

Ruminations on the Construction of the Assistance System for Expert Supporters in Criminal Proceedings

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Abstract: China established the expert supporter system in the field of criminal proceedings as early as 2012. However, factors such as unclear expert qualifications, expert peer pressure and economic difficulties of the parties make it difficult for the expert auxiliary to participate in the litigation, and the parties are unable to effectively cross-examine the expert opinions involving specialized issues. The construction of the criminal expert aid system is an effective means to solve the above dilemma, through the state aid to resolve the parties to hire experts, to ensure that the expert aid actually participate in the litigation, to protect the substantive equality of the litigation, so that the expert aid system is no longer just a “law within the book”. This article puts forward some specific ideas on the assistance system for expert supporters in criminal proceedings, with a view to improving and reforming the expert supporter system in China, by drawing on relevant systems at home and abroad.

Keywords: Expert Support Persons; Expert Assistance; Institutional Construction.

1. Introduction

As early as 2012, when the Criminal Procedure Law was amended, China established the system of criminal expert supporters. Since the establishment of the expert supporter system, there has been significant progress in both its academic research and discussion and its specific operation in judicial practice. But at present, scholars on the expert-assistant system mainly focus on the expert-assistant litigation status, qualification conditions, court procedures and other directions. For the substance of the expert auxiliary can guarantee the expert auxiliary into the criminal case, the expert auxiliary assistance system to realize the substance of the expert opinion questioning is still in the blank stage. There are also a small number of scholars proposed to construct the expert supporter assistance system[1]. Prof. Yue Jun want to think: “We should establish the expert auxiliary person assistance system as soon as possible, which is a kind of ideal system design for the expansion of China's legal aid system to the field of criminal procedure experts[2].”[2]Prosecutor Liu Shuihua proposed: “In order to substantially safeguard the human rights of the parties concerned, the legal aid system for lawyers can be borrowed to establish the assistance system for expert supporters in criminal cases”[3]. The above scholars advocated to construct the assistance system for expert supporters. The above scholars advocate the construction of the expert-assistant assistance system, but have not argued for the construction of a specific system. This paper will be from the specific system construction for preliminary discussion, in order to make up for the gaps in the construction of the expert auxiliary assistance system.

2. Formulation of the Problem

2.1. Overview of the Expert Support Person System

With the rapid development of society and the high degree of specialization of knowledge, litigation cases involving specialized issues are growing explosively, and the judicial appraisal business is also tending to become more and more

specialized and regular in its development mode. In this context, in order to enhance the prosecution and defense, especially the defense of the complexity of the identification of professional and technical opinions of the ability to effectively testify, the state drew on overseas experience, the introduction of the expert assistants system.

According to the narrow view of the academic circle, “expert auxiliary” only refers to “people with specialized knowledge” in Article 197(2) of the Criminal Procedure Law, which means that people who have a high level of education and rich knowledge in a certain field or rich experience in a certain field, and who can help the prosecution and defense in the litigation process by virtue of the above abilities, and who can help the prosecution and defense in the litigation process by virtue of the above abilities. A person with specialized knowledge”in paragraph 2 refers to a natural person who has a high level of education in a certain field, possesses extensive knowledge or has extensive experience in a certain field, and who, by virtue of the above abilities, helps the prosecution and the defense to understand the specialized knowledge involved in the case during the litigation process, or who gives an opinion on the expert opinion[4]. It is argued that “expert supporters” belong to the category of “persons with specialized knowledge”, but “persons with specialized knowledge” also includes surveyors, examiners and appraisers, so that The term “persons with specialized knowledge” is equivalent to a broad concept, while “expert auxiliaries” is a subcategory under it. The author also agrees with the narrow sense, this article refers to the expert auxiliary only accuses the defense invited by the two sides, on the identification of opinions, with specialized knowledge of the natural person.

Although China's legislation does not explicitly, but from the specific legislative provisions, “the litigation of specialized issues by people with specialized knowledge to solve” the basic principle has been established, and the expert-assisted person system is a key part of the establishment of this principle. Judicial practice has been deepening its understanding of the principle that “specialized issues are to be resolved by persons with specialized

knowledge”, and expert supporters are an important part of the “persons with specialized knowledge”, thus expert supporters occupy a pivotal position in today's litigation context. Article 197, paragraph 2, of the Code of Criminal Procedure grants expert assistants the right to give opinions on expert opinions. However, today's judicial interpretations have extended this right to cross-examine the expert opinion, question the expert, and give opinions on specialized issues involved[5].

In summary, the significance of the establishment of the expert supporter system is: expert supporter can rely on its own professional knowledge and skills to help the prosecution and defense on the case of the existence of professional identification of the two sides to provide equal opportunity and ability to provide evidence, change the prosecution and defense, especially the defense due to the existence of identification of the opinion of the professional cognitive blindness, thus leading to questioning the situation in the form of the expert supporter of the litigation of the substance of full participation Can guarantee the adequacy and substance of the examination, so that the examination is no longer formalized.

2.2. Status of Participation of Expert Assistants in Proceedings

In judicial practice, of the cases concluded and completed in the three years 2021, 2022 and 2023, there were a total of criminal and civil cases involving forensic appraisal, of which 183,928 were criminal cases and 410,173 were civil cases. The total number of criminal and civil cases involving expert assistants is 907, of which 21 are criminal cases and 886 are civil cases[6]. It can be found through the above data:

First of all, forensic experts and expert assistants are also “persons with specialized knowledge”, and are both needed for litigation involving specialized issues, but a vertical comparison of the number of criminal cases mentioned above reveals that the participation of expert assistants in criminal proceedings is far less than that of forensic experts. In litigation practice, the judgment of specialized or difficult issues mainly relies on judicial appraisal, due to the lack of knowledge of the facts identified in the appraisal opinion of the judge, so the court in the judgment of specialized issues rely heavily on the appraisal opinion[7]. The accuracy and reliability of the appraisal opinion is often directly related to or even determine the outcome of the trial, such an important type of evidence must be effectively questioned in order to become the basis of the case. If in the proceedings involving specialized issues and no expert support person to provide opinions on the identification of opinions, even if the defense has a defender to participate in the proceedings can not be involved in specialized issues of the identification of opinions to form effective evidence, so the court often tends to accept the identification of opinions, so the court will make the identification of opinions of the situation of a dominant one[8]. The absence of expert support in criminal proceedings reflects the “specialized issues in the litigation by specialized knowledge to solve” principle has not been implemented, which is extremely inconsistent with the reality of litigation needs.

Secondly, a comparison of the number of criminal and civil cases reveals that the presence of expert assistants in criminal cases is extremely low, with the total number of cases being only a fraction of the number of civil cases. This indicates that the expert-assisted person system operates far less effectively in criminal proceedings than in civil proceedings. Comparing

criminal and civil cases from the perspective of seriousness, criminal cases are generally more serious, and the people involved often face harsh penal sanctions. From the basic concept of full protection of human rights, in order to keep innocent people from being criminally prosecuted, the exercise of the procedural rights of the defense should be fully guaranteed, and most importantly, the exercise of the right to defense should be guaranteed[9]. The right to defense is a defensive right of the defense, including not only the defense of the prosecutor's legal professional issues, but also the defense of the professional issues contained in the appraisal opinion. The defense of legal issues, the defense can appoint a professional lawyer to defend. For the defense of specialized issues, it depends on the defense to invite experts to participate in the litigation and the judicial appraisal opinion of the cross-examination. From the viewpoint of the procedural value of safeguarding human rights, it is crucial to ensure the active participation of a sufficient number of expert assistants in criminal proceedings.

2.3. Reasons for the Current Situation

2.3.1. Obstruction of the Participation of Expert Assistants in the Proceedings

First, the lack of standards for the qualification of expert supporters makes it difficult for them to participate in litigation. China's appraisers are people with specialized knowledge, is the best in the profession, they make the appraisal of the depth of professionalism. Expert support person and need to make comments on the appraisal opinion, which indicates that the expert support person compared to the expert to have the same or deeper professional background and experience, otherwise the expert support person in the professionalism will be considered incapable of appraisal of the opinion of the objection or challenge. In order to expert assistants can be effective in the identification of opinions, the theory is that the threshold of access to expert assistants should be higher. However, there is a lack of provisions in the law regarding the qualification of expert assistants, which leads to the fact that those with specialized knowledge are not clear about their qualifications as experts and dare not undertake to participate in litigation[10].

Secondly, based on peer pressure, it is also difficult for expert supporters to participate in litigation. As mentioned earlier, both the expert and the person who can theoretically become an expert supporter should be the elite of the profession. Elite means that the circle of experts in the same profession is very small, which will inevitably make the role of the expert and the expert support person have interchanged and cross, and ultimately the formation of mutual confrontation and questioning of the situation. Most of the people with the qualification of expert support person out of reluctance to offend the mentality of peers, will eventually give up to participate in the litigation.

2.3.2. The Dilemma of Hiring Expert Support Persons

First, the law does not make clear provisions on how to hire an expert supporter, and there is a lack of guidelines for hiring an expert supporter, which creates a dilemma for hiring. Especially the defense to hire expert support person is more difficult[11]. For a long time, China's judicial practice in order to ascertain the facts of the case, the prosecution can be initiated at all stages of the identification process, the prosecution for the hiring of experts has formed a more mature set of processes, and the prosecution has long been dealing with a variety of experts, the Procuratorate also has

the corresponding expert resources, the prosecution has considerable advantages in the selection of high-quality experts. The opposite is true for the defense, as the law does not specify the qualifications of the expert supporters, the expert supporters can not be like legal aid lawyers to establish a roster registration system, to provide the defense with the opportunity to choose. By virtue of the defense's own strength, it is difficult to hire a suitable expert in the relevant field and have the ability to testify, or even if you can find a suitable expert, but also to spend more time and effort, the defense to hire an expert supporter of the cost is unusually high[12].

Secondly, the reality of the economic situation of the party is also easy to cause the inability to hire an expert supporter of the dilemma. Our country did not expert assistants commissioned the cost of setting standards, but from the market rate, is much higher than the identification costs. There is no economic conditions of the parties can not afford the high commissioning costs to invite expert assistants, out of the economic burden, will give up to hire expert assistants, the parties are confined to economic difficulties and the inability to hire expert assistants of the predicament is formed.

2.4. Solutions to the Dilemma

Based on the above analysis of the defects in the current operation of the expert-assisted person system, the author believes that the construction of the expert-assisted person assistance system is an effective way to solve the current practical difficulties. The expert supporter assistance system refers to the state in the judicial system operation, to the party who cannot hire an expert supporter due to economic reasons or other reasons to provide expert supporter to help in the examination of a litigation protection system.

First, the construction of the expert-assistant assistance system is of great benefit in determining the qualifications of expert-assistants. The State, out of its public responsibility to help the disadvantaged, should provide expert assistants to those who cannot afford to hire one. Whether it is to establish a roster and registration system for the parties to choose from, as in the case of legal aid lawyers, or to enter into long-term cooperation with experts in certain industries, this provides a reference standard for the qualifications of expert supporters.

Secondly, the construction of the expert supporter assistance system is conducive to guiding the change of the concept of expert supporters appearing in court. The assistance system is a system constructed by the state to help the disadvantaged groups, and the assisting expert auxiliary is based on the national government's provision of public services to the society, and participates in the litigation based on the progress of the rule of law in the country and the needs of the society. The support and social responsibility of the state is conducive to reducing the psychological pressure on expert supporters to offend their peers and mobilizing the enthusiasm of expert supporters to participate in litigation.

Third, with the construction of the expert-assisted person assistance system, the corresponding procedures will also be established. Meet the conditions of the parties can through certain procedures to obtain the assistance of expert assistants, which saves the parties to their own time and energy to find a suitable expert assistants. Or parties who do not meet the conditions for assistance can also refer to the criteria for assistance of expert supporters and hire a suitable expert supporter.

Fourthly, the assistance system for expert supporters is one of the ways for the state to fulfill its responsibility to improve

the social security system and enhance the rule of law in national governance, and it is only right that the state finances the expenses of the assistance system. Parties eligible for assistance no longer have to give up hiring expert supporters on the basis of financial pressure. The assistance system is conducive to guaranteeing the participation of expert supporters in litigation and solving the problem of being unable to testify on specialized issues due to poverty.

3. The Necessity of Constructing a System of Assistance for Expert Supporters

3.1. Improvement of the Expert Support Person System

The establishment of a system of assistance to expert supporters is a necessary stage in the development of a sound system of expert supporters. The operation of a system must be complemented by other relevant systems and operating rules, and cannot exist in isolation. Just as the legal aid defense plays an important role in the improvement of the defense system, the expert supporter assistance system is also an indispensable part of the improvement of the expert supporter system. Similar to the legal aid defense, which is designed to provide assistance to defendants who are unable to effectively defend themselves, the expert-assistant assistance system is designed to provide assistance to parties who are unable to effectively cross-examine expert opinions. The most important role of the expert supporter system is to ensure that the defense of the appraisal of the examination is not formalized, only to ensure that a sufficient number of high-quality expert supporters involved in the litigation, the parties will be able to rely on the professional knowledge of the expert supporters of the litigation involves specialized knowledge of some of the issues to understand, based on the understanding of the appraisal can be effective in the appraisal for the examination of the basis. The expert support system is precisely to ensure that the expert support person to participate in the litigation of an important system, the assistance system is conducive to eliminate the experts to participate in the litigation as well as the parties to be confined to the economic pressure to give up hiring experts of the double concern. Therefore, the system of assistance to expert supporters is a key part of a sound expert supporter system.

3.2. Guarantee of Substantive Equality of Arms

The system of assistance to expert supporters ensures that experts are substantively involved in the proceedings, thereby guaranteeing substantive equality of arms.

The first is to protect the prosecution and defense substantive equality of litigation status. The criminal procedure law clearly gives the public prosecutor and law enforcement authorities enjoy the right to start identification, and only give the parties to apply for re-assessment or the right to supplement the identification, did not give the parties to start the right of judicial appraisal. This appraisal initiation procedure obviously exists in the prosecution and defense power status is not balanced, the defense participation rights are too small and other drawbacks[13]. Criminal procedure is fair, since there is an imbalance of power between the prosecution and the defense, through certain means to change this imbalance. Starting from the appraisal of the right to

initiate the problem, there are two solutions. First, through the reform of the defense to the court to apply for the right to start the identification, but this is likely to cause the defense to start the identification of random, resulting in the process of litigation confusion, increase the cost and time of unnecessary identification, waste of judicial resources and other shortcomings. Second, enhance the defense in the identification of the right to defend. Prosecution and defense natural position is inconsistent, the prosecution is more concerned about the incrimination, the defense is more focused on the crime. And criminal procedure judicial practice in the appraisal is generally based on the needs of the prosecution, the defense to enhance the defense in this regard, it is necessary to have their own side of the exclusive expert aids to assist. And the defense may be confined to some practical difficulties cannot hire their own expert auxiliary, this will lose a certain, in the appraisal of the right to defense[14]. Therefore, in order to protect the prosecution and defense litigation status of substantive equality, it is necessary in the system for the defense to provide high-quality expert auxiliary, expert auxiliary assistance system is undoubtedly the best choice.

Secondly, criminal proceedings emphasize fairness and justice, it is necessary to guarantee that the litigation status of each party is equal and cannot be different from person to person. Taking the relevant regulations issued by Shandong Province in 2018 as an example, the court hires people with specialized knowledge to appear in court, and the cost ranges from 4,000 to 12,000 yuan per person-per-day, depending on their different levels. The price of hiring an expert supporter by the parties themselves should be much the same as this, and it is highly likely that the price may even be more expensive due to the fact that it is privately hired. Of course, the better-off parties will do their best to hire the best quality experts to assist them. The party in financial difficulty may give up this right due to the expensive cost, thus turning the expert supporter system into a formal right. Therefore, it is necessary to establish the expert-assistant assistance system to materialize the right to hire an expert-assistant on paper, so that parties with financial difficulties can also apply the right to hire an expert-assistant with the help of the national system, and to change the substantial imbalance in the application of procedural rights of the expert-assistant system due to the difference in financial status. From the perspective of improving the unequal litigation status caused by the gap between the rich and the poor, it is imperative to structure the expert-assisted person assistance system.

3.3. Implementation of the Principle of Specialized Solutions to Specialized Problems

With the development of society and science and technology, judicial proceedings inevitably involve specialized issues. In the process of judicial governance, it has become an urgent practical need to solve the specialized problems of litigation. Although our legislation does not explicitly provide for this, from the point of view of the specific provisions, the basic principle of “specialized problems in litigation shall be solved by people with specialized knowledge” has been established. The establishment of the principle from the “professional specialization”[4]. In criminal proceedings, judges, prosecutors, defense lawyers and other legal professionals are experts in law, and their ability to solve legal problems is

beyond doubt. But the above legal experts in the face of specialized problems involving other industries, do not have the corresponding knowledge and ability to face and solve. They need to rely on the ability to make up for their own knowledge deficiencies, so as to comprehensively around the factual basis of the case to make the appropriate legal judgment. In practice, the trial and the prosecution will often choose to use the expert to make up for the ability to recognize specialized issues. On the contrary, the defendant side, both lack of legal knowledge, and lack of knowledge of specialized issues. In order to protect the defendant's right to litigation, the law gives the defendant the right to hire a defender and an expert supporter. At the same time, in order to substantively guarantee the defendant's right to defense, a legal aid system has been set up to provide legal assistance to defendants in difficulty. In criminal proceedings, legal issues are specialized issues, as are other aspects of the profession, and both have the same status in terms of specialized issues. That being the case, a system of assistance from expert supporters should be established, as in the case of the legal aid system, to provide assistance to the accused on specialized issues other than legal issues, so that the specialized issues of the accused side can be resolved in a substantive and specialized manner.

4. Some Ideas on the Construction of An Assistance System for Expert Supporters in Criminal Proceedings

Constructing the expert supporter assistance system aims to provide necessary professional help for the parties who cannot hire the expert supporter free of charge, in order to let more expert supporters to participate in the litigation on the appraisal of the substance of the evidence, and to protect the parties to the litigation of the substance of the equality of the parties. As a brand-new system, the expert-assisted person assistance system will involve many aspects, the scope of the assistance object, the main body of the assistance, the operation procedure and the source of funds are the problems that must be clarified. At the same time, the feasibility of constructing an assistance system and the needs of real litigation should also be taken into account.

4.1. Drawing on the Experience of Relevant Domestic and International Regimes

4.1.1. Extraterritorial Experience

Overseas countries have a relatively mature expert witness system, and we can learn from its essence and remove its dregs to form an expert witness assistance system that meets the needs of the rule of law in China.

Within the common law system, the court may designate an expert as a “court expert witness”. The expert witness to make any factual findings should be informed to the parties, and so designated expert witnesses have the right to obtain reasonable compensation within the amount allowed by the court, compensation in the fund established by law, so as to ensure the neutrality of expert witnesses. Under this model, the defense obtains the appropriate expertise at zero economic cost. Therefore, the court-appointed experts in the common law system have the same function as the assistance experts, and we can learn from some of these provisions.

In civil law countries, the system most similar to the expert assistance system is the Italian “technical adviser” system. As early as 1988, the Italian Code of Criminal Procedure explicitly provided for the system of “technical advisers”. The

Italian Code of Criminal Procedure provides that, following the judge's decision on identification, the public prosecutor and the parties have the right to appoint their own technical advisers and, subject to the conditions set out in the State's access to justice, to be assisted by technical advisers provided by the State at public expense[16]. The system has been in operation for more than thirty years, and there are relatively mature and successful experiences that can be drawn upon that meet the requirements of the rule of law in our country.

4.1.2. Reference to Domestic Systems

China's current system for providing assistance in criminal proceedings is the legal aid system, which, since its establishment, has played a pivotal role in effectively safeguarding the legitimate rights and interests of socially vulnerable groups. There is a high degree of consistency between the expert-assistant assistance system and the legal aid system in terms of legislative purpose, so the construction of the expert-assistant assistance system can refer to the legal aid system.

Article 197, paragraph 4, of China's Criminal Procedure Law provides that "when a person with specialized knowledge appears before the court, the relevant provisions for experts shall apply." In this way, the procedures for the appearance of expert supporters should be regulated in the same way as those for experts.

4.2. Specific Ideas for the Construction of a System of Assistance to Expert Supporters

4.2.1. Target and Scope of Assistance

The recipients of expert supporter assistance are the direct beneficiaries of the assistance system, which is the core of the assistance system, and are to be prioritized. One of the major difficulties that make it difficult for expert assistants to participate in litigation is that the parties concerned have financial difficulties and cannot afford to hire expert assistants. The original purpose of the assistance system is to help such socially disadvantaged groups with "financial difficulties", so the first thing to be clarified is the criteria for "financial difficulties", which can be benchmarked against the criteria for legal aid. Article 34 of the Legal Aid Law provides that "the criteria for financial hardship shall be determined by the people's governments of provinces, autonomous regions and municipalities directly under the central government in accordance with the state of economic development and the needs of legal aid work in the administrative region, and shall be dynamically adjusted". Because of the different economic development of different parts of the country, legal aid has taken the region is responsible for the development of the region's standards of this localized approach, which is in line with the needs of China's legal practice, expert auxiliary assistance object of the "economic difficulties" standard should also be by the administrative region according to the local situation of the development of the determination of the standard.

After all, the assistance system is a new system, should be given a certain period of adaptation, so in the early stage of the implementation of the system, the scope of cases of assistance should not be too broad. Where certain conditions are imposed on the recipients of assistance, the types of cases assisted should also be limited. One of the most important functions of expert assistants is to express opinions on appraisals, and the judicial appraisals that account for the highest percentage of criminal proceedings are the "four major categories", namely, forensic medicine, physical

evidence, environmental damage, audio-visual information and electronic data. The "four major types" of appraisal can already cover more than 80% of criminal procedure cases, which is sufficient to meet the needs of litigation[10]. Therefore, the scope of cases to be assisted by expert assistants should be cases in which the parties concerned have objections to the judicial appraisal opinions of the "four categories".

4.2.2. Eligibility for Assistance

One of the major difficulties for the expert supporter to participate in the litigation is that there is no clear standard for the qualification of the expert supporter, and there is no effective way for the parties to entrust the expert supporter.

Academics for the expert auxiliary should have what qualifications can be divided into the following three ideas[1]:

First, the expert auxiliary should have the qualification of the appraiser. The main point of view that only the judicial appraisal administration of the ministry of justice to develop a national roster of appraisers registered appraisers can be entrusted to serve as an expert supporter. This argument is too high for the access requirements of expert assistants, will hinder a certain number of experts capable of expert opinion on the examination of experts to participate in litigation.

Second, the claim that the expert auxiliary person need not have the qualification conditions of the appraiser. The main view that the expert auxiliary only need to have the relevant professional knowledge and practical experience and the ability to express views on the identification of sufficient, not forced to have a certain title or title. The access requirements of the expert aided by the claim is too low, easy to cause expert aided by the mixed situation, so that no ability to express opinions on the identification of "experts" into the litigation, will only increase the cost of human and material costs, procrastinate the trial time.

Third, the advocate to expert as the leading, to non-expert as a complementary compromise program. This program both to ensure that the vast majority of experts to assist the professional qualifications, but also to absorb the experts outside the industry experts to participate. The author agrees with the proposition. Localities can follow the example of Shanghai to set up an expert pool, combined with the relevant industry associations and public prosecutors and law enforcement forces, together to establish a pool of experts in various fields of assistance. First of all, the assistance expert pool should include all the local social appraisal organizations. According to the "judicial appraisal fee management measures" article 17, the appraisal organization has the responsibility to assume the appraisal assistance and appraisal institutions and appraisers also have the ability to assume the expert aids assistance. In the country to promote the appraisal institutions adhere to the principle of public interest under the premise of social appraisal institutions and appraisers should undertake a certain amount of assistance. In addition, non-expert experts out of a sense of social responsibility can also be declared by the individual, the unit, the relevant provincial and municipal judicial and administrative organs, industry associations recommend ways to enter the assistance of experts in the database[15].

4.2.3. Procedures and Implementation

In order for the assistance system to function well, it is necessary to establish appropriate procedures to guarantee its implementation. The procedures should include notification of rights, application, examination and assignment.

First of all, the relevant authorities should be informed of

the existence of the right. The defense in the examination and prosecution stage of the exercise of the right to read in order to know the specific content of the appraisal opinion, only know the specific content of the appraisal of expert assistants can play a role, so the earliest expert assistants should be examined and prosecuted in the stage of intervention. If the trial stage and then intervene, it is not conducive to the expert aids on the identification of opinions to do adequate preparation work. Therefore, the procuratorial organs should be transferred to review the prosecution of the case within three days from the date of timely notification of the defense meets the conditions of assistance have the right to apply for the assistance of expert assistants.

Secondly, is the application procedure of the assistance system. The significance of the expert supporter assistance system is to enhance the defense's right to defense, the defense has the right to apply for assistance. And the prosecution based on their own strong right to prosecution, also has the corresponding expert support sources, should not be given the prosecution the right to apply for assistance. Therefore, the specific subject of the application for assistance should be the defendant, the defender, the defendant's close relatives. The subject of the application who meets the conditions for assistance shall, within five days from the date of receipt of the notification of rights, submit in writing to the assistance organization an application, proof of identity, proof of financial difficulties, the category and number of experts applying for assistance and other documents and materials to apply for assistance.

Again, it is the acceptance, examination and assignment of expert assistance. Judicial assistance institutions in the receipt of the application, should be reviewed within the statutory period, the review should be written review, only need to approve the applicant whether to meet the application conditions. For applications that meet the conditions, a suitable expert supporter shall be assigned to provide assistance in accordance with the requirements of the application in the auxiliary expert pool.

Finally, it involves the appearance of the expert supporter. The assigned expert supporter does not ipso facto enter the court hearing. In order to prevent the parties to abuse the right to arbitrarily apply for assistance, the assistance of the expert supporter should refer to the conditions of the expert in court, that is, the parties to the case of the judicial appraisal of the opinion of the objections, and the people's court also need to review the expert supporter in court. The core of the review should fall on the appraisal opinion on the case of factual findings of the specific degree of influence, screening appraisal opinion whether there is indeed a substantial point of contention.

4.2.4. Sources of Funding

The expert-assisted persons assistance system is a manifestation of the principle of State responsibility and a public goods service provided by the Government to vulnerable groups; in principle, the funds should be borne by the Government's coffers, which will enable the system to have relatively stable funds to support its development. Experts can also give back to society, volunteer case. Since the assistance system with public welfare nature, can also accept social donations and public welfare support. Therefore,

the source of funding for the expert-assistant assistance system can be constructed as a diversified relief model led by the Government and supplemented by fund-raising by social organizations and contributions from experts in the field[10].

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