

The Core Essence and Practical Approaches to Preventing Torture in Criminal Procedure Law

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Abstract

Torture, in the academic concept, refers to an illegal act where judicial personnel apply corporal punishment or analogously corporal punishment to criminal suspects or defendants to force confessions. It is an illegal act prohibited by China's criminal law. It is the root cause of numerous wrongful cases in the judicial fairness link and the most intractable problem in criminal litigation in a society ruled by law. Due to the joint effects of various factors, torture has persisted in all eras and social developments. Therefore, conducting in-depth exploration and discussion on torture and its practical countermeasures and improving relevant laws and regulations are of great significance and have a profound impact on promoting the construction of a law-based society in the new era of our country. This article discusses from three aspects: the overview of torture, the causes of torture, and the practical countermeasures for torture. The intention is to systematically analyze the causes of its occurrence and provide relevant solutions for the actual existence of torture through the discussion of the overview of torture. Meanwhile, the solution strategies for torture are also the focus of this article, and this aspect will be emphasized.

1. An overview of torture

The discussion of extorting confessions by torture is repeated, and people of all parties are also talking about the phenomenon of extorting confessions by torture. No matter in any era and in any society, extorting confessions by torture has always been a topic often discussed by the legal circle, but in a sense, behind this topic, there are complex and diverse social relations and social conditions. Extorting confessions by torture has always been a difficult point that the society pays attention to, but it is difficult to solve. Behind almost every unjust, false or wrong case, there is extortion by torture, but it is not that extortion by torture absolutely leads to the occurrence of wrong cases, but that almost all wrong cases are caused by extortion by torture.

1.1 The concept of extorting confessions by torture

Extorting confessions by torture refers to the act of using corporal punishment or disguised corporal punishment on criminal suspects and defendants by the judicial staff of the state. Judicial personnel use certain corporal punishments prohibited by law to torture criminal suspects or defendants physically or mentally, thereby causing them to experience great pain. This kind of behavior is clearly prohibited in law, which seriously infringes on the personal rights of criminal suspects and defendants. In order to avoid suffering this kind of pain, the criminal suspects and defendants have to make some confessions to achieve the satisfaction of the judicial staff.

1.2 Elements of extorting confessions by torture

In terms of the subject of crime, the subject of extorting confessions by torture is the judicial staff of the state, and the subject has limitations, which shows that only the judicial staff of the state can constitute the subject of extorting confessions by torture, and ordinary natural persons with criminal responsibility cannot become the subject of extorting confessions by torture, and naturally they cannot be other state staff other than judicial staff. In this respect, the Chinese law is clearly stipulated, China's criminal Law Article 94 stipulates that the judicial personnel refers to the investigation, procuratorial, trial and supervision duties of the staff(Cao,2005).

In terms of the object of crime, the object violated by torture is a complex object, which refers to the social relations protected by the law of our country, and the criminal object of torture is the normal activities of the judicial organs and the personal rights of citizens. In the constitutive elements of a crime, the important condition is the object of the crime, the importance of which determines the nature of the crime. It can be said that all crimes violate certain object of the crime, and all the constitution of the crime also has the object of the crime. In addition, it also has the important role of distinguishing between crime and non-crime, this crime and that crime, whether the behavior is a crime or not, Depending on whether the act infringes on the socialist social relations protected by the criminal law of our country, and what the social relations are, it determines what kind of crime the act constitutes, and then it is convicted and sentenced.

From the subjective and objective aspects of crime, extorting confessions by torture can only be intentional, rather than negligence, and must have the intention of extorting confessions. Whether the behavior is made or not because of unbearable pain does not affect the establishment of the extortion confession by torture, nor does it affect the truth or falsity of the confession made by the perpetrator. The criminal motive does not affect the establishment of extorting confessions by torture. Even if some kind of corporal punishment is used to force criminal suspects to obtain confessions in order to result in justice, its behavior is not allowed by Chinese law, so the criminal motive does not affect the establishment of extorting confessions by torture.

Objectively, it is the act of extorting confessions by torture, that is, the use of corporal punishment or disguised corporal punishment on criminal suspects and defendants, in order to force the parties to make confessions that may not be true. First of all, it must be done to the criminal suspect, the defendant, not the witness or anyone else, and the witness is another crime in the criminal law, that is, the crime of obtaining evidence by violence. In addition, corporal punishment must be used, or a form of corporal punishment must be used, to inflict physical or non-violent torture on the perpetrator, which can be physical or mental torture.

1.3 The characteristics and nature of extorting confessions by torture

The characteristics of torture to extract confessions are mainly its subject specific, only the state

judicial staff can constitute this crime, including but not limited to the state judicial staff other than the state staff can not be established this crime, and the relevant laws of my country also have relevant provisions, judicial staff refers to the investigation, prosecution, trial, supervision responsibilities of the staff. Moreover, the object of the crime is a complex object, not a single object, which infringes on the normal activities of the judicial organs and the personal rights of citizens, and the social relations violated are also called legal interests, which is also the necessary condition for distinguishing between crimes and non-crimes, this kind of charges and that kind of charges. Extorting confessions by torture is the inevitable result of interrogatory proceedings. It is also a reflection of the inherent contradiction between specific roles - the direct investigation of the case and the respondent (Lv&Zhang,2000).

1.4 The social harm of extorting confessions by torture

The social harm of extorting confessions by torture is great, it blurs the boundary of crime and, to some extent, creates new crimes. In the result justice and procedural justice, extorting confessions by torture seems to pursue the result justice, but it completely violates the procedural justice, and procedural injustice ultimately leads to the result injustice. Extorting confessions by torture is the cause of unjust, false and wrong cases. Almost all of them are caused by extorting confessions by torture. Florio divided the causes of wrong cases into two types: one is that the judicial organs start from specific materials and get wrong conclusions. Second, the judicial organs deduce a logical conclusion based on some wrong materials (fabricated confession of the defendant, unreliable archival information, false witnesses and identification that does not meet the requirements, etc.)(Chen,2005).And this is the initiator of the case of miscarriages of justice, that is, the harmful result of extorting confessions by torture.

2. The causes of extorting confessions by torture

The causes of extorting confessions by torture are multi-faceted and multi-dimensional. It is the most difficult and thorny bone in a society under the rule of law, and it has always existed in all times and social development. The phenomenon of extorting confessions by torture in a country or a society cannot be solved by simple reform. Its change may exist in the complex historical background and current social conditions. Most scholars in the past believed that extorting confessions by torture resulted from the lack of quality of judicial staff, weak concept of rule of law, and imperfect relevant laws and regulations, etc. However, extorting confessions by torture is ultimately caused by a variety of reasons, and it is difficult to attribute it to only one factor, while extorting confessions by torture has more reasons. It should be due to the weak concept of the rule of law of judicial personnel, the deep-rooted and firm thought of presumption of guilt, the imperfection of relevant laws and regulations, and the insufficient supervision and restriction of criminal investigation activities.

2.1 Judicial personnel have a weak sense of the rule of law

In the process of China's legal system construction, the people pay more and more attention to judicial justice, which is often the hot spot, which also shows that the problem of judicial justice can be seen, most of the people are still aiming at the relevant legal system to be improved, the implementation of laws to be implemented, and the judicial institutions should be further reformed.

So that it can better meet the needs of the society for its current development, but often ignore in the judicial work, the judicial staff's work links are legitimate and legal.

The quality of judicial staff and the concept of rule of law play an important role in judicial justice. Judicial personnel should first make it clear that in the process of investigating and handling cases, they bear a huge sense of social responsibility and mission. While resolutely supporting the Constitution and handling cases in accordance with the will of the Constitution and laws, they should always bear in mind that the power of the state comes from the people and everything is for the service of the Chinese people, not for handling cases and concluding cases quickly. Jump to conclusions without research. Even in individual regions, individual judicial personnel, due to their low personal quality and weak concept of the rule of law, beat and kick criminal suspects and defendants, torture them physically or mentally in order to extract confessions and achieve the effect of quick handling of cases.

In the case that the criminal suspect does not admit his guilt, the case investigators use simple and crude ways to torture him physically or mentally to extract a confession. For example, in the "murder" wrongful case of Li Jiuming in Hebei Province, the party wrote a "charge letter" in the detention center, which said: "In these few nights, they came back drunk every time, and then they tortured me, gave me cold water, pepper water, mustard oil, slapped me, smoked me, and used cigarette butts." They poured mustard oil, chili, and water on me and forced me to drink it. They also put mustard oil on my eyes and nose directly, which made me very uncomfortable and painful. They hung me from the roof with a rope and whipped me. One time, they poured a whole box of mineral water into my stomach, so that I could defecate with water"(Wang,2012).It can be imagined that it is important for judicial personnel to handle and close the case, account to the public, bring criminals to justice, and receive due punishment. However, it is difficult to ensure the authenticity of the confession and whether the case is legitimate and true by using such violence to extract a confession. Blindly pursuing a quick conclusion of the case, resulting in justice while ignoring or even ignoring procedural justice, will certainly lead to injustice.

2.2 The thought of presumption of guilt is rooted firmly

Throughout the ancient and modern times, most of the case handlers in the trial of the case, will unconsciously the criminal suspects directly default to the criminal, in the follow-up case work, no doubt do not treat the parties as the most heinous people to deal with, which is also caused by the long-standing judicial presumption of guilt. Presumption of guilt means that in criminal proceedings, the defendant is presumed to be the real criminal without conviction by the judicial organ. This idea is deeply rooted in the minds of the general public, even judicial personnel with high quality and professional ability, for many reasons. China has a long history and has been under the rule of the monarch for a long time, and it is also deeply affected by "the king wants the minister to die, the minister has to die", and the superior or more powerful party thinks it is guilty, while the others are forced to the credibility and authority of the strong party, and take the initiative to move closer to the idea of the strong party. At the same time, the presumption of guilt is similar to the "victim's theory of guilt", and most people will think that if the criminal suspect is innocent, why will he be investigated and tried by the judicial organs. These thoughts are abandoned by modern law, and the thought of presumption of guilt is deeply rooted, which is also one of the important reasons why presumption of innocence has been difficult to implement and implement. Article 12 of the Criminal Procedure Law of China, "No penalty shall be imposed without the judgment of the people's court

according to law", fully embodies the meaning of the concept of presumption of innocence, and absorbs many principles of presumption of innocence, making the principle of presumption of innocence run through the reasonable content of the criminal procedure law, and the rights of criminal suspects and defendants have been further confirmed and protected. The meaning of this provision is: first, according to legal procedures, only the people's court can convict a person, that is, the right to convict only the people's court. This provision essentially recognizes the innocence of "any person" until the court finds him guilty, and directly denies the presumption of guilt (Ma, 2010). Therefore, before the judgment of the people's court, no one may identify the criminal suspect or defendant as guilty.

2.3 The relevant laws and regulations are not perfect

In the process of our legal system construction, the relevant laws and regulations are still not perfect, which is one of the important reasons for the emergence of extortion by torture, in some aspects of our law provisions are not clear enough, such as the exclusion of illegal evidence, the recognition of the right to silence and so on

The Simpson case in the United States can fully demonstrate the importance of the exclusion rule of illegal evidence, which shocked the world at that time, but in the end, Simpson was acquitted, the reason is not only the United States attaches great importance to procedural justice, but more importantly, the details of the charge during the police investigation and evidence collection stage, there are violations of procedural law and illegal evidence collection. Because the three police officers who had been in contact with the crime scene informed Simpson, the blood found in Simpson's home could not be used as evidence, and the police did not find the murder weapon, and could not directly accuse Simpson of being the murderer, followed by the illegal search by the police, which eventually led to the ineffective police evidence collection, which is also a clear implementation of the rule of exclusion of illegal evidence. Evidence obtained by non-compliance with legal requirements such as search and investigation cannot be used as evidence in a trial, and it also applies to evidence obtained from criminal evidence collected in violation of the law. China's Criminal Procedure Law also has relevant provisions in this regard, Article 43 stipulates that "trial personnel, prosecutors, investigators must be in accordance with legal procedures, mobile phones can confirm the criminal suspect, defendant guilty or innocent, the severity of the crime of various evidence." Extorting confessions by torture and collecting evidence by threat, inducement, deception or other illegal means are strictly prohibited." This is the relevant provisions of China's relevant laws on illegal evidence.

At the same time, it is urgent to recognize the right of silence or not and to establish and perfect the system of the presence of defense lawyers. For the right to silence, there must be legal provisions that can be relied on to protect the right of criminal suspects and defendants to speak and be able to speak. Since it is stated that silence is a right, criminal suspects and accusers can certainly give up, whether they remain silent or do not bear the adverse consequences, they should be (Sun, 2000). In this regard, China's Criminal Procedure Law also has relevant propositions that criminal suspects and defendants should be given the right to silence, and Article 64 of the Criminal Procedure Law stipulates that "when interrogating the defendant, the investigator shall first interrogate whether the defendant has committed a crime, let him state the circumstances of guilt or innocence, and then ask him questions." The defendant shall give truthful answers to the investigators' questions. However, questions unrelated to the case, there is the right to refuse to answer, which fully reflects that our

judicial right to silence is a certain absorption and reference.

2.4 Insufficient supervision and restriction of criminal investigation activities

China's procuratorial organs shoulder a larger mission, in criminal proceedings, is the national public prosecution organs, more importantly, the procuratorial organs or the state's legal supervision organs, according to the Constitution, according to legal powers and legal procedures for the whole process of criminal proceedings to carry out comprehensive legal supervision, responsible for the people, by the people's supervision, its responsibility is significant. There are two kinds of functions that procuratorial organs undertake in our country, the first is the litigation function, the second is the litigation supervision function. The litigation function is the most common prosecution, while the litigation supervision function is mainly to supervise and correct some illegal acts in litigation activities according to legal procedures and statutory functions to maintain the fair implementation and implementation of our laws. Legal supervision is carried out in the whole process of judicial operation such as criminal filing supervision, investigation, trial supervision and penalty execution. However, in recent years, the basis of criminal litigation supervision is insufficient, the effectiveness is low, and the ineffective measures are becoming more and more serious in the judicial work of procuratorial organs. With the development of economy and society, the scope of procuratorial organs to initiate public prosecution is obviously insufficient, in this case, the effect of judicial supervision is greatly reduced.

3. Reduce recommendations to reduce torture

3.1 Strengthening the concept of the rule of law among judicial personnel

Correct the law enforcement attitude of the judicial workers. At present, the concept of rule of law of some judicial personnel in our country is relatively weak, and they still have cognitive biases toward criminal suspects and defendants. Although most of the case-handling personnel can also realize that extorting confessions by torture is illegal, which is not allowed to be protected by the law of our country, However, since the unconventional means used by the case investigators play a very important role in the detection of cases, most judicial personnel adopt a tacit attitude towards the torture of confession, as long as the case can be solved, then a certain degree of torture is naturally acceptable. However, this view should be abandoned, and the quality of law enforcement of our judicial personnel needs to be improved. Therefore, the legal training of investigators should be effectively strengthened, and their awareness of the rule of law should be further established and improved, and the good law enforcement attitude of judicial staff should ensure that it is implemented in every work, abandon the original wrong law enforcement ideas, and adhere to people-oriented, handling cases for the public, and law enforcement for the people.

Update the law enforcement concept, according to the relevant characteristics and business needs of judicial personnel, carry out targeted legal thinking training, gradually improve the judicial personnel's ability to investigate, try and other work, so as to overcome their own psychological pressure, and create new updates on the comprehensive quality of judicial personnel, the concept of rule of law, law enforcement concept, logical reasoning, thinking consciousness, etc. So that it can adapt to our country's legal system construction, better adapt to the social and economic development of the requirements of the judicial personnel.

Business ability and professional ethics quality is not contradictory, the two are interlinked, while

improving business ability, but also to constantly warn their professional ethics requirements, abide by professional ethics, bear in mind their own shoulders for the country, for the private good every case mission and responsibility. At the same time, the concept of organizational discipline and professional ethics quality education should be implemented in the whole process of judicial operation.

All in all, the improvement and strengthening of the comprehensive quality of judicial workers is an important link to ensure judicial justice and make up for the shortcomings of the judicial system, so that the law can be better implemented, the legislative purpose of lawmakers can be better realized, and the rule of law can be realized (Yang, 2000). Therefore, judicial personnel should constantly consciously improve their comprehensive quality at any time, live up to the trust of the Party and the people, and fulfill their mission.

3.2 Balance the presumption of guilt and the principle of presumption of innocence

Let go of the inherent presumption of guilt. When it comes to extorting confessions by torture, the inherent idea of presumption of guilt is inescapable. This idea refers to the presumption that a criminal suspect or defendant is guilty based on some clues obtained by judicial officers when sufficient evidence can not be provided to prove his or her guilt. This idea has existed in the judiciary since ancient times, and it is precisely because of the existence of this idea that the prerequisite for extorting confessions by torture is established. Judicial personnel think that they have legitimate reasons to doubt their guilt, and in order to verify their conjecture, they violently torture the parties who do not admit their guilt, physically and mentally destroy them, and force criminal suspects and defendants to beat them out of fear. I had to confess to a crime I never committed.

Accelerate the establishment of the presumption of innocence. Presumption of innocence, its meaning is to explain that in the overall operation of criminal proceedings, without a court trial, without sufficient evidence to prove their guilt, no one may think that the criminal suspect or defendant is guilty or presumed to be guilty. Therefore, our country should clearly establish the presumption of innocence as soon as possible, in the current practice of our criminal procedure, there are still relatively big problems for the presumption of innocence. First of all, it is necessary to strengthen the burden of proof of the prosecution, establish that there is no need to self-incriminate, and effectively protect the criminal suspects and defendants to fully exercise the litigation rights with the right of defense as the core (Ma, 2010).

To enforce the principle of the presumption of innocence. At present, China's relevant legislation is not perfect, the establishment of the presumption of innocence in the discussion of our judicial process is to integrate our country with the international community, our country has signed the relevant international conventions, and the international criminal justice standards widely recognized by all countries are clearly recognized. Therefore, part of our criminal procedure theory should certainly include the establishment of the presumption of innocence, which is of great significance to the construction of the socialist legal system with Chinese characteristics in the new era and the modernization of the rule of law and democracy.

3.3 Gradually improve relevant laws and regulations

Improve evidence exclusion rules. An important and indispensable link to reduce the use of torture to extract confessions is to gradually establish and further improve the rules for the exclusion of illegal evidence. The evidence obtained by investigation organs must be properly obtained, and the

evidence obtained through illegal acts should not be accepted by the people's procuratorate and the people's court. Although the relevant law stipulates that the evidence that can be used as a final case in court must be strictly cross-examined, however, the current judicial requirement for evidence in our country is still difficult to exclude all reasonable doubts. Therefore, to combat the phenomenon of extorting confessions by torture, it is necessary to establish the exclusion rule of illegal evidence as the primary premise and driving force. And the operation mechanism of illegal evidence exclusion program is the problem of proof responsibility of illegal evidence(Chen,2007). To clarify the exclusion scope of illegal evidence, it can be combined with the legislative requirement that the prosecution bear the burden of proof for the legality of evidence in the form of presumption and through procedural and preventive rules under the existing legislative rules and judicial interpretation(Wu,2014).

The theoretical basis of the exclusionary rule of illegal evidence is not to exclude unreliable evidence, but to prevent the police from illegally obtaining evidence(Wu,2006). It is precisely because of this that the exclusionary rule of illegal evidence can provide impetus for the reduction of the phenomenon of torture. So it can be seen that among the illegal acts of obtaining evidence, the deepest impact and the most serious is extorting confessions by torture. Although the exclusion rules of illegal evidence in China have been established through relevant legislation, they have also been further perfected and developed. However, it is necessary to cut into the causes of the torture and deeply analyze the complex conditions that lead to the torture of confession. Otherwise, it is difficult for the exclusionary rule of illegal evidence to reach its due degree of effect(Wang, 2017).

Recognize the suspect's right to remain silent. In fact, the criminal Procedure Law of our country does not give criminal suspects the right to remain silent that they should enjoy. Article 93 of the Criminal Procedure Law stipulates that "Criminal suspects shall truthfully answer questions asked by investigators." In addition, the relevant United Nations convention has long stipulated that "the accused shall not be forced to confess or admit guilt." Then, the right to silence of criminal suspects and defendants should be clearly recognized in our country, and their rights should be further protected. When the right to silence is not explicitly recognized, judicial personnel may force and coerce criminal suspects and defendants to confess crimes that may not exist. In fact, this is not to prove their innocence, but to forcibly confess their guilt at the request of the investigation organ, which also breeds the occurrence of torture and unjust, false and wrong cases.

However, the recognition of the right to silence is not to encourage silence, oppose frankness, or tell criminal suspects and defendants to refuse to review, but to cooperate with the review with a positive attitude(Tang,2000). It is to encourage criminal suspects and defendants to actively cooperate with the investigation without resorting to coercion, threat or coercion, which is to respect human rights and prevent the phenomenon of extorting confessions by torture to the maximum extent.

Establish and improve the presence system of defense lawyers. Although the current criminal procedure law of our country provides relevant provisions for the law to intervene in the case in advance, it is a difficult and difficult problem to solve for a long time because of the imperfect provisions for the lawyer's intervention in the investigation stage, and the restrictions and obstacles of the investigation organs and investigators on the lawyer's intervention intentionally or unintentionally. Most investigation organs are more or less hostile to lawyers in the investigation stage, and have made certain restrictions on the time, place and even the conversation content of lawyers' meetings with the parties, which makes it difficult for the rights of criminal suspects and

defendants to obtain due protection in the judicial operation process. When the judicial investigation organs question criminal suspects and defendants, Extorting confessions by torture also happens from time to time.

Therefore, the presence system of defense lawyers should be established and improved, which is the inevitable requirement of procedural justice, and also the proper requirement for the rights of criminal suspects and defendants to be effectively protected. For criminal suspects, it is a kind of protection, which plays a key role in improving the trust of criminal suspects and defendants in investigation procedures. Professor Chen Ruihua pointed out: "When their rights and interests are threatened, people not only pay attention to the actual results of their interests being deprived, but also pay attention to the way they are treated; In situations where an unfortunate outcome is truly inevitable, people may become more conscious of whether they are being treated fairly and humanely."(Jin,2005). The presence of lawyers is not to excuse the crime, but to maintain the authority, justice and seriousness of the law. The formation of this system can not only improve the efficiency of litigation and reduce the cost caused by the defendant's reconfession, but also serve as an effective external supervision mechanism to reduce the occurrence of extorting confessions by torture.

3.4 Strengthen the legal supervision function of procuratorial organs

Reform the legal supervision function of procuratorial organs. When China's criminal procedure law is further modified and improved, the status of legal supervision of procuratorial organs is gradually clarified and strengthened, and the basis and measures of procuratorial organs in criminal procedure supervision are gradually improved and improved. Moreover, its supervision of criminal prosecution activities has gradually strengthened, but the legal supervision of our procuratorial organs still faces many problems to be solved. It is urgent to reform the legal supervision function of procuratorial organs.

It is necessary to gradually expand the scope of litigation supervision, increase the content of litigation supervision, increase the means of litigation supervision, clearly affirm the effectiveness of litigation supervision, strengthen the responsibility of litigation supervision, and improve the procedure of litigation supervision(Bian&Li, 2012). It is necessary to pay attention to the actual effect of the supervision of the procuratorial organs in judicial practice, rather than just staying on the text, to accurately and completely implement the responsibilities of the procuratorial organs, to clarify that the procuratorial organs are the national public prosecution organs, and more importantly, the procuratorial organs are the national legal supervision organs, to focus on fulfilling the mission entrusted to them by the Party and the State, and to commit to maintaining judicial fairness and justice. Uphold the dignity of the law.

We will intensify inspections to extract confessions by torture. The issue of extorting confessions by torture is an important responsibility of the procuratorial organs in the litigation supervision, which runs through the whole judicial practice process. The procuratorial organs should be cautious in dealing with some unjust, false and wrong cases that have doubts and may have significant social impact if they are careless. Extorting confessions by torture, a serious illegal act, is one of the important objects of the investigation activities of the public prosecution organs. However, because of the various reasons for extorting confessions by torture, the procuratorial organs still have some difficulties in supervising the cases, so it is one of the important tasks for the procuratorial organs to strengthen the inspection of extorting confessions by torture.

In general, the act of extorting confessions by torture is closed in the judicial process, and it is difficult for procuratorial organs to investigate and collect evidence. Therefore, expanding the investigation channel of extorting confessions by torture is an important prerequisite for strengthening the inspection of extorting confessions by torture. Secondly, the investigation procedure of extorting confessions by torture should also be standardized. In judicial practice, it is believed that the procuratorial organ's filing and investigation function is aimed at the judicial staff suspected of dereliction of duty, but from the perspective of the legal supervision power of criminal proceedings, the procuratorial organ has the right to investigate and collect evidence and supervise and correct the illegal acts (including extorting confessions by torture) that occur during the investigation(Yang,2012).

In short, the legal supervision function of procuratorial organs has been strengthened, and the more perfect the legal supervision procedure, the stronger the inspection effect on extorting confessions by torture will be.

4. Conclusion

The study of extorting confessions by torture and its practical countermeasures is aimed at the reality of extorting confessions by torture in any country and any society based on specific background. A country's criminal justice can not be completed or perfected through simple reform, and its changes may exist in the complex historical background and current social conditions. Extorting confessions by torture is not only a historical phenomenon, but also a practical problem existing in real life. Its solution marks the perfection of the judicial litigation mode, the renewal of people's values and the further reform of the personnel system, which has important significance and far-reaching influence on the construction of the rule of law society in the new era of our country. Due to the combined effect of many factors, extorting confessions by torture has always existed in various times and social development. It is of great significance and far-reaching influence to investigate and discuss extorting confessions by torture and its practical countermeasures, improve relevant laws and regulations, and solve and gradually eliminate extorting confessions by torture, so as to promote the construction of a society ruled by law in the new era of our country.

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