

On the Recognition of Eligible Plaintiffs for Third-Party Avoidance Claims in China

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Received: 12 March 2025 /Accepted: 3 April 2025 /Published online: 7 April 2025

Abstract

This article focuses on the identification of qualified plaintiffs in China's third-party avoidance system. On the basis of combing the Civil Procedure Law and relevant judicial interpretations of the third-party avoidance of qualified plaintiffs, the article reveals the main problems in the legislation and judicial practice, such as irrational legislative structure, the scope of qualified plaintiffs is too narrow and vaguely defined, etc., which have led to inconsistencies in the judicial application and litigation abuse phenomenon. In view of these problems, the article puts forward specific improvement paths: it is suggested to position the third-party avoidance action as an independent special relief procedure, in order to protect the outsiders who are victimized by false lawsuits in a wider scope; to clarify the scope of the eligible plaintiffs, to ensure that only the eligible third parties can initiate the procedure; at the same time, to construct the abuse of the right to litigation control mechanism, to prevent the system from being maliciously exploited, and these measures are aimed at providing strong support for the improvement of the third-party avoidance action system, in order to improve the system of third-party avoidance. These measures are aimed at providing strong support for the improvement of the third-party avoidance system, so as to better realize its legislative purpose of curbing false litigation and safeguarding the rights and interests of outsiders.

Keywords: Third-Party Avoidance Claims; Competent Plaintiffs; Sham

1. Introduction

When the Civil Procedure Law of the People's Republic of China was amended in 2012, the system of third-party avoidance claims was formally introduced, and as an important innovation in the system of civil litigation procedural rules, the system was further refined and supplemented in the Interpretation on the Application of the Civil Procedure Law of the People's Republic of China promulgated by the Supreme People's Court in 2015. The legislative intent of this system is

to curb the spread of the phenomenon of false litigation by constructing special relief procedures, thus forming a three-dimensional protection mechanism for the legitimate rights and interests of third parties outside the case in the field of civil litigation. However, at the beginning of the legislation, due to the purpose of the system, the scope of the subject of prosecution, the prosecution conditions and the nature of the system itself, there are many disputes, resulting in the system since its birth has been accompanied by continuous theoretical disputes. 2019 the supreme people's court issued the "national court civil and commercial trial work conference summary" of the third party to withdraw the plaintiff qualification criteria for the interpretation of the system to clarify the judicial Refereeing standards, but the operation of the system in judicial practice is still facing multiple dilemmas, and the problem of determining the qualification of the eligible plaintiff has always been the core issue of long-term concern in the theoretical and practical circles. In the context of the current judicial reform to deepen the qualifying plaintiff subject qualification standards for the theoretical study, for the improvement of civil litigation third party system, to protect the exercise of third party right of action, to realize the value of the system to achieve the full realization of the value of the function are of great theoretical value and practical guidance significance.

2. Legal Requirements for Plaintiffs in Third-Party Avoidance Claims

2.1. Provisions of the Civil Procedure Law and the Interpretation of the Civil Procedure Law on third-party avoidance claims

When the Civil Procedure Law was amended in 2012, the system of the third party's revocation claim was established for the first time in Article 56(3), and the system was further elaborated in Articles 292 to 303 of the Judicial Interpretation of 2015, which stipulated that an outsider who did not take part in the litigation due to reasons other than his own and who can prove that the effective decision is wrong in part or in whole and has harmed his rights and interests can file a lawsuit with the court of first instance within six months from the date of knowledge of the harm. According to the current regulations, eligible plaintiffs include third parties with independent claims and third parties without independent claims, and must satisfy both substantive and procedural requirements. The third party with an independent claim participates in the litigation on the basis of a substantive claim, while the third party without an independent claim intervenes because it has a legal interest in the outcome of the case.

2.1.1. Third parties with independent claims

A third party with an independent claim refers to a subject who joins in the litigation proceedings already conducted by another person by filing a lawsuit based on a claim of property or claim in substantive law, and asserts an independent litigation claim and exercises litigation rights independently. This kind of subject can either take the initiative to participate in the litigation by filing a lawsuit in the original trial procedure, or propose a remedy based on the substantive right claim after the decision has come into effect. It is worth noting that, the third-party complaint system for the creation of a special way of relief, and the ordinary way of relief with a separate lawsuit together constitute a double relief mechanism. At the early stage of the

implementation of the system, there were differentiated adjudication standards in judicial practice, which triggered theoretical discussions in the academic community on the value of the system.

2.1.2. Third parties without independent claimants

A third party without independent claim refers to a subject who has no independent claim to the subject matter of the litigation, but who has a legal interest in the outcome of the case and participates in the litigation. Due to the ambiguity of the legal definition of "legal interest", the criteria for determining this type of subject have long been controversial. Judicial decisions mainly rely on individual discretion to determine the existence of interest, the practice of false lawsuit victims have the plaintiff qualification as well as auxiliary and defendant-type third-party eligibility disputes lead to the subject qualification standard is not uniform. According to the current legal provisions of the third party to file a third party to withdraw the lawsuit to meet the dual conditions: first, the third party outside the case of the subject matter of the lawsuit enjoys the substantive rights or legal interest; the second is that it did not participate in the original litigation for reasons not attributable to him. When examining the complaint, if the court finds that the plaintiff is ineligible, it will rule inadmissible according to the law; if it finds that the plaintiff is ineligible during the trial, it will directly reject the lawsuit. The current legislation explicitly limits the scope of eligible plaintiffs to third parties with and without independent claims, excluding the possibility of other subjects bringing such a claim.

2.1.3. Expanded Exposition of the Scope of Competent Plaintiffs in the Minutes of the Nine People's Conference

Since the creation of the system of third-party avoidance of claims in 2012, the effect of its judicial practice has deviated somewhat from legislative expectations. It is worth noting that outsiders who suffer damage to their rights and interests due to false litigation often find it difficult to obtain relief because they do not meet the two types of qualifying plaintiff elements stipulated in the current law. In response to the high incidence of false lawsuits in judicial practice, in 2019, the Supreme People's Court issued the Proceedings of the Working Conference of the National Courts on Civil and Commercial Trials (hereinafter referred to as the "Nine Minutes"), which systematically expounded the applicable rules of the third-party avoidance lawsuit, and made it clear that creditors could break through the traditional restrictions on the eligibility of plaintiffs under specific circumstances. According to the Nine Minutes, a creditor can be recognized as an eligible plaintiff when it meets any of the following conditions: first, the claim belongs to the type specially protected by the law; second, the creditor loses the right of avoidance provided for in Articles 538-539 of the Civil Code and Article 31 of the Enterprise Bankruptcy Law due to the effective judgment; and third, the creditor is able to provide sufficient evidence to prove that the original litigation has been fraudulent. The judicial interpretation, through enumerative legislative techniques, responds to the relief needs of victims of false litigation while maintaining legal stability, reflecting the dynamic adjustment of judicial standards.

2.1.4. Plaintiff qualification for special protection creditors

Special protection claims refer to special priority claims expressly provided for in the law, such as the right of priority compensation for the price of construction works established in Article 807

of the Civil Code of the People's Republic of China. The purpose of this system is to indirectly realize the protection of construction workers' wage rights and interests through the protection of contractors' claims for the price of construction works. Taking the case of Supreme People's Court (2021) Civil Final No. 822 as an example, Company A enjoyed the right of priority compensation for the construction price owed by Company B, and then filed a third-party avoidance lawsuit due to the impairment of its substantive rights caused by the civil conciliation agreement of other cases. The Supreme People's Court clarified in this case that creditors with special protection claims meet the qualification requirements for plaintiffs in third-party avoidance claims.

2.1.5. Analysis of plaintiff standing of avoidance loss creditors

When a debtor disposes of its property without compensation or in bad faith, resulting in the creditor's inability to realize its claim and thus losing the right of avoidance provided for in the Civil Code, the creditor is entitled to file a third-party avoidance action. This provision was introduced to regulate the debtor's disposal of its liable property and to prevent the legitimate rights and interests of creditors from being affected by improper manipulation. Taking (2022) Supreme People's Court Civil Re-arbitration No. 60 as an example, Company A, as a creditor of Company B, reduced its claim and exempted its guarantee liability due to a mediation agreement reached between Company B and others in another case, thus affecting the realization of Company A's claim. The Supreme People's Court held that Company A, as a creditor that had lost its right of avoidance, was qualified to bring a third-party avoidance claim.

2.1.6. Exploring Plaintiff Standing for Creditors in Sham Actions

With regard to false litigation behaviors that fictionalize legal relationships and falsify evidentiary materials to file lawsuits with the intention of obtaining erroneous adjudication results, the relevant creditors have the right to file a third-party avoidance lawsuit in accordance with the law. This rule aims to maintain the order of litigation, protect the legitimate rights and interests of the parties and the credibility of the judiciary. Taking the case of Supreme People's Court (2021) Civil Re-357 as an example, Company A claimed that the litigation between Companies B and C constituted a false litigation in the capacity of a mortgagee and submitted prima facie evidence materials. The Supreme People's Court, upon examination, determined that Company A, as a third party with no legal interest in the outcome of the case and having completed its initial burden of proof, met the conditions for the prosecution of a third-party avoidance claim.

In summary, the Minutes of the Nine People's Conferences, on the basis of judicial practice, reasonably expanded the eligible subjects of third-party avoidance claims to include creditors under specific circumstances, which not only solved the problem of eligible plaintiffs, but also gave full play to the function of the system and provided a strong guidance for judicial practice.

2.2. Multi-dimensional Theoretical Deconstruction of Plaintiff's Qualification

The determination of the plaintiff's qualification is essentially a dynamic balance between the protection of substantive rights and procedural justice in the litigation process, which needs to be viewed from the theoretical perspective of the three intertwined dimensions of substantive rights and obligations, procedural safeguards, and judicial discretion. Substantive rights and obligations of the dimension concerned with the third party and the trial decision of the legal relationship

between the substance of the correlation, this correlation may be manifested in the subject matter of the lawsuit for the independent right to claim (such as property rights of the person claiming the return of property), may also be reflected in the results of the decision indirectly assume obligations or loss of rights (such as joint and several debtors because of the litigation of other people was increased responsibility). Substantive legitimacy requires that there be a normative causal relationship between the third party's rights and obligations and the trial decision, which constitutes the logical starting point for plaintiff standing.

The procedural safeguards dimension, on the other hand, emphasises the role of due process in underpinning the third party's right to relief. If a third party who has not participated in the original litigation suffers damage to his or her rights as a result of procedural defects (e.g., the court's failure to fulfil its notification obligation), his or her eligibility for remedies should be recognised on the basis of the principle of procedural subjectivity. This dimension consists of a threefold progression: firstly, the right to procedural participation, i.e., the third party should have a reasonable opportunity to participate in the trial proceedings; secondly, the right to a hearing, i.e., the right to be heard and debated should be safeguarded; and lastly, the allocation of the risk of error, when the third party fails to participate in the litigation due to reasons that are not attributable to him/her, his/her risk of being harmed by the judgement should be borne by the party whose procedure is in violation of the law. The procedural safeguard dimension breaks through the limitations of the purely substantive standard and ties the plaintiff's eligibility closely to the degree of procedural justice achieved.

The judicial discretion dimension assumes the regulating function of case-by-case justice beyond the substantive and procedural standards. When the law lacks a clear definition of 'legal interest' (e.g., new types of claims or expectancy rights), the judge needs to fill the loopholes in the rules through value judgement; and between the protection of third-party rights and the preservation of the *res judicata* of the judge, the judge needs to coordinate the conflict of interest measurement. The exercise of discretion should follow the principle of proportionality to ensure that the severity of the damage to the rights and interests of the third party is proportional to the probability of the error of the original judgement, and that the means of relief are necessary and appropriate. This dimension through the dynamic balance mechanism, make up for the entity rules of the lag and procedural safeguards of the formal defects.

The three dimensions in the plaintiff's eligibility to form a three-dimensional interactive relationship: the substantive dimension delineates the scope of rights protection should be, the procedural dimension sets the legitimate boundaries of relief initiation, the discretionary dimension through the value judgement to achieve individual correction. The root cause of the contradiction of the current system is over-reliance on substantive standards, resulting in procedural safeguards and discretionary disorder, and ultimately weakening the overall effectiveness of the third-party relief system. Only by organically unifying the three, can we build a plaintiff's qualification system that not only maintains the stability of the judgement but also protects the rights of the third party.

3. Challenges to the Plaintiff Qualification System for Third-Party Avoidance Claims in China

Although China's third-party avoidance system has been implemented for some time, many problems have gradually emerged. The system lacks comprehensive and systematic provisions, and the legislative content deviates from the original legislative objectives. Should be the core objective of the system to curb false litigation, not only in the legislation has not been fully reflected, but will be part of the subject should be entitled to the right to revoke the subject excluded. In fact, the range of plaintiffs eligible to bring third-party avoidance actions is much broader than that provided for in the current legislation. In the early days of the system, there are scholars after in-depth study pointed out that the system may be difficult to achieve its original legislative intent. And all kinds of dilemma in judicial practice, also further confirmed this view. Whether in the legislative level, or in the specific case of the trial process, the third-party avoidance of the system has not been able to give full play to its due effectiveness, but may increase the burden of litigation. Therefore, from the problem-oriented, we need to analyze the system in depth, dig the existing problems, and seek effective solutions.

3.1. Inadequate organization of the legislative structure

The current legislative system has an institutional design that conflicts with the basic principles of civil procedure. This system is stipulated in the "parties" clause of the "participants" chapter of the General Provisions of the Civil Procedure Law, resulting in a conflict between the normative rank of the system and the integrity of the system of procedural rules. It is worth noting that, China's civil litigation in the field of registration system requires the court to meet the legal conditions of the prosecution must be accepted by the law and entity trial; however, if the third-party revocation of the part of the ordinary procedure, need to go through the first trial, second trial, retrial and so on the multiple processes, and the prosecution of the conditions of the conventional cases and differences in the review criteria closer to the trial supervision procedures, which is obviously as special as the nature of the after-the-fact relief procedure does not match. This is obviously inconsistent with its nature as a special ex post facto relief program. Therefore, the third party's revocation should be independently set up as a non-conventional procedure, formulate exclusive procedural rules, and be categorized as an ex post facto relief procedure. The current legislation places them under ordinary procedures, which not only misaligns them, but also weakens their proper remedial function.

There are structural defects in the current system design, the scope of eligible plaintiffs of the third-party avoidance lawsuit is dependent on the two types of third parties in the litigation participant system, which formally covers the full range of subjects, but in essence, the scope of the main body has been narrowed. The third party with independent right to claim the existence of double salvation economic path to choose, both through the third party to seek special relief, but also through a separate lawsuit to obtain conventional relief, this system design and the basic principles of civil litigation procedure conflict. The third party without independent claim because of the vague legal definition of the subject qualification standard is not uniform, judicial decision scale there are big differences. Although the supreme people's court through the "nine people's meeting minutes" and other judicial guiding documents to try to standardize the adjudication

standards, but because of its non-legal sources of the effectiveness of the hierarchy, it is difficult to fundamentally solve the structural contradiction of the legislation. This disconnect between legislation and the judiciary has made it difficult to fully realize the unique value of the system, which may result in duplicative litigation that wastes judicial resources, and may also harm the legitimate rights and interests of third parties outside the case due to poor relief channels.

In the future, when improving the system of third-party avoidance claims, it is necessary to reconstruct its legislative positioning and normative system. In view of the special nature of this system of ex post facto relief, it is recommended that it be divested from the General Provisions of the Civil Procedure Law, "participants in the proceedings" chapter, and set up a separate special program to be stipulated. This institutional arrangement not only avoids conceptual confusion with the third-party system, but also highlights its independent procedural value. Existing legislation will be eligible plaintiffs limited to litigation third person theoretical obstacles. Litigation in the third person system "third person" refers to the litigation process in the active participation in the litigation subject, its system function is to realize the effectiveness of the judgment expansion and dispute resolution. And the plaintiff of the third party to revoke the plaintiff is not involved in the original trial of the third party, the purpose of the lawsuit is to correct the effective decision on their own rights and interests. The two types of subjects in the procedural participation, rights relief path and system value orientation there are essential differences, not to be confused. It is recommended that the legislation clearly distinguish between the application of the two systems of boundaries: the third party litigation system should return to the "litigation participants" chapter, focusing on the regulation of its litigation rights and obligations; the third-party cancellation of claims should be used as an independent special relief procedures, the construction of a complete normative system that includes the conditions of the prosecution, the rules of the trial, and the effectiveness of the decision. This legislative model can not only maintain the logical self-consistency of the civil procedure law, but also provide accurate rights relief for the third party outside the case, in line with the development trend of civil procedure refinement.

3.2. Reflection on the Improper Restriction of the Scope of the Subject Matter of Third-Party Avoidance Claims

The scope of eligible plaintiffs for third-party avoidance claims should break through the restrictions of the traditional third-party litigation system from the viewpoint of legislative purpose. The current legislation will qualify the plaintiff to have an independent right to claim the third party and no independent right to claim the third party, the formation of systematic exclusion effect, so that by the malicious litigation, false litigation damage to the ordinary creditors, the necessary co-litigants and other subjects can not get relief. As the main victim group of false lawsuits, the current law does not specify the qualification of the plaintiff. In judicial practice, the court strictly follows the examination standard of Article 56 of the Civil Procedure Law, "the third party stipulated in the first two paragraphs", which results in the ordinary creditors being dismissed due to the lack of both substantive claims (with the sole three elements) and legal interest (without the sole three elements). Despite the exceptions created by the Minutes of the Ninth Civil Conference, the creditor is required to prove the existence of a fraudulent claim in the

previous claim as provided for in Articles 538-539 of the Civil Code, and the burden of proof is heavy. Coupled with the hidden nature of mediation and litigation procedures, it is often difficult for ordinary creditors to complete the initial proof.

Future legislation should build open-ended plaintiff qualification standards, and extend the object of relief to all third parties outside the case whose civil rights and interests have been harmed by the effective judgment. This system design not only conforms to the normative meaning of "outsiders" in Article 56(3) of the Civil Procedure Law, but also effectively responds to the demand for the governance of false litigation. It is recommended that, on the basis of retaining the existing two types of third parties, "other outsiders who have a legal interest in the outcome of the case" should be added as an additional provision, and the criteria for determining "legal interest" should be clarified through judicial interpretations. At the same time, a mechanism should be established to link the procedures of the third-party litigation system and to ensure the independence and integrity of the special relief procedures.

3.3. Vague definition of the subject matter of third-party avoidance claims leads to litigation abuse

With the booming economic development, legal relations are becoming more and more complex, the public legal awareness has increased significantly, but in the active use of legal weapons at the same time, but also gave birth to infringement of the rights and interests of others, obstructing the functions of state organs, delaying the execution of the judgment and other malpractices, and this trend with the popularization of legal awareness and the more serious. The phenomenon of litigation abuse, and China's third-party avoidance of the legislative level is not unrelated to the sloppy. Malicious litigation and false litigation parties in the infringement of the rights and interests of third parties, will often anticipate the other party's defense strategy, and accordingly plan their own litigation strategy. As an important means of defense, third-party avoidance claims naturally become part of its consideration. However, due to the system of eligible plaintiffs is too narrow, many of the actual interests of those who do not meet the legislation of the subject qualification and can not obtain relief. From the comparison of the number of inadmissible and dismissed cases, it is not difficult to glimpse the cruel reality that many cases were lost due to the incompatibility of the plaintiff's qualifications. This status quo, on the contrary, prompted some malicious litigants more unscrupulous trample on the authority of the law, resulting in litigation abuses increasingly serious problem. At the same time, there is no lack of third party for the purpose of obstructing the smooth progress of the case of others, maliciously filed a third party revocation of the claim, even if it can not achieve the desired results, but also to the process of the case constitutes interference.

Third-party revocation of the definition of the system deficiencies of eligible plaintiffs, the objective formation of a vicious circle mechanism: malicious litigants to take advantage of the loopholes in the system to implement litigation fraud, the rights and interests of damaged third parties outside the case is forced to seek relief through the procedure, resulting in a surge in the number of cases. Excessive consumption of judicial resources and litigation costs of the parties climbed, has become a constraint on the function of the system to play a real obstacle. China's current laws have built a multi-level litigation regulatory system: Article 112 of the Civil

Procedure Law establishes the civil sanction rules of malicious collusion, "Criminal Law Amendment (IX)" to add the crime of false litigation to strengthen the criminal accountability. However, it is worth paying attention to the fact that in judicial practice, there is the paradox of "sufficient legislative supply but insufficient implementation effectiveness". The low cost of litigation abuse and the inefficiency of the criminal accountability mechanism, so that the deterrent effect of the system has not been effectively transformed into a practical binding force. This norms and facts of the rupture, resulting in civil litigation procedures in the governance of false litigation in the "rules of the empty" phenomenon, not only can not curb malicious litigation behavior, but also difficult to eliminate the third party outside the case of excessive reliance on the system.

4. The Path of Improving the Qualified Plaintiff System of China's Third-Party Avoidance Claims

In order to improve this system, it is necessary to clarify the original purpose of its establishment, clarify the boundaries between third-party avoidance claims and the third-party system, redefine the status of third-party avoidance claims, and rationalize the legislative structure. Specifically, third-party rescission should be made an independent chapter, and the criteria for eligible plaintiffs should be reset, so as to ensure that all third-party parties who have been adversely affected by the judgment of the preceding case can obtain final procedural relief. At the same time, parties who file lawsuits in bad faith should be held criminally liable in accordance with the law as a disciplinary measure.

4.1. Positioning Third-Party Avoidance Claims as an Extraordinary Remedy Procedure

It is proposed that third-party avoidance claims be categorized under the system of extraordinary remedial procedures. This system is designed to protect those who should have participated in the original trial, but for some reason were unable to do so, and whose legitimate rights and interests have been jeopardized as a result. As the trial supervision program has the same corrective function of the system, the third party to revoke the decision by changing or revoking the effective documents, constituting a special post facto relief mechanism different from the ordinary litigation procedures, its procedural attributes more similar to the trial supervision program. Based on this, our country in perfecting the system, should first clarify its independent status in the litigation system, break through the traditional legislative framework, re-orientation and design of the system. Specifically, the third party can be set up independently in the trial supervision program chapter, build a complete system of procedural rules. This arrangement not only can highlight its ex post facto relief characteristics, but also can effectively safeguard the legitimate rights and interests of program participants.

4.2. Redefining the Scope of Eligible Plaintiffs for Third-Party Avoidance Claims

In reconstructing the system of third-party avoidance claims, the scope of eligible plaintiffs should be adjusted at the same time, so that they are independent of the third-party participation system. The following principles should be followed in judging the suitability of the parties: firstly, "ex post facto" review should be the benchmark, requiring that the plaintiffs are not parties

to the original case, and that there is a possibility that they may participate in the original lawsuit in a specific capacity. Secondly, to entity rights and interests as the core standard, as long as the outsider can prove that its rights and obligations by the effective decision of the substantive impact, can be recognized as eligible. The scope should break through the third-party framework of the Civil Procedure Law, without the need to maintain a connection with the litigation participation system. At the same time, it should expand the types of remedies available, eliminate the differentiated restrictions on claims in rem, and return to the original intent of the system design. In addition, plaintiffs should be required to file lawsuits within the statutory period and exhaust other remedies. In particular, it should be emphasized that ordinary creditors, as subjects outside the original case, should be included in the category of eligible plaintiffs if their legitimate rights and interests have been damaged by the decision of the previous lawsuit and meet the above requirements. According to the principle of comprehensive protection established in Article 1164 of the Civil Code, claims are also protected by the Tort Liability Section. Necessary co-litigants should also be included in the scope of eligibility to eliminate conflicts between judicial practice and legislative norms. In order to ensure the effectiveness of the system, the criteria for judicial review of the plaintiff's qualifications should be appropriately relaxed, and the review of substantive rights and interests should be postponed to the trial stage of the case.

4.3. Construction of a mechanism to regulate abuse of the right of action

In view of the high incidence of abusive litigation behavior, there is an urgent need to build a systematic regulatory mechanism. Malicious litigation not only destroys the judicial order and judicial credibility, but also violates the principle of honesty and credit in civil litigation. Suggest the establishment of "criminal accountability, civil sanctions as a complementary" double punishment system. The people's court in the trial found that false litigation suspected, should strengthen the authority to review the strength. If the substantive review confirms the existence of malicious litigation, the subjective intent of the perpetrator shall be recognized, and the perpetrator shall be ordered to bear the corresponding legal responsibility. Specifically, the court may, in accordance with the law, revoke the effective judgment documents generated by the false litigation, and at the same time transfer the case to the public security organs for investigation and the procuratorial organs for public prosecution. Eventually by the trial organ according to the "Criminal Law Amendment (IX)" Article 307 one of the false lawsuit crime provisions, to pursue the perpetrator of criminal liability and fines. Only through the rigid legal sanctions to form an effective deterrent, in order to effectively maintain judicial authority and social integrity system.

5. Conclusion

The core mission of the third-party avoidance action is to curb false litigation behavior. In view of the litigation caseload rising year by year, the definition of eligible plaintiffs has become a major challenge to the court, there is an urgent need to start from the legislative and judicial levels, improve the third-party avoidance of eligible plaintiffs in the relevant provisions of the relevant provisions and practical operation. However, improve this system is not overnight, need to work persistently, in the process of building a more sound legal system, must be based on reality, taking into account the concept. Ensure that the system is designed to meet the practical needs, but also

reflects the spirit of the rule of law, thereby creating a more just, efficient and authoritative judicial environment.

Author Contributions:

Conceptualization, K.H.; methodology, K.H.; software, K.H.; validation, K.H.; formal analysis, K.H.; investigation, K.H.; resources, K.H.; data curation, K.H.; writing—original draft preparation, K.H.; writing—review and editing, K.H.; visualization, K.H.; supervision, K.H.; project administration, K.H.; funding acquisition, K.H. All authors have read and agreed to the published version of the manuscript.

Funding:

This research received no external funding.

Institutional Review Board Statement:

Not applicable.

Informed Consent Statement:

Not applicable.

Data Availability Statement:

Not applicable.

Conflict of Interest:

The authors declare no conflict of interest.

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