

The Embodiment and Practice of the Principle of Legal Interest Protection in Criminal Legislation

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Abstract: *The principle of legal interest protection is an important cornerstone of criminal legislation, which requires that the legitimate rights and interests of citizens must be fully respected and protected in the formulation and implementation of criminal law. This paper aims to deeply explore the embodiment and practice of the principle of legal interest protection in criminal legislation, so as to reveal its important significance to the construction of criminal rule of law. This paper sorts out the basic theory of the principle of legal interest protection, and clarifies its conceptual definition, theoretical basis and its importance in criminal legislation. Then, the paper analyzes the concrete embodiment of the principle of legal interest protection in criminal legislation from the three aspects of criminal code, criminal law amendment and judicial interpretation. The legislative purpose and classification of legal interests of the criminal code, the protection of emerging legal interests by the amendment of the criminal law to the criminal law and the interpretation of the principle of legal interests protection by the judicial interpretation all reflect the in-depth implementation of the principle of legal interests protection in the criminal legislation. The article also focuses on the application of the principle of legal interest protection in the criminal justice practice. Through case analysis, the paper reveals the implementation and limitations of the principle of legal protection in judicial practice, and puts forward suggestions for improvement. The paper also discusses the development of the principle of legal interest protection in international criminal law to expand the research horizon. This paper summarizes the research results, and points out the research shortcomings and the future prospects.*

Keywords: *principle of legal interest protection; criminal legislation; judicial practice; legitimate rights and interests; criminal rule of law*

1. Introduction

As an important cornerstone of modern criminal legislation, the core concept of the principle of legal interest protection lies in maintaining the balance between social order and citizens' rights and interests. In criminal legislation, the principle of legal interest protection not only reflects the respect for the individual rights of citizens, but also highlights the role of criminal law in maintaining social order.

1.1 Research Background and Significance

With the development of society and the progress of the rule of law, the principle of legal interest protection plays an increasingly important role in criminal legislation^[1]. As the cornerstone of the criminal legal system, the principle of legal interest protection is not only related to the protection of citizens' individual rights and interests, but also an important guarantee for the stable and harmonious development of social order. In today's complex and changeable social environment, various kinds of criminal acts emerge in an endless stream, posing a serious threat to the legal interests of citizens. It is of great practical significance to deeply study the embodiment and practice of the principle of legal interests protection in criminal legislation for improving the criminal legal system, improving the level of judicial practice and protecting the rights and interests of citizens. The study of the principle of legal interest protection also has important theoretical value.

1.2 Research status at home and abroad

At home and abroad, the principle of legal interest protection has always been one of the hot spots

of criminal law research. Foreign scholars started early in studying the principle of legal interest protection, and have formed relatively rich theoretical achievements and practical experience^[2]. They discussed the principle of legal interest protection from different angles and put forward many enlightening views and opinions. In contrast, although domestic scholars' research on the principle of legal interest protection started late, it has also made significant progress in recent years. On the basis of drawing on foreign research results and combining with the actual situation of China, domestic scholars have conducted in-depth research on the embodiment and practice of the principle of legal interest protection in criminal legislation, and put forward a series of innovative views and suggestions. However, despite the achievements of legal protection, there are still some problems and deficiencies. For example, there is a lack of thorough and systematic research on the theoretical basis and practical application of legal interest protection principles, a lack of sufficient attention to the challenges and response of legal interest protection principles in emerging forms of crime, and a lack of comprehensive and in-depth analysis of the development and trends of legal interest protection principles in international criminal law.

1.3 Research method and paper structure

This study uses literature analysis method, case analysis method and comparative analysis method to deeply study the embodiment and practice of the principle of legal interest protection in criminal legislation. Relevant research results at home and abroad are summarized through literature analysis to provide theoretical support and reference basis for this research. An empirical analysis of the application of the principle of legal benefit protection in judicial practice is made to reveal its existing problems and limitations. Through the comparative analysis law, the similarities and differences of the principle of Chinese and French benefit protection in the criminal legislation at home and foreign countries are analyzed, and the paper puts forward the suggestions to improve the criminal legislation in China. In terms of paper structure, this paper first introduces the research background and significance and the research.

2. Basic theory of the principle of legal interest protection

As the solid cornerstone of criminal legislation, the core of legal interest protection is to ensure that the legitimate rights and interests of every citizen are fully respected and protected in the process of formulation and implementation of criminal law^[3]. This principle is not only the embodiment of the spirit of law, but also a symbol of social justice and civilized progress. In the process of formulating the criminal law, the principle of legal interests protection requires us to accurately define criminal behaviors, and clarify which behaviors are the infringement of citizens' legal interests, so as to delimit a clear behavior boundary for the public. At the same time, we also need to clarify the scope of legal interests to ensure that the scope of criminal law is neither wide nor narrow, so as to truly realize the precise crackdown on criminal acts.

2.1 Concept definition of the principle of legal interest protection

As the core meaning of criminal legislation, the concept definition of legal interest protection principle is crucial to understanding its position and role in the legal system. In short, the principle of legal interest protection refers to that in the process of criminal legislation, the protection of citizens, society and the country should be taken as the starting point and foothold, to ensure that the enactment and implementation of criminal law are aimed at maintaining the protection of these legal interests from infringement. The legal interests here include personal legal interests such as life, health, property and freedom, as well as social legal interests such as public security and social order. By clarifying the concept of the principle of legal interests protection, we can clearly realize the important role of criminal law in maintaining social harmony and stability and protecting citizens' rights and interests.

2.2 Theoretical basis of the principle of legal interest protection

The theory of human rights protection is an important support for the principle of legal interests protection. Human rights, as human human rights and basic dignity, are the core value that cannot be ignored in any legal system. As an important means to restrict the rights of citizens, criminal legislation must follow the principle of protecting human rights, so as to ensure that the legitimate rights and interests of citizens are not infringed upon while combating crimes. The principle of the rule of law

requires that the criminal legislation must follow the standardization and certainty of the law. By clarifying the principle of legal interests protection, it can ensure that the formulation and implementation of the criminal law are in line with the spirit of the rule of law and avoid the abuse and infringement of power. Social contract theory also provides theoretical support for the principle of legal interest protection. According to the social contract theory, people form state power by transferring some rights in order to safeguard social order and protect individual rights and interests. As an important part of state power, criminal legislation must be aimed at realizing the protection of legal interests and respond to people's expectations and needs^[4].

2.3 The importance of the principle of legal interest protection in criminal legislation

The importance of legal interest protection principle in criminal legislation is self-evident. It is the basic principle of criminal legislation. In the formulation of criminal law, it must be clear which acts constitute a crime and what kind of punishment should be punished, which need to be guided by the principle of legal interest protection. By clarifying the constitutive elements of crime and the range of punishment, the application of criminal law is clear and predictable, and avoids the abuse and misuse of criminal law. The principle of legal interest protection helps to realize the fairness of criminal law. In the process of fighting against crimes, the criminal law should not only punish the criminals, but also protect the legitimate rights and interests of the citizens. By following the principle of legal interest protection, we can ensure that the criminal law does not infringe on the rights and interests of innocent people while punishing crimes, and realize the justice and fairness of the criminal law. The principle of legal interests protection helps to maintain social order and stability^[5]. As an important means to maintain social order, the formulation and implementation of criminal law must aim at realizing the protection of legal interests. By cracking down on crimes and protecting citizens' rights and interests, we can maintain social harmony and stability and provide a good legal environment for economic and social development.

3. The embodiment of the principle of legal interest protection in the criminal legislation

The principle of legal interest protection is deeply reflected in the criminal legislation, and its importance is self-evident. By clearly defining the constitutive elements of a crime, the criminal law not only provides a clear conviction standard for the judicial organs, but also defines the bottom line for citizens' acts, so that the public can clearly know which acts may constitute a crime, so as to consciously abide by the law. At the same time, the criminal law sets a reasonable penalty range to ensure that the application of the punishment is neither strict nor loose, which can not only punish crimes, but also protect the legitimate rights and interests of criminal suspects. Criminal law also pays close attention to the protection of emerging legal interests and responds to social changes in a timely manner. With the progress of science and technology and the development of society, new legal interests are constantly emerging. The criminal law timely brings these emerging legal interests into the scope of protection, which reflects the era and forward-looking nature of criminal legislation. This legislative attitude of keeping pace with The Times not only helps to maintain social order, but also better protects the legitimate rights and interests of citizens.

3.1 The embodiment of the principle of legal interest protection imposed by the criminal code

As the basic norm of criminal law, the criminal code has a clear embodiment of the principle of legal interest protection. In the legislative purpose of the criminal code, the principle of legal interest protection occupies the core position. The formulation of the criminal code aims to protect the legal interests of the state, society and individual citizens, maintain social order and ensure the legitimate rights and interests of citizens by stipulating crimes and penalties. The realization of this legislative purpose is the direct embodiment of the principle of legal interest protection in the criminal code. In the criminal code, legal benefits are divided into multiple categories, such as life legal benefits, health legal interests, property legal interests, etc., and the criminal code stipulates corresponding protection measures for different categories^[6]. For example, for the legal interests of life, the criminal code stipulates the crime of intentional homicide and the severe punishment; for the infringement of the legal interests of property, it provides the crime of theft and fraud, and provides the corresponding penalty range. These provisions ensure that all kinds of legal benefits are fully protected in the criminal law.

3.2 Improvement of the principle of legal interest protection by the amendment of the Criminal Law

With the continuous development of society and the emergence of new legal interests, the amendment of criminal law has played an important role in improving the principle of legal interests protection. On the one hand, the amendment to the criminal law timely protects the emerging legal interests. For example, with the rapid development of network technology, network security has become an important legal benefit, and the Criminal Law amendment has timely added the relevant provisions of network crimes, and severely cracked down on the infringement of network security.

On the other hand, the amendment to the Criminal Law also deepens the understanding and application of the principle of legal interest protection. In the process of revision, legislators pay more attention to the deep excavation and definition of the connotation of legal interests, so as to ensure that the protection of criminal law is more accurate and effective. The amendment to criminal Law also focuses on balancing the relationship between the protection of legal interests and the application of punishment to avoid excessive punishment or insufficient punishment.

3.3 Interpretation of the principle of legal interest protection in judicial interpretation

Through the interpretation and application of the provisions of the criminal law, the judicial interpretation further clarifies the connotation and scope of application of the principle of legal interest protection. In judicial practice, judges use judicial interpretations to judge and rule on the legal interest protection issues in specific cases, so as to ensure that the principle of legal interest protection is carried out and implemented in judicial practice^[7]. Judicial interpretation pays attention to combining the needs of social reality and judicial practice, and carries on the in-depth analysis and interpretation of the principle of legal interests protection. This not only helps judges to correctly understand and apply the principle of legal interest protection, but also provides clear legal guidance for citizens, so that they can better understand and safeguard their legitimate rights and interests. Criminal code, amendment of criminal law and judicial interpretation all reflect the principle of legal interest protection in criminal legislation and judicial practice. By constantly improving and deepening the understanding and application of the principle of legal interest protection, we can better protect the legitimate rights and interests of citizens and maintain social harmony and stability.

4. Application of the principle of legal interest protection in criminal justice practice

In the investigation stage, the judicial organs strictly follow the principle of legal interests protection, ensure that the investigation means are legal and compliant, and avoid infringing on the legitimate rights and interests of citizens. At the trial stage, the judge tries the case fairly according to the principle of legal interest protection to ensure the accuracy and fairness of the conviction and sentencing. In the process of penalty execution, the judicial organs also pay attention to the protection of legal interests, and help criminals to reintegrate into the society through education and reform and other means, and reduce the possibility of recidivism. The principle of legal interest protection plays an important role in the practice of criminal justice and helps to safeguard the legitimate rights and interests of citizens and social stability.

4.1 Implementation of the principle of judicial practice

In the process of handling cases, judicial organs always adhere to the principle of protecting legal interests to ensure the legality and fairness of criminal proceedings^[8]. During the investigation stage, investigation organs collect evidence in accordance with the law, avoid illegal collection of evidence, and ensure that the legitimate rights and interests of citizens are not infringed upon. In the stage of examination and prosecution, the Prosecutors Office conduct a comprehensive review of the cases, and make a decision not to prosecute the cases that do not meet the conditions for prosecution, so as to avoid causing unnecessary harm to citizens. At the trial stage, the court tried the case fairly in accordance with the law to ensure that the legitimate rights and interests of the defendants were fully protected.

In the process of conviction and sentencing, the court fully considers the circumstances of the defendant's crime, social harm and personal circumstances, to ensure that the application of punishment not only conforms to the principle of legal interest protection, but also reflects the criminal policy of combining mercy with severity. Judicial organs also actively use diversified dispute settlement

mechanisms such as mediation and reconciliation to promote the parties to reach a settlement agreement, reduce social contradictions and conflicts, and achieve the best effect of legal interests protection.

Judicial organs also improve citizens' understanding and understanding of the principle of legal interests protection by strengthening legal publicity and legal education. By carrying out legal publicity activities and holding legal lectures, legal knowledge and enhance citizens' awareness of the rule of law, so that citizens can better understand and safeguard their legitimate rights and interests.

4.2 Judicial practice The innovative development of the principle of Sino-French benefit protection

With the continuous development of the society and the deepening of the construction of the rule of law, the understanding and application of the principle of legal interest protection in judicial practice are also constantly innovating and developing^[9]. On the one hand, the judicial organs pay more attention to the protection of the emerging legal interests in the process of handling cases. With the development of science and technology and the progress of society, emerging legal interests are constantly emerging, such as network security, personal information protection and so on. Judicial organs actively adapt to the changes of The Times, bring these emerging legal interests into the scope of protection, and formulate corresponding judicial policies and measures to ensure that the emerging legal interests are effectively protected.

On the other hand, the judicial organs constantly explore the new paths and new methods of the principle of legal interests protection in the judicial practice. For example, in cases involving environmental crimes, judicial organs pay attention to the concept of restorative justice, and realize the organic combination of environmental protection and legal benefit protection by ordering defendants to carry out ecological restoration and compensation for losses. Judicial organs also actively use scientific and technological means to improve judicial efficiency and quality, such as the use of big data, artificial intelligence and other technologies to assist in handling cases, to ensure that the principle of legal interest protection is more accurately and efficiently implemented in judicial practice.

The implementation and innovative development of the principle of legal interest protection in judicial practice is an important embodiment of the construction of the rule of law. By constantly improving the judicial system and improving the judicial level, we can better protect the legitimate rights and interests of citizens and maintain social harmony and stability.

5. Development of the principle of legal interest protection in international criminal law

With the acceleration of globalization and the increasing number of transnational crimes, the international criminal law is facing unprecedented challenges. In this context, the principle of legal interest protection has been more widely concerned and applied. By strengthening international cooperation, all countries should jointly fight against transnational crimes and safeguard the common legal interests of the international community. The establishment of the International Criminal Court and other institutions has also provided a strong guarantee for the implementation of the principle of legal interests protection in international criminal law. It can be said that the development of the principle of legal interests protection in international criminal law not only helps to fight against transnational crimes, but also promotes the harmony, stability and common development of the international community.

5.1 Absorption and reference of the principle of legal interest protection in international criminal law

In the process of the formation and development of the international criminal law, the principle of legal interest protection has been deeply absorbed and used for reference. This principle not only occupies a core position in the domestic criminal law system, but also plays an increasingly important role in the evolution of the international criminal law. The International Criminal Court, international conventions and agreements on criminal judicial assistance among countries all show respect for and reference for the principle of protection of legal interests.

The establishment and operation of the International Criminal Court is an important embodiment of the principle of legal interest protection at the international level. The international criminal tribunal protects the common legal interests of the international community, namely human dignity and peace

and security, through the trial of international crimes, such as war crimes, crimes against humanity and genocide. In this process, the court fully absorbed the spirit of the principle of legal interests protection, and took the protection of human legal interests as the starting point and foothold of the judicial work.

When formulating and interpreting the international convention, the international criminal law also fully draws lessons from the principle of legal interest protection. International conventions usually stipulate the constitutive elements and the corresponding criminal responsibilities of international crimes, aiming to jointly fight transnational crimes through international cooperation and protect the legal interests of the peoples of all countries. In this process, the principle of legal interest protection provides theoretical support and value guidance for the formulation of international conventions. The cooperation of various countries in criminal judicial assistance also reflects the reference of the principle of legal interest protection. Through extradition and judicial assistance, all countries should work together to fight transnational crimes and safeguard the common legal interests of the international community. Such cooperation not only enhances the effectiveness of international criminal law, but also promotes the wide dissemination and application of the principle of legal interest protection at the international level.

5.2 The future development of the principle of legal interest protection of international criminal law

With the continuous development of the international community and the acceleration of the globalization process, the forms and means of transnational crime will also become more complex and diverse. In order to adapt to this change, the international criminal law will further improve the provisions and application of the principle of legal interests protection, strengthen the fight against new types of transnational crimes, and ensure that the common legal interests of the international community are effectively protected. With the deepening development of international cooperation, the cooperation of all countries in the field of criminal justice will be even closer. International criminal law will further strengthen the connection and coordination with the domestic criminal laws of other countries, promote the continuous improvement of the international criminal cooperation mechanism, and improve the efficiency and effectiveness of the fight against transnational crimes.

6. Conclusion

The principle of legal interest protection has been fully reflected in the criminal legislation. As an important legal tool to safeguard social order and citizens' rights and interests, the concept of legal interests protection always runs through its legislative process. By clearly defining criminal acts, setting the range of punishment and timely responding to social changes, criminal legislation ensures the effective implementation of the principle of legal interest protection. This not only reflects the respect for the individual rights of the citizens, but also highlights the role of the criminal law in maintaining the social order. In the practice of criminal justice, the principle of legal interest protection has been effectively implemented. When handling criminal cases, the judicial organs always adhere to the principle of protecting legal interests to ensure that the crackdown on criminal acts is both powerful and fair. At the same time, the judicial organs also pay attention to the balance between the rights and interests of criminal suspects and the social public interests, to avoid the occurrence of excessive prosecution or insufficient punishment. This balanced approach not only protects the legitimate rights and interests of the criminal suspects, but also maintains the social harmony and stability.

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