

论文

网络庭审直播视野中的刑事审判——基于问卷调查的实证分析

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摘要:

随着网络时代的到来和媒体力量的日益强大,网络庭审直播成为刑事案件审判中的一道新风景。网络庭审直播能在中国刑事审判透明度还不高的情况下,为分析刑事审判模式提供重要的素材。问卷调查显示,多数参与调查人对这一新型审判公开方式表示肯定,同时,不少参与调查人指出了网络庭审直播的缺陷,如案件过于简单、走过场的成分较多等。通过规范启动程序、遴选标准、具体规则等,可以完善网络庭审直播。调查从一个侧面显示,控辩平等对抗、证人出庭作证、被追诉人权利保障等是中国当前刑事审判模式改革需要重点考虑的方向。

关键词: 刑事审判 网络庭审直播 程序公开 诉讼构造

Research on the Online Live Broadcasts of Criminal Trial: An Empirical Analysis Based on Questionnaire Survey

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Abstract:

With the arrival of the Internet Age and the increasing power of the media, online live broadcasts become a new landscape in the criminal trial. Online live broadcasts provide us with important data for analyzing China's criminal trial mode when the transparency of China's criminal trial is not adequate. The questionnaire survey shows that most people involved in the survey affirmed online live broadcasts as a new way of procedure disclosure. At the same time, many people pointed out some defects of online trials, such as too simple cases, too many factors of formalism. We can attempt to improve online criminal trial by normalizing the initial procedure, selection standards and specific rules of online live broadcasts. The survey explores some key ways of reforming China's current criminal trial mode from some profile, which include promoting the equal adversaries between the procurator and the accused, keeping witnesses being testified on court, protecting the rights of the accused.

Keywords: criminal trial online live broadcasts procedure disclosure litigation structure

收稿日期 修回日期 网络版发布日期

DOI:

基金项目:

通讯作者:

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