

Impacts of Revising Criminal Wrongful Convictions on Judicial Credibility in China: A Cocktail Party Effect Analysis

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Abstract

In the Disruption Era, the revision of criminal wrongful convictions is vital to the protection of human rights. Moreover, it has a wide and profound impact on judicial credibility with complex mechanisms for shaping such impact. This commitment to rectify errors and uphold justice through criminal revision,

while commendable, is overshadowed by a prevailing public perception that attributes such revisions to systemic deficiencies such as corruption, misuse of authority, and biased judicial decisions. This study delves into the intricate landscape of rectifying wrongful convictions by introducing the nuanced perspective of the Cocktail Party Effect (CPE), a sophisticated acoustic theory. The CPE's impact unfolds in three distinct stages—aptly termed "Screen-Mask-Polarize"—as the public navigates through the revision process. At its core, this study elucidates how signals emanate from wrongful conviction revisions to undergo automatic screening, influenced by the public's subjective preferences, thereby establishing a biased negative cognitive context. This cognitive bias, in turn, possesses the potential to erode public trust in the legal system and diminish confidence in the judiciary. Consequently, this comprehensive research offers insightful recommendations for judicial organs, the news media, and the public, complemented by two instrumental measures: the implementation of a state compensation system and the establishment of an accountability framework for wrongful convictions. The overarching goal of this study is to empower the public with the tools needed for a more objective and logical analysis of wrongful conviction revisions, fostering a nuanced understanding and trust in the criminal justice system.

Keywords

Revision, Criminal Wrongful Conviction, Judicial Credibility, Cocktail Party Effect, Balancing Mechanism.

Introduction

There is a high occurrence of armed conflicts and humanitarian crises in various regions globally, leading to significant focus on the matter of safeguarding human rights in the Disruption Era. Irrespective of one's race, gender, nationality, ethnicity, religion, or other differentiating factors, it is imperative that all individuals are afforded with equal enjoyment and protection of their human rights.¹ The matter of criminal wrongful convictions and their revision in criminal proceedings is intricately linked to the safeguarding of human rights. The

¹ Chuldun I, Rokhman F, Widiyanto W, "Women Between Jail: A Discourse of Women Protection on Indonesia Correctional Act", *Journal of Law and Legal Reform* 5, no. 2 (2024): 893–68, <https://doi.org/10.15294/jllr.v5i2.13067>.

incidence of criminal wrongful convictions significantly violates the rights of innocent individuals to a fair trial and the rights of victims to seek legal remedies. Conversely, the unlimited retrial and revision of criminal wrongful convictions is also connected to the double risk of the accused individual facing a criminal prosecution, which could endanger their personal liberty, human dignity, and other socio-economic rights. Furthermore, criminal wrongful convictions and their revision encompass matters pertaining to state compensation and accountability for misconduct. Criminal wrongful conviction is a fundamental and consequential matter with regard to equity and impartiality, legal jurisdiction, and the integrity of the judiciary. The revision of wrongful conviction in China stands as a pressing concern across diverse societal domains.² According to China's "Work Report of the Supreme People's Court" in March 2022, a substantial 2215 criminal cases underwent reexamination and alteration through trial supervision procedures at all court levels in 2021, underscoring the judiciary's unwavering commitment to rectifying errors and upholding justice.³ This commitment plays a pivotal role in advancing the development of socialist judicial civilization.⁴ However, heightened societal attention, extensive influence, and limited societal fault tolerance render public perceptions of the revision of criminal wrongful convictions susceptible

² Rukeya Abudureyimu, 'The Reflection and Reconstruction of the Remand for Retrial in the Criminal Retrial Procedure', *International Journal of Law and Society* 4, no. 2 (2021): 94–99, <https://doi.org/10.11648/j.ijls.20210402.16>; Tan Shigui and Lai Huaqiang, 'Research of sentencing award issue in cases of guilty pleading', *People's Judicature*, no. 28 (2021): 16–20, <https://doi.org/10.19684/j.cnki.1002-4603.2021.28.003>.

³ Yanqing Fang, 'Causes and Countermeasures for the Insufficient Judicial Credibility of Basic People's Courts', *International Journal of Frontiers in Sociology* 4, no. 3 (2022): 112–20, <https://doi.org/10.25236/IJFS.2022.040318>.

⁴ Hu Ming, 'Judicial Credibility in the We-Media Era: Rationality, Constituent Elements and Construction', *Social Sciences in China* 38, no. 3 (2017): 65–80, <https://doi.org/10.1080/02529203.2017.1339439>.

to adverse impacts.⁵ Notably, prominent wrongful criminal cases, including the Chen Man Case,⁶ the Huge Jiletu Case,⁷ and the She Xianglin Case,⁸ have garnered substantial attention and incited intense commentary across various sectors upon media disclosure, contributing to a negative inclination in criticisms and queries regarding judicial credibility.⁹

The origin of Acoustic Theory, known as the Highlights Effect¹⁰ or the Cocktail Party Problem (CPP), delves into individuals' ability to concentrate on and recognize a particular sound source within a noisy environment.¹¹ Initially proposed by Colin Cherry in 1953, this theory stands as a crucial discovery and theoretical basis for the study of selective

⁵ Robert J. Norris and Kevin J. Mullinix, 'Framing Innocence: An Experimental Test of the Effects of Wrongful Convictions on Public Opinion', *Journal of Experimental Criminology* 16, no. 2 (2020): 311–34, <https://doi.org/10.1007/s11292-019-09360-7>.

⁶ In November 1994, the Haikou Intermediate People's Court convicted Chen Man to death for deliberate killing and granted a two-year reprieve. In February 2016, the Zhejiang Higher People's Court overturned the previous trial result and exonerated Chen Man.

⁷ In June 1996, the Inner Mongolia Higher People's Court sentenced Huge Jiletu to death for rape and murder. In October 2005, Zhao Zhihong confessed to killing the victims in Huge Jiletu case. In December 2014, the court acquitted Jiletu in a retrial.

⁸ The Jingzhou Intermediate People's Court condemned She Xianglin to death in April 1994 for allegedly murdering his wife, Zhang Zaiyu, who returned in March 2005. She Xianglin was acquitted when the Jingshan Basic People's Court restarted the trial in April 2005.

⁹ Chunyan Huang, 'Research and modern Implications of ancient remedy mechanism for unjust cases', *Law Science Magazine* 41, no. 8 (2020): 89–100, <https://doi.org/10.16092/j.cnki.1001-618x.2020.08.009>.

¹⁰ Stephan Getzmann, Edward J. Golob, and Edmund Wascher, 'Focused and Divided Attention in a Simulated Cocktail-Party Situation: ERP Evidence from Younger and Older Adults', *Neurobiology of Aging* 41 (May 2016): 138–49, <https://doi.org/10.1016/j.neurobiolaging.2016.02.018>.

¹¹ Patrik Wikman et al., 'Breaking down the Cocktail Party: Attentional Modulation of Cerebral Audiovisual Speech Processing', *NeuroImage* 224 (January 2021): 117365, <https://doi.org/10.1016/j.neuroimage.2020.117365>.

attention in acoustics.¹² The theory asserts that the filtering of sound information by people's brains presents two stages: one of feature selection,¹³ which processes auditory stimuli into a collection of features of interest, and the other of feature grouping,¹⁴ responsible for connecting similar elements in the sound stream into one or more associated streams, each corresponding to a raw source of information.¹⁵ This essentially involves the intricate processes of sifting, filtering, and processing a lot of information through biophysical and psychological cognition, etc. The process of sifting and filtering is closely related to the degree of sensitivity of people's brains to information, and eventually, the information that individuals consider most important or exciting is taken as the object of attention.¹⁶ This phenomenon, commonly known as the Cocktail Party Effect (CPE),¹⁷ has been extensively examined not only in acoustics but also garnered widespread attention and discussion in the realms of psychology, human behavior, and social communication.¹⁸ The

¹² Adelbert W. Bronkhorst, 'The Cocktail-Party Problem Revisited: Early Processing and Selection of Multi-Talker Speech', *Attention, Perception, & Psychophysics* 77, no. 5 (July 2015): 1465–87, <https://doi.org/10.3758/s13414-015-0882-9>.

¹³ Laurent Cohen et al., 'How Does Inattention Affect Written and Spoken Language Processing?', *Cortex* 138 (May 2021): 212–27, <https://doi.org/10.1016/j.cortex.2021.02.007>.

¹⁴ Quansheng Wang, Xue Yang, and Wanyu Xi, 'Effects of Group Arguments on Rumor Belief and Transmission in Online Communities: An Information Cascade and Group Polarization Perspective', *Information & Management* 55, no. 4 (June 2018): 441–49, <https://doi.org/10.1016/j.im.2017.10.004>.

¹⁵ Xu Fuan, Ma Ming, and Lin Hongliang, 'The cocktail party problem and its applications in the military scouting affairs', *Journal of China Academy of Electronics and Information Technology* 1, no. 5 (2006): 426-429+434, <https://doi.org/10.3969/j.issn.1673-5692.2006.05.007>.

¹⁶ Xu Zhengquan, Xue Liqiang, and Hu Zimei, 'Research on cocktail party effect and shading effect in P E. teaching', *Bulletin of Sport Science & Technology* 23, no. 10 (2015): 89-90+124, <https://doi.org/10.3969/j.issn.1005-0256.015.10.038>.

¹⁷ Sara Rigutti, Carlo Fantoni, and Walter Gerbino, 'Web Party Effect: A Cocktail Party Effect in the Web Environment', *PeerJ* 3 (10 March 2015): 1–27, <https://doi.org/10.7717/peerj.828>.

¹⁸ Getzmann, Golob, and Wascher, 'Focused and Divided Attention in a Simulated Cocktail-Party Situation'.

CPE sees the sounds that people notice as "graphics" and the other sounds that are ignored as "background," thus creating a solid connection with the "graphics-background" phenomenon.¹⁹ This reveals the peculiar capacity of the human auditory system.²⁰

The current application of CPE in legal research remains limited, while its theoretical exploration and application outcomes in psychological cognition are substantial. The development of CPE holds significant relevance for the issues of criminal wrongful convictions and judicial credibility addressed in this study. Initially, CPE concentrated on identifying and separating sound sources; however, it has progressively broadened its scope to encompass information processing technologies, including text, images, and videos, thereby offering significant reference value for this study. We examine how the public, having influenced by cognitive processing effects, screens and filters information regarding the revision of wrongful convictions. It investigates the selective focus on specific information sources and the resultant formation of understanding related to these retrials. These information sources encompass various formats, including text, images, and videos pertinent to the revision of wrongful convictions. CPE enhances selective attention, facilitates information screening and integration, optimizes cognitive resource allocation, improves multimodal information processing, and strengthens memory and comprehension, thereby enabling more efficient and accurate processing and utilization of diverse information resources. Rigutti et al. (2015) examined the selective attention of users towards web page elements pertinent to their information search objectives, while disregarding unrelated components

¹⁹ Jörg Lewald, Michael-Christian Schlüter, and Stephan Getzmann, 'Cortical Processing of Location Changes in a "Cocktail-Party" Situation: Spatial Oddball Effects on Electrophysiological Correlates of Auditory Selective Attention', *Hearing Research* 365 (August 2018): 49–61, <https://doi.org/10.1016/j.heares.2018.04.009>.

²⁰ Lingxi Lu et al., 'Negative Emotions in the Target Speaker's Voice Enhance Speech Recognition under "Cocktail-Party" Environments', *Attention, Perception, & Psychophysics* 83 (2021): 247–59, <https://doi.org/10.3758/s13414-020-02149-1>.

within the web page context.²¹ Lewald et al. (2018) employed event-related potentials (ERP) alongside a spatial oddball paradigm to investigate participants' capacity to detect infrequent spatial deviations within standard sound sequences.²² This approach simulated complex information scenarios in CPE, necessitating participants to identify and locate targets across various information sources. Lewald (2016) conducted simulations of complex scenarios in CPE, instructing participants to identify target words amidst three competing sound sources.²³ This approach parallels with the rational allocation of cognitive resources when processing multiple information streams.

By drawing upon the principles of the CPE, the public swiftly apprehends the revision of wrongful convictions owing to their distinctive attributes, capturing widespread public interest. The ongoing evolution of communication methods and channels within the news media ensures the exposure of wrongful criminal cases to the public eye, giving rise to the "group polarization effect".²⁴ This effect tends to skew public perceptions towards negative and extreme evaluations. Consequently, a prevailing skepticism towards the credibility of the judicial system emerges among the public. This skepticism, in turn, directly undermines the credibility of China's judiciary and fundamentally challenges public trust in the legal framework.²⁵ In the

²¹ Sara Rigutti, Carlo Fantoni, and Walter Gerbino, 'Web Party Effect: A Cocktail Party Effect in the Web Environment', *PeerJ* 3 (10 March 2015): 1–27, <https://doi.org/10.7717/peerj.828>.

²² Jörg Lewald, Michael-Christian Schlüter, and Stephan Getzmann, 'Cortical Processing of Location Changes in a "Cocktail-Party" Situation: Spatial Oddball Effects on Electrophysiological Correlates of Auditory Selective Attention', *Hearing Research* 365 (August 2018): 49–61, <https://doi.org/10.1016/j.heares.2018.04.009>.

²³ Lewald, J., Hanenberg, C., & Getzmann, S, 'Brain correlates of the orientation of auditory spatial attention onto speaker location in a cocktail-party situation: Cocktail-party localization', *Psychophysiology* 53, no.10 (2016): 1484–1495, <https://doi.org/10.1111/psyp.12692>.

²⁴ Mengyuan Wang et al., 'Speaking Rhythmically Improves Speech Recognition under "Cocktail-Party" Conditions', *The Journal of the Acoustical Society of America* 143, no. 4 (2018): EL255–59, <https://doi.org/10.1121/1.5030518>.

²⁵ Jing Zhang, Yu-Xuan Zuo, and Jie Dong, 'On the Reconstruction of Judicial Credibility in the Context of Comprehensive Rule of Law', in *DEStech Transactions*

absence of this legal trust, the execution of legal processes becomes precarious. In a societal context where there is lack of public faith in the legal system, it will affect the security and stability of both the country and society.²⁶ This study examines the impact of revising criminal wrongful convictions on the judicial credibility through the lens of the CPE. It explores the features, reasons, and consequences of the revising criminal wrongful convictions and suggests remedies to mitigate their negative impacts.

Literature review of revising wrongful convictions

A. Conception of revising wrongful convictions

In adherence to the provisions outlined in China's Criminal Procedure Law (2018) and other relevant legislation, the revision of criminal convictions unfolds in two distinctive scenarios, following a structured legal framework. First, within second trial proceedings,²⁷ where the legal impact of the judgment has not yet materialized, the court of second instance undertakes a direct re-sentencing or revisits the sentencing following a retrial. Second, in trial supervision procedures,²⁸ when legal effect of the decision has occurred, the court engaged in the retrial executes a direct re-sentencing or revisits the sentencing after it. Criminal revision can therefore be categorized into two distinct types: formal revision pertains to decisions that have not yet acquired legal effect, while substantive revisions concern decisions that have already taken legal effect, potentially leading to changes in the rights and interests

on *Social Science, Education and Human Science*, 2020, <https://doi.org/10.12783/dtssehs/icssm2020/34358>.

²⁶ Andrew Kent, Ethan J. Leib, and Jed Handelsman Shugerman, "Faithful Execution" and Article II', *Harvard Law Review* 132, no. 8 (2019): 2111–92, <https://doi.org/10.2139/ssrn.3260593>.

²⁷ Paul Roberts, 'Discovering Chinese Criminal Procedure', *The British Journal of Criminology* 63, no. 3 (5 May 2023): 803–8, <https://doi.org/10.1093/bjc/azac086>.

²⁸ Guangzhong Chen and Weimei Zheng, 'On the Reform of China's Criminal Procedures for Trial Supervision', *Frontiers of Law in China* 2, no. 2 (2007): 255–80, <https://doi.org/10.1007/s11463-007-0012-2>.

of the involved parties. This categorization also signifies the acknowledgment that the original decision confirming the case is indeed a wrongful conviction. This study specifically emphasizes substantive revision, denoting the judicial act where the court modifies the verdict through the trial supervision procedure in cases involving factual inaccuracies,²⁹ errors in legal application of law,³⁰ or procedural violations resulting in a shift from guilt to innocence.³¹ Such revisions may encompass changes from one crime to another, from a felony to a misdemeanor, a misdemeanor to a felony, etc.³²

B. Legal reasons of revising wrongful convictions

Non-existence of the crime in the original verdict is a profound issue exemplified by the cases of Zhang Zaiyu and Zhao Zhenshang, the "murdered persons" in the She Xianglin and Zhao Zuohai murder cases, which fundamentally negated the existence of criminal facts on which the original verdict was based.³³ The reason for the emergence of such fictitious cases is ultimately due

²⁹ Richard A. Leo, 'The Criminology of Wrongful Conviction: A Decade Later', *Journal of Contemporary Criminal Justice* 33, no. 1 (2017): 82–106, <https://doi.org/10.1177/1043986216673013>.

³⁰ Brandon L. Garrett, 'Wrongful Convictions', *Annual Review of Criminology* 3, no. 1 (2020): 245–59, <https://doi.org/10.1146/annurev-criminol-011518-024739>.

³¹ Kim Rossmo and Joycelyn Pollock, 'Confirmation Bias and Other Systemic Causes of Wrongful Convictions:

zA Sentinel Events Perspective', *Northeastern University Law Review* 11, no. 2 (2019): 790–835, <https://doi.org/10.2139/ssrn.3413922>.

³² Paul G. Cassell, 'Overstating America's Wrongful Conviction Rate? Reassessing the Conventional Wisdom about the Prevalence of Wrongful Convictions', *SSRN Electronic Journal* 60, no. 10 (2018): 815–63, <https://doi.org/10.2139/ssrn.3276185>.

³³ Kai Dong, 'The risk of misjudged cases in the leniency system of pleading guilty and accepting punishment---take 206 misjudged cases of guilty plea as the object of investigation', *Northern Legal Science* 15, no. 5 (2021): 91–103, <https://doi.org/10.13893/j.cnki.bffx.2021.05.008>.

to illegal practices within the judicial process.³⁴ For example, confessions were forcibly extracted from defendants through torture³⁵ in violation of the stringent principle of managing the proof of the chain of evidence. Moreover, the facts of the crime were artificially and subjectively determined in isolation from the evidence.³⁶ The investigation and trial procedures in these cases seriously deviated from the fundamental goal of justice and the protection of citizens' rights and interests, thereby inflicting a severe social impact.³⁷ However, the rectification of such wrongful and severe convictions needs to wait until the "murdered person" appears before they can be revealed and enter the trial supervision process, which will inevitably shake the function of the judicial trial supervision system³⁸ and challenge the psychological bottom line of the public's trust in justice.

The emergence of new changes in evidence, which have been verified to be true, plays a pivotal role in rectifying criminal wrongful convictions, manifesting in three distinct scenarios in which the sentence is changed due to changes in evidence. First, when the actual perpetrator confesses to the crime and supporting

³⁴ Wen Shuhao et al., 'The influencing factors analysis of second criminal Instance based on text mining', *Technology Intelligence Engineering* 7, no. 1 (2021): 103–14, <https://doi.org/10.3772/j.issn.2095-915x.2021.01.009>.

³⁵ Samuel R. Gross et al., 'Race and Wrongful Convictions in the United States' (The National Registry of Exonerations, Newkirk Center for Science and Society, 2017), <https://www.ssrn.com/abstract=4245863>.

³⁶ Fenghe Tang, 'Fact assumption and its deviation overcoming in the process of criminal casenvestigation: Analysis on misjudged criminal cases', *Academic Exchange* 320, no. 11 (2020): 72–84, <https://doi.org/10.3969/j.issn.1000-8284.2020.11.008>.

³⁷ R J Norris, C L Bonventre, and J R Acker, *When Justice Fails: Causes and Consequences of Wrongful Convictions*, 1st ed. (Carolina Academic Press, 2018).

³⁸ Lidiao Yang, 'The game and integration of public opinion field of social hot spot events', *Gansu Social Sciences*, no. 4 (2015): 189–92, <https://doi.org/10.15891/j.cnki.cn62-1093/c.2015.04.044>.

evidences aligns,³⁹ the criminal facts become clear. For example, in 1986, Li Huawei⁴⁰ was charged with intentional homicide in Liaoning Province. After unjustly serving approximately 11 years in prison, the real perpetrator, Jiang Hai, was arrested and admitted to the crime, leading to the exoneration of Li Huawei in 2002. Second, the evidence found in the original verdict was changed due to the retracted testimonies of victims and witnesses.⁴¹ As demonstrated in the 2009 Ouyang Jia⁴² armed robbery case, all four co-defendants retracted their confessions, claiming they did not know Ouyang Jia and alleging that their earlier testimonies implicating him guilty were coerced by police. This led to a change in the evidence on which the original verdict was based, making it impossible to affirm the facts of Ouyang Jia's alleged crime, ultimately prompting a change in the verdict to not guilty. Third, transformation of the verdict is attributed to the emergence of new evidence. According to the provisions of the relevant laws in China, the change of evidence is due to the acquisition of new evidence and other non-subjective reasons by judicial staff.⁴³

³⁹ Min Chen, 'Analysis on prevention of criminal misjudged cases from the perspective of evidence-governing principle', *The Jurist*, no. 6 (2017): 97-107+178, <https://doi.org/10.16094/j.cnki.1005-0221.2017.06.008>.

⁴⁰ Lijuan Zeng and Jingxiang Su, 'A review of criminal wrongful conviction governance mechanisms under the vision of trial centrism--an analysis of typical wrongdoing cases as samples', *Journal of Hubei Minzu University(Philosophy and Social Sciences)* 34, no. 2 (2016): 63-69, <https://doi.org/10.13501/j.cnki.42-1328/c.2016.02.012>.

⁴¹ Stanley L. Brodsky, Michael P. Griffin, and Robert J. Cramer, 'The Witness Credibility Scale: An Outcome Measure for Expert Witness Research', *Behavioral Sciences & the Law* 28, no. 6 (November 2010): 892-907, <https://doi.org/10.1002/bsl.917>.

⁴² Dong, 'The risk of misjudged cases in the leniency system of pleading guilty and accepting punishment--take 206 misjudged cases of guilty plea as the object of investigation'.

⁴³ Jun Meng, 'Legitimation Development of the Judicial Liability System for Chinese Judges in the Context of Judicial Reform', in *Proceedings of the 2015 International Conference on Economics, Management, Law and Education* (2015 International

Although the personnel involved are not held responsible, the nature of the wrong case is determined beyond doubt.

Manifestation of an error in the application of the law in the original judgment represents a critical facet of wrongful convictions, elucidating instances where judges misinterpret legal provisions during judicial trials. For example, after the judge found that the facts were clear and the evidence was conclusive and sufficient, he misused a legal provision⁴⁴ and violated the principle of application of law,⁴⁵ resulting in the occurrence of a wrong case. Within the landscape of criminal trials in China, the presiding judge is the main body of the application of law.⁴⁶ Consequently, the change of sentence in such cases invariably points to the presiding judge, i.e., the personal legal professional quality and professional competence of the presiding judge.⁴⁷ However, the existing "loopholes" within China's legal system have an essential impact on the precision of law application, especially new types of crime and unclear boundaries between criminality and wrongdoing. The system's logic could be more meticulous, and other factors lead to the wrong application of the law.⁴⁸

Conference on Economics, Management, Law and Education, Kaifeng, China: Atlantis Press, 2015), <https://doi.org/10.2991/emle-15.2015.78>.

⁴⁴ Robert J. Ramsey and James Frank, 'Wrongful Conviction: Perceptions of Criminal Justice Professionals Regarding the Frequency of Wrongful Conviction and the Extent of System Errors', *Crime & Delinquency* 53, no. 3 (1 July 2007): 436–70, <https://doi.org/10.1177/0011128706286554>.

⁴⁵ Rossmo and Pollock, 'Confirmation Bias and Other Systemic Causes of Wrongful Convictions'.

⁴⁶ Zegang Jin, 'Causes and prevention of judges' wrongful convictions--an analysis based on a sample of 19 criminal wrongful convictions', *Law Review* 33, no. 2 (2015): 139–51, <https://doi.org/10.13415/j.cnki.fxpl.2015.02.016>.

⁴⁷ Xiaozheng Lei, 'The Investigation and Suggestions on Improving the Psychological Pressure of Judicial Personnel in Criminal Misjudged Cases in China', *Chinese Studies* 8, no. 4 (2019): 184–93, <https://doi.org/10.4236/chnstd.2019.84015>.

⁴⁸ Ying Zhang and Zongru Yi, 'The construction of judge's professional ethics responsibility system--starting with dilemmas posed by misjudged case model', *Hebei*

The facts were unclear, and the evidence was insufficient. This presents a substantial challenge in criminal proceedings, contravening the stipulations of China's criminal procedure law, which mandates that decisions be supported by conclusive and adequate evidence, be beyond reasonable doubt, or result in acquittal by the principle of doubt.⁴⁹ Regrettably, this fundamental principle has been transgressed in numerous criminal misconduct cases that have violated it. A stark illustration of this predicament is the 1993 case of Chen Man, accused by the Haikou People's Procuratorate of intentional homicide and arson. After first and second instance proceedings, Chen Man was found guilty of intentional homicide and arson and was sentenced to death with a two-year reprieve. The case was heard, and in February 2016, the original verdict was quashed due to unclear facts and insufficient evidence, and Chen Man was acquitted.⁵⁰ Research revealed that cases of wrongful conviction due to unclear facts and insufficient evidence are more prevalent in practice and hard to rectify.⁵¹

C. Social impact of revising wrongful convictions

The revision of wrongful convictions is a unique judicial remedy mechanism that possesses dual implications. Excessive or

Law Science 37, no. 4 (2019): 110–18, <https://doi.org/10.16494/j.cnki.1002-3933.2019.04.010>.

⁴⁹ Moulin Xiong, 'The positive role of procuratorates on exoneration', *Hebei Law Science* 39, no. 6 (2021): 41–65, <https://doi.org/10.16494/j.cnki.1002-3933.2021.06.003>.

⁵⁰ Xiaohong Guo, 'The Claim of Rights and its Realization in Influential Criminal Cases: Taking 78 Influential Criminal Cases Selected from the Southern Weekend as Examples', *Tribune of Political Science and Law* 37, no. 4 (2019): 63–78, <https://doi.org/10.3969/j.issn.1000-0208.2019.04.007>.

⁵¹ Hui Deng and Guanghua Xu, 'Study on the relationship between the produce, correct and accountability of influential wrong cases and the public opinion: A case study of 22 cases of influential criminal wrong case', *Law Science Magazine* 39, no. 4 (2018): 63–74, <https://doi.org/10.16092/j.cnki.1001-618x.2018.04.007>.

low-threshold error correction may contravene the concept of *non bis in idem*, expose defendants to multiple charges, and compromise the *res judicata* effect of judicial rulings. On the contrary, an excessively passive method of rectifying errors may foster public doubt regarding judicial efficacy and fairness. For instance, in rectifying significant criminal injustices like those of She Xianglin and Nie Shubin, the judicial system's procrastination in commencing retrials prompted persistent media coverage, which generated substantial societal concern and public pressure. It was only through this public sentiment that the judicial system expedited its examination and retrial of the cases, ultimately overturning the original guilty verdicts to not guilty, thereby rectifying enduring judicial errors. The first verdict was ultimately altered from guilty to not guilty, allowing for the correction of the enduring legal error. While wrongful convictions may be overturned, a protracted judicial reaction will, to some degree, erode public confidence in the legal system. Consequently, both excessive and insufficient revision of criminal wrongful convictions can influence the judiciary's reputation and the public's trust in the law; therefore, the matter of wrongful convictions must be addressed with gravity. This necessitates an emphasis on the legislative and judicial framework of revision of wrongful convictions in several areas, including mitigating the incidence of criminal wrongful convictions at the source by enhancing evidence review and refining trial procedures; optimizing the retrial processes of criminal cases, encompassing retrial reviews, the frequency of retrials, statutes of limitations, and trial jurisdiction issues; and advancing the accountability and compensation system following criminal re-sentencing to maximize redress for the harm inflicted by criminal wrongful convictions. Concurrently, the publicity framework for revision of wrongful convictions should be fortified to ensure that the

processes of criminal retrial, resentencing, accountability, and compensation are rendered more transparent, thereby allowing the public to access comprehensive information and bolstering trust in the judiciary.

The Knowledge-Attitude-Belief-Practice (KABP) model, which was first introduced by G. Cust in 1979 in his work on preventive medicine, posits that human behavior change occurs gradually, encompassing the acquisition of knowledge, the cultivation of good attitudes, and the eventual implementation of appropriate actions.⁵² The public acquires knowledge about laws, judicial procedures, and operations pertaining to criminal wrongful convictions and their revision through educational institutions, media coverage, community seminars, and governmental legal publications. Public perception significantly influences individuals' views on judicial credibility. Heightened public perception of wrongful convictions and their revision will significantly bolster public trust in the equity and transparency of the justice system. Understanding the operation of the justice system and legal cases helps bolster public trust in the judiciary's capacity to resolve conflicts and uphold justice, while simultaneously enhancing confidence in their potential to effect change. Ultimately, emotions will profoundly influence the public's adherence to the law. Public confidence in the judicial system enhances the probability of legal compliance, as individuals regard the law as just and efficient, anticipating that transgressions would be justly penalized. The empirical study of criminal wrongful convictions and their revision includes references such as Li, Zhenyuan (2018), who contends that such convictions intensify public skepticism regarding the authority and

⁵² G. Cust, *Health education: Perspectives and chances*, 1st ed. (London: George Allan and Unwin, 1979).

impartiality of the legal system.⁵³ Zeng, Lijuan (2016) contends that the media revealed numerous instances of wrongful criminal convictions requiring re-sentencing between 2014 and 2016.⁵⁴ This phenomenon, while heightening public awareness of wrongful convictions, simultaneously prompted an increased scrutiny regarding the justice system, including inquiries into the prevalence of such convictions and the sluggish pace of retrials and re-sentencing processes. In China, empirical research mostly manifests in thematic studies about judicial legitimacy, focusing on public perceptions of criminal miscarriages of justice. For instance, Shanghai published the nation's inaugural third-party evaluation report on judicial credibility in 2016, designating judicial credibility as a primary assessment criterion, comprising eight secondary indicators and 54 tertiary indicators, which pertains to the examination of public perceptions regarding the prevention and rectification of criminal wrongful convictions.⁵⁵

A high level of social concern is one of the characteristics of revising wrongful convictions. As an anomaly in the process of judicial trial,⁵⁶ the revision of criminal wrongful convictions has

⁵³ Zhenyuan Li, 'Analysis of the judicial value of the rule of law thinking -- the example of the "wrongful conviction" prevention mechanism', *Theory Monthly*, no. 5 (2018): 97–101, <https://doi.org/10.14180/j.cnki.1004-0544.2018.05.016>.

⁵⁴ Lijuan Zeng and Jingxiang Su, 'A review of criminal wrongful conviction governance mechanisms under the vision of trial centrism--an analysis of typical wrongdoing cases as samples', *Journal of Hubei Minzu University (Philosophy and Social Sciences)* 34, no. 2 (2016): 63–69, <https://doi.org/10.13501/j.cnki.42-1328/c.2016.02.012>.

⁵⁵ Xu Wenjin and Yao Jingyan, 'Review and optimization of the third-party evaluation mechanism of judicial credibility under the perspective of deepening reform: Taking the first national third-party evaluation report on judicial credibility as a mirror', *Legal Application*, no. 15 (2017): 1–10.

⁵⁶ Jon B Gould and Richard A Leo, 'One Hundred Years Later: Wrongful Convictions after a Century of Research', *Journal of Criminal Law and Criminology* 100, no. 3 (2010): 825–68, <https://doi.org/0091-4169/10/10003-0825>.

received a high degree of social attention.⁵⁷ This phenomenon draws attention to an elevated degree by triggering extensive research and discussion from both professional scholars and the general public. A compelling illustration is the She Xianglin case, where the alleged murder of his wife prompted widespread uproar immediately upon media disclosure. Sensitive keywords such as "resurrection of the deceased" and "return of the deceased" touched the hearts of countless people, with mainstream media platforms, including Sina, Sohu, and Netease, extensively reporting on the case. The Baidu search volume exceeded 172,000 articles, and the Baidu encyclopedia has special entries such as "She Xianglin" and "She Xianglin case." In comparison to other judicial phenomena,⁵⁸ the revision of criminal wrongful convictions commands a high social profile due to its unusual and sensitive nature.⁵⁹ The wide and strong impacts are additional characteristics of the revision of criminal wrongful convictions.⁶⁰ The impacts of the revision of criminal wrongful conviction has a broad scope: from the involved subject, including the general public, experts and scholars, judicial staff, parties, and lawyers, to various social circles;⁶¹ and in terms of impact, it extends from shaping the public's trust in the judicial

⁵⁷ Marvin Zalman, Matthew J. Larson, and Brad Smith, 'Citizens' Attitudes toward Wrongful Convictions', *Criminal Justice Review* 37, no. 1 (March 2012): 51–69, <https://doi.org/10.1177/0734016811428374>.

⁵⁸ Nader Alizadeh Seresht, Dr Mehdi Salehi, and Dr Seyed Mehdi Qureshi, 'Judicial Description of the Criminal Phenomenon and Its Role in the Judicial Process', *Journal of Positive School Psychology* 6, no. 7 (24 July 2022): 270–82.

⁵⁹ Brad Smith, Marvin Zalman, and Angie Kiger, 'How Justice System Officials View Wrongful Convictions', *Crime & Delinquency* 57, no. 5 (1 September 2011): 663–85, <https://doi.org/10.1177/0011128709335020>.

⁶⁰ Zalman, Larson, and Smith, 'Citizens' Attitudes toward Wrongful Convictions'.

⁶¹ David Hamer, 'Wrongful Convictions, Appeals, and the Finality Principle: The Need for a Criminal Cases Review Commission', *UNSW Law Journal* 37, no. 1 (2014): 270–311, <https://doi.org/10.3316/informit.308199161216493>.

credibility resulting from legal activities⁶² to the sense of self-trust within the judicial system.⁶³ It plays a pivotal role in advancing the construction of judicial civilization in China.⁶⁴ And media attention not only amplifies the reach of influence but also deepens its impact, leading to extreme evaluations scrutinizing cases "point by point." This scrutiny, in turn, affirms or negates the overall judicial credibility of individual cases.

Zhang Ying's (2019) survey and research on judicial professional ethics indicate that Chinese judges experience significant internal pressures, including performance evaluations and trial time constraints, alongside external pressures such as societal opinions and administrative influences, which affect the judges' psychological state.⁶⁵ Retrial judges experience increased pressure when handling re-sentencing cases that require accountability for legal and procedural errors. When a case is changed from guilty to not guilty, it indicates that the original trial judge or court will bear considerable responsibility. Therefore, it is essential to mitigate the burden on judges in preventing and rectifying wrongful convictions. Judicial psychological support effectively reduces stress among judges and offers valuable assistance during performance evaluations. It includes support obtained from society, the state, the judicial system, individuals,

⁶² Lissa Griffin, 'International Perspectives on Correcting Wrongful Convictions: The Scottish Criminal Cases Review Commission', *William & Mary Bill of Rights Journal* 21, no. 4 (2013): 1153–1213.

⁶³ Livia Johannesson, 'The Symbolic Life of Courts: How Judicial Language, Actions, and Objects Legitimize Credibility Assessments of Asylum Appeals', *Journal of International Migration and Integration* 24, no. 3 (6 October 2022): 791–809, <https://doi.org/10.1007/s12134-022-00989-4>.

⁶⁴ Zhang, Zuo, and Dong, 'On the Reconstruction of Judicial Credibility in the Context of Comprehensive Rule of Law'.

⁶⁵ Ying Zhang and Zongru Yi, 'The construction of judge's professional ethics responsibility system--starting with dilemmas posed by misjudged case model', *Hebei Law Science* 37, no. 4 (2019): 110–18, <https://doi.org/10.16494/j.cnki.1002-3933.2019.04.010>.

the environment, and various aspects of both spiritual and material assistance.⁶⁶ A rise in psychological support for judges is associated with a lower probability of encountering substantial psychological distress. The lack of psychological support may lead to the emergence of psychological issues.⁶⁷ By augmenting the judicial team, implementing electronic case management, diversifying both complex and simple procedures, and employing various dispute resolution methods, the per capita case load can be reduced. This enables judges to dedicate additional time and effort to comprehensive case reviews, thereby increasing the probability of issuing judgments that conform to procedural and substantive justice.

D. Legal framework of revising wrongful convictions in China

As China's judicial reform continues to deepen, the legislative framework and judicial practice concerning the retrial and rectification of wrongful convictions are also constantly evolving and improving. According to official data releases, from 2012 to the present, the number of criminal retrials in China has experienced a trend of initially surging significantly, then being stably controlled, and subsequently declining. Owing to the comprehensive reform of China's Criminal Procedure Law in 2012, which strictly stipulated the principle of presumption of innocence and the exclusionary rule for illegally obtained evidence, a considerable number of adjudicated criminal cases entered the criminal retrial procedure and were successfully rectified, with

⁶⁶ Miller, M. K., Reichert, J., Bornstein, B. H., & Shulman, G, 'Judicial stress: The roles of gender and social support. Psychiatry', *Psychology and Law* 25, no. 4 (2018): 602–618, <https://doi.org/10.1080/13218719.2018.1469436>.

⁶⁷ Dong, X, 'Analysis of the Current Psychological Pressure Faced by Grassroots Judges and Strategies for Alleviation', *Journal of Law Application*, no. 1 (2007): 27–31.

many cases being overturned from guilty to not guilty verdicts. It is imperative to delve into the fundamental reasons behind these data fluctuations by analyzing China's laws and judicial reforms and to examine the legal systems and judicial procedures that have a positive impact on the prevention and rectification of wrongful convictions, as well as on guiding public perception and enhancing judicial credibility after retrial.

China's legislative framework addressing criminal wrongful convictions and their revision includes the Constitution, Criminal Procedure Law, State Compensation Law, Judges Law, Organic Law of the People's Courts, judicial interpretations, and various policies. Constitutional law underscores the principles of equitable justice, the processes for rectifying wrongly adjudicated criminal cases, and the safeguards afforded to individuals affected by judicial errors. It guarantees the right to a fair trial and prohibits retroactive criminal laws, which are vital for maintaining the rule of law and ensuring predictable legal outcomes. The Criminal Procedure Law regulates the procedural aspects of criminal investigations, prosecutions, trials, and penalty enforcement. The law underscores the importance of human rights protection, the presumption of innocence, and the right to a fair and public trial, which are essential for preventing wrongful convictions and ensuring procedural fairness. The State Compensation Law undergoes examination, clarifying the state's responsibility for compensating damages arising from unlawful actions by the state. This law emphasizes the state's dedication to correcting judicial errors and the systems established for addressing grievances and offering reparation. The Criminal Law and the Judges Law outline the legal responsibilities and ethical standards for judicial officers, thereby strengthening the legal framework for the revision of wrongful convictions. The judicial interpretations and policies offer further guidance to the judicial practice of the revision of

wrongful convictions, supplementing existing laws. They include provisions for the exclusion of illicitly obtained evidence, ensure trial transparency, and establish judicial accountability, all aimed at improving the fairness and efficiency of the criminal justice system.

Our study has identified a deficiency in the explicit legal codification of the "non bis in idem" principle, suggesting that its formal enshrinement within the constitution and criminal procedure law is imperative to robustly safeguard the rights of criminal suspects. The retrial process currently lacks a delineated differentiation between situations that are beneficial and those detrimental to the accused. It is recommended that the retrial process be refined in accordance with international conventions to alleviate the persistent anxiety of defendants and to preclude unjust sentence escalations stemming from judicial fallacies or malevolence. Furthermore, the Chinese criminal procedure law is bereft of a structured pre-retrial review mechanism. The lack of communication concerning the pendency of complaints leaves applicants in a state of ignorance, thereby prolonging waiting periods and potentially encroaching upon rights such as access to legal representation and legal assistance during the review phase. This study underscores apprehensions regarding the initiation of retrial procedures, highlighting the asymmetry of power between prosecutors and defendants. Prosecutors possess the efficacy to instigate retrials via suggestions or protests, whereas defendants' complaints seldom catalyze retrials, even when garnering media spotlight.

Additionally, in China's current legal framework, there are explicit provisions regarding the accountability and transparency issues for criminal miscarriages of justice and their retrials, yet there are also some deficiencies. In terms of accountability, the Supreme People's Court and the Supreme People's Procuratorate have

respectively formulated methods to pursue liability for miscarriages of justice and related opinions, clarifying seven scenarios that must be held accountable, including acts such as corruption, bribery, malfeasance, and wrongful adjudication, as well as accountability measures such as reassignment, dismissal, mandatory resignation, termination, and disciplinary actions by the party and government. Criminal responsibility is pursued only if a crime is constituted. The Supreme People's Procuratorate has also stipulated procedures for liability pursuit, a reporting system for accountability situations, and a lifelong accountability system to ensure that the accountability of procuratorial personnel is effectively implemented. According to China's law, wrongly convicted defendants possess the right to lodge complaints and get compensation for wrongful convictions; however, they lack the right to get recourse. Wrongful convictions wreak substantial havoc on the accused's personal and proprietary rights, and even subsequent to exoneration, they can engender irreparable ramifications, profoundly impeding their physical, psychological, and societal reintegration. Hence, in instances of criminal misadjudication, if the wrongful conviction is not imputable to the accused, the accused not only wields the right to pursue compensation from the state but should also be endowed with the right to instigate legal proceedings against the culpable entity or individual. The initiation of accountability procedures is challenging, as the retrial procedure, which is the main avenue for correcting miscarriages of justice, faces numerous obstacles when initiated by the courts and procuratorates as judicial entities. The responsible entities are unclear, as the responsibilities of the public security, procuratorial, and judicial organs are difficult to define in actual judicial processes.

Regarding transparency, the Supreme People's Procuratorate requires that the results of the handling of

procuratorial personnel be communicated to the victims of criminal miscarriages of justice or their families, and that adequate legal explanations be provided for those not held responsible. For cases with high public attention, the results, bases, and reasons for the handling are disclosed to the public. The auditory system augments the openness and lucidity throughout the retrial procedure. Convening public auditory sessions permits the litigants to proffer their perspectives and substantiation in person, thereby bolstering public confidence in the judicial administration. Explicit procedural regulations for auditory sessions ought to be instituted, covering application, notification, execution, and documentation, to guarantee equity and efficacy. Concurrently, it is imperative to maintain the openness of auditory sessions, allowing the media and the public to attend under certain stipulations to amplify trial transparency and facilitate societal supervision. The rights of the litigants to be heard and interrogated during the auditory session must be fully safeguarded, enabling them to express their viewpoints and refute the assertions made by the opposing party. The nexus between the auditory outcome and the ultimate adjudication must be delineated to ensure that the evidence and opinions presented during the auditory session are duly taken into account.

The result of the cocktail party effect on public perception

A. The impact of revising wrongful convictions under the original state

The positive implications of revising criminal wrongful convictions are manifold. Initially, it substantively enhances the evidence-proof system,⁶⁸ fortifying the persuasive power of judicial

⁶⁸ Meghan J Ryan and John Adams, 'Cultivating Judgment on the Tools of Wrongful Conviction', *SMU Law Review* 68, no. 4 (2015): 1073–1112.

decisions.⁶⁹ In cases where the original evidence undergoes alteration, such as the emergence of new evidence, and the sentence of a significant criminal case has been changed, the result of the change of sentence needs to be supported by an adequate chain of evidence, and the determination of the facts of the crime will be more in line with the objective truth. Exemplified by the 2011 Shanxi Province "Wang Jiangfeng robbery case," a robust chain of evidence becomes imperative to uphold altered sentences. This refined chain of evidence aligns more closely with the objective truth, amplifying the credibility of judicial outcomes. The chain of evidence on which the verdict was based was insufficient to prove the case beyond reasonable doubt and did not have absolute probative value.⁷⁰ In 2013, the Tongchuan City Procuratorate filed a protest against the case with the Tongchuan Intermediate Court by law, and the evidence consisted mainly of the testimony of eight witnesses. The court, after a retrial, ultimately found Wang Jiangfeng not guilty and released him immediately. Illustrated by the retrial leading to Wang Jiangfeng's acquittal, this process not only reinforces judicial credibility but also utilizes influential cases to disseminate legal knowledge, fostering a rational public recognition of law and justice.⁷¹

⁶⁹ Norris, Bonventre, and Acker, *When Justice Fails: Causes and Consequences of Wrongful Convictions*.

⁷⁰ Xiumei Wang and Ling Tang, 'The application and development of artificial intelligence in preventing wrongful conviction in criminal cases', *Law Science Magazine* 42, no. 2 (2021): 97–107, <https://doi.org/10.16092/j.cnki.1001-618x.2021.02.008>.

⁷¹ Feng Fu and Jingyu Ren, 'Application and existing problems of multiple psychological and physiologic tests in criminal justice: Based on the analysis testing of 19 criminal misjudged cases', *Journal of People's Public Security University of China (Social Sciences Edition)* 38, no. 2 (2022): 50–63, <https://doi.org/10.3969/j.issn.1672-2140.2022.2.zgrmjgdxxb-zxshkxb202202005>.

Furthermore, the judiciary's ability to correct mistakes fosters a profound sense of judicial justice.⁷² Regardless of the reason for the revision, the revision of a criminal wrongful conviction is subject to far greater pressure from public opinion⁷³ than the reassignment of civil cases in general. Although the "Hoge Jiletu rape case" was cleared at the cost of a fresh life and a long wait of 20 years, the case's verdict is a reflection of the courage of China's judicial staff to bear the "mistakes"⁷⁴ and always insist on doing justice, punishing evil,⁷⁵ and promoting good. This exemplifies the judiciary's self-discipline and strict self-restraint, showcasing high standards of pursuit for fairness and justice, a testament to judges' professional ethics.⁷⁶ And rectifying wrongful convictions reinstates fairness and justice, contributing to the civilization of the rule of law. With more substantial social harm associated with criminal wrongful convictions,⁷⁷ their revision eliminates potential societal harm, contributing to fair dispute resolution and the preservation of social order.⁷⁸ From the

⁷² Kunwei Tao, 'Innovation in reflection: On the "Door" and "Way" in the study of misjudgment of fact finding', *Theory Monthly*, no. 12 (2020): 122–31, <https://doi.org/10.14180/j.cnki.1004-0544.2020.12.013>.

⁷³ Maria Rae, 'Trial by Media: Why Victims and Activists Seek a Parallel Justice Forum for War Crimes', *Crime, Media, Culture: An International Journal* 16, no. 3 (2020): 359–74, <https://doi.org/10.1177/1741659019874179>.

⁷⁴ Xin Jiang, 'On criminal trial and prevention of misjudged cases with perspective of chinese traditional culture', *Law Science Magazine* 40, no. 12 (2019): 134–40, <https://doi.org/10.16092/j.cnki.1001-618x.2019.12.014>.

⁷⁵ D Michael Risinger, 'Innocents Convicted: An Empirical Justified Factual Wrongful Conviction Rate', *The Journal of Criminal Law & Criminology* 97, no. 3 (2007): 761–806, <https://doi.org/0091-4169/07/9703-0761>.

⁷⁶ Yuting Dong and Shiping Sun, 'Further understanding of the subject of criminal misjudged cases', *Journal of Liaoning University(Philosophy and Social Sciences Edition)* 48, no. 5 (2020): 91–96, <https://doi.org/10.16197/j.cnki.lnupse.2020.05.012>.

⁷⁷ Mikayla J Lewison, 'Consequentialist Retribution's Real-World Ramifications and How It Impacts Judicial Credibility', *Saint Louis University Law Journal* 67, no. 4 (2023): 689–710.

⁷⁸ Kent, Leib, and Shugerman, "Faithful Execution" and Article II'.

perspective of the parties concerned, the revision of criminal wrongful conviction has, to a certain extent, safeguarded the legitimate rights and interests of the parties concerned,⁷⁹ such as in the She Xianglin case and the Li Huawei case, where the verdict was changed from guilty to not guilty.⁸⁰ China's judicial system aims to ensure that no wrongdoing is committed and that the legitimate rights and interests of the parties concerned are protected and safeguarded. Moreover, the revision of criminal wrongful conviction has provided a basis for reference and guidance for other criminal cases,⁸¹ promoting the further improvement of the judicial system and guaranteeing the consolidation of the judicial system and the progress of the rule of law and civilization.

Conversely, rectifying criminal wrongful convictions introduces several challenges. Primarily, it weakens the *res judicata* effect of judicial decisions,⁸² to a certain extent by the sentence changes in criminal cases. The term *res judicata* means that once a court decision has been handed down, it is final and cannot be second-guessed, except in cases of revocation or termination as provided by law.⁸³ The decision causes uncertainty and the potential polarization of the defendant from an acquittal to a guilty verdict, which will leave the defendant in a constant state of

⁷⁹ Na Jiang, 'The Adequacy of China's Responses to Wrongful Convictions', *International Journal of Law, Crime and Justice* 41, no. 4 (December 2013): 390–404, <https://doi.org/10.1016/j.ijlcj.2013.08.002>.

⁸⁰ Tan and Lai, 'Research of sentencing award issue in cases of guilty pleading'.

⁸¹ Robert J. Norris et al., 'Preventing Wrongful Convictions: An Analysis of State Investigation Reforms', *Criminal Justice Policy Review* 30, no. 4 (2019b): 597–626, <https://doi.org/10.1177/0887403416687359>.

⁸² Theodore A. De Roos and Johannes F. Nijboer, 'Wrongfully Convicted: How the Dutch Deal with the Revision of Their "Miscarriages of Justice"', *Criminal Law Forum* 22, no. 4 (December 2011): 567–91, <https://doi.org/10.1007/s10609-011-9159-8>.

⁸³ Ronan E. Degnan, 'Federalized Res Judicata', *The Yale Law Journal* 85, no. 6 (May 1976): 741, <https://doi.org/10.2307/795718>.

fear and physical and mental anguish. The revision of criminal wrongful convictions makes the effective decision still uncertain and changeable,⁸⁴ which will weaken the public's trust in judicial credibility,⁸⁵ hindering the establishment of an authoritative image for judicial decisions.⁸⁶ And it reduces the judgment and independence of judicial adjudication. The revision of major criminal wrongful convictions can be traced back to judges' errors in applying the law, reflecting issues with judgment in judicial trials. In turn, it diminishes the public's rational cognition and psychological recognition of judicial judgment. To a certain extent, the revision of major criminal wrongful convictions will often face more public pressure that affects the independence of judicial trial judgments.

In addition, rectifying criminal wrongful convictions can impede the cultivation of law-abiding consciousness⁸⁷ and erode the cornerstone of legal faith. The judicial credit crisis is the most prominent and severe social credit crisis,⁸⁸ stemming from the decline and lack of judicial credibility. The ensuing judicial credit crisis, marked by a decline in judicial credibility, leads to decreased public obedience to the law, turning judicial decisions into mere

⁸⁴ Huang, 'Research and modern Implications of ancient remedy mechanism for unjust cases'.

⁸⁵ Deng and Xu, 'Study on the relationship between the produce, correct and accountability of influential wrong cases and the public opinion: A case study of 22 cases of influential criminal wrong case'.

⁸⁶ Julian Roberts, *Public Opinion, Crime, and Criminal Justice*, 1st ed. (Routledge, 2018).

⁸⁷ Yong Li, Chuang Bao, and Ming Liu, 'The Integration of Legal Education and Mental Health Education of College Students in the Contemporary Network Environment Facing the Cultivation of Civic Awareness', ed. Shao Liang, *Journal of Environmental and Public Health* 2022 (30 July 2022): 1–9, <https://doi.org/10.1155/2022/4858156>.

⁸⁸ Qin-hui Jiang, 'The objective deviation and correction of the system of accountability for misjudged cases---the object of investigation is the practice of accountability for the misjudged cases in a grass-roots court in northwest china', *Hebei Law Science* 37, no. 7 (2019): 185–200, <https://doi.org/10.16494/j.cnki.1002-3933.2019.07.016>.

pieces of paper with high appeal rates and enforcement difficulties. In the context of the current realities of judicial practice, from the helplessness of the "Li Huawei case," which was wronged for 14 years and saw the light of day again, to the astonishment of the "She Xianglin case" and the "Zhao Zuohai case," which saw the return of the deceased, to the "Hoge Jiletu" case, all of them are knocking on the law and the judicial system. These cases pose challenges to the established public faith in the law, signaling a pressing need for addressing the ensuing judicial credit crisis.

B. The principles of the CPE on revising wrongful convictions

Transformation in legal phenomena involves the filtering of information about the selection and grouping characteristics found in sound sources within the CPE. This process facilitates the translation of acoustic principles into the interpretation of legal occurrences. Legal phenomenon encompass a broad spectrum of legal superstructure phenomena, including laws and all social phenomena that exist or acquire legal significance because of the law.⁸⁹ This includes legal stages such as legislation, judiciary, and administration, involving legal subjects such as staff of state organs, suspects, and victims. These encompass law creation and implementation, crime violations, investigation and prosecution, judicial trials, etc.⁹⁰ The legal phenomenon needs to be felt and perceived by people to form legal psychology, i.e., the primary form of legal consciousness.⁹¹ Due to the highly subjective and selective nature of people's perception of legal phenomena, it is influenced by the information screening differentiation among

⁸⁹ Dezhi Yang, *Jurisprudence and the Constitution*, 1st ed. (Beijing: Qinghua University Press, 2009).

⁹⁰ Michael McConville and Satnam Choongh, *Criminal Justice in China: An Empirical Inquiry*, 1st ed. (Cheltenham: Elgar, 2011).

⁹¹ Hui Xie, *Discussion on contradictions in the category of jurisprudence*, 1st ed. (Ji'nan: Shandong People's Publishing House, 1999).

subjects, leading to varying legal psychology of the same legal phenomenon among different subjects. Among the three primary areas of legislation, judiciary, and administration,⁹² judicial phenomena more directly and generally impact the interests of parties as well as other members of the public.⁹³ For instance, in the process of judicial trials, the parties actively participate in judicial activities, and judicial decisions directly determine the rights of the parties, etc. Consequently, judicial phenomena attract more public attention compared to legislative and administrative phenomena. The criminal justice phenomenon encompasses activities such as investigation by public security organs, prosecution by prosecutor's offices, court trial proceedings, and decision enforcement. To a certain extent, the public's focus on wrongful convictions is based on curiosity and a preference for the critical eye,⁹⁴ resulting in an emphasis on the adverse effects overshadowing the positive ones.

This research examines the CPF within the context of criminal wrongful convictions and judicial credibility, primarily for the following factors:

1) CPF is applicable to the processing of text, images, videos, and other forms of information. Initially, CPF involves the selection of sound, which is transformed into a visual representation, processed by the brain, ultimately leading to the formation of cognition. This effect has evolved from sound processing to encompass various forms of information, including

⁹² Margit Cohn and Mordechai Kremnitzer, 'Judicial Activism: A Multidimensional Model', *Canadian Journal of Law & Jurisprudence* 18, no. 2 (July 2005): 333–56, <https://doi.org/10.1017/S0841820900004033>.

⁹³ Zhang Guoquan, 'Research on the public identification of criminal judgment' (Phd, Dalian Maritime University, 2021), <https://doi.org/10.26989/d.cnki.gdlhu.2021.000005>.

⁹⁴ Me Ning, 'Public evaluation and criminal justice', *People's Procuratorial Semimonthly*, no. 10 (2013): 60–63, <https://doi.org/10.3969/j.issn.1004-4043.2013.10.017>.

text, images, and videos. The brain processes complex information, leading individuals to focus on specific details while relegating other information to the background and ignoring it. Information is processed by the brain, leading to the formation of understanding and cognition regarding this type of information.

2) The revision of wrongful convictions represents a judicial phenomenon characterized by extensive information. The revision of wrongful convictions exhibits a notable appeal within judicial phenomena, consistently attracting significant public attention. Furthermore, the public's selection and attention to complex information of revising wrongful convictions indicate that CPF assumes a significant and multifaceted role. Individuals often prioritize information regarding judicial errors according to their interests, inadvertently relegating other relevant information to the background. This includes important aspects of justice such as error correction, judicial relief, and advancements in judicial reform, which are frequently overlooked or undervalued. The information dissemination and feedback mechanism contribute to the amplification and reinforcement of mainstream views and public opinions within the group, a phenomenon attributed to group polarization effects. This will enhance the perception of judicial errors in the revision of criminal wrongful cases, thereby impacting additional groups and ultimately leading to an incomplete and biased public understanding of these retrials.

3) The public's understanding of judicial phenomena influences their overall attitude, trust, and behavior regarding the judicial system. The Knowledge-Attitude-Belief-Practice model posits that the public's level of knowledge regarding a specific phenomenon or problem influences their attitudes and trust towards it. This, in turn, generates a psychological effect that subsequently guides public behavior. This principle is also relevant in the judicial field. The revision of criminal wrongful cases is a common occurrence within the judicial system. The level of knowledge individuals possess regarding the revision of wrongful criminal convictions influences their attitudes and trust in the judicial system, subsequently impacting their behavior.

C. The steps of CPE on public perception of revising wrongful convictions

The impact of its effect on the revision of criminal wrongful convictions manifests across three successive levels. The first level is to increase social attention and strengthen the social influence associated with the revision of criminal wrongful conviction, which aligns with its inherent characteristics of high social attention and extensive influence, as discussed earlier. The second level is to operate the sensitive and malicious information within the context of criminal wrongful conviction revision, which is filtered and amplified through people's unconscious tendencies. At the third level, it intersects with the formation mechanism of judicial credibility through the "information dissemination and feedback" process. This leverages the public's inherent bias in screening information related to the revision of criminal wrongful convictions, coupled with the polarized reaction in the process of information dissemination, resulting in a sudden escalation of the negative impact of the revision on criminal wrongful convictions.

In Step 1, we explore *the positive correlation with interest*. As a type of judicial phenomenon, the revision of criminal wrongful convictions is of high interest to the public.⁹⁵ This is mainly because the revision of criminal wrongful convictions is an abnormal state in judicial trials evoking society's sensitivity by directly impacting the parties involved and affecting the public's fundamental belief in maintaining justice and fairness. Therefore, among the vast area of legal phenomena, the revision of criminal wrongful convictions is highlighted through a process of sifting and filtering, depending first and foremost on the personal interest of the information recipient, especially the general interest of human beings. The acoustic CPE principle further accentuates the perception of this phenomenon by selectively filtering various information that passes through the brain, selecting the most important or interesting information, and prioritizing the most

⁹⁵ Garrett, 'Wrongful Convictions'.

significant or intriguing data. This process directs the focus towards the source of access while excluding irrelevant information (see Figure 1). This illustrates why the revision of criminal wrongful convictions distinguishes itself within the realm of legal phenomena, garnering substantial social attention. It also reflects how the influence of such revisions is perceived, processed, and reinforced by the public's cognitive.

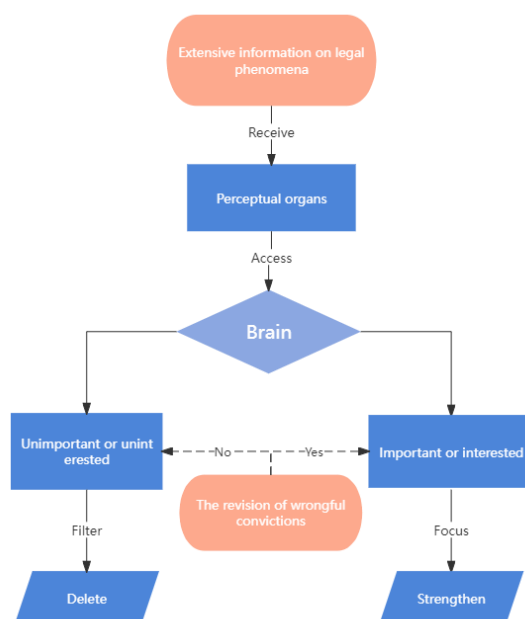


Figure 1. Process of focusing on the revising wrongful convictions of individuals.

In Step 2, *screening sensitive and malicious information*. Throughout the revision of criminal wrongful convictions that have been changed in China in recent years, most of them have been disclosed and corrected for reasons of absolute injustice,⁹⁶ such as the emergence of the natural killer, the resurrection of the victim, and the extraction of confessions under torture.⁹⁷ These revelations pose fundamental challenges to the public's bottom

⁹⁶ Ryan and Adams, 'Cultivating Judgment on the Tools of Wrongful Conviction'.

⁹⁷ Tang, 'Fact assumption and its deviation overcoming in the process of criminal casenvestigation: Analysis on misjudged criminal cases'.

line for judicial credibility and tap into a sensitive social nerve. In contrast to the favorable outcome of the revisions, public attention tends to lean more toward malevolent consequences, such as the wrongful deprivation of life, liberty, and property rights of innocent individuals, along with concerns about the abuse of public power and corruption among judicial staff. According to the principles of the CPE, in the face of such a pronounced tendency toward information screening, the public will unconsciously filter out the favorable effects of the judgment changes and focus only on the adverse effects. In turn, it affects the public's trust in judicial credibility and eventually forms a vicious circle, breaking down the barrier of trust between the public and judicial credibility. In the end, a vicious circle will be formed, and the trust barrier between the public and judicial credibility will be broken. The process is illustrated in Figure 2.

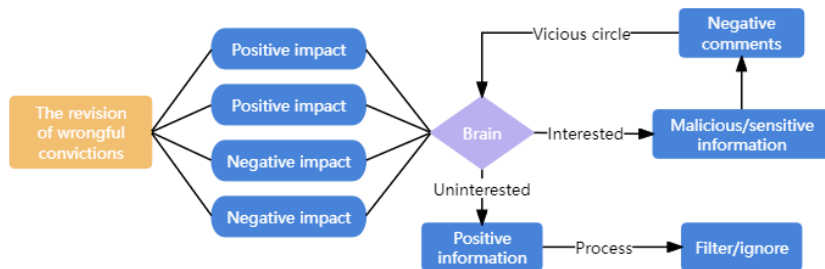


Figure 2. The process of filtering information by subjective preference of the public.

In Step 3, *polarizing negative effects on judicial credibility*. Judicial credibility represents an interactive, dynamic process in which judicial officers use their power to carry out judicial activities and the public receives, evaluates, and provides feedback on the information disseminated. This credibility is shaped by the “dissemination and feedback” of information. From the perspective of public power, judicial credibility is an inherent quality of judicial power to establish credibility through the impartiality of judges’ trials and the *res judicata* of adjudicated cases; from the audience’s perspective, judicial credibility is the external judgment of the public’s spontaneous trust in judicial

power in the process of its operation.⁹⁸ The formation of judicial credibility can be delineated into three stages (see Figure 3): the initial phase involves the exercise of judicial power; the second stage encompasses the public's interpretation of information within the operation of judicial power and the dissemination of information among the public; and the concluding stage is the final formation of the judicial power's credibility and the public's trust psychology through interaction, feedback, screening, and precipitation. However, under the CPE, the public's screening of sensitive and malicious information pertaining to the revision of criminal wrongful convictions may result in a one-sided and biased evaluation of judicial credibility.

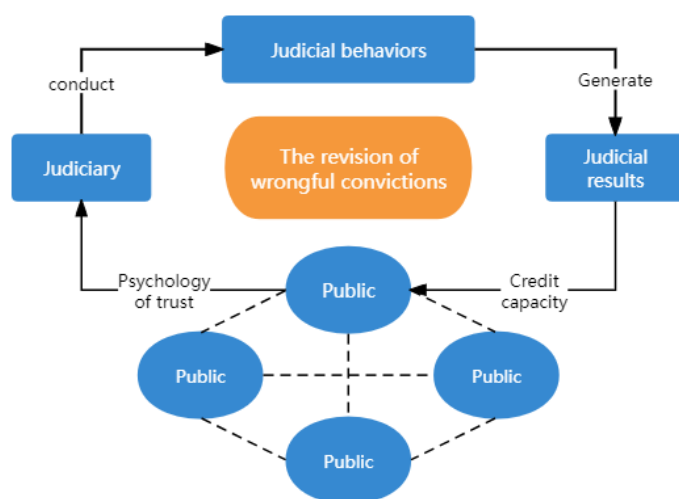


Figure 3. The mechanism of revision that impacts judicial credibility.

In 1961, media scholar James Stoner introduced the phenomenon of "group polarization"⁹⁹ (see Figure 4), signifying that the reinforcement of a specific inclination among group

⁹⁸ Mei Guan, *Research on judicial credibility*, 1st ed. (Beijing: People's Court Press, 2008).

⁹⁹ Daniel J. Isenberg, 'Group Polarization: A Critical Review and Meta-Analysis', *Journal of Personality and Social Psychology* 50, no. 6 (June 1986): 1141–51, <https://doi.org/10.1037/0022-3514.50.6.1141>.

members is strengthened so that a particular view or attitude is strengthened from the original group average to a dominant position.¹⁰⁰ In the current communication method of all-round interoperability of information facilitated by the Internet, it is more convenient for the public to form various groups for collaborative feedback, discussion, and the eventual formulation of an aggregate assessment of judicial credibility. The vast majority of the public is in a state of natural, pure negativity towards the revision of criminal wrongful convictions, which tends to induce negativity, gradually converging and polarizing other voices in the group. This continues to amplify the negative impact of the revision of criminal wrongful convictions on judicial credibility, eventually turning into irrational, extreme, and absolute negativity.

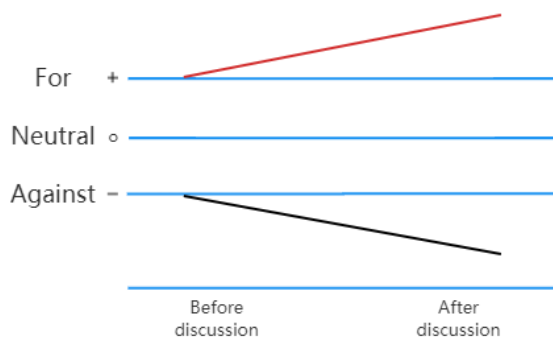


Figure 4. The group polarization proposed by James Stoner.

3.4 Case analysis

D. Case Analysis

Nie Shubin, a wrongly convicted defendant, was sentenced to death in 1995 for the rape and murder of a woman, and the sentence was executed. In 2005, Wang Shujin, the actual perpetrator in the other case, confessed to the murders of the victims in the Nie Shubin case, which garnered significant media attention. Media outlets like Southern Weekend and New Beijing News advocated for judicial intervention in the case's retrial

¹⁰⁰ Rude Liu, *Psychological effects in education*, 1st ed. (Shanghai: East China Normal University Press, 2006).

through continuous tracking and reporting. Following an extended duration of media monitoring and reporting, the case progressively gained public attention and shaped a specific public opinion. The Supreme People's Court decided to retry the case in 2016, influenced by various factors including media reports, public opinion, and political pressure. The court ultimately revoked the original verdict and issued an acquittal. This case exemplifies a significant miscarriage of justice, eliciting considerable social concern.

On August 5, 1994, Kang Juhua, a female employee at a hydraulic parts manufacturing company in Shijiazhuang City, disappeared mysteriously. Her body was discovered in the west cornfield six days later. Investigations revealed that the victim was both raped and murdered. On March 15, 1995, the Shijiazhuang Intermediate Court issued a ruling regarding the individual charged with the rape of a woman. He received a death sentence and was deprived of his political rights. Nie Shubin was executed by a firing squad on March 25, 1995. In January 2005, authorities in Rongyang, Henan Province, apprehended Wang Shujin on charges of rape and murder. He admitted to the rape and murder that occurred in the cornfield. A case involving two murderers elicited significant reactions. The media pursued a retrial for Nie Shubin to ascertain the truth and provide an equitable evaluation. Following Wang Shujin's confession in 2005, Nie Shubin's mother sought recourse from the Hebei Provincial Higher People's Court. The court stated that its expert team was conducting an investigation. An anonymous sender provided Nie Shubin's mother with the initial and subsequent court rulings. The Supreme Court was informed, resulting in the transfer of the matter to the Hebei Provincial High Court in November 2007. The review by the Hebei Provincial High Court has progressed at a notably slow pace. On December 12, 2014, the Supreme Court directed the Shandong Provincial High Court to conduct a retrial of the case following an application by the Hebei Provincial High Court. The Shandong Provincial High Court reviewed the Nie Shubin case and repeatedly prolonged the review period. The

Supreme People's Court announced the verdict for Nie Shubin's retrial concerning intentional killing and rape in December 2016. The court reversed the verdict and cleared Nie Shubin of all charges.

This case highlights issues related to the review of wrongful convictions, media and public sentiment, judicial transparency, and accountability for wrongful convictions, with significant implications for the retrial of such cases in China.

1) Enhance the efficacy of the review and retrial processes for criminal offenses. The Nie Shubin case spanned over 11 years, commencing in 2005 when Wang Shujin confessed to being the actual perpetrator, and concluding in 2016 with commutation of the sentence, underscoring the delays in initiating retrial processes and the ineffectiveness of the judicial process. This not only postpones the attainment of justice but also exacerbates the anguish of victims' relatives and the community. Consequently, the judiciary ought to implement a more agile system for the quick detection and initiation of retrial procedures, while streamlining the judicial process and minimizing superfluous connections to guarantee that retrial cases are adjudicated fairly within an acceptable timeframe.

2) Promote media involvement and public sentiment. The media served a crucial monitoring function in the Nie Shubin case, facilitating the retrial and re-sentencing by persistent tracking and reporting. The judiciary ought to implement a system that promotes public involvement in judicial oversight and bolsters judicial integrity. It is advisable for the media to undertake comprehensive investigations and reports on alleged misconduct, while enhancing self-regulation to guarantee the neutrality and precision of reporting. Implement public sentiment mechanisms, including online reporting platforms and public hearings, to facilitate direct public involvement in judicial supervision.

3) Enhance judicial transparency and accessibility. The absence of informational transparency in the management of the Nie Shubin case is a primary factor contributing to public suspicion and distrust. The judiciary ought to proactively disseminate information on the case's progression, encompassing

the commencement of the retrial, the trial proceedings, and the conclusive verdict, to bolster public trust in judicial impartiality. Retrial processes should be extensively publicized, permitting media and public observation to guarantee the trial's fairness and transparency. A platform for the disclosure of judicial information should be established, ensuring the timely release of case-related information, particularly regarding the progress and outcomes of significant cases, while all retrial cases, except those involving state secrets and personal privacy, should be accessible for public scrutiny.

4) Clarify the standards for accountability. The restoration of accountability for misconduct is a crucial aspect following the revision of wrongful convictions and must be directed at the individual responsible to ensure proper accountability is established. In the Nie Shubin case, despite the eventual acquittal, numerous challenges arose throughout the pursuit of accountability, which hindered the effectiveness of this endeavor. It is advisable to formulate explicit criteria for identifying misconduct and establish regulations for accountability to ensure a foundation for responsibility, implement a rigorous mechanism for accountability, address those culpable for misconduct with gravity, and enhance the compensation recovery system to ensure the enforcement of compensatory obligations.

Discussion about the balancing mechanism

The impact of revising criminal wrongful convictions on judicial credibility is inherently dualistic, like a double-edged sword. Under the role of CPE, public evaluation tends to be skewed towards a negative impact. Therefore, it becomes imperative to counteract this negativity. Our approach should prioritize mitigating the adverse effects of the CPE on the perception of revised criminal wrongful convictions. Simultaneously, efforts must be directed towards strengthening the positive impact of such revisions. This strategy aims to enable the public to assess the phenomenon of revising criminal wrongful convictions with enhanced objectivity and rationality. By harnessing the affirmative

aspects of these revisions, we aim to guide and catalyze the advancement of judicial credibility.

The United States and the United Kingdom have implemented a range of initiatives in the prevention and correction of wrongful criminal convictions and the enhancement of judicial credibility that are worth emulating. In the United States, the Innocence Project provides free legal representation and case investigation services to prisoners who claim innocence. By establishing rigorous criteria for case acceptance and review procedures, it effectively eliminates invalid appeals and corrects miscarriages of justice, filling gaps in the official detection and rectification of criminal misjudgments. Moreover, the widespread application of DNA testing technology, combined with legal procedures, has significantly reduced the occurrence of wrongful convictions. Independent organizations such as exoneration projects further strengthen the correction of wrongful cases. The U.S. judicial system is characterized by high transparency and robust public oversight, ensuring judicial fairness and enhancing judicial credibility. In the United Kingdom, the establishment of the Criminal Cases Review Commission represents an independent body responsible for receiving and reviewing applications for wrongful convictions, possessing independent investigative powers, thereby institutionalizing and sustaining the detection of wrongful cases. The mechanisms for responding to wrongful convictions are comprehensive, including the rapid rectification of wrongful cases, the formation of investigation committees, the summarization of lessons learned, and the proposal of legislative recommendations. The UK also promotes judicial reform and legislative improvements through wrongful convictions, such as the passing of the Homicide Act 1965, continuously refining the judicial system. Additionally, there is a strong emphasis on public participation and social supervision, with media exposure and public opinion fostering judicial transparency and fairness, thereby enhancing judicial credibility.

After conducting a comparative analysis, this study explores the path from three primary levels in the mechanism of the CPE: the judiciary, the news media, and the public. At the same time, the social damage caused by judicial injustice will be compensated by improving the relevant supporting measures, including the accountability system

for wrongful convictions¹⁰¹ and the state compensation system.¹⁰² The distinct course aimed at weakening the negative effect of the revision of criminal wrongful convictions on judicial credibility is shown in Figure 5.

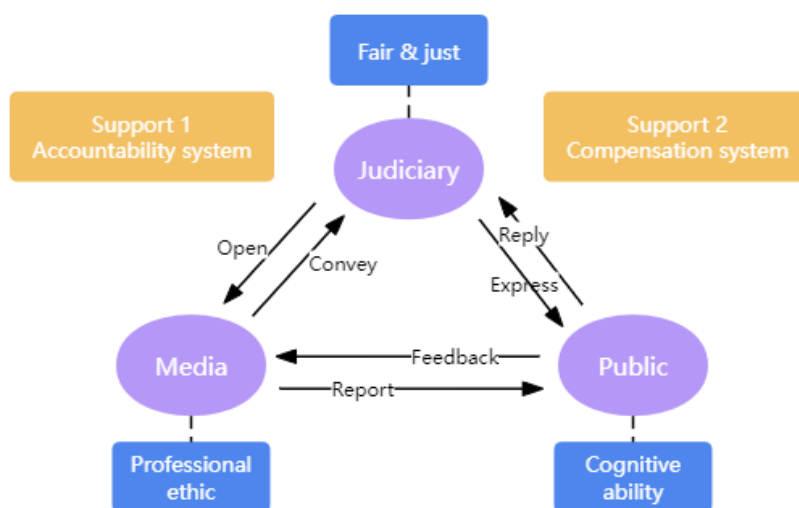


Figure 5. The path of weakening the negative effect on judicial credibility.

A. Judicial level

1) Judicial transparency system. The judiciary is an essential subject of revising criminal wrongful convictions and is responsible for effectively preventing and promptly rectifying such convictions while optimizing the judicial transparency system. The "Provisions of the Supreme People's Court on the Reception of Press and Public Opinion Supervision by the People's Courts" can be further enhanced to delineate the ambit, conduits, and liabilities associated with the disclosure of case-related information to the public. The establishment of a press spokesperson system is

¹⁰¹ Na Jiang, 'Old Wine in New Bottles? New Strategies for Judicial Accountability in China', *International Journal of Law, Crime and Justice* 52 (March 2018): 74–85, <https://doi.org/10.1016/j.ijlcj.2017.09.006>.

¹⁰² Moulin Xiong and Aoqi Zheng, 'State Compensation of Exonerees in Capital Cases: The Chinese Experience', *Asian Journal of Criminology* 17, no. S1 (2022): 121–45, <https://doi.org/10.1007/s11417-022-09387-2>.

imperative to seize the initiative in disseminating case-related information and to preclude the propagation of unfounded rumors.¹⁰³ Cases that are subject to public adjudication as mandated by law should permit media interviews, reporting, and access to pertinent dossier materials.¹⁰⁴ Leveraging a plethora of news platforms, including new media and self-media, to promptly release information and steer social opinion in a proper and objective trajectory is essential. The system for addressing public opinion requires improvement. The responsiveness of China's judicial entities to public opinion and the media has yet to be standardized, which, to a certain extent, has exacerbated the discord and mutual lack of comprehension.¹⁰⁵

2) Creating efficient pathways for public sentiment engagement. It is imperative to establish robust channels for the expeditious response to legal inquiries and trial-related challenges concerning the rectification of criminal wrongful convictions as mirrored in public sentiment. Furthermore, during the enhancement of the public sentiment response system, it is crucial to take into account pertinent and rational suggestions. This approach is instrumental in circumventing the phenomenon of excessive judicial democratization, which could precipitate a regression into a state of square justice, thereby potentially undermining the independence of judicial proceedings.¹⁰⁶

¹⁰³ Qi Jianjian and Bai Xiaoyan, 'On the mechanism of influence of media reports on criminal trials and its regulation', *Hebei Law Science* 32, no. 12 (2014): 137–48, <https://doi.org/10.16494/j.cnki.1002-3933.2014.12.019>.

¹⁰⁴ Wei Jinhui, 'Benign interaction between media monitoring and judicial trials in the new media era', *People's Tribune*, no. 35 (2014): 128–30, <https://doi.org/10.16619/j.cnki.rmlt.2014.35.054>.

¹⁰⁵ Xu Guanghua and Guo Xiaohong, 'An examination of the influence of public opinion and the media on the administration of criminal justice--taking the example of the different sentences in the two cases of "Picking up" The balls', *Studies in Law and Business* 29, no. 6 (2012): 18–25, <https://doi.org/10.16390/j.cnki.issn1672-0393.2012.06.004>.

¹⁰⁶ Sun Rihua, 'Status and new strategy of public opinion in china's transition judicature', *Pacific Journal* 18, no. 12 (2010): 19–28, <https://doi.org/10.14015/j.cnki.1004-8049.2010.12.008>.

3) Ensuring fairness and justice in the revision of wrongful convictions. Enhancing the professionalism of judicial personnel is paramount to achieving equitable and just outcomes in the revision of erroneous criminal convictions.¹⁰⁷ This entails a focus on skill enhancement, deliberative engagement, and continuous learning for incumbent judicial officers, ensuring they remain abreast of the latest legislative advancements and contemporary trends. Additionally, there should be a heightened emphasis on the professional conduct and ethical standards of judicial personnel.¹⁰⁸ In the selection of cadres, moral integrity should be a primary consideration, with a preference for appointing individuals of high moral character. The distinct roles and functions of public security organs, prosecutorial organs, and judicial organs within their respective judicial activities must be clearly delineated. This clarity is essential to ensure the independence of these entities and to establish a system of mutual checks and balances. Such a system is designed to dismantle the "united front" alliance and prevent the administrative intervention, thereby fostering a more transparent and accountable judicial process.¹⁰⁹

B. Media level

Objectively and comprehensively reporting the information on the change of sentence to the public is of paramount importance.¹¹⁰ The media functions as a pivotal bridge between the judiciary and the public, shouldering the critical responsibility of

¹⁰⁷ Lena Y. Zhong and Mengliang Dai, 'The Politics of Wrongful Convictions in China', *Journal of Contemporary China* 28, no. 116 (2019): 260–76, <https://doi.org/10.1080/10670564.2018.1511396>.

¹⁰⁸ Yongyue Liu and Wanyong Liu, 'Focusing on real issues, improving professionalism—reviewing the Zhang Yuhuan case report', *Youth Journalist*, no. 28 (2020): 29–31, <https://doi.org/10.15997/j.cnki.qnjz.2020.28.011>.

¹⁰⁹ William Fairbairn, 'An Examination of Judicial Independence in China', *Journal of Financial Crime* 23, no. 4 (2016): 819–32, <https://doi.org/10.1108/JFC-12-2015-0068>.

¹¹⁰ Busra Yalcinoz-Ucan and Hande Eslen-Ziya, 'Online Disclosure, a Mechanism for Seeking Informal Justice?', *Crime, Media, Culture* 20, no. 1 (2023): 20–39, <https://doi.org/10.1177/17416590231153077>.

disseminating the truth and upholding social justice.¹¹¹ News media outlets ought to be required to develop a profound understanding of the facts, gather diverse perspectives and materials from involved parties in wrongful convictions, and eliminate distorted and fictitious news reports while strictly adhering to the professional ethics and moral bottom line of the news media.

The status of autonomous organizations within the news media industry should be elevated by conferring greater autonomous rights and supporting corresponding supervisory mechanisms;¹¹² the establishment or improvement of healthy competition rules within the industry is necessary to prevent indiscriminate headline-seeking and the propagation of false and exaggerated reports.¹¹³ The news media is not only the primary conduit through which the public accesses case-related information but also a crucial instrument for the communication of public sentiment.¹¹⁴

It is imperative to understand and report authentic public sentiment, avoiding the "one-sided phenomenon" of emotional and irrational public opinion. Strengthening the professional mission of news media personnel to pursue justice and reveal the truth is of paramount importance. Encouraging their courage to assume social responsibility and actively promoting social progress, creating a conducive atmosphere, and maintaining mainstream values is essential.

¹¹¹ Min Chen and Dao-Yong Tu, 'Research on the Feasibility and Methods of Increasing Judiciary Credibility with the New Media in China', in *Proceedings of the 3rd Annual International Conference on Social Science and Contemporary Humanity Development* (3rd Annual International Conference on Social Science and Contemporary Humanity Development (SSCHD 2017), Guangzhou, China: Atlantis Press, 2017), <https://doi.org/10.2991/sschd-17.2017.10>.

¹¹² Daniel Trottier, 'Coming to Terms with Social Media Monitoring: Uptake and Early Assessment', *Crime, Media, Culture: An International Journal* 11, no. 3 (2015): 317–33, <https://doi.org/10.1177/1741659015593390>.

¹¹³ Wei, 'Benign interaction between media monitoring and judicial trials in the new media era'.

¹¹⁴ Sun, 'Status and new strategy of public opinion in china's transition judicature'.

C. Social public level

The social public stands as a critical participant in the occurrence of the CPE, with signals sent out by the revision of criminal wrongful convictions subject to automatic screening based on subjective preference. This screening mechanism continually focuses on sensitive and unjust information in the revision of criminal wrongful convictions, generating a group polarization effect on its evaluation conclusion, thus generating emotional and irrational cognition.

It is imperative to enhance the public's perception capacity concerning the revision of wrongful convictions. The public should approach the rectification of such convictions from multiple vantage points, engaging with interviews of the concerned parties, professional commentaries, official announcements, and social opinions.¹¹⁵ This understanding should be multi-layered, spanning the period before and after the incident, encompassing the outcomes of the case processing, and delving into the etiology of the incident. It is crucial to avoid one-sided perception that may result from the filtering effects, akin to those observed in cocktail party scenarios, and to refrain from allowing sympathy for the victims of wrongful convictions to skew the evaluation of judgments.¹¹⁶ Additionally, it is vital to counteract the influence of the "group polarization" effect by resisting the pervasive impact of orchestrated online opinion manipulation. Appropriate procedures for the rational expression of public sentiment should be established. Recognizing that justice is a confluence of professionalism and democracy, mechanisms should be put in place to enable the public to articulate and adopt their views on case rectifications in a reasonable manner. This includes the improvement of the people's assessor system and the

¹¹⁵ Zhenyuan Li, 'Analysis of the judicial value of the rule of law thinking -- the example of the "wrongful conviction" prevention mechanism', *Theory Monthly*, no. 5 (2018): 97–101, <https://doi.org/10.14180/j.cnki.1004-0544.2018.05.016>.

¹¹⁶ Lei Liu, 'Analysis of external factors leading to wrongful convictions: From the structural categorization and external factors of 1, 188 wrongful convictions in america', *Modern Law Science* 35, no. 2 (2014): 152–65, <https://doi.org/10.3969/j.issn.1001-2397.2014.02.14>.

imposition of more stringent selection and training requirements for assessors.¹¹⁷

Furthermore, the judicial process should be strengthened in its capacity to listen to and absorb public sentiment; convening seminars with representatives of public opinion is recommended. For cases that are significant, complex, and of great societal concern and influence, it is essential to organize seminars involving relevant representative masses to understand and listen to the voices of representatives from all strata of society. With the aid of new media platforms such as microblogs and Weibo, functional boards for comments and messages should be opened to promote broader public engagement.¹¹⁸

D. Supporting measures

Clarifying the distinctions between accountability for wrongful convictions and the state compensation system is of paramount importance. The public often equates state compensation with personal accountability; however, it is imperative to recognize that these two concepts are not inherently linked. In cases where wrongful convictions arise from objective factors, such as the cognitive limitations of judicial personnel, no personal liability is assigned, and compensation is provided solely by the state. Conversely, when wrongful convictions result from intentional acts or gross negligence by judicial personnel, personal liability is established in conjunction with state compensation. A clear delineation between accountability and state compensation is essential for public comprehension of the distinct remedial systems following the revision of criminal wrongful convictions and helps to avoid the prejudice of favoritism and official protection.¹¹⁹ The methods and extent of accountability, along with the establishment of exceptions, have been clarified to deter and

¹¹⁷ Me, 'Public evaluation and criminal justice'.

¹¹⁸ Ming, 'Judicial Credibility in the We-Media Era'.

¹¹⁹ Fuqiang Cai and Kun Tian, 'On the Improvement of the model of accountability for "Misjudged cases"', *Journal of Xiangtan University(Philosophy and Social Sciences)* 44, no. 3 (2020): 66–72, <https://doi.org/10.13715/j.cnki.jxupss.2020.03.012>.

restrain judicial officers from misusing judicial power, severely punish the abuse of public authority, protect the legitimate rights and interests of the parties involved, compensate for the accountability deficit after the revision of criminal wrongful convictions, and demonstrate the judiciary's commitment to assuming responsibility.¹²⁰

The ambit and criteria for compensation necessitate elucidation. It is recommended that the State Compensation Law explicitly delineate that acquittals, alterations in charges, and other pertinent circumstances fall within the purview of state compensation. The compensation standards must encompass the evaluation of recompense for personal liberty, taking into account the duration of freedom deprivation, occupational loss, and the impact on social standing. Parameters for ascertaining compensation for moral harm should be instituted, factoring in the psychological strain and reputational damage endured by the individual due to a wrongful conviction. The process of state compensation for reclassification of criminal wrongful convictions should be streamlined by reducing superfluous documentation and accelerating the approval timeline. The establishment of a specialized national compensation commission to oversee compensation applications and ensure a transparent decision-making process is advisable. Simplifying the compensation process will alleviate the burden on the parties involved and enhance the promptness of compensation, thereby more effectively restoring their rights and interests. Furthermore, the oversight and enforcement of compensation cases warrant enhancement.¹²¹ The creation of a supervisory body to monitor the execution of compensation decisions and provide regular public reports is proposed. Clear legal responsibilities and penalties must

¹²⁰ Hui-qing Wang, 'On the changes in ideas and system from the responsibility of misjudged cases to the judicial responsibility system', *Journal of Xiangtan University(Philosophy and Social Sciences)* 43, no. 2 (2019): 53–58, <https://doi.org/10.13715/j.cnki.jxupss.2019.02.009>.

¹²¹ Yongdi Lu, 'On the difficulties and solutions of discovery and correction of the wrongful death penalty', *Studies in Law and Business* 36, no. 4 (2019): 114–24, <https://doi.org/10.16390/j.cnki.issn1672-0393.2019.04.010>.

be established for authorities or individuals who fail to implement compensation decisions.

Conclusion

The pursuit of enhanced judicial credibility stands as an integral part of China's comprehensive efforts to deepen judicial reform.¹²² In the evolving landscape of criminal justice civilization, the discovery and rectification of cases marred by injustice not only serve as a means to address the grievances of affected parties but also exemplify China's resolute commitment to the ongoing trajectory of judicial reform. Nevertheless, the susceptibility of general populace to ramifications of the CPE, as well as to sensitive and inequitable information, is exacerbated by the propagation of such biased and sensitive information through the news media's sensationalist and one-sided reporting, which is further catalyzed by "group polarization effect." Consequently, it becomes rather facile for the public to be swayed by the CPE, ultimately leading to a significant erosion of public trust in the integrity and credibility of China's judicial system within the broader societal context.

Although the CPE offers a novel perspective for understanding public perception of the revision of wrongful convictions, this theory, primarily originating from the fields of psychology and acoustics, is still in its nascent stages of application within the judicial domain. Future research can further validate the applicability of this theory across different judicial environments and cultural contexts, integrating it with other relevant theories for comprehensive analysis. For instance, investigating the specific manifestations and impact mechanisms of this effect in areas such as judicial adjudication, legal aid, and judicial transparency construction.

¹²² Bo Han, 'Research on the Judicial Credibility Promotion in the Context of Comprehensively Implementing the Rule of Law', in *Proceedings of the 3rd International Conference on Judicial, Administrative and Humanitarian Problems of State Structures and Economic Subjects (JAHP 2018)* (3rd International Conference on Judicial, Administrative and Humanitarian Problems of State Structures and Economic Subjects (JAHP 2018), Domodedovo, Russia: Atlantis Press, 2018), <https://doi.org/10.2991/jahp-18.2018.150>.

This study predominantly relies on literature reviews, theoretical explanations, and deductions, lacking empirical data to support the conclusions, which limits the breadth and depth of the research outcomes. Future research could employ scientifically designed questionnaires, in-depth interviews, or focus group discussions to gather public opinions on the processes and outcomes of the revision of wrongful convictions. Exploring public perceptions of judicial credibility before and after the revision of wrongful convictions, and applying methods such as T-tests and correlation analyses to verify hypotheses and assess model fit, would thereby analyze relationship between the revision of wrongful convictions and judicial credibility.

Due to limitations in data accessibility, this study mainly depends on publicly reported news and judicial documents. These data may be incomplete, especially concerning the internal decision-making processes and specific operational details of the judiciary. Future research could consider searching case databases to obtain complete case judgments, thereby more accurately understanding the full picture of the revision of wrongful convictions, including the causes of cases, adjudication processes, reasons for reversals, and subsequent impacts.

This article primarily focuses on the macro impact of the revision of wrongful convictions on judicial credibility, with a lack of discussion on micro-level impacts. For example, the study does not explore the specific impacts of wrongful convictions on the psychological states and behavioral patterns of judicial personnel, and how media coverage of wrongful convictions shapes public trust in the judicial system. Future research can further investigate the psychological reactions and behavioral adjustments of judicial personnel following wrongful convictions, and how these changes influence subsequent judicial decision-making processes. Additionally, analyzing how the content, frequency, and methods of reporting by different media types affect public trust in the judiciary will aid in understanding the internal self-correction mechanisms of the judicial system and media reporting strategies, providing a more solid empirical foundation and practical strategy basis for judicial reforms.

In conclusion, a crucial imperative emerges to dispel misconceptions surrounding criminal wrongful convictions. This necessitates an exploration of strategies to mitigate the deleterious effects

of the CPE, allowing the positive societal impact of criminal wrongful convictions to unfold. An exemplary and dynamic interactive relationship must be established among the judiciary, the news media, and the public. This tripartite interaction is crucial for enhancing the credibility of the judicial system, propelling the advancement of judicial reform initiatives, and actualizing the tenets of social justice within the socio-legal framework

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In Dubio Pro Reo

“It is better to acquit a thousand guilty people than to punish one innocent person”

Acknowledgment

The authors wish to thank the Faculty of Law, Universitas Muhammadiyah Malang (UMM) for organizing the 5th International Conference on Law Reform 2024.

Funding Information

None

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.