to meet standards should be required to make timely improvements. This approach encourages advanced performers to motivate others, thereby enhancing the initiative and enthusiasm of judicial staff. In addition, quarterly mechanism evaluation meetings should be held to dynamically adjust case diversion standards and ensure the continuous improvement of the system. Furthermore, efforts should be made to promote public awareness and understanding of the simplified and expedited model. Judicial authorities can organize regular promotional activities, such as hosting a “Fast-Track Case Handling Open Day” each quarter, inviting residents and representatives of the People’s Congress to observe court proceedings, distributing “Frequently Asked Questions on Simplified and Expedited Case Handling” manuals, and addressing public concerns. Meanwhile, online media can be used to report on typical cases, helping the public understand that the simplified and expedited process aims to optimize resource allocation rather than lower trial standards. This will enhance public trust and support the model’s normalized operation. Finally, multi-departmental collaborative governance should be strengthened. The courts, procuratorates, and comprehensive governance centers should deepen cooperation by jointly organizing “Law into the Community” activities and establishing information-sharing mechanisms. These efforts can assist in risk prevention and control, thereby maximizing the social value of the simplified and expedited case-handling model.

4. Conclusion

The simplified and expedited case-handling model of “diversion of complex and simple cases + law interpretation through cases” in minor criminal proceedings can effectively alleviate the contradiction between the large number of cases and the limited number of judicial personnel, thus improving case-handling efficiency. It represents an important innovation in integrating judicial services for the people with social governance. However, in practice, this model still faces numerous challenges, including vague case diversion standards, insufficient effectiveness in legal interpretation, and various obstacles during its promotion. Based on China’s national conditions, this paper proposes targeted solutions to these problems, with the aim of further promoting the modernization of the national governance system and governance capacity.

References

- [1] Liu Ke. *Norms of Decriminalization in Judicial Interpretations: Types, Basis, and Directions for Improvement* [J]. *Chinese Legal Science*, 2021(06): 244–263.
- [2] Yan Zhaohua. *Non-Prosecution for Pleading Guilty and Accepting Punishment: Reflection and Reconstruction of Leniency Pathways in the Procuratorial Stage* [J]. *Journal of National Prosecutors College*, 2021(01): 128–146.
- [3] Tang Huojian, Hao Tingting, Tao Yanyu. *An Empirical Study on the Diversion Effect of Trial Procedures in Plea Cases — An Analysis Based on 3,076 Plea Cases in Basic Courts of City C* [J]. *Journal of Shandong University (Philosophy and Social Sciences)*, 2021(03): 56–63.
- [4] Li Yong. *The Path of “Simplified Procedures” in Plea Cases* [J]. *Journal of National Prosecutors College*, 2019(06): 142–156.
- [5] Ye Qing, Han Dongcheng. *A Study on the Judicial Application Procedures of the Leniency System for Pleading Guilty and Accepting Punishment under the Policy of Misdemeanor Criminal Law* [J]. *Chinese Criminal Law Review*, 2020(05): 94–111.