

On the principle of "mirror of evidence" and its role in determining the facts of a case

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Abstract

This paper focuses on the "mirror of evidence" principle in the field of evidence law, deeply analyzing its connotation, theoretical basis, and characteristics. Through judicial practice cases, it elaborates on the important role of the "mirror of evidence" principle in improving the accuracy of fact-finding, constructing logical chains, and ensuring judicial fairness. The aim is to reveal the key significance of this principle in restoring the truth of cases in judicial activities, providing theoretical reference and practical guidance for a more scientific and reasonable determination of case facts in judicial practice.

Keywords

Mirror of Evidence principle, Fact-finding in a case, Evidence law, Judicial practice.

1. Introduction

In judicial activities, accurately determining the facts of a case is the cornerstone of achieving judicial fairness. Evidence, as a bridge connecting objective facts and the application of law, is of paramount importance. [1] The principle of "the mirror of evidence" vividly describes the relationship between evidence and the facts of a case, providing a unique theoretical perspective for determining the facts of a case. In-depth research on the principle of "the mirror of evidence" and its role in determining the facts of a case will help us better understand the nature and function of evidence in the judicial process, thereby improving the accuracy and reliability of determining the facts of a case and promoting the realization of judicial fairness.

2. Overview of the Principle of the "Mirror of Evidence"

2.1. The connotation of the "Mirror of Evidence" principle

The "mirror of evidence" principle compares evidence to a mirror through which judges attempt to reflect the objective facts of a case. Objective facts are real events that have already occurred, possessing irreproducibility and irreversibility. Evidence, on the other hand, consists of various information carriers collected during or after the course of a case, such as physical evidence, documentary evidence, and witness testimonies. Judges cannot directly access or perceive the objective facts that have already occurred; they can only rely on this evidence to infer and reconstruct the facts of the case, much like observing an object through a mirror. However, the facts of the case reflected in this "mirror" are not entirely equivalent to objective facts; they are subjective perceptions after the evidence has been filtered, processed, and reconstructed.

2.2. The theoretical basis of the "mirror of evidence" principle

The theoretical basis of the "mirror of evidence" principle mainly stems from epistemology and procedural law theory. From an epistemological perspective, human beings' understanding of the objective world is limited, especially for past events that have already occurred, we cannot directly obtain all the true information. In the judicial field, the judge's understanding of the

facts of the case is also constrained by various factors, such as the scope of evidence collection, the authenticity and reliability of the evidence, and the judge's own cognitive ability. Therefore, understanding the facts of the case through evidence is an indirect and limited cognitive process. From the perspective of procedural law theory, litigation activities revolve around evidence, and evidence is the basis for determining the facts of the case and is the core element for achieving judicial fairness. [2] The "mirror of evidence" principle emphasizes the core position of evidence in the litigation process and the special relationship between evidence and the facts of the case, providing theoretical support for the use of evidence and the determination of the facts of the case in litigation activities.

2.3. Characteristics of the "Mirror of Evidence" Principle

The "mirror of evidence" principle is characterized by indirectness, subjectivity, and incompleteness. Indirectness is reflected in the fact that adjudicators cannot directly know the objective facts of a case and can only infer and reconstruct the facts through the intermediary of evidence. Subjectivity is manifested in the fact that the collection, examination, and judgment of evidence, as well as the determination of the facts of the case, are inevitably influenced by the adjudicator's personal knowledge, experience, values, and other subjective factors. Incompleteness arises because the collection of evidence may be subject to various interferences and limitations, making it impossible to obtain all relevant evidence, thus resulting in a certain gap between the facts of the case reflected through the evidence and the objective facts.

3. The Role of the "Mirror of Evidence" Principle in Determining the Facts of a Case

3.1. Improve the accuracy of case fact determination

The principle of "the mirror of evidence" prompts judges to pay more attention to the collection and examination of evidence, thereby improving the accuracy of the determination of the facts of the case. In judicial practice, evidence is the basis for determining the facts of the case. Only by collecting evidence comprehensively and accurately, and strictly examining the authenticity, legality and relevance of the evidence, can the truth of the case be restored as much as possible. [3] For example, in criminal cases, the extraction and identification of physical evidence is crucial for determining the identity of the suspect and the criminal behavior. By conducting scientific identification of physical evidence such as fingerprints and bloodstains left at the scene, strong evidence can be provided for the determination of the facts of the case. The principle of "the mirror of evidence" reminds judges to treat every piece of evidence with caution, exclude false and illegal evidence, and ensure that the facts of the case are based on reliable evidence, thereby improving the accuracy of the determination of the facts of the case.

3.2. Constructing the logical chain for determining the facts of the case

The "Mirror of Evidence" principle helps adjudicators construct a logical chain for determining the facts of a case. Determining the facts is not an isolated judgment of a single piece of evidence, but rather requires connecting and corroborating multiple pieces of evidence to form a complete logical system. Through the "Mirror of Evidence" principle, adjudicators can use evidence as nodes to trace the development of the facts of the case, linking together scattered pieces of evidence to construct a logical framework for determining the facts. For example, in civil contract disputes, evidence such as contract texts, relevant performance documents, and witness testimonies provided by the parties needs to be determined through reasonable logical reasoning and analysis to ascertain the establishment of the contract, its performance, and whether a breach of contract occurred. The "Mirror of Evidence" principle provides adjudicators with a way of thinking that helps them extract key information from the evidence

and arrange and combine it according to a certain logical order, thereby forming a clear and reasonable logical chain for determining the facts of the case.

3.3. Safeguarding the Realization of Judicial Fairness

The principle of "the mirror of evidence" plays an important role in ensuring judicial fairness in the process of determining the facts of a case. Judicial fairness requires judges to treat evidence with an objective and neutral attitude when determining the facts of a case, without being interfered with or influenced by external factors. The principle of "the mirror of evidence" emphasizes the core position of evidence in determining the facts of a case, requiring judges to determine the facts of a case only based on legal and valid evidence, avoiding subjective assumptions and arbitrariness. This can effectively prevent judges from abusing their power and ensure the fairness and authority of judicial decisions. [4] At the same time, the principle of "the mirror of evidence" also provides the parties with equal litigation opportunities. Both parties can provide evidence to support their claims and achieve equal confrontation in the face of evidence. By strictly following the principle of "the mirror of evidence" in determining the facts of a case, the occurrence of wrongful convictions can be reduced, the legitimate rights and interests of the parties can be protected, and the goal of judicial fairness can be achieved.

4. Challenges Faced by the "Mirror of Evidence" Principle in Determining the Facts of a Case

4.1. Difficulties in collecting evidence

In actual judicial practice, evidence collection faces many difficulties, which hinders the application of the "mirror of evidence" principle in the determination of facts in cases. On the one hand, some evidence may be lost or difficult to obtain due to the passage of time, changes in environment, etc. For example, in some old cases, physical evidence at the scene may have been destroyed, and the memory of witnesses may have become blurred. On the other hand, the collection of certain evidence may be limited by legal procedures and technical conditions. In some cases involving personal privacy or trade secrets, obtaining relevant evidence requires strict legal procedures, otherwise it may infringe on the legitimate rights and interests of others. At the same time, for some high-tech crime cases, such as cybercrime, it is necessary to use professional technical means to collect electronic evidence, but the current level of technology may not be able to meet the needs of comprehensive evidence collection. [5]

4.2. The complexity of evidence examination and judgment

The complexity of evidence review and judgment is one of the challenges the "mirror of evidence" principle faces in determining the facts of a case. Assessing the authenticity, legality, and relevance of evidence requires comprehensive consideration of multiple factors and often involves significant disputes in practice. For example, witness testimony can be influenced by self-interest, memory bias, or external interference, making its veracity difficult to ascertain. Expert opinions can lead to differing conclusions from different institutions and individuals due to variations in methods and technical standards. Furthermore, the standards and methods for reviewing new types of evidence, such as electronic evidence and audiovisual materials, are not yet fully developed, posing difficulties for adjudicators in accurately determining the facts of a case.

4.3. The Influence of Subjective Factors

The subjective factors of adjudicators inevitably influence the application of the "mirror of evidence" principle in the process of determining the facts of a case. Although the law requires adjudicators to remain objective and neutral, as individuals, their knowledge, experience, values, and emotions can affect their understanding and judgment of evidence. For example,

different adjudicators may interpret the same evidence differently; some adjudicators may overlook certain important evidence due to personal biases or preconceived notions, or make inappropriate evaluations of the probative value of evidence. The influence of such subjective factors may lead to deviations in the determination of the facts of the case, weakening the role of the "mirror of evidence" principle in accurately reflecting the facts of the case.

5. Strategies for Addressing the Challenges of Applying the "Mirror of Evidence" Principle

5.1. Improve the evidence collection system

To address the difficulties in evidence collection, it is necessary to further improve the evidence collection system. On the one hand, it is essential to strengthen the standardization and safeguards of evidence collection procedures, clearly defining the subjects, methods, scope, and time limits for evidence collection to ensure that evidence collection is conducted legally and orderly. On the other hand, it is crucial to increase investment in evidence collection technology and equipment to improve the capacity and efficiency of evidence collection. For example, research and application of electronic evidence collection technology should be strengthened, and professional electronic evidence collection and preservation institutions should be established. Simultaneously, the witness protection system should be improved to encourage witnesses to actively provide evidence and address the issue of witnesses being unwilling to testify due to fear of retaliation.

5.2. Standardize the criteria for reviewing and judging evidence

Given the complexity of evidence review and judgment, it is essential to standardize the criteria for evidence review and judgment. Unified and clear rules for evidence review and judgment should be formulated, detailing the standards for judging the authenticity, legality, and relevance of evidence, providing specific operational guidelines for adjudicators. Research and training on evidence review and judgment methods should be strengthened to improve adjudicators' evidence review capabilities. For example, through organizing professional training and case studies, adjudicators can master scientific evidence review methods and learn to use logical reasoning and rules of thumb to analyze and judge evidence. Simultaneously, an expert assistance system for evidence review should be established, inviting experts in relevant fields to assist adjudicators in reviewing and judging evidence in cases involving complex professional issues.

5.3. Improve the quality of referees

To reduce the influence of subjective factors on the determination of facts in cases, it is necessary to improve the quality of adjudicators. Strengthening professional ethics education for adjudicators and cultivating their objective, neutral, and impartial judicial philosophy will enable them to consciously resist interference and temptations from external factors. Simultaneously, it is essential to enhance the professional knowledge and skills training of adjudicators, continuously updating their knowledge structure and improving their ability to analyze and judge evidence. By establishing a performance evaluation and supervision mechanism for adjudicators, their work in determining the facts of cases can be assessed and supervised, allowing for the timely identification and correction of problems, ensuring that adjudicators strictly adhere to legal provisions and the principle of "the mirror of evidence" in determining the facts of cases.

6. Conclusion

The "Mirror of Evidence" principle, as an important theory in the field of evidence law, profoundly reveals the relationship between evidence and the facts of a case, playing a crucial role in determining the facts. It not only helps improve the accuracy of fact-finding and construct a reasonable logical chain, but also safeguards the realization of judicial fairness. However, in judicial practice, the application of the "Mirror of Evidence" principle also faces many challenges, such as difficulties in evidence collection, complex evidence review and judgment, and the influence of subjective factors. By improving the evidence collection system, standardizing evidence review and judgment criteria, and enhancing the quality of adjudicators, these challenges can be effectively addressed, fully leveraging the role of the "Mirror of Evidence" principle in determining the facts of a case, and providing a solid guarantee for achieving judicial fairness. In future judicial practice and theoretical research, we should continue to explore the "Mirror of Evidence" principle in depth, continuously improve relevant systems and methods, to better adapt to the evolving needs of judicial practice, and promote the continuous progress of judicial fairness.

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