

Disadvantages of the Forward Movement of Criminal Law to Regulate Social Relationships

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Abstract: The concept of preemptive criminal law refers to the implementation of legislative and judicial measures to prevent and regulate criminal behavior before it occurs, with the aim of maintaining social order and public safety. In recent years, with the increasing complexity and diversity of social conflicts, the notion of preemptive criminal law has emerged as a new approach to crime prevention in various countries. This concept is theoretically grounded in the need for dynamic adjustments to social relationships, aspiring to reduce crime through early legal intervention, thereby achieving social stability and enhancing legal awareness. However, in practice, preemptive criminal law has revealed several shortcomings, such as infringements on individual rights, excessive interference with social relationships, and issues arising from the expanded scope of criminal law. These problems not only affect the fairness and effectiveness of criminal law but also negatively impact social trust and judicial resources. Consequently, this paper analyzes the theoretical foundations and practical effects of preemptive criminal law, focusing on its drawbacks and proposing corresponding improvements, with the aim of providing guidance for legislative and judicial practices.

1. Introduction

Criminal law, as a pivotal instrument in societal governance, primarily functions to uphold social order and public safety through the sanctioning of unlawful conduct. Traditionally, criminal law has concentrated on punitive measures post-offense. However, with the evolution of society and the emergence of new forms of crime, there has been a growing emphasis on the concept of preemptive crime prevention. In this context, the notion of advancing criminal law has emerged, which involves the proactive formulation of laws and the adoption of preventative measures to intervene before criminal acts occur, thereby reducing crime rates. The theoretical foundation of advancing criminal law includes crime prevention theory and social control theory, among others. These theories posit that early intervention and regulation can effectively deter criminal behavior. Nevertheless, in practice, advancing criminal law faces numerous challenges and controversies. Excessive interference in personal behavior and restrictions on freedom often lead to dual challenges from both societal and legal perspectives. This paper will explore the theoretical underpinnings and practical impacts of advancing criminal law, examining its drawbacks in regulating social relationships. It will particularly focus on its effects on social trust, judicial resources, and individual rights, while proposing optimization strategies to provide theoretical support and

practical guidance for the scientific development of advancing criminal law.

2. Theoretical foundations of the preclusion of criminal law

2.1. Definition of criminal law forward movement

The concept of preemptive criminal law, or the advance application of criminal statutes, refers to intervening through legislative or judicial means before a criminal act is committed or completed, with the aim of preventing potential violations. The core principle is to preemptively regulate and control behavior in order to avert the occurrence of criminal acts, thereby safeguarding social order and public safety. While the intention behind such preventive measures is benign, aiming to reduce crime rates and maintain societal stability, their implementation is fraught with controversy. Preemptive criminal law entails the legal system's intrusion into individuals' potential actions, which not only involves a redefinition of social behavioral norms but may also result in excessive restrictions on personal freedoms. The fundamental challenge lies in balancing crime prevention with the respect for individual rights. Excessively broad preemptive measures might criminalize issues that should belong to the realm of moral or social norms, leading to perceptions of unjust constraint among society's members. Thus, the reasonable definition and judicious application of preemptive criminal law are crucial to ensuring its legitimacy and effectiveness [1].

2.2. Legislation and judicial practice of criminal law forward movement

The advancement of criminal law reflects the concept of crime prevention in both legislative and judicial practices, yet its implementation is fraught with complexity and challenges. At the legislative level, advancing criminal law often entails adjustments and expansions of the existing legal framework, incorporating behaviors that have not yet constituted crimes into the realm of criminal jurisdiction. While this expansion can help preempt potential unlawful acts, it may also lead to blurred legal boundaries, complicating legal interpretation and generating disputes. For instance, in some countries, legislation addressing cybercrime attempts to combat online fraud and the dissemination of false information through stringent legal measures, yet it faces the challenge of balancing internet freedom with security concerns. In judicial practice, the application of advanced criminal law is even more intricate. Judicial bodies must make judgments in cases where evidence is insufficient and criminal acts are not fully executed, which not only tests the judges' professional competence but also raises the standards for judicial fairness. Excessive reliance on the advancement of criminal law could lead to wastage of judicial resources and diminished judicial efficiency. More critically, improper handling of advanced criminal cases by judicial authorities could provoke public skepticism about judicial impartiality, thereby undermining the authority of the law and societal trust. Thus, finding a balance between crime prevention and the protection of citizens' rights is crucial for the effective implementation of advanced criminal law.

3. Positive effects of criminal law preemption

3.1. Maintaining social stability

The advancement of criminal law plays a crucial role in maintaining societal stability, with its primary objective being to prevent potential criminal activities through early intervention and regulation, thereby reducing the incidence of crime. Such preventive measures not only mitigate the direct harm of crime to society but also alleviate public anxiety and panic to a certain extent, enhancing the overall sense of security within the community. Specifically, the proactive approach

of criminal law enables action at the onset of criminal tendencies, preventing their escalation into severe offenses. For instance, regarding highly destructive acts such as terrorism and cybercrime, the early intervention and surveillance facilitated by the advancement of criminal law can effectively curb their spread and expansion, ensuring public safety. Furthermore, this proactive stance also serves a deterrent function, as potential offenders may be dissuaded from acting out of fear of early sanctions, thus further reducing crime rates. However, while advancing criminal law aids in maintaining societal stability, it is imperative to guard against excessive encroachment on individual freedoms and rights. The early intervention of law must be conducted within a legal and reasonable framework to prevent societal doubts and dissatisfaction regarding the fairness of the law. Consequently, finding a balance between effectively preventing crime and respecting individual rights is a critical challenge in the practical application of this approach. Only through the judicious use of advanced criminal law can the true goal of maintaining societal stability be achieved [2].

3.2. Strengthening the concept of rule of law

The proactive application of criminal law plays a significant role in reinforcing the concept of the rule of law, as it intercedes in the potential commission of illegal acts, thereby allowing social members to tangibly experience the deterrent and binding force of law. This preventive legal measure contributes to fostering a public consciousness of law-abiding, transforming law from merely being a post-facto instrument of retribution into a prescriptive and directive norm for behavior. Specifically, the prebarring of criminal law can imbue the public with a heightened awareness of the existence and efficacy of law, thereby augmenting trust and identification with the rule of law. In an environment where the law intervenes proactively, individuals and organizations become more circumspect in their choice of conduct, recognizing that illegal actions would not only be penalized in their aftermath but also face legal sanction in their inception and planning phases. In such a legal milieu, individuals in their daily lives are more spontaneously compliant with legal norms, thereby fostering a congenial atmosphere of the rule of law. However, it is prudent to note that while the proactive application of criminal law bolsters the concept of the rule of law, it may also evoke discussions on the boundaries and legitimacy of law. Excessively stringent preventative measures may be perceived as an infringement of personal freedom, thereby prompting societal scrutiny of the equitableness of law. Therefore, in the implementation of the proactive application of criminal law, a judicious balance must be maintained between the prevention of crime and the safeguarding of citizens' rights, ensuring that the enforcement of law is both forceful and considerate, truly achieving the objective of reinforcing the concept of the rule of law.

4. Analysis of the disadvantages of the forward movement of criminal law

4.1. Excessive interference in social relations

The advance of criminal law, while aimed at preventing crime and maintaining social stability, may sometimes provoke issues of excessive intervention into social relations. This intervention is manifested in the law's anticipation and regulation of individual behavior, potentially leading to restrictions on personal freedom and the suppression of social autonomy. When criminal law intervenes prematurely in nascent unlawful acts, it may extend its reach into the private realm, affecting citizens' daily lives and freedom of expression. Specifically, the advance of criminal law might elevate certain behaviors, which would otherwise be regulated by moral or social norms, to the level of criminal justice, thereby blurring the boundaries between law and morality. This trend can lead to increased public dependence on the law, diminishing society's self-regulation abilities,

and consequently limiting personal autonomy and freedom of development. For instance, in the realm of online speech regulation, the premature application of criminal law might prematurely incorporate issues of free expression into the realm of criminal sanctions, thereby not only suppressing freedom of speech but also potentially exacerbating social tensions. Moreover, such over-intervention by criminal law could lead to an overload of the judicial system, increasing the burden on law enforcement and judicial resources. When the law encroaches too extensively into various facets of social relations, judicial institutions may struggle to effectively manage a plethora of potential cases, thereby impacting judicial efficiency and fairness. This phenomenon not only undermines the authority of the law but may also provoke public distrust and skepticism towards the legal system. Therefore, it is essential to remain vigilant about the excessive intervention of criminal law in social relations to avoid adverse effects on citizens' rights and social stability [3].

4.2. Problems arising from the expansion of the scope of application of criminal law

The expansion of the scope of criminal law is undoubtedly one of the most significant features of its advance, but this broadening brings with it numerous issues that urgently require deep reflection and vigilance. When the scope of criminal law is excessively extended, actions that would typically fall under administrative penalties, civil disputes, or moral regulations are encompassed within the realm of criminal sanctions, leading to a generalization of criminal penalties and a blurring of legal boundaries. The expansion of the scope of criminal law may primarily result in the excessive restriction of citizens' rights. Actions that once pertained to personal privacy or freedom of expression may, under the framework of criminal law's advance, be regarded as potential criminal behavior, thereby attracting unwarranted legal intervention. This trend not only suppresses the legitimate rights of citizens but also risks inciting public dissatisfaction and protests against the law. For instance, freedom of online speech should be protected, but with the expansion of criminal law's scope, certain expressions might be subjected to criminal liability for allegedly "endangering social stability," which clearly hampers societal harmony and development. Moreover, the broadening of criminal law's scope could lead to a waste of legal resources and a reduction in judicial efficiency. When a significant number of non-severe violations are classified as criminal cases, the judicial system inevitably faces increased pressure. Law enforcement and judicial institutions must allocate more human, material, and financial resources to handle these cases, which impacts their ability to address truly serious crimes and undermines the deterrent effect of the law. More critically, the excessive expansion of the scope of criminal law might provoke unfair application of the law. Given the limited resources of law enforcement and the judiciary, some minor offenses may receive harsh penalties in certain instances, while being overlooked in others. This selective enforcement and inequitable application of the law not only erodes legal authority and fairness but also damages public trust in the rule of law.

4.3. Damage to social trust

The practice of advancing criminal law exhibits obvious drawbacks that undermine social trust. Take, for example, the crimes of dangerous driving and aiding information network crimes. The excessive intervention of the law in everyday behavior distorts the principle of judicial restraint that should be upheld in a society governed by the rule of law. The intention behind establishing dangerous driving offenses was to prevent traffic accidents, but this may result in disproportionate punishment for drivers, neglecting leniency in minor cases and thus provoking public skepticism regarding the severity of the law. Similarly, the broad application of aiding and abetting crimes leads ordinary citizens to fear potential criminal liability when providing assistance to others, thereby diminishing the enthusiasm for mutual aid within society. This tendency to advance the law

erodes fundamental trust among members of society, creating an atmosphere of pervasive anxiety and potentially resulting in diminished social cohesion. The essence of criminal law is to uphold social order and justice, but excessive advancement may deviate from this fundamental purpose and damage the law's credibility. Society requires a balance—both stringent punishment for crimes and avoidance of excessive legal intrusion into daily life. Respecting the spirit of the rule of law and maintaining judicial restraint are crucial safeguards for sustaining social trust. On this matter, the disadvantages of advancing criminal law warrant profound reflection [4].

4.4. Pressure on judicial resources due to the forward movement of criminal law

Advances in criminal law have to some extent exacerbated the strain on judicial resources, which is particularly evident in cases involving dangerous driving offenses and assistance in information network crimes. The establishment of dangerous driving offenses was originally intended to prevent traffic accidents and safeguard public safety. However, in practice, the stringent regulation of driving behaviors has led to an influx of cases into the judicial system. This not only increases the workload of judges and prosecutors but may also delay the handling of more serious criminal cases. The broad application of aiding and abetting offenses serves as another typical example. Initially aimed at combating criminal assistance, its excessive application has led to the criminalization of inadvertent actions by ordinary citizens in their daily lives, significantly increasing the burden on the judicial system. This phenomenon illustrates the substantial consumption of judicial resources caused by the advance of criminal law. It necessitates extensive human, material, and financial resources to manage the influx of new cases and may hinder the judicial system's ability to concentrate resources on more severe and urgent cases. The restraint of law becomes particularly crucial in this context; criminal law should maintain a moderate level of intervention to avoid excessive interference in everyday societal behavior, thereby preventing an imbalance in the allocation of judicial resources and a consequent decline in overall judicial efficiency. Overreaching not only heightens the burden on the judicial system but may also lead to a societal perception of the law as overly stringent and lacking in humanity. In such scenarios, the fairness and authority of the law may be called into question. The public may perceive the law's reach as excessively broad, with even minor infractions subject to criminal liability, which could negatively impact societal norms and erode public trust. The limited nature of judicial resources necessitates their deployment in more critical areas rather than being overwhelmed by numerous minor cases. Thus, a deeper understanding and reflection on the pressure of criminal law's advance on judicial resources are essential to ensure the law's efficacy and societal harmony.

5. Optimization Suggestions

5.1. Moderate application of criminal law forward movement

The judicious application of advancing criminal law is a crucial measure in optimizing the judicial system. As the ultimate safeguard of societal order, any progression of criminal law must be undertaken with caution to prevent resource wastage and the erosion of public trust. In its application, emphasis should be placed on the necessity and proportionality principles of criminal law, ensuring legal interventions are confined to actions that pose a substantial threat. Judicial authorities should enhance the scrutiny of such advancements, avoiding the premature inclusion of minor infractions within the realm of criminal prosecution, thereby preserving the deterrent effect and authority of the law. Furthermore, establishing clear legal standards and procedures is imperative to ensure that the advancement of criminal law is grounded in legal rationale and transparency, thereby preventing misuse of power and selective enforcement.

5.2. Improvement of legislative and judicial supervision mechanisms

The legislative process should meticulously consider societal realities and the long-term impact of laws to ensure the scientific and rational nature of legal provisions. Specifically, legislative bodies should extensively consult with experts, scholars, the public, and legal practitioners. Through rigorous research and deliberation, they should craft criminal law norms that effectively prevent crime without unduly interfering with social life. In judicial practice, the refinement of oversight mechanisms is a crucial method for safeguarding the fairness of the law. Judicial supervision should encompass not only the oversight of lower courts by higher courts but also independent third-party oversight of judicial actions. Establishing such a mechanism can effectively prevent the abuse of judicial power and selective enforcement, ensuring that each case is adjudicated in a fair and transparent environment. Rigorous assessment and training of judicial personnel's professional competence and ethical standards are also integral to improving judicial oversight mechanisms. As executors of the law, the professional abilities and ethical standards of judicial personnel directly influence the fairness and authority of the judiciary. Regular training and strict evaluations can enhance their professional skills and ethical conduct, ensuring they act strictly according to the law without external interference. Additionally, public participation and media oversight are essential components of the judicial oversight mechanism. By making court proceedings public and publishing judgments online, judicial transparency is increased, allowing society to monitor judicial actions. The media, as the public's "voice," plays an irreplaceable role in supervising judicial fairness and exposing judicial corruption [5].

5.3. Strengthen legal education and social advocacy

Legal education serves as a crucial avenue for enhancing public legal literacy and is fundamental in preventing crime and mitigating the adverse effects of penal law expansion. It is imperative to initiate legal education at a young age, integrating legal studies into the curricula of primary and secondary schools to instill a strong sense of the rule of law and legal awareness in students. Engaging teaching methods such as vivid case studies and mock trials will subtly imbue students with an understanding of the importance and function of the law. This approach not only aids in preventing juvenile delinquency but also cultivates a generation of law-abiding citizens, laying the groundwork for long-term societal stability. For adults, legal education can be delivered through community lectures, pro bono legal consultations, and media outreach. Particularly at the community level, regular legal education sessions and public awareness campaigns can significantly enhance residents' legal consciousness, assisting them in navigating daily life in compliance with the law and protecting their legal rights. Through various platforms such as television, radio, newspapers, and the internet, the dissemination of legal knowledge, coverage of significant cases, and the exploration of the ethical and societal implications of law can effectively shape public understanding of legal principles and values. Media coverage of major legal events and current issues generates widespread public interest and discussion, fostering a constructive public opinion environment and advancing the fair implementation of the law and progress in legal governance. Non-governmental organizations (NGOs) and community groups can also contribute significantly through diverse forms of legal advocacy, promoting values of lawful conduct, mutual assistance, and integrity, thereby advancing social harmony and legal development. Encouraging public participation in legal oversight and judicial activities to enhance recognition and engagement with the legal system is another vital aspect of societal advocacy. Strengthening legal education and societal advocacy not only elevates the overall legal literacy of the community and reduces the necessity for penal law expansion but also bolsters public trust and support for the legal system, providing a robust foundation for the establishment of a rule-of-law society.

6. Conclusion

The advancement of criminal law theoretically offers new perspectives and means for crime prevention. However, its practical application reveals notable drawbacks. Excessive interference in social relations and encroachments on individual rights highlight the challenges in balancing social control with personal freedom that arise from this legal shift. Although expanding the scope of criminal law has, to some extent, enhanced crime prevention and control capabilities, it has also led to issues such as strained judicial resources and declining public trust. Consequently, the application of criminal law advancement requires a more cautious approach, ensuring its use remains within a reasonable scope. Enhancing legislative and judicial oversight mechanisms, and improving transparency and fairness, are crucial for ensuring the effectiveness of this legal shift.

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