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The Logic of Determination and Practical Path of Facts Known to All

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Abstract: As a typical category of judicially noticed facts, the "facts known to all" provision is confronted with prominent legislative and theoretical dilemmas, such as inconsistent legislative expressions and the absence of definite criteria for identifying its constituent elements. Further analysis based on judicial big data demonstrates that, in practical application, this rule is plagued by excessive judicial subjectivity and inadequate reasoning in judicial decisions. Accordingly, the "facts known to all" provision requires interpretative clarification of its normative significance. Following such interpretation, the identification of its specific elements shall adhere to the logical sequence: cognitive subject → cognitive object (relativity + objective authenticity) → cognitive degree. Legislatively, it is essential to establish a unified rebuttable rule grounded in sufficient contrary evidence, and the scope of proof exemption in criminal proceedings should be uniformly stipulated by the Supreme People's Court. In judicial practice, courts shall conduct examination and determination in strict accordance with the above analytical logic, and enhance reasoning in judicial documents to prevent subjective arbitrariness.

Keywords: Judicial cognition; facts exempt from proof; facts known to all; big data for judgment

1 Introduction

Based on Chinese judicial practice and foreign legislative experience, facts exempt from proof generally include judicial cognition, presumptions, preclusive facts, admissions, and notarized facts.1 Among them, judicial cognition can be traced back to the Roman law maxim "manifest facts require no proof." In civil law jurisdictions, judicial cognition is generally addressed through general and abstract legislative provisions or doctrinal formulations, which typically encompass emphatic facts and facts commonly known.2At present, none of China's three procedural laws explicitly defines the concept of judicial cognition. Instead, the component of judicial cognition referred to as "facts known to all" is expressed in the Civil Procedure Law, Administrative Litigation Law, and State Compensation Law, yet the requirements for rebuttal evidence differ among them. In the Criminal Procedure Law, the concept is expressed as "common knowledge generally known by the public." Whether the variation in wording across different legal domains constitutes a divergence in substantive meaning remains an issue worthy of further scholarly inquiry. Furthermore, regarding the criteria for determining the specific elements of "facts known to all," academic views vary and no unified standard has been reached. Some scholars argue that such facts are not clear, definite, or concise, but rather vague and difficult to capture, and that determining the connotation and extension of "well-known facts" in judicial contexts based on social semantics is likely to damage justice in individual cases and judicial fairness.3Therefore, from both legislative and theoretical perspectives, the provision faces dilemmas such as inconsistent legislative rules and the absence of criteria for determining specific elements. From the perspective of judicial application, and as evidenced by the judgment big data discussed below, courts face persistent challenges, including excessive judicial subjectivity and insufficient articulation of reasoning.

Consequently, understanding and applying the provision of "facts known to all" in current Chinese judicial practice involves multilayered and multi-subject challenges. This directly results in various judicial anomalies, such as arbitrary judgments and inconsistent adjudicatory standards, which in turn undermine the stability and uniformity of jurisprudence. With the deepening development of smart courts, the accumulation of judgment big data and the application of artificial intelligence technologies provide new methodological opportunities for traditional evidence-law research. Based on national judgment big data, this article conducts a quantitative analysis of the practical application of "facts known to all" and, through legal hermeneutics, explores the logical framework for determining its specific elements, aiming to reduce arbitrary judicial reasoning and promote standardized adjudication.

2 The Dilemma of Determining "Facts Well Known to the General Public"

Due to the complexity of social life, the inherent ambiguity of linguistic expression, and the limitations of statutory provisions, legislative techniques, and judicial discretion, the connotation and scope of "facts well known to the general public" are difficult to define with clarity and comprehensiveness. Moreover, application of this clause primarily relies on judges' personal experience and discretionary authority, in the absence of objective and unified criteria, thereby resulting in multiple difficulties in determination.

2.1 Legislative Inconsistency

China's rules concerning judicial notice appear across the three major procedural laws and the State Compensation Law, as shown in the following table.

Legal Norm	Current Rule
Provisions of the Supreme People's Court on Evidence in Civil Litigation (2019) and Interpretation of the PRC Civil Procedure Law (2022)	Facts well known to the general public need not be proven by the parties, except where the opposing party presents evidence sufficient to rebut them.
Provisions of the Supreme People's Court on Evidence in Administrative Litigation (2002)	Facts well known to the general public may be directly recognized by the court, except where the opposing party provides evidence sufficient to overturn them.

Rules of Criminal Procedure of the People's Procuratorate (2019)	Common-sense facts generally known to the public need not be proven by evidence.
Provisions of the Supreme People's Court on the Procedure for Examination of Evidence in State Compensation Cases (2013)	Facts well known to the general public need not be proven, unless opposing evidence negates their authenticity.

An examination of this table allows for several observations. To begin with, the provisions concerning "facts well known to the general public" lack determinacy and conceptual precision. Their terminological expressions differ across legal domains, and no operational criteria have been articulated for evaluating the specific constituent elements of this category. Furthermore, the requirements relating to opposing evidence are far from uniform, giving rise to four distinct normative configurations: "sufficient to rebut," "sufficient to overturn," "negate its authenticity," and no requirement expressly prescribed.

The resultant dilemma is that, across different legal domains, even for the same category of "facts well known to the general public," three distinct evidentiary standards have emerged, compounded by the absence of clear criteria within criminal procedure. Furthermore, the Supreme People's Procuratorate has independently regulated such facts without the participation of the Supreme People's Court or supporting judicial interpretations. Consequently, whether courts may validly invoke this provision as a legitimate basis for adjudication remains questionable. In addition, the formulation adopted by the Procuratorate—"common-sense facts generally known to the public"—gives rise to doubts as to whether it carries a specialized meaning distinct from its application in criminal procedure.

2.2 The Absence of Criteria for Determining Constituent Elements

Regarding how to determine specific elements, no judicial interpretation has provided explicit rules. Within academic scholarship, some scholars suggest a shift from a social to a judicial context; some propose three standards—time (at the time of trial), location (place of trial), and subject (ordinary citizens and judges); some argue that the criteria should include: first, being widely known by most members of society, and second, known to adjudicating judges of the trial court; others propose two conditions: objectively, the fact must be widely known by the public; subjectively, the judge must deem the fact widely known.4 Their work identifies the dual contextual dimensions of the social sphere versus the judicial sphere, and acknowledges the relevance of factors such as subject, time, and place, as well as the distinction between subjective and objective modes of assessment. However, no comprehensive and operable analytical framework suitable for judicial decision-making has yet been developed.

"Facts well known to the general public" possess four core characteristics: the broadness of cognitive subjects; the relativity of cognitive scope; the objective authenticity of widely known facts; and the non-doubtfulness of the degree of cognition. Among these, the relativity of cognitive scope means that the range of recognition is restricted by factors such as region, profession, and time. The absence of criteria manifests in: A dilemma arises concerning the breadth of the cognitive subject—specifically, how the term "general public" ought to be interpreted. Must it be understood as encompassing all members of society, and does it presuppose ordinary cognitive capacity? Furthermore, how should its relationship to regional, industrial, and temporal boundaries be conceptualized? A further dilemma concerns the relative nature of the scope of knowledge, namely, the criteria by which the boundaries of what is "generally known" are to be delineated. This specifically concerns regional determination (the definition of the geographic range), industrial determination (the identification of industry-specific events or practices), and temporal determination (the time point when the fact existed or the duration during which it remained valid). There is also a dilemma concerns the objective authenticity of such "facts known to all" —namely, whether virtual facts, fictional facts, legends, rumors, or facts not yet scientifically verified can be regarded as possessing objectivity and authenticity, and how the objectivity and authenticity of the "specific circumstances" advanced by the parties in individual cases are to be assessed. In addition, ambiguity persists regarding the unquestionability of the degree of knowledge, insofar as the assessment of the level of cognition is highly subjective and closely tied to the evidentiary determination of whether contradictory evidence is sufficient to rebut the asserted fact.

2.3 Difficulties in Judicial Application

On September 1, 2025, we conducted a search in the China Judgments Online database using the keywords "facts known to all" and "facts commonly known to the general public", with document types restricted to judgments and case types limited to civil, administrative, and criminal cases. The search yielded 36,381 civil cases, 896 administrative cases, and 69 criminal cases. We subsequently selected the top 300 cases ranked by keyword frequency as our big-data research sample.

Employing empirical legal analysis and data -analysis tools, we coded and quantitatively analyzed the sample, focusing on the following dimensions: whether the relevant fact was alleged

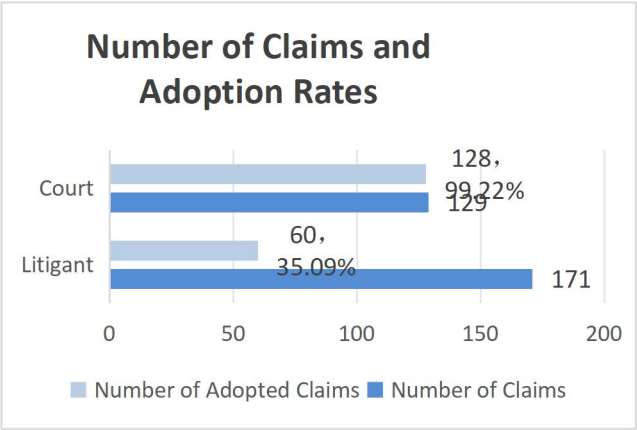
by the parties or raised ex officio by the court, the acceptance rate associated with different asserting subjects, the final case outcomes, and the quality of reasoning in judicial decisions. The empirical findings indicate significant practical dilemmas in the judicial application of this legal provision.

2.3.1. Excessive Subjectivity of Courts

(1) Reflection on Courts' Ex Officio Raising and Recognition

Among the 300 cases, 188 cases (76 at first-instance and 112 at second-instance) recognized "facts known to all," accounting for 62.67%. Regarding the raising subject, the parties raised such facts in 171 cases, while the court raised and recognized them ex officio in 129 cases. Acceptance rates by raising subject are shown below:

The data show that when raised by the parties, the acceptance probability was only 35.09%, while the acceptance rate for ex officio raising and recognition reached 99.22%5. This indicates that the identity of the proposing party significantly affects the determination outcome, and that courts tend to raise and recognize such facts ex officio. Although the court's proactive proposal and recognition aligns with the principle of official authority, the high proportion of ex officio proposals and determinations raises the question of whether such practice adheres to the principle of judicial restraint. When the circumstances objectively enable the parties to raise "facts known to all" on their own initiative, is it still necessary for the court to act ex officio? For example, in the cases where the court most frequently raised and recognized the impact of the pandemic as a "fact known to all," such an impact could in fact have been advanced by the parties themselves, accompanied by an explanation of its legal relevance.If the court uniformly raises and determines the issue ex officio, such practice may deprive the opposing party—who possesses a legitimate interest—of the rights to cross-examination and argumentation. A situation in which the court "initiates matters whenever it intends to adjudicate them" exemplifies an excessive degree of judicial subjectivity in adjudicatory practice. Among the 300 cases, there were three judicial outcomes concerning such claimed facts: no comment by the court (71 cases, 24%), affirmed as belonging (188 cases, 63%), and held as not belonging (41 cases, 13%). Of the 71 cases where courts made no comment, 70 involved facts raised by the parties.6Analysis of the judgments suggests several reasons: The asserted fact was irrelevant to the disputed issue or outcome;7 Other evidence had already supported or refuted the asserted fact, rendering further examination unnecessary;



(2) Reflection on Courts' Avoidance Attitudes

Among the 300 cases, there were three judicial outcomes concerning such claimed facts: no comment by the court (71 cases, 24%), affirmed as belonging (188 cases, 63%), and held as not belonging (41 cases, 13%). Of the 71 cases where courts made no comment, 70 involved facts raised by the parties.8Analysis of the judgments suggests several reasons: The asserted fact was irrelevant to the disputed issue or outcome;9 Other evidence had already supported or refuted the asserted fact, rendering further examination unnecessary; the fact in question was difficult to ascertain or verify; and judges expressed concerns regarding insufficient reasoning or the potential for reversal on appeal. This reveals that courts tend to avoid addressing asserted facts known to all, and such avoidance has both justified and unjustified grounds.

The failure to provide judicial commentary constitutes a violation of the dispositive principle, the adversarial principle, and the requirements of substantive hearing, thereby leading to deficiencies in the reasoning of judgments. Such deliberate avoidance further exemplifies an excessive degree of judicial subjectivity in adjudicatory practice.

2.3.2 Deficiencies in Reasoning within Judicial Opinions

Of the 300 sampled cases, 287 failed to provide any reasoning justifying why the relevant facts were or were not recognized as "facts well known to the public." Only 13 cases offered brief explanatory rationales for such judicial determinations.

For illustration, in (2025) Hubei 02 Min Zhong No. 496 (Final Appeal Judgment), which addressed whether the widespread COVID-19 infections and home recuperation following the downgrading of pandemic control levels and lifting of prevention measures between November and December 2022 constituted facts well known to the public, the court centered its analysis on the temporal criterion to evaluate whether the alleged facts satisfied the

applicable standard. This empirical observation confirms that inadequate reasoning in judicial decisions represents a pervasive issue in the application of the "facts well known to all" provision.

2.3.3 Professional Cognitive Errors Among Some Judges

Some judges fail to distinguish among different categories of judicial notice, incorrectly treating legal provisions and publicly known common knowledge as "facts well known to the public." For instance, in (2019) Beijing 01 Min Zhong (Final Appeal Judgment) No. 5059, the judge held that the duty of care owed by a professional one-on-one sports coach to their trainee in the course of professional training constituted a fact well known to the public.10 The "duty of safety protection" in this context falls within the domain of legal norms and therefore should not be directly characterized as a "fact to all known."Likewise, in (2024) Hubei 09 Xing Zhong(Final Appeal in a Criminal Case) No. 310, the judge determined that the statutory prohibition against driving after drinking was a fact well known to the public. This legal rule is also not a fact well known to the public. Another example is Final Appeal Case No. 510 (2023) on an Intellectual Property Administrative Matter, Supreme People's Court of China, in which the judge asserted that facts well known to the public and universally recognized common knowledge could both be treated as common knowledge.11 In other words, the judge implicitly suggested that "facts well known to the public" may be treated as common knowledge. This conflation is problematic, as the two categories differ substantially with respect to both the identity of the determining subject and the procedural mechanisms governing exemption from proof.12

Additionally, some judges lack adequate understanding of foundational concepts such as burden of proof and facts exempt from proof. For example, in (2022) Shanxi 08 Min Zhong(Final appeal judgment in a civil case) No. 2173, the party asserted that Ma and Li cohabited, claiming this was a fact well known to the public. The court held that the party had failed to submit evidence in support of the asserted claim, and therefore the court was unable to confirm the fact in question. 13In this case, the court failed to understand that "facts well known to the public" are typical facts exempt from proof, or that the decision-making logic was flawed. The court should have first determined whether the asserted fact qualifies as a fact well known to the public; only after finding that it does not would the issue of failure to meet the burden of proof arise. Likewise, in (2024) Nei 04 Min Zhong (Final appeal judgment in a civil case.) No. 520, the court erroneously treated contractual content already proven by the parties as a fact well known to the public.

2.3.4 The Rule of "Facts Commonly Known by the General Public" Has Become Dormant

A search of China Judgments Online using the keywords "facts known to the public" or "facts commonly known by the general public" returns only 69 criminal judgments. Among these, merely 5 cases employ the phrase "facts commonly known by the general public"—all of which center on verifying the authenticity of seals or seal impressions.

In each of these five cases, the procuratorate commissioned a forensic appraisal. The appraisal institution concluded that the discrepancies between the two seal impressions were self-evident and constituted facts commonly known by the general public, thereby rendering a comparative appraisal unnecessary; alternatively, the appraisal report explicitly characterized such obvious differences as facts commonly known by the general public. [Illustrative cases include: (2018) Hebei 0591 Xing Chu No. 101, (2019) Hebei 0591 Xing Chu No. 54, (2020) Tianjin 0113 Xing Chu No. 194, (2020) Yunnan 2901 Xing Chu No. 112, and (2020) Jilin 0721 Xing Chu No. 164.]

This pattern reveals that procuratorates continue to depend on forensic appraisals to establish such facts, and courts similarly rely on appraisal conclusions in their adjudication. Accordingly, the legal provision regarding "facts commonly known by the general public" has effectively become dormant in criminal judicial practice.

3 The Logical Framework for Determining "Facts Known to the General Public"

Abstract statutory provisions cannot adjudicate concrete cases.14To resolve the difficulties arising from the absence of concrete evaluative elements within the clause concerning "facts known to the general public," legal hermeneutics may be employed. The application of law aims at accurately understanding existing law and exploring the "normative intent" underlying legal norms, whereas the precise employment of interpretive methodology is the path—and the only key—to achieving this objective.15In the process of subsuming a specific fact of a case (the minor premise) under the constitutive elements of the legal rule (the major premise) and attempting to deduce the corresponding legal consequence, interpretation of the legal concepts that function as constitutive elements is typically

necessary.Despite its ostensible self-evidence, the expression “facts known to all” is clear merely in a lexical sense; within the normative domain, interpretation is still required. Consequently, the constitutive elements of the category cannot be presumed but must be analytically articulated through interpretation.

3.1 Legal-Hermeneutic Analysis

(1) Literal Interpretation Generally, interpretive methods that impose greater restrictions on judicial discretion hold priority; therefore, literal interpretation is accorded the highest precedence.16 Literal meaning is multifaceted and may derive from ordinary language or legal terminology. As ordinary language often contains multiple meanings, legal interpretation requires limiting the term to one socially recognized meaning.17 “Facts known to all” is a typical everyday-language expression; accordingly, its interpretation should be confined to the commonly accepted meaning within ordinary linguistic usage. The Contemporary Chinese Dictionary (7th ed.) defines it as “known by everyone,” emphasizing that explanation is unnecessary. Oxford Advanced Learner’s English–Chinese Dictionary translates the expression as “It is universally acknowledged that…” or “As everyone knows,” underscoring a state of general recognition. Although the wording varies slightly across dictionaries, the core meaning remains consistent, denoting broad and universally shared cognition. Accordingly, a preliminary interpretation may be “facts commonly known to the general public.” The Criminal Procedure Law uses the phrase “facts commonly known by the general public as matters of common knowledge,” which, in comparison with “facts known to all,” constitutes merely a different wording for the same legal concept, and judicial practice frequently treats the two interchangeably. 18From a literal-interpretation perspective, “the public” denotes a large number of people, emphasizing quantitative plurality, while “universally known” denotes that such knowledge is shared broadly. The term “fact” refers to legal fact—i.e., facts that have been evaluated through specific legal norms. Thus, interpretation must stress the relative scope of cognition and the objective truthfulness of the fact. However, questions such as whether “many” refers to an unspecified majority or the entirety of the population, whether shared cognition presupposes ordinary cognitive ability, how the relative scope of cognition and the factual objectivity of “universally known facts” are to be determined, and what degree of cognition is required, remain in need of further clarification through supplementary interpretive methods. Literal interpretation offers only a provisional conclusion, and the ultimate meaning must be derived through reference to additional interpretive approaches.

(2) Systematic InterpretationSystematic interpretation is grounded in the external structure of the legal system.[F. Bydlinski, Juristische Methodenlehre und Rechtsbegriff, Wien/New York 1982, S. 443.] In practice, it demands interpretation in context. The provision concerning “facts known to the general public” is situated among rules governing facts exempt from proof, usually together with natural laws, scientific theorems and formulae, presumed facts, pre-determined facts, and notarized facts. According to the availability of rebuttal, exempt facts may be divided into absolute and relative exemptions. Natural laws and scientific theorems fall into the former category, whereas the remaining types belong to the latter. Pursuant to the eiusdem generis principle, all such exempt facts share a common feature: objective truthfulness. Accordingly, “universally known facts” must be objectively true. Fictional accounts, legends, rumors, unsubstantiated allegations, and other unverifiable information lack the required objectivity and truthfulness and should therefore be excluded.

(3) Teleological InterpretationThe application of all interpretive methods ultimately converges on identifying the purpose or normative intent of the law. The relationship between grammatical interpretation and teleological interpretation is one of means to end. The core normative purpose of the rule regarding “facts well known to all” is to ensure that judicial decisions accord with cognitive principles, respect widespread social consensus and objective reality, and dispense with unnecessary proof of self-evident matters.

Firstly, whether the term “public” refers to all members of society or merely to an unspecified majority, and whether it requires ordinary cognitive capacity, concerns the difficulty arising from the broad scope of the cognitive subject. From the perspective of conceptual extension, “facts well known to the public” may be divided into absolute and relative categories. Absolute well -known facts require universal awareness by all members of society, which is so narrow that it is almost equivalent to natural laws or scientific axioms and therefore inconsistent with the normative aim of the provision; it also overlaps with the category of natural laws and scientific theorems. Thus, the provision should be interpreted as referring to relative well-known facts, whose cognitive subjects are constrained by region, industry, time, and related factors. Accordingly, the term “public” should be interpreted as referring to an unspecified majority within relevant contextual conditions. Judges should likewise be included within this category; where a judge is unaware of the alleged fact, the party may provide auxiliary evidence to demonstrate that the fact is widely recognized within a particular region or industry, thereby establishing its status as a fact well known to the public. Given that cognition inherently depends upon the ability to comprehend, the relevant cognitive subject must exhibit ordinary cognitive ability, a requirement that, within the legal framework, presupposes full civil capacity or full criminal responsibility.

Secondly, determining the cognitive scope relativity bears on how to define the boundary of "facts known to all." In academic theory, three criteria have been proposed to define "general public knowledge": the universality standard, the relativity standard, and the regionality standard. The universality standard requires that facts be known to ordinary members of society, including judges; the relativity standard holds that such facts should be recognizable by average members of society while allowing for certain relative restrictions; the regionality standard maintains that facts need only be known within a circumscribed geographic or social scope.[Bi Yuqian, Empirical Research on Civil Evidence Law Case Practice, Law Press, 1st ed., June 1999, pp. 400–401.]

Given that both the universality and relativity standards are overly broad and lack operability in judicial practice, the regionality standard is comparatively more reasonable. Furthermore, from the perspective of teleological interpretation, the provision can only be meaningfully applied if the relativity of its cognitive scope is precisely defined. Without such relativity, "facts known to all" cannot be reasonably identified in specific cases.

Accordingly, with respect to geographical scope, the category should be confined to facts generally known within the locus of adjudication. With respect to industrial scope, it should encompass facts generally recognized within particular industries or sectors, including industry-specific events and established trade customs. With respect to temporal scope, the court must ascertain the temporal point at which the fact existed or its duration, and the category should be limited to facts generally known at the time of trial. For example, in Case (2022) Yue 0114 Min Chu(First instance in a civil case) 9199, the party claimed that beginning in 2020, the outbreak of COVID-19 caused shutdowns and production suspensions across all industries, which was a fact known to everyone. In determining the relative scope of cognition, the court should undertake a specific and contextualized examination of the initial onset of the COVID-19 outbreak, its duration, its geographical and societal reach, the industries affected, the degree of such impact, and the corresponding local policy measures. Only on this basis can the court ascertain whether the provision concerning "facts known to all" is applicable.

Thirdly, determining the degree of cognition concerns the difficulty relating to certainty without doubt. Some scholars argue that the required standard is a level of belief without reasonable doubt. From the teleological perspective, the required degree of cognition should accord with general cognitive principles, reflect broad societal consensus, and correspond to objective reality, thereby necessitating a level of certainty that exceeds reasonable doubt. For example, claims such as "the real-estate market is declining," "prices are rising," "shopping malls are open on public holidays," "two individuals cohabited," or "a person with seventh-degree disability requires care" all involve reasonable grounds for doubt and may be countered by contrary evidence; thus they fail to meet the standard of certainty without doubt.

3.2 Recognition Logic After Interpretation

The cognitive logic for identifying the constituent elements of "facts well known to all" can be distilled into the sequential framework: cognitive subject → cognitive object (relativity + objective truth) → cognitive degree. Specifically:

First, the cognitive subjects consist of an unspecified majority of individuals with normal cognitive capacity.Second, with respect to the scope of "well-known facts," such facts must be commonly recognized geographically within the place of trial, sectorally within a specific industry or professional field, and temporally at the time of adjudication.Third, a "well-known fact" must embody objective truth and authenticity.Fourth, the required cognitive degree must attain the standard of certainty beyond reasonable doubt.

4 Practical Pathways for Determining "Facts Well Known to All"

To address the difficulties at the legislative and judicial application levels, this paper proposes practical pathways from two dimensions: legislation and judicial practice.

4.1 Legislative Dimension

(1) Future legislation should establish a unified exception rule—rebuttal by sufficient counter-evidence

"Sufficient to rebut" requires that the counter-evidence submitted by a party only needs to undermine the judge's belief in the exempted fact, thereby preventing its establishment. By contrast, " sufficient to overturn " requires counter-evidence that persuades the judge of the opposite factual proposition, thus precluding the formation of the exempted fact. "Negating its authenticity" requires counter-evidence that raises reasonable doubt about the authenticity of the opposing evidence, preventing it from being used as the basis for fact-finding.The Supreme People's Court has shifted its approach from "sufficient to overturn" to "sufficient to rebut," on the grounds that overturning well-known facts is excessively difficult in practice. Such a strict standard would lead to undue judicial reliance on alleged "well-known facts," thereby undermining the principle that adjudication must be based on evidence.

In administrative litigation, the 2002 requirement of "sufficient to overturn" has long been obsolete and unreasonable and should be revised to adopt the rebuttable exception rule of "sufficient to rebut with contrary evidence." In criminal procedure, no exception rule based on contrary evidence has ever been established, and such a rule should be

expeditiously introduced, adopting the "sufficient to rebut with contrary evidence" standard. In the field of state compensation law, the exception rule of "negating authenticity with contrary evidence" properly governs ordinary evidence and should not be applied to facts exempt from proof.

Moreover, given its comparatively low standard of proof, the rule should be promptly revised to adopt the formulation "sufficient to rebut with contrary evidence."

(2) Exempted facts in the field of criminal procedure should be regulated by the Supreme People's Court

Article 401(1) of the Rules of Criminal Procedure of the People's Procuratorates (2019) is the only explicit provision referring to "facts commonly known to the general public" within criminal procedure. However, the provision has effectively become dormant because it lacks specific evaluative criteria and was not formulated by the Supreme People's Court, resulting in ambiguous authority and limited applicability.

Therefore, the Supreme People's Court should incorporate exempted facts under the Criminal Procedure Law into its judicial interpretations, so as to ensure their validity as a basis for adjudication and to revitalize the currently dormant provision.

4.2 Judicial Application Dimension

(1) Court Level

A. To overcome the excessive subjectivity of courts and the insufficiency of reasoning in judicial opinions, courts should develop a scientific and comprehensive review logic and provide thorough justification for both the review process and its conclusions. Therefore, it is recommended that, when adjudicating cases involving the provision on "facts that are well known," courts should examine them step by step in accordance with the identification logic of "cognitive subjects → cognitive objects (relativity + objective authenticity) → degree of cognition," and in conjunction with the four key considerations discussed earlier. Doing so will naturally help to avoid arbitrary decision-making stemming from subjective discretion.

B. Courts' tendency to raise and recognize such facts ex officio reflects a reliance on their own subjective cognition. It may also stem from a desire for adjudicative convenience—"to raise it whenever they want to recognize it"—which inevitably conveys a sense of arbitrariness. It is therefore recommended that courts exercise caution when invoking their authority to raise and recognize "facts well known to the public" ex officio, adhering to a principle of non-intervention unless necessary, so as to avoid infringing upon the parties' rights to cross-examination and argumentation. Moreover, if it is indeed necessary to raise and recognize such facts proactively, the court should follow the established logical framework and provide sufficient reasoning in the judgment.

C. Concerning the phenomenon that courts tend to adopt an evasive attitude toward parties' claims of "facts well known to all," this reflects a certain degree of carelessness on the part of the judiciary. Even when the alleged facts well known to the public are unrelated to the disputed issues or to the outcome of the judgment, or when other evidence in the case already supports or refutes the claim, the court should explicitly address such claims in the judgment instead of ignoring them. Only in this way can litigants' rights to argumentation and the substantive nature of the hearing be safeguarded.

D. With respect to instances in which certain judges demonstrate incorrect professional understanding during adjudication, such situations reveal that, in judicial practice, some judges are reluctant to investigate matters beyond their existing knowledge base and instead rely on their own professional experience when rendering decisions. Therefore, it is recommended that when adjudicating cases involving the clause of "facts well known to all," judges should possess a clear understanding of the fundamental concepts of judicial notice, facts exempt from proof, facts well known to all, and burden of proof.

(2) Procuratorate Level

Regarding the phenomenon that the provision on "facts known to all" has effectively "fallen into dormancy," it reflects that procuratorial organs tend to rely on judicial appraisal opinions and similar means to provide proof of "facts known to all." Such practice evidently runs counter to the normative intent of the provision. Procuratorial organs should instead proactively invoke "facts known to all" in accordance with the established recognition logic, so as to facilitate judicial review by the court.

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