

Contents lists available at [ScienceDirect](https://www.sciencedirect.com)

International Journal of Law, Crime and Justice

journal homepage: www.elsevier.com/locate/ijlcj

INTERNATIONAL
JOURNAL OF
LAW
CRIME
AND
JUSTICE

Position Paper

An empirical study of “public security centralism” in modern China and its legal and political ramifications

Beibei Zhang^a, Wenzhang Zhou^{a,b,*}^a Xi Jinping's Rule of Law Thought Research Center, School of Law, Shandong University, Qingdao, Shandong Province, China^b Legislative Research Institute of Zhejiang University, Hangzhou, Zhejiang, China

ARTICLE INFO

Keywords:

Public security authority
Judges' behavior
The crime of aiding information network
criminal activities
Party leadership in political and legal affairs

ABSTRACT

China's public security and Western police differ significantly in their approaches to law enforcement, administrative power, and institutional structure. The former operates within a centralized and hierarchical framework and is characterized by extensive powers. In this article, we examine the impact of the “Cracking Down Illegal Cards” campaign on judicial decisions initiated and led by the highest-level organization of China's public security authorities, the Ministry of Public Security. The findings reveal an increase in convictions and a rise in judicial arbitrariness resulting from this campaign. This underscores the importance of comprehending China's political-legal system and proposes ways to improve the role of public security in social management.

1. Introduction

China's rule of law system has been the subject of extensive discussion, with certain crucial elements, particularly the functions and impact of public security authorities (公安机关), remaining elusive (Bell 2015; Wang and Minzner 2015; Li 2016). Within a historical and political-legal context, the examination of public security's role is often scarce and biased by ideologies (Jiao 2001, p. 164, Johnston 2012). A longstanding issue further aggravating this gap is the absence of reliable empirical studies that can validate and explain the above role. Based on a quantitative analysis of 21,526 cases from November 2015 to January 2022 with the application of Article 287 (2) of China's Criminal Law (CCL), this article endeavors to investigate the impact of public security authorities' policy as the conduit for the political influence of the Communist Party of China (CPC or the Party) within the judicial system. The study seeks to clarify how the identified policy can influence the conduct of court judges managing information network crimes. Expanding on this groundwork, we further explore the structural intricacies within China's political-legal system, offering insights that can inspire the formulation of optimization strategies.

The rule of law system in China significantly diverges from its foreign counterparts across various dimensions, with this article highlighting three key Chinese characteristics: the role of the CPC in governing the political-legal system, the internal power distribution within this system, and the functions of public security authorities. China favors a rule of law system in which the CPC maintains supreme authority (Sapio et al., 2017, pp. 5–7, Clarke 2020). The court, not viewed as an entirely independent entity but rather as an integral component of the extensive political-legal apparatus of the state (Xin 2003, pp. 69–70, Gu 2014; Ng and He 2017), functions in coordination with public security and other relevant authorities (Jiang 2014, pp. 406–408, Yin and Mou 2023).

* Corresponding author. School of Law, Shandong University Qingdao, Shandong, China.

E-mail address: wendellinsdu@sdu.edu.cn (W. Zhou).

<https://doi.org/10.1016/j.ijlcj.2023.100648>

Received 27 July 2023; Received in revised form 7 December 2023; Accepted 18 December 2023

Available online 28 December 2023

1756-0616/© 2023 Elsevier Ltd. All rights reserved.

It is important to emphasize that, in this context, public security differs from Western police forces. While both entities have dual powers involving administrative authority for maintaining social order and law enforcement authority for investigating illegal activities and crimes, they vary in terms of power scope, administrative management, and institutional structure (Crank and Langworthy 1992; Sprick 2019). This divergence is largely influenced by the governing model of the state (Ye 2021). In the Chinese context, the criminal policy issued by the highest-level organization of public security serves to bridge the mentioned dual powers and potentially acts as a conduit for the political influence of the CPC to permeate the judiciary, with the risk of encroaching upon judicial order in the absence of mature systems and oversight (Trevaskes 2007; Wang 2014; He 2016, pp. 13–15). In the past, the issue of the excessive power exercised by public security organs was labeled as “public security centralism.” Despite the constitutional framework advocating coordination among the “Gong-Jian-Fa (公检法),”¹ public security authorities functions as the “Party’s agents,” playing a crucial role in social management and stability maintenance (Wang and Minzner 2015). The expansion of their powers is almost inevitable (Ang and Wang 2019, p. 337), demonstrating characteristics often associated with the frequently mentioned “authoritarian regime” (Li 2015; He 2023, pp. 488–489). We observe that the term “public security centralism” is no longer used in Chinese literature, not because the problem is solved, but rather because it excessively challenges the established normative power structure outlined in China’s Constitution and is prone to eliciting skepticism and dissatisfaction. Some researchers have employed more tactful constructs such as “investigation centralism (侦查中心主义)” and “arrest centralism (逮捕中心主义)” (Qin, 2017).

Our contention revolves around the assertion that the elevated political standing of public security authorities (Wang 2014) is tied to their functional roles and positioning within social management, a linkage that holds rationality (Yin and Mou 2023). However, the notable influence wielded by their policies on judicial decisions by the courts, which presents a substantive challenge to the foundational principle of legality in criminal law, is intolerable and deserves systematic attention and redress. As demonstrated by the empirical study presented in this article, political influence, if left unchecked, can distort the rationale behind judicial decisions regarding criminal intent when convicting individuals for aiding information network crimes. The proposed solution is grounded in comprehensive interdisciplinary research encompassing political and legal studies. In the absence of a universally applicable concept of the “rule of law,” (Peerenboom 2015; Ang and Wang 2019, pp. 337–338), suggesting that China’s legal system should closely resemble the Western model can be misleading. The depicted prominent role of the Party does not inherently signify that its influence on judicial practice is entirely arbitrary (Yu and Yang 2019). Legal frameworks delineate the division of responsibilities and operational rules for various public organs, while intra-party regulations are in place to oversee the Party’s role in guiding them. Against this background, the Party plays an active role in shaping and executing laws, exerting influence on law enforcement authorities through actions such as personnel appointments and performance evaluations (Papagiannias 2023, pp. 146–148). The Party’s involvement is aimed at upholding the principles of criminal law rather than compromising them.

Building on this foundation, it is imperative to investigate the systematic and reasonable incorporation of political dynamics into the judicial process of adjudicating cases (Zheng 2020) as a plausible strategy for addressing the identified concern. Based on China’s rule of law theory, courts are mandated to decide cases based on law and fact (Xin 2003, p. 69), with criminal policy serving as a teleological interpretation rather than leading to unlawful judgments. Accordingly, the developmental goal should encompass a diverse and balanced direction, considering both the maintenance of social stability and the achievement of a specific level of human rights. This necessitates optimization in the methods of interpreting criminal laws and enhancing the Party’s capacity in leading the political-legal system.

To establish a scientifically appropriate context for discussing the above solution, Section II introduces the role of public security in managing the information network crimes, with a primary focus on the crime prevention campaign conducted by public security authorities. Following these efforts, the article employs a regression discontinuity (RD) design to assess whether and to what extent court judges’ behaviors deviate from the legitimate shape and become excessively oriented towards policy and politics. It also delves into the implications of the aforementioned deviation on private rights. The concluding remarks aim to address and remedy the identified problems.

2. The role of public security in information network crime management and relevant literature

The section encompasses two key dimensions. Firstly, it provides an overview of recent criminal law responses, particularly Article 287 (2) of the CCL, to information network crimes and their interaction with criminal policy. This sets the background for the subsequent empirical research sections, facilitating an understanding of the role of public security in addressing these crimes. Secondly, it critically examines previous research on judicial practices applying Article 287 (2) of the CCL, emphasizing the potential contributions of this article to the existing body of knowledge in this area.

2.1. The distinctive nature of China’s strategy in combating information network crimes

The crime of aiding information network criminal activities (帮助信息网络犯罪活动罪, referred to as “the aiding crime”) has arisen as a major concern amid the burgeoning cybercrime landscape and the swift progression of information technology (Cai et al., 2018). Following its inclusion in the Ninth Amendment to the Criminal Law, the judicial application of this crime has sparked widespread

¹ The term “Gong-Jian-Fa (公检法)” is an abbreviation in Chinese which represents three integral parts of China’s legal system: “Gong” (公) stands for Gong An (公安); “Jian” (检) stands for Jian Cha Yuan (检察院); “Fa” (法) stands for Fa Yuan (法院). The collaboration and distinct roles of these three branches are fundamental to both the functioning and understanding of China’s judicial system.

debate, with the main focus of investigation being the exponential increase in case numbers post-2020 and the underlying causes of this surge (Huang and Zhang 2021). The Judicial Big Data Special Report on the Characteristics and Trends of Information Network Crime (2017.1–2021.12), published by the Chinese Institute of Judicial Big Data Research in 2022, highlights the importance of the aiding crime. This offense ranks as the third most prosecuted in China, following dangerous driving and theft offenses, and it takes the lead in cases related to telecommunications and internet fraud-related crimes (Supreme People’s Court of People’s Republic of China, 2022).

The management of aiding crimes in judicial practice can be categorized into three stages, differentiated by case numbers. The first stage, preceding the issuance of the Interpretation on Several Issues Concerning the Application of Law in the Handling of Criminal Cases Such as Illicit Use of Information Networks and Assistance in Information Network Criminal Activities (referred to as “the 2019 Judicial Interpretation” or “Supreme People’s Court (SPC) Interpretation”), is characterized by a gradual increase in cases, from two in 2015 to over a hundred in 2019. The second stage, between the issuance of the 2019 Judicial Interpretation and the commencement of the “Cracking Down Illegal Cards” campaign (Li and Fan 2022), saw an acceleration in case growth, albeit not to a “surge” level. During this period, convictions and sentencing tended to be more cautious and standardized under the guidance of the 2019 Judicial Interpretation. Cases increased from over a hundred in 2019 to approximately three thousand in 2020. The third stage saw a rapid increase in case numbers. The number of individuals prosecuted for the aiding crime in 2021 was eight times higher than the previous year, ranking third among all criminal offenses and topping the list of crimes related to telecommunications fraud.

Although there is a notable disparity in case numbers across provinces, this article focuses primarily on the year-on-year changes in case numbers (as shown in Chart 1), not a geographical analysis. As illustrated below, the number of aiding crime cases began to surge rapidly in 2020. Previous studies have typically attributed this to the clarification of judgment standards for the subjective aspect of the offense in the 2019 Judicial Interpretation (Lin, 2021). However, this view is not universally agreed upon. Front-line public security and judicial personnel generally believe that the “Cracking Down Illegal Cards” campaign led by the Ministry of Public Security (MPS) has had a significant influence on law enforcement activities and judicial decisions related to the aiding crime. This is considered to be the primary reason for the surge in case numbers. This article aims to substantiate these hypotheses through empirical methods.

The “Cracking Down Illegal Cards” campaign is a nationwide initiative based on the decision by the State Council to address new forms of criminal activities linked to telecommunications and the internet. This operation, spearheaded by public security organs, primarily targets individuals involved in purchase and sale of illegal cards, leveraging the full extent of the law and supervising key cases to strictly penalize criminal groups involved in crimes with illegal cards. There is an emphasis on stringent regulation in key areas, with local party committees and governments bearing primary responsibility. The campaign also emphasizes industry self-inspection, with as strict regulatory focus on key sectors such as banking and telecommunications (Dai, 2020). Mechanisms are established in line with the principle of “whoever issues the card is responsible.” This involves refining operational measures, improving technical methods, strengthening accountability interviews, and making concerted efforts to eliminate illegal channels for running unauthorized cards (Song, 2020).

The enforcement of law in a movement-style has historically played a significant role in the development of the Chinese legal system (Trevaskes 2007; Dai 2020), labeled as “striking-hard (严打, *yanda*)” campaign (Trevaskes 2007). As the rule of law develops, there is an increasing recognition of the negative influence of crackdowns on the fundamental theories and principles of criminal law. Changes have been observed in both rhetorical discourse and legal implementation, with the term “striking-hard (严打)” gradually diminishing from official statements (G. Turner et al., 2015). Nevertheless, the approach of justice through movement-style initiatives

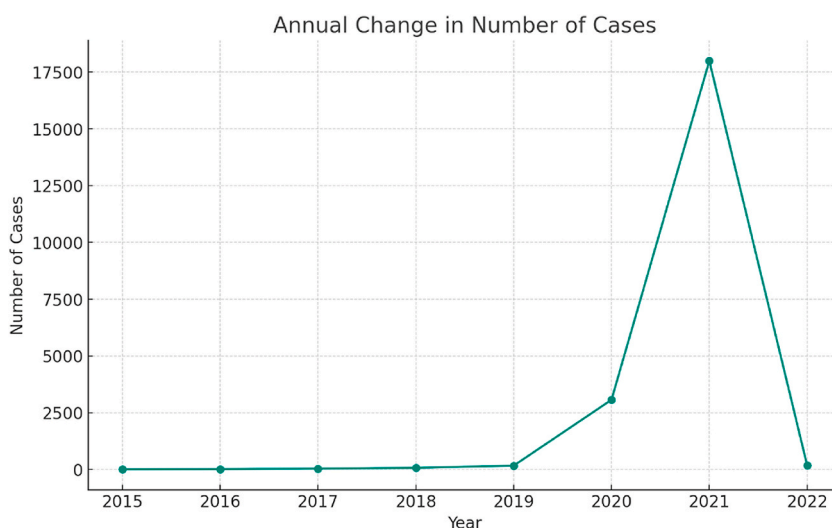


Chart 1. This graph illustrates the year-by-year variation in the count of cases. A substantial oscillation in the annual case count is discernible. It is of significance to underscore that the data for the last year may not include all cases, which could explain why there seems to be fewer cases. We will explain more about how we collect and analyze data in a subsequent section of this article.

endures and flourishes. While it makes a positive contribution to addressing pressing social issues (Liu et al., 2015; Yin and Mou 2023), its associated impacts often strain state governance resources and disrupt the general application of laws.

2.2. Literature review

This section provides a critical analysis of previous research examining the factors behind the significant rise in the application of Article 287 (2) of the CCL since 2019 as well as the departure from established legal standards outlined in judicial interpretations by court judges. While the influence of criminal policy is pertinent, existing studies have predominantly focused on analyzing the impact of the 2019 Judicial Interpretation, leaving the role of public security authorities underdiscussed. The literature examined in this section was retrieved from CNKI and PKULaw, recognized as the primary and authoritative databases in China for accessing legal publications.

Zhou and Zhao conducted a descriptive analysis of 1081 judgments involving convictions for aiding crimes, providing insights into various aspects of the judgments, including the overall situation, conviction rates, and sentencing. This paper highlights the divergent understanding among judicial authorities in terms of convictions, which consequently affects the handling of key issues in the judgments, such as the application of the accomplice's circumstances, revealing significant disparities (Zhou and Zhao 2022). Regarding sentencing, the study identifies a problem of relative leniency in the sample judgments. The dominant behavioral type observed in the cases is related to the process of settling payments. Although the previous analysis did not address the annual changes in case quantities, it lays a foundation for an objective understanding of the application of laws related to aiding crime.

Wei and Liu's research is based on 75 judgments convicting aiding crimes and concludes that the promulgation of the 2019 Judicial Interpretation by the SPC is the main reason for the surge in case numbers until 2021 (Wei and Liu 2023). The paper points out that the judicial application of the aiding crime can generate divergences, which involve the legal basis and application methods of the crime itself, as well as its competitive relationship with other related offenses. Lin from the Tianjin People's Procuratorate conducted a study on 169 judgments to investigate the judicial decisions on aiding crimes and arrived at similar conclusions (Lin 2021). After the issuance of the 2019 Judicial Interpretation by the SPC, the standard for judicial application of aiding crimes became more refined, resulting in a significant change in case quantities. Other empirical studies on aiding crimes did not attempt to establish a connection between rulemaking and judicial practice. For example, Yu's study on aiding crimes based on 18,512 judgments only mentioned "public security" once, merely to illustrate the positive effect of the rules jointly issued by the three branches of public security, procuratorate, and the court on refining the judicial application standards of aiding crimes (Yu 2023). The sample size in this study is only 12 cases, and there are flaws in the empirical research method.

In theoretical research, the quantity of aiding crimes triggers discussions on various issues, including the interplay between criminal policy and law, the theory of treating accomplices as principal offenders, the determination of criminal intent, the issue of competitive offenses, and the punishability of neutral aiding behaviors (Chen 2021; Huang and Zhang 2021; Tian 2021). Among these issues, the relationship between criminal policy and criminal law is fundamental. In this domain, one perspective posits that criminal policy can serve as an "intrinsic parameter" in individual case adjudication, asserting that China's criminal justice system has consistently incorporated value judgments and responded to the demands of social governance (Chen 2022). Conversely, another perspective contends that criminal policy should refrain from direct intervention in individual case adjudication, instead functioning as an overarching calibration mechanism for the application of criminal law (Chen 2022). At present, conflicting perspectives continue to dominate academic discussions, lacking consensus and empirical substantiation.

The "Cracking Down Illegal Cards" campaign, initiated by the MPS under the authorization of the central government, is designed to combat emerging forms of information network crimes, with a specific focus on addressing problems in telecom and banking systems. The primary objective of this campaign is to disrupt the transmission of illegal information and financial activities. It is rooted in a preventive crime policy that extends beyond information network crimes and is also employed in counter-terrorism efforts and organized crime control, aligning with international and domestic needs and experiences (Qi 2022). By implementing this policy, a balanced criminal approach is advocated, leading to a reduction in social harm and law enforcement costs associated with organized crimes and information network crimes. Although the idea of tackling problems at their root through governance is valid, it is essential to prevent any unwarranted influence on judicial practices stemming from the policy because such influence could potentially compromise the principle of legality in conviction and sentencing. Ensuring a robust system of checks and balances among public security, the procuratorate, and the court in China is essential to achieving the above-stated objective.

In China's constitutional framework, criminal policy, as part of the government's social management strategy, should not directly impact individual judicial decisions. This is because the constitutional design mandates that public security, the procuratorate, and the court have distinct responsibilities and shall collaborate with each other. This design has been labeled as the "iron triangle" in English literature, suggesting that intimate connections among the three branches of authorities could be inappropriate and may lead to unjust outcomes (Jiang 2014). If evidence suggests that the MPS campaign leads to judicial arbitrariness, it becomes necessary to examine the structure and political roles of China's public security organs beyond the legal domain. Nevertheless, these concepts have not been thoroughly explored in academic research, possibly owing to the overly rigid differentiation within legal disciplines and a lack of interdisciplinary analysis. Empirical research and theoretical analysis rarely explore the influence of public security organs and their special actions on the judiciary. Therefore, our study aims to empirically investigate the impact of the MPS-led "Cracking Down Illegal Cards" campaign, focusing on the prevention and control of information network crimes, and its underlying criminal policy on individual case adjudication. By adopting a multidisciplinary approach that integrates perspectives from law and political science, this study contributes to a comprehensive analysis of changes in the punishment of aiding crimes.

3. Empirical study: Representative case and regression discontinuity design

This paper focuses on the expansion of the application of criminal law influenced by non-legal factors. This phenomenon can be elucidated through the use of case studies and observed in the results obtained from the analysis of the sample using regression discontinuity (RD) design. We start by examining a representative case.

3.1. Representative case

In accordance with the first-instance criminal judgment of a court in Shandong Province in 2021, the defendant, Liu (born in 1962), with a primary school education and being a farmer, faced prosecution for the alleged crime of aiding. The court found that Liu had provided his own personal information to another person for money. On November 6, 2019, he registered a company and opened a corporate account using his personal information, and subsequently, allowed another person to use the company's business license and the corporate account. The investigation uncovered that this account was used for settling payments associated with online fraud, with a total amount of RMB 204,299 yuan. The prosecuting authority proposed that Liu should be found guilty of aiding a fraudulent crime under Article 287 (2) of the CCL and be sentenced to six months' imprisonment, probation for one year, along with a fine of one thousand yuan based on the above provision and the relevant procedure law rules. The court approved this proposal. The judicial adjudication indeed lacked attention to the subjective aspect of the aiding activity in question. The judgment lacks key information regarding the defendant's life experiences, educational background, behavior patterns, and his relationship with the buyer. Primarily relying on the improper use of the defendant's personal information by others, the court presumed the defendant's subjective malice, meeting the criteria for conviction under Article 287 (2) of the CCL.

The aforementioned approach to conviction is a result of the fact that judicial practice in China excessively emphasizes the "early intervention" criminal policy, to the extent that balanced criminal justice and principles of legality in sentencing may be compromised at times. Even if this conclusion is premature, the omission in the description of the subjective aspect suggests problems in the application of Article 287 (2) of the CCL, departing from the guidance of judicial interpretations, and raising concerns about unjust judgments. In response to the issues in the representative case, some practitioners have argued that judicial practice should distinguish "neutral assistance" from "intended assistance", and accordingly, criminalizing the act of "selling one's own personal information" shall be considered problematic (Chen 2021). Currently, numerous cases related to the sale of personal information involve defendants who are students. Decriminalizing specific selling behaviors, particularly those categorized as "neutral assistance," would not only align with the principle of proportionality between the crime and the punishment but also offer protection for students as a group.

3.2. Regression discontinuity design

This study employs a RD design, carefully selecting relevant explanatory variables and influential factors, and providing compelling empirical evidence. The main objective of this design is to investigate the following research questions, taking into consideration the impact of the 2019 Judicial Interpretation and the "Cracking Down Illegal Cards" campaign initiated by the MPS since October 2020: Firstly, do these two events contribute to a significant "turning point" in the number of aiding crime cases in 2019 and 2020, subsequent to the establishment of this offense? Secondly, how do these events shape judicial behavior, particularly with regard to the implementation of the "Cracking Down Illegal Cards" campaign and its potential influence on judicial arbitrariness in the application of Article 287 (2) of the CCL by judges?

The author's interviews with judicial personnel consistently identified the "Cracking Down Illegal Cards" campaign as the primary factor behind the surge in case numbers since late 2020. The subsequent empirical estimation and analysis aim to validate this perspective. While dummy variables are commonly used to capture exogenous shock effects on events, this study departs from that convention. Given the objectives of the study, the inclusion of dummy variables could introduce endogeneity issues and affect the credibility of estimated policy effects, potentially leading to biased coefficient estimations for the 2019 Judicial Interpretation and the MPS campaign. To ensure more credible causal inferences and estimates of policy treatment effects for the above two factors, respectively, as proposed earlier, the RD design is employed in this study. The RD design is considered the closest quasi-random model to natural experiments and estimates treatment effects based on the principle that discontinuities in policy or institutional arrangements result in a sharp change in outcomes when the driving variable crosses a certain threshold. The model is formulated as follows:

$$D_i = \begin{cases} 1, & x_i \geq c \\ 0, & x_i < c \end{cases} \quad (1)$$

In Equation (1), x_i denotes the time variable, which in this research represents the year. When x_i exceeds a threshold value c , the treatment variable D_i of individual i is assigned a value of 1, indicating that it falls under the policy effect treatment of the 2019 Judicial Interpretation or the MPS campaign and thus belongs to the treatment group. Conversely, a value of 0 for D_i indicates that individual i is not subjected to the policy effect treatment of the 2019 Judicial Interpretation or the MPS campaign, making it part of the control group.

A valid rationale for estimating the Average Treatment Effect (ATE) is based on the assumption that when an exogenous variable, not fully controlled by the study, induces a discontinuous perturbation in the dependent variable, it can be regarded as a consequence of the change in the treatment status. The study focuses on identifying the jump changes in the treatment variable at the point of discontinuity. If other control variables that affect the dependent variable do not exhibit jumps, the difference between the limiting

values of the dependent variable on either side of the discontinuity point can be used to estimate the ATE. This is expressed in the following equation:

$$ATE = \lim_{\epsilon \rightarrow 0} E[Y_{1i}|X_i = c + \epsilon] - \lim_{\epsilon \rightarrow 0} E[Y_{0i}|X_i = c - \epsilon] \tag{2}$$

The RD design hypothesis assumes that individuals distributed on both sides of the discontinuity do not differ systematically except for their treatment assignment. Consequently, the samples to the left and right of the discontinuity can be considered as the control and experimental groups, respectively, aligning with the principles of a quasi-randomized experiment. In Equation (2), Y_{1i} represents the outcome variable for individuals who received the policy treatment after the discontinuity date, while Y_{0i} represents the control group of individuals before the discontinuity date. The ATE estimates the impact of the treatment by using observations around the discontinuity, allowing for the identification of the average treatment effect at the threshold. The term ϵ denotes the neighborhood, capturing the time proximity and other factors surrounding the discontinuity date c .

The settings of RD models can be classified into “sharp” and “fuzzy” designs. Given the focus of this study on the specific point in time of the policy, which can be treated as a sharp discontinuity, we employed a sharp RD approach. Two primary methods are commonly used for estimating sharp RD: global panel regression and local linear regression. In this study, we opted for local linear regression, which is a nonparametric estimation method. This choice was motivated by two factors. First, the time interval between the two policies under investigation was relatively short (2019 and 2020, respectively). Second, the global panel regression method incorporated a larger number of samples, which could introduce more severe endogeneity issues. The specific regression methods used in this study are outlined below:

$$\min_{\{\alpha, \beta, \gamma, \delta\}} \sum_{i=1}^n K \left[\frac{X_i - c}{h} \right] [Y_i - \alpha - \beta(X_i - c) - \gamma D_i - \delta Z_i - f(\cdot) - g(\cdot)]^2 \tag{3}$$

Based on the aforementioned rationale, the regression model in this paper was formulated as follows:

$$Y_i = \alpha_i + \beta(X_{it} - c) + \gamma D_{it} + \delta Z_{it} + f(\cdot) + g(\cdot) + \epsilon \tag{4}$$

In Equation (4), Y_i represents the number of cases used to examine the treatment effect, α_i represents the individual fixed effect, and X is the driving variable. The set of control variables primarily affecting the number of cases, excluding the 2019 Judicial Interpretation and the MPS campaign, is denoted as Z . The functions $f(\cdot)$ and $g(\cdot)$ represent polynomials of the driving variable and the cross-product of the driving variable and the treatment variable, respectively. The cut-off date, denoted as c is the point where the 2019 Judicial Interpretation and the MPS campaign took effect, which in this study were considered as 2019 and 2020, respectively. The treatment variable, D , follows the distribution described in equation (1), and ϵ represents the random error term.

The dependent variables in this study are the effect of Article 287 (2). Two dependent variables were used for measurement: the number of crimes under Article 287 (2) (CN) and the judge’s attitude towards crime under Article 287 (2) (JA). Considering the research hypothesis that the 2019 Judicial Interpretation and the MPS campaign would impact the number of collected and decided cases by the court, CN was used as the primary dependent variable. Additionally, to test the research hypothesis that the 2019 Judicial Interpretation and the MPS campaign would influence judges’ attitudes towards crime applying Article 287 (2), JA was used as an alternative dependent variable. The data for JA were derived from subjective aspects expressed by judges in the judgment documents. A value of 1 was assigned if the information was available and 0 if not. By assigning equal weights and employing a forward normalization method, JA was quantified as a continuous variable ranging from 0 to 1. A value closer to 0 indicates greater arbitrariness in the judge’s behaviors, while a higher value indicates the opposite.

The sample judgments, obtained from the China Judgment Online, served as the source for the dependent variables. In March 2021, all publicly available administrative judgments since 2015 were obtained from the China Judgment Online through a legal technology company, Bashou Platform, totaling 22,520 initial judgments. In comparison to previous studies that utilized crawling techniques, this dataset endeavors to mitigate the issue of incomplete crawling and aims to provide a comprehensive study of its kind up to this point. After excluding invalid cases, a total of 21,526 micro cases from November 2015 to January 2022 were selected for province-to-year panel data matching. CN and JA were extracted from this dataset.²

To enhance the precision of the regression analysis, several explanatory variables were included in the model. These variables are as follows:

Network development rank (NDR): As crime under Article 287 (2) is a modern technological crime relying on internet-based communication, the level of network development in a region is closely linked to the occurrence of such crimes. Thus, the NDR measured by the China Internet Network Information Center was selected to represent the network development level.

Degree of development of digital finance (DDDF): Since crimes under Article 287 (2) often involve e-money transactions, the degree of development of local e-finance is strongly associated with the occurrence of these crimes. In this study, the Digital Inclusive Finance Index, measured by the Digital Finance Research Center of Peking University, was used as a proxy variable for DDDF.

Gross Domestic Product (GDP): GDP reflects the monetary flow of goods and services within a region and has been shown to be closely related to fraud-type crimes. Given that crime under Article 287 (2) falls under the category of fraud-type crimes, local GDP

² The number of crimes related to fraud saw a decline in 2022, but the exact reasons for this decrease remain uncertain. There have been rumors suggesting that the courts may have adjusted the proportion of such cases made available for public access online. However, further investigation is needed to establish a clear understanding of the underlying factors contributing to this decline.

data were included as an explanatory variable, obtained from official statistical office websites and publications.

Total number of fraud cases (FCN): Fraud cases exhibit a significant correlation with the number of crimes under Article 287 (2), making the total number of fraud cases a suitable control variable. These data were acquired from the China Judgment Online.

Total number of criminal cases (CCN): Since crime under Article 287 (2) is a criminal case, the total number of criminal cases in a region can influence judges' attitudes in their case decisions. Therefore, the total number of criminal cases was included as a control variable. To mitigate bias caused by heteroskedasticity and improve smoothing, all variables in this study were logarithmically transformed. Descriptive statistics of the raw data for these variables are presented in Table 1.

4. Analysis of empirical data

4.1. Regression discontinuity results

1. Graphical Analysis

Before conducting an RD analysis, it is customary to visually examine the relationship between the driving variable (i.e., time) and the dependent variable using a graph with horizontal and vertical axes. If a substantial discontinuity is observed in the number of crimes under Article 287 (2) before and after the cutoff point, it suggests that the 2019 Judicial Interpretation and the MPS campaign may have had an effect. The trend in the number of crimes under Article 287 (2) before and after the discontinuity of the SPC and MPS policies is illustrated in Fig. 1.

Table 1
Descriptive statistics for the main research variables.

Variable	Number	Mean	SD	Min	Max
CN	217	97.96	317.8	0	2651
JA	217	0.156	0.263	0	1
FCN	217	1163	1008	6	5468
CCN	217	26,291	19,715	189	112,753
GDP	217	29,398	24,311	1046	124,370
NDR	217	33,616	20,007	915.0	125,048
DDDF	217	292.3	57.70	186.4	453.6

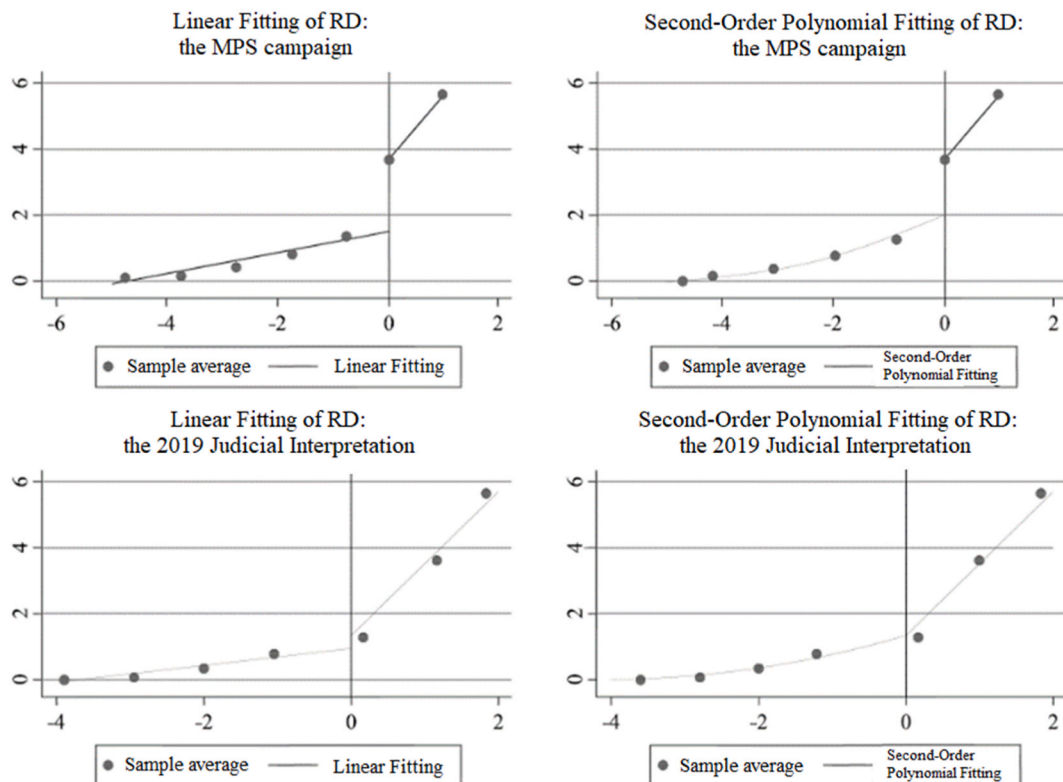


Fig. 1. Relationship between number of crimes under Article 287 (2) and driving variables.

In Fig. 1, the horizontal axis represents the year as the driving variable, while the vertical axis represents the logarithm of the number of crimes under Article 287 (2). It is clear from Fig. 1 that there is a noticeable jump in the number of crimes under Article 287 (2) due to the policy discontinuity, regardless of whether the cutoff point is set at the time of 2019 Judicial Interpretation and the MPS campaign enactment or whether a linear or quadratic fit is applied.

2. Regression Result Analysis of Policy Treatment Effect

To provide additional evidence that the increase in the number of crimes under Article 287 (2) is indeed attributable to the 2019 Judicial Interpretation and the MPS campaign, a local linear regression approach was employed for the RD estimation. To enhance the reliability of the estimation, the triangular kernel function approach was utilized. The estimation results are presented in Table 2.

Table 2 reveals that the average treatment effect of the 2019 Judicial Interpretation is only statistically significant at 0.5 times the optimal bandwidth condition when control variables are not included. The estimated elasticity coefficient of the treatment effect is 0.5288. This indicates that, on average, the number of cases decided by judges increased by approximately 0.5288% following the implementation of the 2019 Judicial Interpretation. In contrast, the average treatment effect of the MPS campaign is consistently positive and statistically significant, regardless of the inclusion of control variables. When considering the results using the optimal bandwidth with control variables, the estimated elasticity coefficient for the MPS campaign is 2.0729. This suggests that, on average, the number of cases decided by judges increased by approximately 2.0729% following the implementation of the MPS campaign. Therefore, the effect of the MPS campaign is more substantial.

3. Validity Test of Regression Discontinuity

The validity of the RD results presupposes that the control variables themselves do not have significant discontinuity in the vicinity of the driving variables. Therefore, in this study, the validity of the control variables was tested near the temporal discontinuity of the 2019 Judicial Interpretation and the MPS campaign. This research used local linear discontinuity estimation under the triangular kernel function to select the optimal bandwidth. The test results are as follows.

The results in Table 3 indicate that the p-values of the treatment effects of the control variables under the respective driving variables are mostly greater than 0.1, except for DUF, which has a p-value less than 0.1 under the treatment effect of the MPS campaign. This suggests that the set of control variables does not exhibit significant discontinuity near the policy discontinuities and is suitable for estimating treatment effects. Therefore, the local linear RD results presented in Table 2 are more reliable. The findings support the hypotheses: the 2019 Judicial Interpretation does not have a significant effect on judges, while the MPS campaign has a significant impact on judges.

Table 2
Local linear RD results.

	Explained Variable : CN			
	SPC Interpretation	SPC Interpretation	MPS campaign	MPS campaign
Treatment Effect of Optimal Bandwidth	0.1518 (0.3734)	0.1018 (0.3080)	1.7997*** (0.4893)	2.0729*** (0.3822)
0.5x Treatment Effect of Optimal Bandwidth	0.5288** (0.2405)	0.2592 (0.2219)	2.3286*** (0.3353)	2.1702*** (0.2631)
2x Treatment Effect of Optimal Bandwidth	0.2669 (0.2819)	0.3228 (0.2319)	2.0373*** (0.3416)	2.3039*** (0.2386)
N	217	217	217	217
Optimal Bandwidth	2.04	2.04	2.86	2.86
0.5x Optimal Bandwidth	1.02	1.02	1.43	1.43
2x Optimal Bandwidth	4.09	4.09	5.73	5.73
Control Variable	N	N	Y	Y
Kernel	Triangular Kernel	Triangular Kernel	Triangular Kernel	Triangular Kernel

Note: Standard error in parentheses. *Significant at 10%; **significant at 5%; ***significant at 1%. The commonly used least mean square error method was chosen as the estimation principle for the local linear RD estimation results.

Table 3
Smoothing test results for control variables.

Variable	lnFCN	lnCCN	lnGDP	lnNDR	lnDDDF
Estimates of treatment effects: 2019 Judicial Interpretation	-0.1995 [0.669]	-0.1652 [0.639]	-0.0493 [0.882]	-0.0519 [0.898]	-0.0331 [0.311]
Estimates of treatment effects: MPS campaign	0.3017 [0.390]	0.1523 [0.726]	-0.0021 [0.995]	0.1880 [0.648]	0.0748 [0.002]

Note: P-values are in [].

Table 4
Local linear RD results for replacing the explained variable.

	Explained Variable : JA			
	SPC Interpretation	SPC Interpretation	MPS campaign	MPS campaign
Treatment Effect of Optimal Bandwidth	0.0147 (0.0570)	-0.0615 (0.0501)	-0.1116 (0.0917)	-0.0820 (0.0729)
0.5x Treatment Effect of Optimal Bandwidth	/	/	-0.0968** (0.0462)	-0.1368*** (0.0402)
2x Treatment Effect of Optimal Bandwidth	-0.0743 (0.0758)	-0.0679 (0.0612)	-0.1574*** (0.0562)	-0.1258*** (0.4634)
N	217	217	217	217
Optimal Bandwidth	1.72	1.72	2.31	2.31
0.5xOptimal Bandwidth	0.86	0.86	1.16	1.16
2x Optimal Bandwidth	3.45	3.45	4.63	4.63
Control Variable	N	N	Y	Y
Kernel	Triangular Kernel	Triangular Kernel	Triangular Kernel	Triangular Kernel

Note: Standard error in parentheses. *Significant at 10%; **significant at 5%; ***significant at 1%.

4.2. Robustness tests

1. Robustness Test for Replacing the Explanatory Variables

Considering the significant influence of policy-driven variables the 2019 Judicial Interpretation and the MPS campaign on judges’ attitudes toward crimes under Article 287 (2), a substitution of the explained variable was employed to conduct robustness estimation using the local linear RD approach. The results of this analysis are presented in Table 4.

The most notable change in the estimation results in Table 4 compared to Table 2 is the insignificant treatment effect of the 2019 Judicial Interpretation. On the other hand, the treatment effect of the MPS campaign is consistently significant and negative across all optimal bandwidth conditions. Based on these findings, it can be concluded that the 2019 Judicial Interpretation does not have a significant effect on the subjective attitude aspect of judges in their decision-making for crimes under Article 287 (2). However, the MPS campaign demonstrates a significant negative effect on the subjective attitude aspect of judges in their decision-making for crimes under Article 287 (2). This suggests that the MPS campaign, rather than the 2019 Judicial Interpretation, leads to a more lenient and arbitrary subjective aspect in judges’ decisions.

2. Placebo Test

To mitigate the potential influence of policy perturbations, a placebo test was conducted in this study. The placebo test involved selecting an alternative point in time as a pseudo-policy driver variable, which differed from the actual policy time driver variable. The purpose of the placebo test was to substitute the outcome variable with a “pseudo-outcome” that was known to be unaffected by the original policy driver variable. The regression analysis was then rerun using the pseudo-outcome. If the results were not statistically significant, it would validate the placebo test.

For this study, the years 2016, 2017, and 2018 were chosen as pseudo-policy points prior to the actual discontinuities of the 2019 Judicial Interpretation and the MPS campaign. The results of the placebo test are depicted in Fig. 2. As shown in Fig. 2, there is no significant non-zero policy treatment effect observed before or after the selected pseudo-policy point. This indicates that the placebo test yielded non-significant results, thus confirming the robustness of the policy effects of the 2019 Judicial Interpretation and the MPS

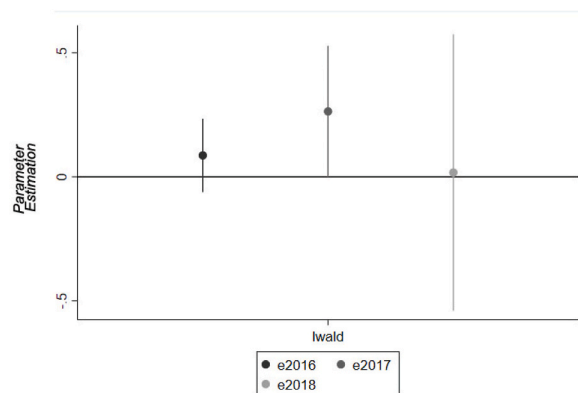


Fig. 2. Placebo test.

campaign. Based on the successful passage of the robustness test, all hypotheses were confirmed.

5. Legal and political implications of the empirical findings

This section delves into the legal and political implications arising from the empirical findings. The undue influence of actions carried out by public security organs for crime control objectives on the judiciary is primarily a legal issue. However, the underlying dimensions of this matter encompass a range of non-legal considerations, including the role and position of public security organs within China's power structure, party leadership in political and legal affairs, and the governance capacity and principles of the Party. In addressing these non-legal aspects, the proposal is grounded in the idea that, first and foremost, a rule of law framework can be established in non-Western democracies (Ang and Wang 2019), and the reform agenda in China aims not to reject party leadership but to regulate the influence of the Party on judicial practice. Further reform should be directed towards enhancing the efficient distribution of powers among different political and legal institutions, refining the interpretative structure of criminal legislation and its connection with criminal policy, and improving the approaches through which the Party guides political-legal affairs.

5.1. Legal responses to public security centralism

Drawing on the empirical data presented, the actions carried out by public security organs in combating cybercrime under Article 287 (2) of the CCL appear to deviate from the principles of legality and proportionality. This deviation introduces potential issues in judicial decision-making, manifesting as confusion in conviction and sentencing logic, oversight of crucial reasoning steps, and a tendency towards arbitrariness in trial procedures and outcomes. The observable changes in the number of cases demonstrate the aforementioned deviation, and the empirical research serves to explain the impact of the public security campaign as a contributing factor. This impact occasionally supersedes statutory law and judicial interpretation, jeopardizing the ideal model where criminal policy serves the purpose of teleological interpretation. As shown in Table 3, the actions of public security authorities diminish the emphasis on the subjective aspects of aiding crimes in judges' decision-making processes.

In 2016, the issuance of the "Opinions on Several Issues Concerning the Application of Laws in the Handling of Criminal Cases of Telecommunications and Internet Fraud" by the supreme judicial authorities aimed to provide legal guidance for controlling cybercrime. However, the practical application of criminal law provisions related to aiding crimes was not activated, and the reasons behind this have not been thoroughly explored in related studies. Subsequently, the 2019 Judicial Interpretation was formulated by the same authorities, providing specific and practical standards for conviction and sentencing in aiding crimes with the application of Article 287 (2) of the CCL. Notably, Articles 11 and 12 of this interpretation offered clear definitions for previously ambiguous elements such as presumed intent of the crime, while Article 13 explicitly stated that the non-pursuit of criminal responsibility by the upstream criminal does not impact the determination of aiding crimes, which holds significant guiding value in judicial practice. Some scholars argue that, beginning in 2020, there has been a significant rise in aiding crime cases directly linked to the above judicial interpretation. However, the empirical data in this study contradict this perspective. In Table 2, the 2019 Judicial Interpretation exhibits a significant correlation only in the case of processing effects at 0.5 times the optimal bandwidth when control variables are not considered. However, this significance diminishes when control variables are included, failing the robustness test. It is evident that the primary statistical significance affecting the quantity of aiding crimes and the subjective behavior of judicial convictions lies in the "Cracking Down Illegal Cards" campaign, highlighting the influence of the crime control policy issued by public security.

The empirical research results do not support the exclusion of early intervention as an effective tool in combating new challenges in crime control. Neither does it constitute a challenge to the idea that the teleological interpretation serves as the channel for criminal policy to enter into the implementation of the CCL. The early intervention strategy itself is the result of the government providing policy guidance for the criminal law enforcement (Du 2013, pp. 74–75). This strategy holds significant value in terms of legislation, legal interpretation, and judicial practical activities, delivering positive outcomes in the governance of counter-terrorism, organized crimes, and crimes related to telecommunications and online fraud (Li 2019). Law enforcement under the influence of teleological interpretation should consider criminal policy in a proper and legitimate manner (Du 2013, p. 74). At the very least, policies and related actions shall adhere to the principle of legality and proportionality, especially that the policy's effectiveness does not surpass that of criminal law.

In Chinese scholarship, discussions on the relationship between criminal policy and criminal law take various paths. One approach involves an overview of the underlying theories and norms regarding the policy orientation of criminal law. Others delve into the functions and roles of criminal policy in interpreting criminal law, sometimes exploring this topic in more specific domains. Macro narratives often fail to account for the dynamic interplay between criminal policy and criminal law, which can undergo changes in form and extent in response to contextual shifts. In contrast, discussions grounded in detailed perspectives may become overly fixated on specific scales of conviction and sentencing, overlooking the broader elevation of specific issues to a discussion on paradigm construction. Additionally, there tends to be a tendency to overlook the importance of empirical analysis in these discussions, which is crucial for a comprehensive understanding of the practical implications of legal and policy changes.

In the context of applying Article 287 (2) of the CCL, the legal responses to address the identified issue of excessive application include specific methods for legal interpretations. Prioritizing the application order of different interpretive methods and giving precedence to textual and systemic interpretations before resorting to teleological interpretation are crucial. The most urgently needed correction is for judges to return to the correct path of presuming subjective elements, as stipulated in law and judicial interpretation, despite the policy urgency in punishing aiding crimes. Towards this end, strengthening the theoretical foundation of aiding crimes shall be the primary step, facilitating a typological analysis of "aiding behavior" and enabling the possibility of decriminalizing neutral

assisting behavior (Chen 2022). Balancing various considerations, the highest judicial organs shall consider issuing more specific and scientifically grounded judicial application guidelines based on the 2019 Judicial Interpretation.

The decriminalization of certain neutral assisting behaviors does not imply a lack of regulation for such activities. In cases where these behaviors prove disruptive and costly for social management, regulation can be achieved through administrative law measures or other existing laws that provide punishment for activities falling below the threshold for criminal liability. Public security organs, being the primary authority responsible for implementing the “Law on Administrative Penalties for Public Security,” have the discretion to impose various administrative penalties on neutral assisting behaviors, thus avoiding excessive interference with individual rights and freedoms. The scope of applicable law preceding criminal law includes the “Law on Administrative Penalties for Public Security” and the newly implemented “Anti-Telecommunications and Internet Fraud Law” (Vo 2023). The latter is more directly aimed at achieving a balanced approach to curbing cybercrime while preventing the undue expansion of criminal legislation. It makes criminal liability the ultimate safeguard in crime control.

In light of the empirical study, it is observed that not all judges decide the subjective aspects in aiding crimes judgments in a problematic manner. This indicates the influence of judges’ professional qualifications in achieving a balance between criminal policy and the basic principles of criminal law. Prospective reforms may concentrate on enhancing personnel management, particularly through more effective classification of judicial personnel, the implementation of robust accountability and evaluation systems, and training programs that prioritize knowledge of laws, judicial interpretations, and policies. This approach ensures that judges have an accurate understanding of legitimate avenues for participating in social governance. Arguably, achieving this objective requires a thorough examination of both legal and political dimensions, underscoring the significance of the subsequent section that delves into non-legal factors.

5.2. The phenomenon of public security centralism and political science responses

The empirical research does not deny the legitimacy of the Party’s leadership; rather, it emphasizes its crucial role in enhancing social governance efficiency, ensuring policy implementation and law enforcement, coordinating various departments, and maintaining consistency. The phenomenon of public security centralism is arguably a result of institutional design, but the arbitrary nature of judicial decisions stemming from such phenomenon is neither inevitable nor desirable. From the political perspective, we argue that the root cause of public security centralism lies in the function of public security organs as agents of the Party’s leadership in social management and the dominant role of the Party in China’s affairs. If it is impractical to eliminate public security centralism in the short term, mitigating its side effects requires comprehensive solutions, particularly through optimized institutional design grounded in a precise understanding of the current system.

Within the existing regime, the Party’s influence on the political-legal system manifests through three main avenues. Firstly, the Party’s personnel management system, which encompasses the selection, appointment, assessment, and rewards and punishments of judges, generates political dynamics and influences task allocation. Furthermore, party groups within the political and legal system assume a leadership role in judicial work. Lastly, the various levels of government, particularly public security organs, act as vital agents of Party leadership. Through coordination and cooperation mechanisms among public security, procuratorial, and judicial organs, these organs are influenced by political considerations.

Throughout the history of the People’s Republic of China, the Party’s influence has undergone multiple stages of development. The current institutional framework for Party leadership in political and legal affairs is primarily manifested in the “Political and Legal Committee” model, as stipulated in the “Regulation on the Work of the CPC in Political and Legal Affairs.” This Regulation aims to strengthen and enhance the Party’s leadership over the political and legal system by providing clear guidance on the direction, specific mechanisms, methods, and approaches of Party control in political and legal affairs. The regulation emphasizes the combination of Party leadership and the rule of law, with the aim of ensuring the proper development of the political and legal field and safeguarding a level of judiciary’s independence and impartial exercise of judicial powers. However, the vague content of some key aspects of the above regulation has posed implementation challenges, particularly in its failure to clearly define the responsibility system for the Party’s leadership in political and legal affairs.

Considering the impact of Party leadership on the political dynamics, the authors argue that the legalization and reform of Party leadership in political and legal affairs should be pursued concurrently through rule design and capacity enhancement. Firstly, it is crucial to clarify the division of powers and responsibilities between the Political and Legal Committee and the political and legal organs under its guidance. Secondly, the coordination between Party groups within political and legal organs and the independent adjudication of judges should be addressed.

To be specific, Article 3, Clause 2 of the “Regulation on the Work of the CPC in Political and Legal Affairs” succinctly summarizes the functional positioning of the Political and Legal Committees as the Party’s department responsible for leading and managing political and legal work. This framework serves as an important organizational structure for implementing Party leadership in political and legal affairs. The leadership role of Party groups within political and legal organs is specifically addressed in Chapter 5 of the regulations, emphasizing their participation in leadership and decision-making in accordance with established procedures to ensure the unified implementation of the Party’s line, principles, policies, the Constitution, and laws. Procedural design should ensure that the exercise of judicial functions by judicial organs falls under the leadership and supervision of the Political and Legal Committees.

In managing such crimes, it is crucial for the Political and Legal Committees to provide leadership and supervision, adhering to policy guidelines for governing information network crimes. However, the Political and Legal Committees should not supplant specific adjudication processes, nor should it compel judges to deviate from the principle of legality or lower the standards for the examination of the key elements of the crime. The Political and Legal Committees carries the responsibility of promptly rectifying any deviations

from the law and judicial interpretations in their judgments and ensuring individual accountability. While Party groups may engage in research on specific cases, as long as their methods are appropriate and their procedures are legal, they should not be characterized as improper interference in judicial affairs. Throughout this process, Party groups should not solely focus on implementing the Party's crime control policies, but also prioritize ensuring the legitimacy and legality of judicial adjudication, while tracking and analyzing the social impact of judicial judgments.

China's political reform need to further prioritize the "human factor." Namely, it is crucial to improve the systems for selecting and appointing leading officials and enhancing their capabilities. This will ensure that relevant officials possess an accurate understanding of the political logic and legal basis underlying the Party's leadership in political and legal affairs. Key personnel responsible for leading and managing political and legal work within the Political and Legal Committees should include a certain proportion of professionals with a legal background. Any illegal or irregular intervention in the selection, evaluation, rewards, and punishments of judicial personnel must be strongly addressed to prevent political forces from arbitrarily altering the standards of judicial adjudication. This will enable the SPC to effectively guide the adjudication activities of lower courts. The selection of Party groups within political and legal organs should prioritize individuals with legal expertise and judicial work experience, as they directly engage with political and legal affairs. Members of court Party groups should also hold positions as members of the judicial committees, ensuring the unity of Party leadership and the professionalism of judicial work, as well as consistency in rights and responsibilities. The role of court Party groups is pivotal in addressing the issues examined in this article. While they cannot replace judges in exercising judicial powers, they can create a favorable environment for the exercise of such powers and ensure that judicial activities conform to constitutional and legal provisions in terms of procedures and substance. This is expected to lead to favorable political and social ramifications.

In addition to emphasizing the pivotal leadership role of the Political and Legal Affairs Committees and Party groups, and bolstering their leadership acumen, it is imperative to address the issue of excessive "power weighting" vested in public security authorities within the Party's power structure. Presently, the preeminent political standing of top leaders in public security organs markedly exceeds that of their counterparts in the courts and procuratorates, thereby underscoring the existence of public security centralism and its inherently political nature. In the long run, the phenomenon of public security weighting intricately intertwines with the objectives and requisites of social governance in China (Wang and Minzner 2015). The delegation of increased political authority to public security organs arises from the state's steadfast pursuit of security and stability, and, therefore, the reevaluation of objectives in social governance bears considerable importance.

6. Conclusion

In conclusion, this scholarly inquiry provides a nuanced understanding of the implications stemming from the 2019 Judicial Interpretation and the MPS campaign on the adjudication of information network crimes under Article 287 (2) of the CCL. The empirical findings underscore that the MPS campaign, rather than the 2019 Judicial Interpretation, significantly influenced case volumes and the behaviors of judges. The crux of this impact lies in the excessive power wielded by public security authorities, surpassing their counterparts in the political-legal system.

It is crucial to emphasize that this study does not seek to challenge the legitimacy of the Party's leadership. On the contrary, it acknowledges its pivotal role in improving the efficiency of social governance, ensuring policy implementation, coordinating various departments, and maintaining coherence, while it could be argued that the Party should adjust its social management goals and methods as circumstances require. China's distinct governance models, often referred to as political meritocracy (Bell 2015), Chinese-style rule of law, and Party-led political and legal affairs, warrant greater attention in the realms of legal studies, political science, and related academic fields. The unique characteristics of the China model do not imply an intention to replace counterparts but merely reflect the multitude of choices and diverse approaches in social governance.

Embracing such diversity, the article proposes, given the continued existence and impact of the "extra power" enjoyed by public security, a necessity to delve deeper into the partition of powers and responsibilities between the Political and Legal Committee and the political and legal entities under its guidance or enhance the overall capacity of the CPC in leading political-legal work, especially by optimizing the selection and appointment system. On this basis, it is contended that the simultaneous pursuit of legalizing and reforming the Party's leadership in political and legal affairs can be effectively achieved through strategic rule and power structure design, along with the enhancement of governance capacities.

Funding

This article is funded by Ministry of Justice Rule of Law Construction and Legal Theory Research Project (Si Fa Bu Fa Zhi Jian She Yu Fa Xue Li Lun Yan Jiu Bu Ji Ke Yan Xiang Mu), 22SFB4003, and is associated with the Shandong University Humanities and Social Sciences Innovation Team (Data Use and Data Governance Innovation in the Strategic Implementation of the Comprehensive Rule of Law).

Ethical approval

Not applicable.

Data availability statement

The data that supports the findings of this study are available from China Information Online (中国裁判文书网, <https://wenshu.court.gov.cn/>) but restrictions apply to the availability of these data, which were used under license for this study, and so are not publicly available. Data are however available from the authors upon reasonable request and with permission of China Information Online.

CRedit authorship contribution statement

Beibei Zhang: Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Project administration, Resources, Supervision, Writing - original draft. **Wenzhang Zhou:** Data curation, Software, Writing - review & editing, Project administration, Formal analysis.

Declaration of competing interest

The authors declare that they have no conflict of interest.

Acknowledgement

The contributions of colleagues and friends greatly enriched this article. Professor Zhou Xiaotian's valuable feedback on the initial manuscript, Professor Xu Chengjin's facilitation of sample collection, and Zheng Peng's insightful contributions and intellectual support during the writing process are gratefully acknowledged.

References

- Ang, L., Wang, J., 2019. Judicial independence in dominant party states: Singapore's possibilities for China. *Asian J. Comp. Law* 14 (2), 337–371.
- Bell, D.A., 2015. *The China Model: Political Meritocracy and the Limits of Democracy*. Princeton and Oxford.
- Cai, T., Du, L., Xin, Y., Chang, L.Y.C., 2018. Characteristics of cybercrimes: evidence from Chinese judgment documents. *Police Pract. Res.* 19 (6), 582–595.
- Chen, H., 2021. 网络中立帮助行为可罚性探究 (Exploration of the enforceability of network neutrality in assisting behaviors). *学术论坛 (Academic Forum)* 44 (2), 51–60.
- Chen, X., 2022. 论中立的帮助行为 (Exploring the neutral assisting acts). *东方法学 (Oriental Law)* 2022 (4), 133–145.
- Clarke, D., 2020. Anti anti-orientalism, or is Chinese law different? *Am. J. Comp. Law* 68 (1), 55–94.
- Crank, J.P., Langworthy, R., 1992. An institutional perspective of policing. *J. Crim. Law Criminol.* 83 (2), 338, 1973.
- Dai, M., 2020. The 1983 strike-hard campaign in China: a moral panic? *Br. J. Criminol.* 60 (5), 1220–1241.
- Du, Y., 2013. 刑事政策与刑法的目的论解释 (criminal policy and the teleological interpretation of criminal law). *法学论坛 (Legal Forum)* 28 (6), 74–83.
- Gu, W., 2014. Courts in China: judiciary in the economic and societal transitions. In: Yeh, J., Chang, W.-C. (Eds.), *Asian Courts in Context*. Cambridge University Press, Cambridge, pp. 487–527.
- He, J., 2016. *Back from the Dead: Wrongful Convictions and Criminal Justice in China*. University of Hawai'i Press.
- He, X., 2023. From hierarchical to panoptic control: the Chinese solution in monitoring judges. *Int. J. Constatut. Law* 21 (2), 488–509.
- Huang, Z., Zhang, Z., 2021. 帮助信息网络犯罪活动罪的规范解析和司法适用 (The crime of assisting information network crimes: normative interpretation and judicial practice). *人民监察 (People's Procuratorial Semimonthly)* 2021 (23), 49–53.
- Jiang, N., 2014. Iron triangle of the gong jian fa: lessons from wrongful convictions in capital cases? *International Journal of Law, Crime and Justice* 42 (4), 406–422.
- Jiao, A.Y., 2001. Police and culture: a comparison between China and the United States. *Police Q.* 4 (2), 156–185.
- Johnston, H., 2012. State violence and oppositional protest in high-capacity authoritarian regimes. *Int. J. Comput. Vis.* 6 (1), 55–74.
- Li, L., 2015. "Rule of law" in a party-state: a conceptual interpretive framework of the constitutional reality of China. *Asian Journal of Law and Society* 2 (1), 93–113.
- Li, L., 2016. The Chinese communist party and People's courts: judicial dependence in China. *Am. J. Comp. Law* 64 (1), 37–74.
- Li, E., 2019. Fighting the 'three evils': a structural analysis of counter-terrorism legal architecture in China. *Emory Int. Law Rev.* 33.
- Li, X., Fan, F., 2022. "断卡"行动中帮助信息网络犯罪活动罪的司法实务适用难点及出路 (Difficulties and solutions in judicial practice of convicting the crime of assisting criminal activities related to information and networks in the light of the campaign of cracking down illegal band and SIM cards). *法制博览 (Legality Vision)* (2), 2022.
- Lin, X., 2021. 从规范扩张到实践跟进: 帮助信息网络犯罪活动罪的司法运行样态分析 ——基于 169 份生效裁判文书的实证分析 (From the extended application of law to the practical supplementary facilities: the crime of assisting criminal activities related to information and networks and its application in practice —— an empirical study based on 169 effective court judgments). *江西警察学院学报 (Journal of Jiangxi Police Institute)* (6), 2021.
- Liu, N.N., Lo, C.W.-H., Zhan, X., Wang, W., 2015. Campaign-style enforcement and regulatory compliance. *Publ. Adm. Rev.* 75 (1), 85–95.
- Ng, K.H., He, X., 2017. *Embedded Courts: Judicial Decision-Making in China*, first ed. Cambridge University Press.
- Papagiannas, S., 2023. Smart governance in China's political-legal system. *China Law and Society Review* 6 (2), 146–180.
- Peerenboom, R., 2015. Rule of law political legitimacy and civil disobedience in China: a reply. *Hague Journal on the Rule of Law* 7 (1), 91–95.
- Qi, W., 2022. "少捕慎诉慎押"背景下打早打小刑事政策之适用与反思 ——以网络犯罪治理为视角 (application and reflection on the early intervention and early prosecution criminal policy in the context of 'less arrests, cautious prosecution, and cautious detention' - a perspective on the governance of cybercrime). *政法论坛 (Tribune of Political Science and Law)* 40 (2), 62–73.
- Qin, Z., 2017. 侦查重心理论研究 ——对"以审判为中心"诉讼制度改革反思与拓展 (Investigation-Centric Approach - Reflection and Expansion on the Reform of the "Trial-Centric" Adjudication System), (3). *Journal of Sichuan University (Philosophy and Social Sciences Edition)*, pp. 141–152.
- Sapio, F., Trevasques, S., Biddulph, S., Nesossi, E., 2017. The expression of justice in China. In: Nesossi, E., Sapio, F., Biddulph, S., Trevasques, S. (Eds.), *Justice: the China Experience*. Cambridge University Press, Cambridge, 3–25.
- Song, Y., 2020. The State Council Initiated Campaign to Crack Down Illegal SIM Cards and Bank Cards.
- Sprick, D., 2019. Predictive Policing in China: an Authoritarian Dream of Public Security.
- Supreme People's Court of People's Republic of China, 2022. 司法大数据专题报告显示 ——涉信息网络犯罪案件量逐年上升, 诈骗罪占比最高 (According to a Specialized Report on Judicial Big Data, the Number of Cases Related to Information Network Crimes Has Been Increasing Year by Year, with Fraud Crimes Accounting for the Highest Proportion).
- Tian, C., 2021. 帮助信息网络犯罪活动罪中"明知"的审查判断 (The review standards for the intention of the crime of assisting telecom and network crimes). *西部学刊 (Journal of Western)* (148), 42–46.
- Trevasques, S., 2007. Severe and swift justice in China. *Br. J. Criminol.* 47 (1), 23–41.

- Turner, G., Feinerman, K.V., J. Guy, R.K., 2015. *The Limits of the Rule of Law in China*. University of Washington Press.
- Vo, A.L.-H., 2023. Penalties for Administrative Cybersecurity Violations [online]. *Lexology*. Available from: <https://www.lexology.com/library/detail.aspx?g=a86ef65d-8780-4328-8493-0e917f4eb56e>. (Accessed 4 December 2023).
- Wang, Y., 2014. Empowering the police: how the Chinese communist party manages its coercive leaders. *China Q.* 219, 625–648.
- Wang, Y., Minzner, C., 2015. The Rise of the Chinese Security State. *The China Quarterly*. June 2015 (222).
- Wei, H., Liu, Q., 2023. 帮助信息网络犯罪活动罪司法适用匡正——由75份二审判决书切入 (correcting the judicial application of criminal liability in assisting information network criminal activities - an analysis based on 75 appellate judgments). *武汉科技大学学报(社会科学版)* 25 (1), 88–94.
- Xin, C., 2003. What kind of judicial power does China need? *Int. J. Consitut. Law* 1 (1), 58–78.
- Ye, R., 2021. Shifting meanings of fazhi and China's journey toward socialist rule of law. *Int. J. Consitut. Law* 19 (5), 1859–1881.
- Yin, B., Mou, Y., 2023. Centralized law enforcement in contemporary China: the campaign to “sweep away black societies and eradicate evil forces”. *China Q.* 254, 366–380.
- Yu, Z., 2023. “帮信罪”中衔接适用行刑规制措施的实证研究——以18512份刑事判决书为研究样本 (empirical research on the application of executive regulatory measures in cases of aiding and crimes - a study based on a sample of 18,512 criminal judgments). *法制博览 (Legality Vision)* (2), 76–78.
- Yu, X., Yang, H., 2019. 党政体制重构视阈下政法工作推进逻辑的再审视——基于《中国共产党政法工作条例》的解读 (A reexamination of the logic for advancing political and legal work from the perspective of party and government system reconstruction: based on the interpretation of the 'regulations on the work of the communist party of China in political and legal affairs'). *学术月刊 (Academic Monthly)* 51 (11), 105–116.
- Zheng, Z., 2020. 党政体制塑造司法的机制研究 (institutions enabling political-legal system to shape the judiciary). *环球法律评论 (Global Law Review)* 42 (6), 5–22.
- Zhou, Z., Zhao, C., 2022. 帮助信息网络犯罪活动罪实证...——以1081份判决书为样本_周振杰 (empirical analysis of aiding information network criminal activities: a sample of 1081 judgments). *法律适用 (Journal of Law Application)* 2022 (6), 83–93.