

Does the publication of judgments on the Internet change the outcome of administrative litigation cases? A DID-model-based analysis

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ABSTRACT

This article analyses the influence of the publication of judgments on the Internet on the results of administrative litigation cases in China. Due to the particularity of administrative litigation, courts are often subject to the restriction of public power in the trial process, and defendants are in a stronger position than plaintiffs. In 2010, the Supreme People's Court (SPC) issued the Regulations on the Issuance of Judicial Documents on the Internet by the People's Courts, which for the first time imposed clear and detailed regulations on the publication of judgments. This Regulation promotes judicial openness and establishes judicial credibility, which is conducive to balancing the litigation status of the plaintiff and the defendant. By sampling 7463 judgment documents from 2012 to 2015 on China Judgment Online, this study applies a difference-in-differences model to determine the influence of the Issuance of Judgments on the Internet Regulation on administrative litigation by form of closure, the plaintiff winning rate, and the withdrawal rate of the plaintiff. The implementation of this Regulation was found to significantly increase the rate of judgment and reduce the plaintiff withdrawal rate, significant impacting the trial results of administrative litigation cases.

1. Introduction

Adopted by the National People's Congress in 1989 and implemented in 1990, the Administrative Litigation Law of the People's Republic of China marked a milestone in China's legal system, as it enabled the people to sue the government and restricted administrative power. It is an important litigation system intended to ensure that the legitimate rights of citizens and organizations are not infringed upon by administrative power, and that the country is administered according to law (Huang, 2013). However, administrative litigation has always been plagued by "difficulties in docketing and trialing" (Yu, 2014), because under the regional administrative system of China, the local judicial system is closely linked to the local government, as a result of which the local court has become 'the court of the local government', laying the foundation for local protectionism in the judicial system (Liu, 2003). In addition, the court funds mainly come from the budget of the government at the same level, which gives the administrative system the ability to interfere with the judicial system (Liu, 2003; Chang and Liu, 2018). Furthermore, the relatively weak position of ordinary citizens or organizations in the face of public power, such as the difference in bargaining power in terms of lobbying channels and the cost of proof (Zhang and Ke, 2002), leads to their low success rate in administrative litigation.

With the advancement of China's legal system, judicial justice has become a matter of increasing concern for society. The constant recurrence of cases of corruption, bribery, and injustice has impacted the public's trust in the courts. In 2009, the Supreme People's Court (SPC) issued a notice entitled 'The Third Five-Year Reform Outline for the People's Courts (2009–2013)', proposing to 'study and establish a system for the on-line release of judgment documents and a system for the on-line inquiry about enforcement information of cases', which would promote the process of judicial information disclosure in China and thereby enhance the public spirit of citizens and the legitimacy of the government, and thus is an important measure to prevent corruption, prevent the abuse of public power, and improve the administrative efficiency of the government (Fang, 2013; Carlo Bertot, Jaeger, and Grimes, 2012; Zuo, 2018).

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The Regulations of the Supreme People's Court on the Issuance of Judgments on the Internet by the People's Courts (hereinafter referred to as 'the Regulation'), adopted on 13 November 2013, clarify the basic principles, scope of disclosure, procedures, time limits, and supervision mechanisms for the publication of judgments online (He and Yang, 2014). The publication of judgments online is an innovative attempt by the judiciary in the field of judicial information disclosure (Işık et al., 2021). When adjudication documents are no longer open only to the parties of the case or professionals but are subject to social supervision, judges will undoubtedly become more prudent in the trial process (Ma, Yu, and He, 2016). Therefore, this provision can force the impartiality of trials and prevent the abuse of power. Moreover, the provision is also conducive to unifying the scale of adjudication and the professionalism of judges, and promoting precision in the administration of justice (Lin and Wang, 2013). The disclosure of cases allows judges to quickly search for similar cases on the platform, use the experience of other judges to quickly locate the applicable laws and rules, and consider the relevant legal issues more comprehensively. It provides institutional safeguards to ensure the rights of citizens and social organizations in administrative litigation cases and helps to change the disadvantaged position of plaintiffs in such cases.

As shown in Figure 1, according to the data from China Judgment Online, the number of administrative cases included on the website has increased year by year since the implementation of the Regulation, showing an accelerated growth trend in the early years and a gradual slowdown trend in recent years. As of January 2022, China Judgment Online included about 128.27 million judgments, of which nearly 3.08 million were administrative cases.

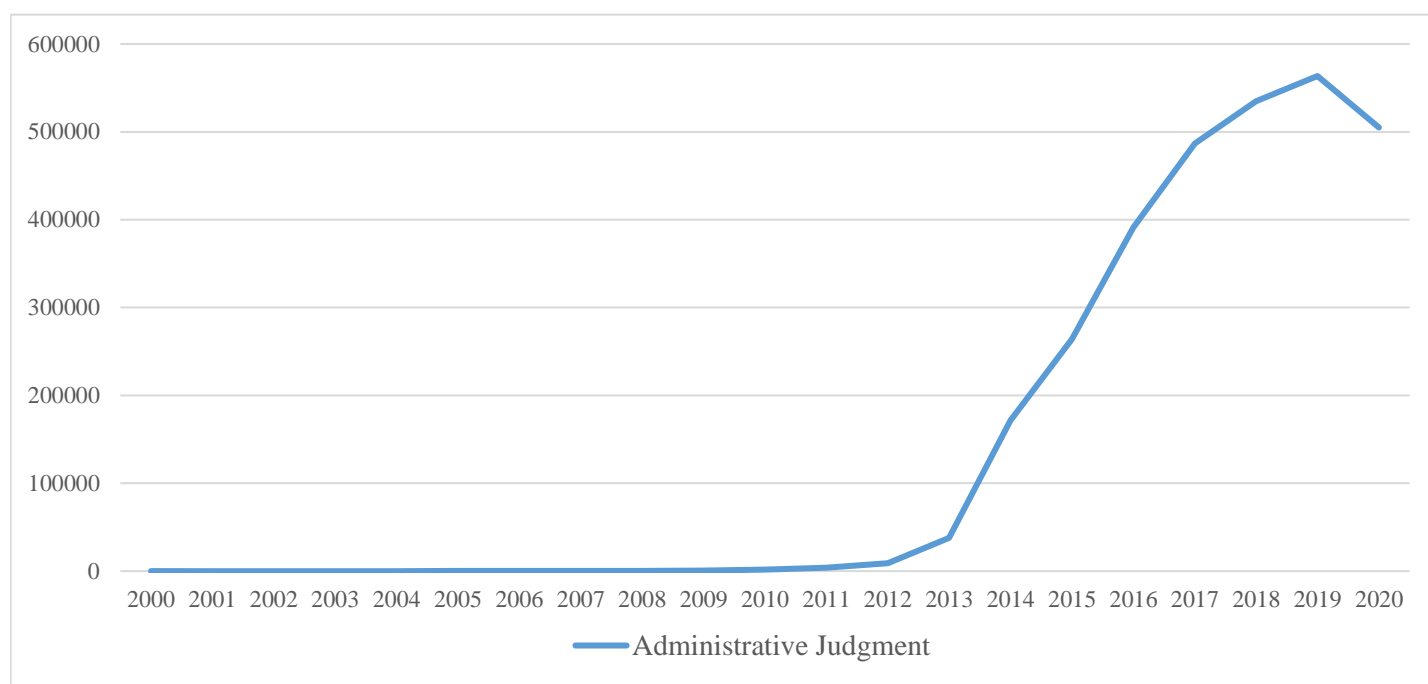


Figure 1: Trend of inclusion of administrative judgments in China Judgment Online from 2000 to 2020

Note. Data source: China Judgment Online (<https://wenshu.court.gov.cn>)

The promotion of judgment documents online has stimulated a large body of related research. Scholars have focused on the impact of the implementation of the regulations on the internal and external aspects of the judicial system. As far as the internal aspect of the judicial system is concerned, the mass disclosure of court outcomes allows the SPC to control the process of reporting information within the judicial hierarchy as part of the process of centralization of justice in China (Chen, Liu, and Tang, 2022). The SPC can use the mechanism of guiding cases to unify the application of law and the scale of decisions, improve the quality of judges and contribute to precise justice (Lin and Wang, 2013). At the same time, the trial data recorded on China Judgment Online serves as a central tool for evaluating judges' performance (Ahl and Sprick, 2018) and can push judges to better ensure the fairness of trials. As far as the external aspect of the judicial system is concerned, some scholars believe that the disclosure of courts' trial documents is an important initiative to guarantee citizens' right to know and supervise and is conducive to enhancing public trust in the judiciary (Ma, Yu, and He, 2016). However, some scholars have expressed doubts about the success of the implementation of the regulations in promoting judicial credibility. They argue that the main users of the platform are legal professionals rather than the general public, because the general public often does not have the ability or interest to systematically use this complex database in assessing the Chinese judicial system, and the media, under the control of the authority, also do not contribute to build public pressure. It is thus difficult to achieve the intended purpose of building public trust in the judiciary through the disclosure of judgment documents (Ahl and Sprick, 2018).

In the process of implementing the regulations, some scholars have expressed concern about the institutional dilemma of the regulations in terms of policy document, supervision, and accountability mechanisms (Li, 2017). The disclosure of judgments involves conflicts between the public's right to know and the public's right to privacy, the public's right to know and the citizens' right to personal information, and between

jurisprudential and ethical principles (Hu, 2015; Zhao, 2012). Therefore, the institutional design should be typified according to the specific contents of the documents, such as principled online, principled not online, consensual not online, and anonymous online (Zhang and Chen, 2015), in order to alleviate the problem of conflicting rights.

The realization of policy goals cannot be achieved without effective policy implementation; therefore, the academic community is particularly concerned about the current situation of the regulations. Based on the extraction and statistics of the documents published on China Judgment Online, some scholars have found that the number and proportion of judicial documents currently show an overall upward trend, but that there remain such problems as insufficient comprehensiveness, poor timeliness, poor standardization of the content, inconvenient access to the documents, and obvious regional differences (Yang, Qin, and He, 2019; Ma, Yu, and He, 2016). The causes of these include not only institutional factors such as ambiguous standards of disclosure, lack of supporting measures, and inadequate recourse and discipline (Zhao, & Li, 2015), but also external factors such as authority and the level of market development (Tang and Liu, 2019).

In general, most of the researches available focus on the regulations, analyzing the policy benefits, potential pitfalls, and the current implementation status. At the same time, few scholars have explored the impact of the implementation of the regulations on the outcome of administrative litigation, especially the interaction between judicial power, administrative power, and civil rights therein.

Using a difference-in-differences (DID) model, this study attempts to answer the follow questions: 1) Does the publication of judgments on the internet change the outcome of administrative litigation cases? 2) Is the implementation of judgments online more conducive to safeguarding the rights and interests of plaintiffs in administrative litigation cases, as shown by a comparison of the trial outcomes of administrative litigation cases before and after the Regulation? 3) To what extent has the Regulation affected the trial outcomes of administrative litigation cases?

2. The Development of the Administrative Litigation Law and the Publication of Judgments on the Internet

The adoption of the Administrative Litigation Law of the People's Republic of China at the Second Session of the Seventh National People's Congress in 1989 marked a significant advancement in the promotion of human rights protection and the development of the rule of law in China. Prior to the promulgation of the Administrative Litigation Law, there was no specific law in the Chinese judicial system to safeguard the rights and interests of administrative counterparts (plaintiffs), and administrative litigation cases were handled under the 1982 Civil Procedure Law. In 1986, the Standing Committee of the National People's Congress deliberated and adopted The Public Security Administration Punishments Law, provided that citizens could institute an action with the people's court against contested public security punishments, and established the jurisdictions of courts at different levels and the standards for litigation fees, providing a reference to the basic principles for the formal law of China's administrative litigation and administrative trial. At the same time, various local courts began to set up the administrative tribunals, and the number and types of administrative litigation cases were increasing, making it urgent for specialized laws to clearly regulate the scope of administrative litigation, jurisdiction, and procedures (Jiang, 2019).

Based on extensive research and expert consultation, the Administrative Litigation Law of the People's Republic of China was promulgated on 4 April 1989 and implemented on 1 October 1990. In the past, influenced by the traditional 'government-public' relationship and institutional environment, Chinese individuals tended to believe that the government was authoritative, and often did not even believe that they could file a complaint with the people's court. The promulgation of the Administrative Litigation Law has given support to plaintiffs' rights and interests through explicit legal provisions. With the success of some citizens' administrative litigation to defend their rights, the public began to break free of the shackles of the old concept and consciously used legal ways to resolve administrative disputes. At the same time, the Administrative Litigation Law has to a certain extent become an effective external force to compel the administrative organization to implement administration according to the law and restrain administrative inaction or disorderly action. Once the administrative act of an administrative organ is evaluated negatively by the court, the organ and the relevant staff will bear a certain responsibility, which forces the administrative organ to carry out self-monitoring, self-correction, and self-regulation in order to improve administrative law enforcement (Ma, 2019).

Yet a policy does not go from introduction to implementation easily. Indeed, the implementation of the Administrative Litigation Law remains incomplete. Given the low status of the judiciary in the political hierarchy and its high dependence on the government in terms of personnel arrangements and funding, judges are often reluctant to assume the formally granted powers to bind administrative officials (Li, 2013). It is common for the administrative agency to refuse to appear in court, refuse to answer questions, refuse to pay court fees, and refuse court decisions (O'Brien and Li, 2004). For the general public, defending their legitimate rights and interests through administrative litigation can be described as 'eggs against stones', with 'difficulties in filing, trialing, and enforcing' constituting the core dilemma in administrative litigation practice (He, 2018).

In response to this realistic dilemma, the Administrative Litigation Law received a revision in 2014 to improve the purpose of administrative litigation, the scope of cases received, and the jurisdictional system. For example, a system whereby the leaders of administrative organs appear in court in response to lawsuits has been implemented, and legal awareness among heads of administrative agencies has increased. These measures resolved the problem of administrative departments refusing to appear in court and to respond. Also, the Administrative Litigation Law stipulates that whether the reconsideration agency decides to sustain or change the original administrative act, the reconsideration agency should attend as a co-defendant in the administrative litigation so as to resolve the problem of the long and ineffective cycles of the reconsideration organs in the past and to try to bring into play the internal self-monitoring function of the administrative organs (Işık et al., 2024a, 2024b, 2024c). It also attempts to resolve the problem of the 'localization of justice' to ensure judicial independence and impartiality through the mechanism of higher-level jurisdiction and cross-area jurisdiction of some cases.

In addition, China has actively promoted the process of judicial information disclosure, issuing the Regulations on the Publication of Judgments on the Internet by the People's Courts three times, in 2010, 2013, and 2016, which marked different stages in the development of a system to place judicial documents online. First was the stage of sporadic disclosure. In 2000, the SPC issued a judicial document and took the lead in proposing that its daily judgments would be disclosed 'selectively' through the Internet, followed by people's courts at all levels disclosing some judgments on the 'China Court Website' (Hu, 2015). In 2007, the SPC issued the Opinions on Strengthening the Openness of the People's Courts' Judgments, which promoted the implementation of openness in local courts. However, the disclosure of judgment at this stage was sporadic and lacked a dedicated bulk disclosure channel (Ma, Yu, and He, 2016). Second was the stage of public availability. In November 2010, the SPC issued the Regulations on the Issuance of Judicial Documents on the Internet by the People's Courts, which for the first time set out clear and detailed regulations on the disclosure of judgments. At this stage, except for judgments that are not allowed to be disclosed by law, judgments are 'allowed' to be disclosed online. At the same time, the parties to a case have the right to decide whether or not to disclose the judgments in their cases. The third stage was the mandatory disclosure stage. In November 2013, the SPC published the Regulations on the Issuance of Judgments on the Internet by the People's Courts (2013 Revision), requiring that people's courts 'must' disclose all valid and eligible judicial documents on China Judgment Online. It also eliminated internal approval procedures within the courts and the right of parties to give prior consent and afterwards doubt to the disclosure of judgments (Hu, 2015), which could effectively guarantee citizens' right to information and supervision of the judiciary. Fourth is the stage of efficient disclosure. The SPC issued its third regulation on the publication of judgments in 2016, clarifying and refining the requirements for the comprehensiveness, timeliness, and standardization of the disclosure of judgments (Yang, Qin, and He, 2019), which better facilitates public access to judgments and promotes judicial justice.

3. Research Design

3.1. Variable setting and research hypotheses

The judiciary, within the institutional set-up of balances with the executive and the legislature, is considered an important basis for safeguarding the rights of citizens against infringement by the public power and other parties. However, judges in authoritarian systems not only often have little independence, when they do, they tend to cater to public power (Helmke and Rosenbluth, 2009). Even in a democratic system, judicial independence is not entirely present (Geyh, 2014; Hershkoff, 2023). In China, due to the institutional set-up, the local judiciary is dependent on the local government for financial and personnel matters, which may lead to improper interference by the local government in the judicial process and, to a certain extent, weaken the function of the courts as an impartial judge to resolve disputes and restrain government power (Chang, and Liu, 2018).

Because of the unique structure of administrative litigation, the outcome of the trial will be closely related to the interests of the government and its staff, so the phenomenon of administrative interference in justice may be more serious, and the 'citizens' (plaintiffs) are often in a relatively weak position. With the implementation of the Regulation, the judgments of cases accepted by the SPC and local courts will need to be disclosed on China Judgment Online to be monitored by the public and society. The disclosure of judgments helps ensure that judicial power operates 'in the light of the sun', raises the cost and risk of rent-seeking, breaks the concealment of power operation, and provides a preventive mechanism for anti-corruption (Mulgan, 2007; Zuo, 2018). Second, disclosure is an important constraint mechanism to reduce subjectivity in the suits and to prevent abuse of power (Hood and Heald, 2006). On the other hand, the disclosure of judicial documents can break down information barriers between administrative counterparts and administrative subjects, reduce information asymmetry, and thus improve the relative advantage of plaintiffs in administrative litigation. Therefore, we believe that the Regulation can help to achieve the balance between the rights and interests of plaintiffs and administrative subjects and, to a certain extent, alleviate the dilemma of 'difficult to file and try cases' in administrative litigation.

3.2. Core variables and research hypotheses

Based on the above analysis, the core independent variables in this paper are the sorting dummy variable (named Tit), the time dummy variable (named Pit), and the difference-in-differences variable $\text{Tit} * \text{Pit}$ (named DID). The dependent variable is the outcome of the case, including the three specific variables: whether the case was closed by judgment (named Conclusion), whether the plaintiff won the case (named Win), and whether the plaintiff withdrew the case (named Withdraw). The variables are assigned in Table 1.

In administrative litigation, the most important function of the judiciary is to review the legality of specific administrative actions; a judgment to close a case means that the court conducted a substantive trial, while a ruling to close a case is a decision to deal with procedural matters in the litigation, which may or may not have been substantively tried (Huang, 2013). Therefore we can consider judgment to close a case as meaning that the court has considered the legality of the administrative action.

According to Huang's survey, 56.4% of first instance administrative cases were closed by ruling, while 43.6% were concluded by judgment (2013). The fact that more than half of the cases were closed by ruling indicates that the courts did not give an answer to the legality of the administrative action under suit (Huang, 2013). Courts and judges in administrative litigation are more willing to choose other informal ways to trial cases, and avoid making formal judgments on the legality of the administrative action. We argue that the disclosure of judicial information is conducive to public scrutiny of the judgment behavior of courts and judges, which in turn promotes the active performance of adjudication functions by courts and judges and increases the rate of judgment in administrative cases. This leads to Research Hypothesis H1: The Regulation helped to increase the judgment rate. We noted the ways in which the sample cases were concluded. The ruling closure applied

to the scope of not docketing the complaint, turning down the case, objection to jurisdiction, etc.; judgment closure applied to the scope of upholding, modifying, revoking, ordering to perform within a time limit, confirming illegal or invalid, rejecting the application, and so on.

Table 1: Variable definitions

Type	Variable	Definition
Dependent variables	Conclusion	1 if the case was concluded in judgment, 0 if the case was concluded in ruling.
	Win	1 if the plaintiff won the case, 0 if the defendant won the case.
	Withdraw	1 if the plaintiff withdrew the case, 0 if the plaintiff did not withdraw the case.
Independent variables	T_{it}	1 if the case is in the treatment group, 0 if the case is in the control group.
	P_{it}	1 if the year is before the Regulation implement, 0 if the year is after the Regulation implement.
	DID	$T_{it} * P_{it}$
Control variables	Level	2 dummy variables were generated using the Primary Court as the control group.
	Plaintiff	1 if the plaintiff of the case was a citizen, 0 if the plaintiff of the case was an organization.
	Defendant	1 if the defendant of the case was government, 0 if the defendant of the case was a government functionary.

Win. According to existing studies, if the judgments of upholding and rejecting application in administrative litigation cases are classified as judgments in favor of the defendant, they account for 28.3% of the total number of cases. If the remaining judgments are classified as judgments in favor of the plaintiff, they account for 10.7% of the total number of cases. However, in other types of cases, defendants' success rate is only around 7% (Huang, 2013). These figures indicate that the plaintiff's success rate is lower and the defendant's success rate is higher in administrative litigation cases than in other types of cases. Based on the above analysis, we believe that disclosing documents online will likely increase the success rate of plaintiffs, and thus proposed Research Hypothesis H2: The Regulation helped increase the success rate of plaintiffs.

This article drew on the method used by scholars Long and Wang to determine the winning party, considering the relative weakness of the plaintiff in the litigation process, such that as long as the plaintiff's claim is satisfied in whole or in part, the plaintiff is deemed to have won the case 2014. If the court's decision includes revoking, modifying, or confirming as illegal or invalid, then the plaintiff is deemed to have won the case; if the court's decision does not contain any content in favor of the plaintiff, including upholding, rejecting the suit/appeal/application, permission to withdraw/treat the suit as withdrawn, or suspension of proceedings, then the administrative agency is deemed to have won the case.

Withdraw. The reasons for the plaintiff's withdrawal are diverse, and the interference of various pressures on litigation is the main reason for the plaintiff's irregular or involuntary withdrawal. It is not uncommon for the plaintiff to apply for withdrawal due to the defendant's change of behavior. This study suggests that the implementation of the Regulation may have some impact on the plaintiff's litigation psychology, enhancing his trust in the judiciary, which in turn influence his decision whether to withdraw the case. This leads to Research Hypothesis H3: The Regulation helped to reduce the withdrawal rate of plaintiffs.

In this study, we examined the specific outcomes of the sample cases to record the plaintiff's withdrawal application and the court's disposition of the case as withdrawn, and form a dichotomous variable of whether the plaintiff withdrew or not.

Control Variables.

Jurisdictional Court Levels (Named Level). One of the main features of administrative litigation is the guarantee of a fair trial through hierarchical jurisdiction (Huang, 2013). However, for China's special institution of administrative divisions, administrative interference in the judiciary and judicial local protectionism still exist. In this context, courts may face the risk of reduced financial budgets if they make decisions affecting local interests in the trial of administrative litigation (Işık et al., 2023; Zhang, 2003). Particularly in the case of intermediate and the primary courts, factors such as limited financial input and one-way dependence on the financial department have a significant impact on their position in the political power structure. Therefore, this study included the level of jurisdictional court (named Level) as a control variable, and classified jurisdictional court levels into superior, intermediate, and primary courts according to the judicial hierarchy in China.

Types of Plaintiffs (Named Plaintiff). According to Article 2 of China's Administrative Litigation Law, citizens, legal persons, or other organizations who believe that the administrative action taken by an administrative agency or any employee infringes upon their lawful rights and interests have the right to file lawsuits in the court in accordance with this Law. This study thus divided administrative litigation plaintiffs into two categories: citizens and organizations. Among them, organizations included enterprises, factories, industrial committees, villagers' groups, cooperatives, and village committees. Although everyone is equal before the law, there are differences in the risks and litigation costs

that different types of plaintiffs can bear (Zhang and Ke, 2002). Compared with individual citizens, organizations have a higher tolerance for risk and can bear higher costs of litigation, and they are more likely to engage professionally qualified litigation agents. As a result, the difference in plaintiffs' bargaining power may also affect the trial of the case, so it was used as a control variable (named Plaintiff) in this paper.

Type of Defendant (Named Defendant). The Administrative Litigation Law stipulates that competent defendants include the administrative agency and its authorized organizations. China's administrative regions are divided into three levels: the provincial level (province, autonomous region, municipality directly under the Central Government, and autonomous prefecture), county level (county, autonomous county, and city), and township level (township, ethnic township, and town), and local governments at all levels established the necessary functional departments. Such an administrative division, combined with the fact that the local judicial system is elected by and accountable to the local people's congresses, may weave a 'spider's web' around the courts, resulting in many local governments actually considering the courts as one of their functional departments in practice. As a result, the influence of local governments over the courts is higher than that of government functionaries. In this study, defendants were divided into two categories, government and government functionaries, which were included as control variables (named Defendant). The operation and assignment methods of the above variables are shown in Table 1.

3.2. Model

The DID model is widely used in policy analysis (Ying, 2023). The main idea is to set the sample affected by the policy as the treatment group, and the sample not affected by the policy as the control group. Then, by comparing the change in the observation of the treatment group (D1) with the change in the observation of the control group (D2) before and after the implementation of the policy, we could find the actual effect of the policy shock (DID = D1–D2). The DID model can largely solve the endogenous problem and effectively control the effect between the independent variables and the dependent variables, which is suitable for our research purpose. However, as the implementation of the Regulations on the Issuance of Judgment Online is 'one-size-fits-all' and the policy is not piloted or implemented in stages, the Regulation will cause policy shocks to all courts. Because there is no 'treatment group' or 'control group' in the strict sense, it was more appropriate to use the Generalized DID Model in this paper. The Generalized DID Model applies to a situation under which all individuals are affected by the policy, but the impact of the policy is different for each individual. In terms of judicial practice, there are differences in the progress and strength of the implementation of the Regulation among courts, and courts from different areas or different levels have different degrees of discretion, resulting in uneven specifics of the online access in each region. Based on the above analysis, this study applied the Generalized DID Model and adopted the 50% public case closure ratio as the cut-off to distinguish the treatment and control groups (see Table 2 for details).

Table 2: Control group and treatment group

Control group					Treatment group				
No.	Area	Total disclosure (piece)	Total conclusion (piece)	Rate (%)	No.	Area	Total disclosure (piece)	Total conclusion (piece)	Rate (%)
1	Xizang	6994	46,090	15.17	21	Guangxi	359,580	700,404	51.34
2	Heilongjiang	136,434	757,504	18.01	22	Fujian	630,914	1,174,871	53.70
3	Jiangxi	118,107	558,585	21.14	23	Ningxia	98,288	178,912	54.94
4	Xinjiang	150,087	674,729	22.24	24	Henan	874,386	1,587,876	55.07
5	Hainan	51,484	222,007	23.19	25	Hunan	536,460	950,800	56.42
6	Inner Mongolia	186,058	797,930	23.32	26	Hubei	509,035	879,746	57.86
7	Shanghai	293,108	1,159,500	25.28	27	Hebei	738,399	1,222,775	60.39
8	Shanxi	136,635	529,435	25.81	28	Shandong	1,509,674	2,301,000	65.61
9	Yunnan	184,679	691,986	26.69	29	Zhejiang	1,571,855	2,391,000	65.74
10	Guizhou	171,574	616,298	27.84	30	Anhui	800,469	1,179,129	67.89
11	Beijing	311,185	991,125	31.40	31	Shaanxi	512,868	656,325	78.14
12	Liaoning	442,633	1,252,210	35.35					
13	Guangdong	859,973	2,317,200	37.11					
14	Tianjin	209,145	502,132	41.65					
15	Chongqing	401,730	927,321	43.32					
16	Gansu	194,624	449,200	43.33					
17	Sichuan	686,253	1,571,539	43.67					
18	Qinghai	53,143	116,174	45.74					
19	Jilin	289,635	602,082	48.11					
20	Jiangsu	1,218,865	2,506,253	48.63					

Note. Data source: Ma, C., Yu, X. H., and He, H. B. (2016), Big data analysis: Report on the online disclosure of judicial documents in China, *China Law Review*, (04), 195-246. <https://qikan.cqvip.com/Qikan/Article/Detail?id=670326819>

Based on the DID model, the basic model in this paper is:

$$Y_{it} = \beta_0 + \beta_1 T_{it} + \beta_2 P_{it} + \beta_3 T_{it} * P_{it} + \varepsilon_{it}, \text{ (Model 1)}$$

where Y_{it} is the dependent variable referred to the outcome of the policy. i is the corresponding sample and t is the corresponding time. T_{it} is the sorting dummy variable, such that if individual i is affected by the policy implementation, then individual i belongs to the treatment group and the corresponding T_{it} takes the value of 1. If individual i is not affected by the policy implementation, then individual i belongs to the control group and the corresponding T_{it} takes the value of 0. P_{it} is the policy time dummy variable. We set 1 January 2014 as the policy implementation node, with P_{it} taking the value of 0 before the policy implementation node and 1 after the policy implementation node. $T_{it} * P_{it}$ is the interaction term between the group dummy variable and the time dummy variable, i.e. the difference-in-differences variable (named DID), whose coefficient β_3 reflects the net effect of policy implementation; ε_{it} is the error term. Taking other influencing factors into account, the model can be further expressed as:

$$Y_{it} = \beta_0 + \beta_1 T_{it} + \beta_2 P_{it} + \beta_3 T_{it} * P_{it} + Z_{it} + \varepsilon_{it}, \text{ (Model 2)}$$

where Z_{it} denotes the other explanatory variables and control variables.

3.3. Data and Sample

Considering the symmetry and richness of the data, this study sampled the administrative case documents of the people’s courts in all provinces, municipalities, and autonomous regions from 2012 to 2015 on China Judgment Online. We sampled 7463 administrative case documents with a decision date of the 10th of each month, and the yearly distribution of the sample was as follows: 155 in 2012, 645 in 2013, 3,640 in 2014, and 3,023 in 2015. We collated and recorded information on the date of decision, case number, geographical information of the jurisdictional court, hierarchy of the jurisdictional court, type of plaintiff, type of defendant, form of conclusion, and outcome of the trial contained on the documents (Variable summary statistics are shown in Table 3).

It should be noted that since the object of this article is administrative litigation cases and their outcomes and the focus is on ‘civil lawsuit’ cases, the following principles were followed in the selection of data: only administrative documents of the first trial, second trial, and retrial in administrative cases were captured, excluding non-lawsuit administrative execution, administrative compensation documents, and other documents; only judgments and rulings involving the actual rights of the parties, such as suspension of proceedings and dismissal of complain, were captured; only mediation, decision, notice, order, etc., were recorded; only judgments and rulings on suspension of proceedings, dismissal of prosecution, etc., which involve the actual right of appeal of the parties, were recorded, excluding consent judgment, written decision, notice, order, etc.; only record documents that satisfy both the requirements of the appellant or the applicant for retrial being the plaintiff of the first

Table 3: Variable summary statistics

Variable	Value	Number	Percentage	Observation
Conclusion	1	4108	55.04%	7463
	0	3355	44.96%	
Win	1	1489	19.95%	7463
	0	5974	80.05%	
Withdraw	1	1647	22.07%	7463
	0	5816	77.93%	
T_{it}	1	3655	48.97%	7463
	0	3808	51.03%	
P_{it}	1	6663	89.28%	7463
	0	800	10.72%	
DID	1	3078	41.24%	7463
	0	4385	58.76%	
Level	Primary	4398	58.93%	7463
	Intermediate	2733	36.62%	
	Superior	332	4.45%	
Plaintiff	1	1147	15.37%	7463
	0	6316	84.63%	
Defendant	1	1817	24.35%	7463
	0	5646	75.65%	

instance (i.e. the ‘citizens’) and the appellee or the respondent of retrial being the defendant of the first instance (i.e. the ‘official’); those cases in which the ‘official’ appeals the ‘citizens’, or in which a third party is the only appellant were excluded; and if the contents of the document cannot be distinguished due to the principle of concealment, they would be excluded.

In terms of data errors, although we have made relevant considerations and technical processing to ensure the reliability of the data, there are still some uncontrollable factors. First, because those documents which were completed before the Regulation were uploaded late, there is a great difference in the total number of documents before and after the Regulation, and the number of documents usually fluctuates. Second, the lack of specification for uploading documents and the technical problems with the website itself, such as discrepancies where the information in the search field does not match the actual instrument information, which may lead to bias in some analyses based on this information.

4. Empirical Results

4.1. Case Settlement Method

There is a correlation between the case settlement method and the case classification (Shen, 2007). According to the statistics concerning the case settlement method of the sample, the rate of judgment and ruling remained largely similar across years (see Table 4). Overall, 55.04% of the cases were closed by judgment, while nearly half of the cases were closed by ruling. The high ruling rate is partly related to the current judicial reform trend, and partly reflects the dilemma that administrative litigation is “difficult to judge” (He, 2012). With the widespread use of mediation in administrative litigation in recent years, and with the Supreme Court’s reinforcement of the rules related to the withdrawal of a plaintiff’s case after the defendant has changed the administrative action being sued, it seems that the courts are reluctant or even refuse to issue formal judgments in administrative litigation cases (Huang, 2013). The courts avoid a trial and prefer to use other informal means to hear cases, leading to the legality of the contentious administrative actions associated with the case not having been effectively answered (Chen, 2024). It is thus difficult for the judiciary to maximize its function of restraining administration.

Table 4: Analysis of case settlement method

Year	2012	2013	2014	2015	Total
Judgment	80	327	2202	1499	4108
(percentage)	(51.61%)	(50.70%)	(60.49%)	(49.59%)	(55.04%)
Ruling	75	318	1438	1524	3355
(percentage)	(48.39%)	(49.30%)	(39.51%)	(50.41%)	(44.96%)

To further validate these findings, we used the DID model to discuss whether the implementation of the Regulation helped to improve the rate of judgment in administrative litigation. Model 1 is the basic model, in which only the impact of the core independent variables is included. Model 1 shows that the coefficient of DID is positive and statistically significant at the 1% level. The model also shows that after the implementation of the Regulation, the odds ratio of judgment in administrative litigation is 1.826 times higher than the odds ratio before the

Regulation. In order to observe the impact of the type of plaintiff, the type of defendant and the level of jurisdictional court on the case settlement method, we included these control variables to build Model 2. The key variable DID in Model 2 still has a positive and statistically significant impact on the increase in the rate of judgment. Therefore, we believe that Research Hypothesis H1, ‘the Regulation helped to increase the rate of judgment’, has been verified. The implementation of the Regulation reduced the phenomenon of ‘courts’ avoidance of judging’ in administrative litigation, enabling the courts to better exercise their power of judicial supervision and protect the legal right of citizens.

In terms of the relevant control variables, in Model 2 (see Table 5), the coefficient of Defendant is negative, indicating that a lower proportion of cases is taken to judgment closure when the defendant is government than a government functionary. The odds ratio of judgment when the defendant is the government is 0.771 times higher than when the defendant is a government functionary, indicating that local governments have a greater influence on the courts than government functionaries. As for the level of jurisdictional court, the coefficient for Intermediate is positive and statistically significant at the 1% level, indicating that a higher proportion of cases are closed by judgment when the court of jurisdiction is the Intermediate People’s Court than the Primary Court, which is in line with expectations. The regression results for Superior are not significant and the direction of the coefficient is not as expected. Although the impact of Plaintiff on Conclusion is not statistically significant, the direction of the variable’s coefficient is as expected, indicating that the percentage of administrative litigation cases concluded by judgment is 1.857 times higher when the plaintiff is an organization than a citizen. This could to some extent indicates that organizations tend to have more advantages than do citizens in administrative litigation cases.

4.2. Plaintiff Win Rate

The success rate of plaintiffs in administrative litigation cases has always been the key matter of public and scholarly attention. As shown in Figure 2, the average success rate of plaintiffs in 7463 samples from 2012 to 2015 is very low, only 19.95%. Based on the adverse selection effect in litigation, people tend to appeal to the court only when they feel their chances of winning are high. When the cost of suing is too high or confidence in justice is lacking, suing will not be people’s first choice, and most of these potential plaintiffs opt out of the judicial field (Zhang

and Ke, 2002). As defined in this study, if the court’s conclusion partially satisfies the plaintiff’s legal claim, then the plaintiff will be considered the winner. In conclusion, the 19.95% success rate actually overestimates the contrast in power between the administrative counterpart and the administrative subject.

Table 5: Results of the DID model of case settlement method

		Model 1	Model 2
P _{it}		-.296** (.744)	-.268* (.765)
T _{it}		-.778*** (.460)	-.695*** (.499)
DID		.602*** (1.826)	.592*** (1.808)
_cons		.600*** (1.823)	.419*** (1.520)
Level	Intermediate	-	.273*** (1.313)
(Primary = 0)	Superior	-	-.138 (.871)
Plaintiff (citizen = 0)	Organization	-	.619 (1.857)
Defendant (Government Functionary = 0)	Government	-	-.260*** (.771)
N		7463	7463
R ²		0.008	0.033

*** p < 0.01, * p < 0.1, OR values in brackets.

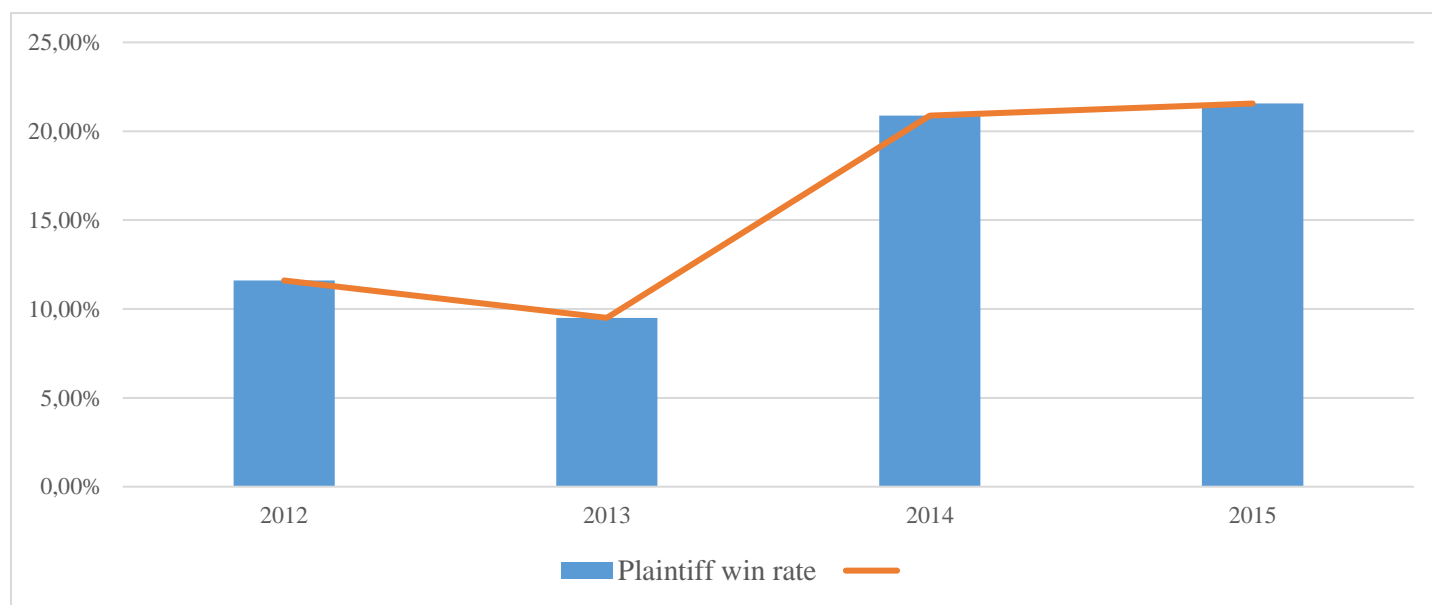


Figure 2: Analysis of plaintiff win rate

Despite the low overall plaintiff win rate, it shows an upward trend after the implementation of the Regulation. Figure 2 shows that the plaintiff win rate increases by almost 10 percentage points between 2012 and 2015. As The results of the independent-sample t-test (see Table 6) shows that the mean value of Win before the implementation of the Regulation is 0.19, while the mean value of Win after the implementation of the Regulation is 0.21, with a mean difference of 0.023 and a t-test accompanying probability of 0.013, less than 0.05. These results indicate that the plaintiff win rate is significantly higher after the implementation of the Regulation than before at a 5% significance level.

Table 6: Results of the Independent-Sample T-Test

Category	Before		After		T-test				
	Mean	Std. Dev.	Mean	Std. Dev.	Mean Differences	Std. Dev. Difference	Sig. (2-tailed)	t	df
Win	.190	.391	.210	.408	.023	.009	.013**	2.476	7408.627

* p < 0.1, OR values in brackets.

To further verify whether the implementation of the Regulation enhanced the plaintiff's success rate, we built Model 3 (including core independent variables) and Model 4 (including core independent variables and control variables), in which we entered Win as the dependent variable. Table 7 shows that the estimated impacts of DID are not significant in either Model 3 or Model 4, and Hypothesis H2, 'the Regulation helped to increase the success rate of plaintiffs', is not supported. However, it can still be seen that the Regulation has a positive effect on the plaintiff win rate, although the effect does not reach statistical significance. In terms of the control variables, the estimated impacts of Level, Plaintiff, and Defendant on the dependent variable are inconsistent with expectations, which merits further attention.

Table 7: Results of the DID model of plaintiff win rate

	Model 3	Model 4
P_{it}	.840*** (2.317)	.837*** (2.310)
T_{it}	.013 (1.014)	-.124 (.884)
DID	.218 (1.244)	.270 (1.309)
_cons	-2.264*** (.104)	-2.094*** (.123)
Level		
Intermediate	-	-.601*** (.548)
Superior	-	-.176 (.839)
Plaintiff (citizen = 0)		
Organization	-	-.362*** (.696)
Defendant (Government Functionary = 0)		
Government	-	.505*** (1.657)
N	7463	7463
R ²	0.018	0.049

*** $p < 0.01$

Although higher plaintiff win rates are not always better, in the court's decision, especially in the administrative litigation field, the plaintiff is in a weaker position than the defendant. If the plaintiff's legal claims are met, this indicates that justice contributes to protect citizens' legitimate rights and interests from being infringed (Shen, 2007). The positive effect of the Regulation on the plaintiff win rate shows that information disclosure is conducive to improving the effectiveness of the judiciary.

4.2. Plaintiff Withdrawal Rate

Withdrawal is a special system in China's administrative litigation, which can be divided into two types: the plaintiff's withdrawal application and the court's disposition of the case as withdrawn. Withdrawal makes up the bulk of the various conclusions in administrative litigation (He, 2012). Application for withdrawal is the plaintiff's right, but the reasons for withdrawal are various, among which the plaintiff's relatively weak bargaining power and interference from diverse parties are the important factors (Xie, 2010). In our samples, the average plaintiffs' withdrawal rate is as high as 22.07% (see Figure 3).

The high rate of plaintiff withdrawal is due to the Administrative Litigation Law itself, but also to the political system, the judicial environment, and other factors. Some withdrawals are voluntary because the defendant changed the specific administrative act, and some withdrawals might have been involuntary, made in response to external pressure. In fact, most withdrawals do not maximize the plaintiffs' interests, but represent the 'second best option'.

Many scholars have summarized the performance of 'abnormal withdrawal', which usually includes the following four situations: First, the defendant privately mediates with the plaintiff and mobilizes the plaintiff to withdraw. Specifically, in the process of case hearing, the defendant finds that their own behavior is indeed illegal, so they privately seek to convince the plaintiff to withdraw with benefits in order to avoid losing the case. Second, the defendant puts pressure on the plaintiff, coercing him or her into withdrawing the case. This situation often occurs in administrative fields characterized by regular administrative enforcement, such as taxation, construction, public security, industry and commerce, and environmental protection. Third, the court persuades the plaintiff to withdraw the case. In cases which are hard to judge, some courts will adopt mediation to persuade the plaintiff to withdraw the case. Fourth, the plaintiff applies to withdraw the case due to the high cost of litigation. Specifically, the plaintiff's ability to resist pressure in administrative litigation is generally lower than that of the defendant, so if the case is not concluded for a long time, the plaintiff's litigation costs will inevitably increase and he or she will therefore be more likely to withdraw the case (Huang, 2013; Xie, 2010; Sun and Xing, 1996; Li and Luo, 1997).

In either case, bad gaming involving the plaintiff, the defendant, and the judiciary will provide a breeding ground for corruption in both the government and the judiciary, which is not conducive to the development of fairness, justice, and democracy. Also, it will discourage citizens' motivation and their trust in government, and it is not conducive to social supervision (Wu, 2018; Willis, 2023). Against this background, a question arises: can the implementation of Regulation reduce the high plaintiff withdrawal rate and reduce government corruption? Figure 3 shows that the withdrawal rates of plaintiffs are similar in 2012 and 2013 and in 2014 and 2015. Meanwhile, there is a significant change in the withdrawal rate before and after the Regulation, with a drop of almost 13 percentage points.

To verify the relationship between this change and the Regulation, the DID model was again used (see Table 8). Model 5 (which only includes the core independent variables) shows that the coefficient of DID is negative and statistically significant at the 1% level. This shows that the odds ratio of plaintiffs' withdrawal is 0.191 times higher after the Regulation. Controlling for Level, Plaintiff, and Defendant, Model 6 provides

a similar result for the effect of the Regulation, which means Hypothesis H3, ‘the Regulation helped to reduce the withdrawal rate of plaintiffs’, is verified. The disclosure of judicial information helps to reduce bad gaming in administrative litigation, improves judicial transparency and fairness, curbs corruption, and increases plaintiffs’ confidence in using administrative litigation to defend their rights.

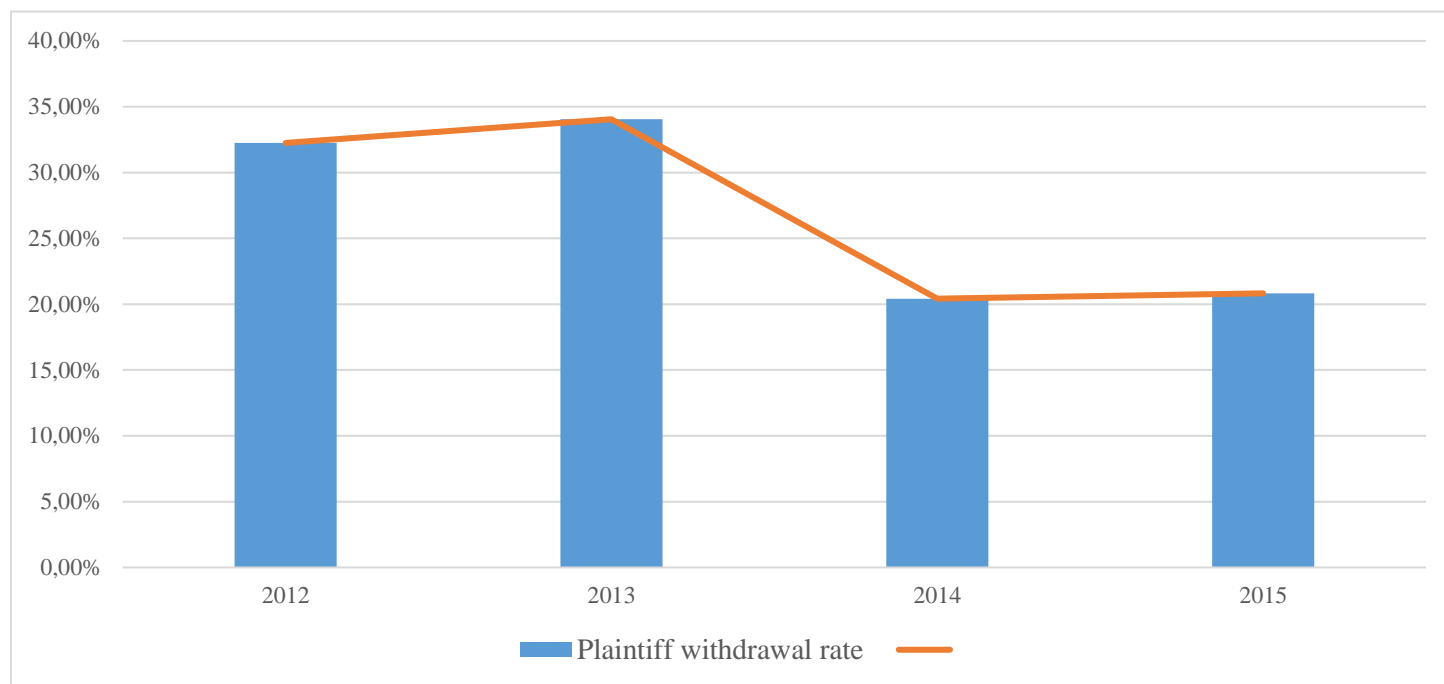


Figure 3: Analysis of plaintiff withdrawal rate

Table 8: Results of the DID model of plaintiff withdrawal rate

	Model 5	Model 6
P _{it}	.747*** (2.110)	.788*** (2.200)
T _{it}	2.002*** (7.406)	1.790*** (5.992)
DID	-1.654*** (.191)	-1.514*** (.220)
_cons	-2.264*** (.104)	-1.702*** (.852)
Level (Primary = 0)	Intermediate -	-1.485*** (.740)
	Superior -	-2.137*** (.118)
Plaintiff (citizen = 0)	Organization -	-.160* (.227)
Defendant (Government Functionary = 0)	Government -	-.301*** (.182)
N	7463	7463
R ²	0.040	0.155

*** p < 0.01, * p < 0.1, OR values in brackets.

In addition, the control variables Level, Plaintiff, and Defendant all have the significant effect on the plaintiff withdrawal rate. Except for Defendant, all the directions of the control variables are consistent with expectations. Specifically, compared with the Primary Court, the odds ratio of plaintiffs’ withdrawal in the Intermediate People’s Court and the Superior People’s Court is 0.74 and 0.118 times higher, respectively. This suggests that the higher the level of the court, the less bad gaming and administrative interference in the judicial process. At the same time, the ability to take risks and access resources tends to be stronger when the plaintiff is an organization than a citizen, which will mitigate the withdrawal of cases.

5. Conclusions, Discussion and Policy Implications

Government information is of great value to the development of the country. The disclosure of government information is conducive to

safeguarding citizens' right to information, fostering their ability to participate in politics, and improving the government's effectiveness and ability to fight corruption. For the above reasons, we believe that the disclosure of government information is an ineluctable requirement for the construction of democracy. The disclosure of information by the judiciary plays a vital role in driving the general process of government information disclosure. The Regulation on the Issuance of Judgments on the Internet, officially implemented at the beginning of 2014, constitutes the key part of the exploration and development of China's judicial information disclosure institutions, aimed at strengthening social supervision, implementing the principle of openness in trials, improving the effectiveness of the judicial system, and promoting fairness and justice. This study focuses on the field of administrative litigation in China. A total of 7463 judge documents were extracted from China Judgment Online to build the database, and a DID Model was applied to estimate the impact of the Regulation on the outcome of administrative litigation and to explore the interaction between judicial power, administrative power, and civil rights. The findings of the study are as follows:

First, against the background of the 'difficulty in judgment' in Chinese administrative litigation, the implementation of the Regulation significantly increased the rate of judgment in administrative litigation as the courts have become more likely to review the legality of specific administrative actions, which will promote the supervisory function of the judiciary and curb the judicial corruption.

Second, citizens are often in a weak position when they face public power in administrative litigation, and the success rate of plaintiff is lower than that of defendant. This research found that the Regulation had a positive impact on the plaintiff win rate. The active protection of the plaintiff's legal rights and interests by the judiciary shows that disclosure of information is conducive to the effectiveness of the judiciary, and it can promote fairness and justice. At the same time, research found that the effects of the level of jurisdictional court, the type of plaintiff, and the type of defendant on the plaintiff win rate were not consistent with our expectations, which is contrary to the research findings of Chang (2018) and other scholars, and merits further analysis.

Third, the high withdrawal rate of plaintiff has been a challenge to the reform of the administrative litigation institution, especially in view of the large number of abnormal withdrawals. Scholars such as Ahl (2018) argued that it is difficult for the public and the media to exert direct pressure on the courts or administrative authorities by relying on judgment documents, and thus difficult to build public trust in the judiciary. However, the result showed that the Regulation significantly reduced the plaintiff withdrawal rate, reduced bad gaming in the litigation process, increased the credibility of the judiciary, and created better conditions for exercising social monitoring. The study also found that organizations had a stronger ability to take risks and access resources than citizens, thus mitigating the withdrawal rate. This finding is in line with Huang's (2013) findings on the state of first trials in administrative litigation.

In summary, the disclosure of judgment documents can help to solve some of the existing problems in China's administrative litigation, reduce the judiciary's over-reliance on the administrative organs, balance the relative positions of plaintiff and defendant in administrative litigation cases, and safeguard the people from infringement of their legitimate rights and interests. At the same time, the implementation of the regulation is conducive to the effective use of mechanisms of social monitoring of the judiciary and administrative organs, forcing them to optimize internally and improve the effectiveness of governance.

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Compliance with ethical standards

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