

# The Positive Interaction Between Online Public Opinion and Judicial Processes from a Comparative Law Perspective

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## Abstract

In the era of social media, the reproduction of online actors, the diversity of content, and the rapid dissemination of information have created conditions for widespread public participation in the judiciary, enhancing transparency while simultaneously posing challenges to judicial rationality and independence. Taking the cases of Jiang Ge and the Kunshan self-defense case as examples, this paper illustrates how differing judicial cultures, institutional frameworks, and penal execution practices result in varied responses to significant criminal cases in China and Japan. It is essential to fully leverage the moral evaluative function of criminal law, appropriately respond to public sentiment, and explore connections between public opinion and the judiciary that align with the construction of a networked rule of law with Chinese characteristics. This approach is fundamental to achieving good law and governance.

## 1. Research Background and Problem Statement: The Context of Online Public Opinion-Judicial Interaction

### 1.1 Strategic Positioning of Cyberspace Governance under the Rule of Law

The Decision of the Central Committee of the Communist Party of China on Further Comprehensively Deepening Reform and Advancing Chinese-style Modernization, adopted at the Third Plenary Session of the 20th CPC Central Committee, provides a comprehensive and systematic plan for "improving the comprehensive governance system of cyberspace." It emphasizes "strengthening the rule of law in cyberspace and establishing a long-term mechanism for governing the online ecosystem," underscoring that the construction of a legal framework for cyberspace governance is a crucial component of both the overall strategy of governing the

country by law and the development of China as a cyber powerhouse. In the era of self-media, the legalization of online public opinion governance has become an intrinsic requirement for effectively implementing the comprehensive rule-of-law strategy and ensuring a healthy and orderly cyberspace.

The interaction between online public opinion and the judiciary embodies both the legal and social effects of judicial decisions. The extensive and instantaneous dissemination of online information has broadened the channels for social supervision, while also significantly increasing the likelihood of high-profile cases gaining widespread public attention. The impact of online discourse on judicial rulings is both positive and negative. Some scholars think that public opinion can serve as a tool for mitigating social conflicts and promoting harmony, as the ability of the public to express their views through online platforms helps to alleviate dissatisfaction and reduce societal tensions. Furthermore, online public opinion contributes to curbing judicial corruption and ensuring judicial fairness. Through online expression and participation, citizens can drive public officials to improve their performance and facilitate the fair resolution of legal issues.

## **1.2 Tension Between Judicial Independence and Public Oversight: A Comparative Law Perspective**

On the other hand, online public opinion may also pose a challenge to judicial independence. The emotional intensity, which is included in public discourse, can lead to excessive sentencing under the influence of populist pressure. Cases such as the Jiang Ge case in China and the Kunshan "Long Ge" case show high-profile legal disputes where online public opinion played a significant role. By examining the public reaction to these cases and comparing the judicial responses in China and Japan, this paper highlights the inherent particularities of high-profile cases. Japan's legal system is well-structured, with strict limitations on the application of the death penalty, whereas certain legal provisions in China remain underutilized, leading to differing judicial attitudes toward public opinion. The disparities between the two countries in legal system design and judicial safeguards further illustrate the need for refined governance mechanisms.

Against the backdrop of China's advancement toward a rule-of-law society, judicial institutions should respond to public opinion with rigorous legal reasoning and theoretical precision. It is necessary to reinforce the alignment between law and morality, enhance the systematic construction of legal frameworks, ensure judicial independence, and refine mechanisms for public oversight. And we should make effective efforts to build communication channels between traditional judicial decision-making and online public discourse. Upholding the principle of legality in criminal law and ensuring that punishment is proportionate to the crime remain fundamental to fostering a just and credible legal system.

## **2. Case Analysis: The Dynamic Interaction Between Public Opinion and Judiciary**

### **2.1 Case Facts and Social Context: Conflict Generation and Evolution**

#### **2.1.1 Jiang Ge Case: Moral Dilemmas and Jurisdictional Challenges in a Transnational Context**

In the Jiang Ge case, it revolves around a tragic incident that occurred on the night of November 3, 2016, in Nakano, Tokyo, Japan. At that moment, Jiang Ge stayed outside and

suffered a horrific attack to protect her roommate, Liu Xin, from her ex-boyfriend's violent killing. In fact, since September 2016, Liu Xin and Chen Shifeng had always been quarreling in ongoing conflicts because of relationship issues. Chen had once expelled Liu from their shared residence, exhibited suicidal tendencies, and engaged in stalking and threatening behavior toward her. Liu Xin turned to her fellow Chinese international student, Jiang Ge, to seek protection and moved into her apartment. So from September 2 onward, the two women lived together, and Jiang Ge frequently attempted to mediate between Liu and Chen and offered Liu support at the same time. However, their disputes remained unresolved. On November 2, Chen Shifeng once again appeared at the apartment where Liu Xin was staying. Liu chose to avoid him and sought Jiang Ge's assistance but refused Jiang's suggestion to call the police. Instead, Jiang Ge personally intervened and persuaded Chen to leave. Later that day, around 4:00 PM, Chen Shifeng followed Liu Xin to her workplace, where she asked a colleague to pose as her boyfriend in an attempt to deter Chen. Despite this, Chen continued to harass her via text messages, twice stating, "I will stop at nothing."

That evening, Jiang Ge, unaware that Liu Xin was still under imminent threat, agreed to accompany her home from the subway station. Upon reaching their apartment, Liu Xin entered and shut the door behind her, leaving Jiang Ge outside. At that moment, Chen Shifeng—who had been waiting in ambush—launched a fatal knife attack on Jiang Ge.

### **2.1.2 Kunshan "Long Ge" Case: A Paradigm of Self-Defense Legal Controversies**

In the Kunshan "Long Ge" case, it occurred on the night of August 27, 2018, and involved a violent altercation between Yu Haiming, a cyclist, and Liu, an intoxicated driver, in Kunshan, Jiangsu Province. Yu Haiming was riding his bicycle legally in the non-motorized lane when Liu, driving under the influence, suddenly swerved into his path, nearly causing a collision. A verbal dispute ensued between Yu and Liu's passengers, escalating into a physical altercation when Liu exited the vehicle and began pushing and kicking Yu. Despite attempts by bystanders to intervene, Liu refused to de-escalate the situation. Liu then retrieved a double-edged machete from his car and began striking Yu's neck, waist, and legs with the blunt side of the blade. During the scuffle, Liu lost grip of the weapon, and a struggle for control of the knife ensued. Yu successfully seized the weapon and stabbed Liu multiple times in the abdomen and buttocks, causing serious injuries. After sustaining these wounds, Liu attempted to flee behind his vehicle, but Yu chased after him and swung the knife, though he ultimately did not land another strike.

Following the incident, Yu retrieved Liu's mobile phone from the car, called the police himself, and waited at the scene for law enforcement to arrive.

## **2.2 Mechanisms of Online Public Opinion Formation: Emotional Mobilization and Symbolic Expression**

### **2.2.1 Transnational Petition in the Jiang Ge Case: Victim Narrative and Death Penalty Advocacy**

In the Jiang Ge Case, Before the verdict, Jiang Ge's mother, Jiang Qiulian, launched an online petition campaign, leveraging digital platforms to garner public support. She also organized in-person petition drives in locations such as Ikebukuro West Gate Park in Tokyo, Japan, ultimately collecting tens of thousands of signatures. Additionally, nearly two million people participated in the petIn the Jiang Ge case, Before the verdict, Jiang Qiulian, who is Jiang Ge's mother, launched an online petition campaign, depending on digital platforms to garner public support. She also arose to organize in-person petition activities in locations such as Ikebukuro West Gate Park in Tokyo, Japan, finally collecting tens of thousands of signatures.

In the meanwhile, nearly two million people participated in the petition online, advocating for the death penalty for Chen Shifeng. Concurrently, the public initiated fundraising efforts to support Jiang Qiulian's legal battle. According to media reports and Jiang Qiulian herself, she received donations from across China and even overseas, with the total amount potentially reaching millions or even tens of millions of RMB. This phenomenon reflects the public's strong and genuine favor toward Jiang Qiulian's cause.

After the verdict, Chinese public opinion on the result was marked by widespread outrage and dissatisfaction, with many believing that the sentence was too lenient and failed to uphold the principles of justice and legal severity. Plenty of internet users expressed their disaffection on online platforms, questioning and criticizing the ruling, with some even calling for a retrial or a harsher sentence. On the contrary, Japanese public opinion remained relatively calm and restrained. While some Japanese netizens also expressed dissatisfaction with the verdict, the case did not trigger a massive wave of online discourse. Japanese netizens generally exhibited a high level of respect for judicial decisions and a stronger inclination to trust in the fairness and authority of the judiciary.

### **2.2.2 Visualized Dissemination in the Kunshan Case: Media Effects of Surveillance Evidence**

In the Kunshan "Long Ge" case, surveillance footage of the incident was widely spread online, sparking a passionate debate over whether Yu Haiming's actions constituted legitimate self-defense. The discussion attracted not only opinions from the general public but also scholarly analyses from legal experts. A poll conducted on Weibo, which attracted participation from 330,000 users, found that 86.4% of respondents believed that Yu's actions qualified as legitimate self-defense. Many netizens expressed support and admiration for Yu Haiming, alleging that his actions were a suitable counterattack under the principle of self-defense.

## **2.3 Differential Judicial Responses: Institutional Logic of Chinese and Japanese Legal Systems**

### **2.3.1 Japanese Judicial System: Procedural Rationality and Penal Leniency**

In the Jiang Ge case judicial proceedings, the Japanese court took into account the prosecutorial recommendations and ultimately sentenced Chen Shifeng to 20 years of fixed-term imprisonment. The ruling was made independently, in line with Japan's judicial framework. From the perspective of Japan's legal system, this verdict did not breach legal principles or judicial integrity. According to the Japanese Penal Code, the prescribed penalties for intentional homicide include the death penalty, life imprisonment, or a fixed-term sentence of at least five years. The court determined that a 20-year sentence was a moderate punishment, taking into consideration Japan's cautious approach toward the death penalty, as well as factors such as premeditation and the brutality of the crime.

### **2.3.2 Chinese Judicial Practice: Reasoning Dilemmas Under Public Pressure**

In China, the case also led to two civil lawsuits: one involving a dispute over the right to life between Jiang Ge's mother and Liu Xin, and another concerning civil liability between Jiang Qiulian and Chen Shifeng. Ultimately, the court ruled that both Liu Xin and Chen Shifeng bore financial compensation responsibilities. While the academic community generally did not dispute the court's decision, legal scholars pointed out certain deficiencies in the reasoning and legal basis articulated in the judgment. This case emphasized the lack of theoretical discourse on the intersection of law and morality in Chinese jurisprudence. Despite achieving case-specific justice

under public scrutiny, the ruling also affirmed the significance of traditional Chinese moral values in the legal system.

In the Kunshan "Long Ge" case, the Kunshan Municipal People's Procuratorate exercised its authority under Article 87 of the Criminal Procedure Law of the People's Republic of China, which allows prosecutors to participate in discussions on major cases when necessary. On August 29, just two days after the incident, the procuratorate proactively intervened in the case. After a thorough review, on the sixth day following the attack, the procuratorate and the Kunshan Public Security Bureau collectively claimed that Yu Haiming's actions constituted legitimate self-defense and that he bore no criminal responsibility.

## **2.4 Comparative Insights: Thresholds and Boundaries of Public Opinion Intervention in Justice**

The previously mentioned conditions indicate that there is a promising relationship between public opinion and the judicial system in Japanese society. The citizens do not take advantage of online platforms to intervene with judicial proceedings too much, reflecting a notable level of trust in the legal system. In contrast, public discourse in China often places greater emphasis on whether judicial outcomes embody substantive justice. The pressure exerted by large-scale online opinions on the judiciary poses challenges to judicial independence, compelling courts to react to public sentiment in their rulings. Furthermore, despite the ability of public opinion to forge a decisive consensus, the theoretical foundations supporting judicial decisions remain a hurdle for judges. This trend is evident in the theoretical reasoning in the civil judgment of the Jiang Ge case, as well as the application of the self-defense doctrine. Such arguments show the tension between moral demands and existing legal frameworks, as well as the contradiction between theoretical constructs and judicial practice.

## **3. Jurisprudential Analysis: Institutional Roots of Sino-Japanese Judicial**

### **Differences**

#### **3.1 Public Projection of Moral Controversies and Judicial Responses: Opinion Dynamics in the Jiang Ge and Kunshan Cases**

The Jiang Ge case has aroused widespread attention from both national audiences and the overseas Chinese community for various reasons. From the lens of the victim's unique identity, Jiang Ge was a Chinese international student in Japan—a young woman who was physically weaker than her male attacker, thus situating her within a fragile demographic. One reason for the public's focus on this case is concern about the challenges faced by the international student community.

Moreover, Jiang Ge's deadly fate stemmed from her unusual friendship with Liu Xin, as her act of helping Liu—who was entangled with her ex-boyfriend Chen—sets this case apart from typical third-party victim scenarios. This situation raises extensive questions about the ethical dilemma of aiding others in unfamiliar environments, particularly regarding the limits of such assistance that would entangle somebody's self in conflict. These complexities, which are similar to what the public thinks or believes, give rise to a significant discourse about themes of friendship and human nature abroad.

In terms of the criminal outcome, judicial authorities established that Jiang Ge was repeatedly stabbed by Chen Shifeng in vital areas, resulting in her death. The brutality and vicious nature of the attack further spotlight the case's gravity, amplifying public outrage and interest. The Kunshan

Longge case, characterized by a drunken road dispute, holds a high degree of commonality. Initially, Yu Hailong retreats to leave, but he can not dodge the cut and has to seize the knife. This action is a paradigmatic example of self-defense. The surveillance footage clearly captured the whole process of conflict, showing that Yu Haiming and Liu maintained an obvious distance from each other, with the substantial length of the machete making their movements easily distinguishable. This clarity provided abundant material for public debate and legal analysis. Additionally, factors such as the numerical disparity between the parties involved and their respective defensive strategies became key points of discussion among both legal scholars and the general public.

## **3.2 Modes of Moral Embedment in Law**

### **3.2.1 Japan's "State-as-Parent" Ideology: Moral Criminalization**

Originating from the “state-as-parent” ideology, the Japanese legal system lays stress on morality, which fundamentally constructs the relationship between the state and its citizens. Under this framework, the state is perceived as a paternal figure, and society is regarded as an extended family unit, where legal and moral order are interwoven. Governance, from this perspective, is not merely an exercise of authority but an expression of moral responsibility, akin to parental guidance. As a result, morality sometimes carries a compulsory force in Japan, aligning closely with legal principles, which, in turn, reduces the level of confrontation between public opinion and the judiciary.

For example, even the act of stealing as little as one yen can be legally recognized as a crime in Japan, although punishment may not be imposed. This reflects a legal strategy that categorizes behavior based on its inherent nature in preference to focusing only on material consequences, thus ensuring consistency with moral evaluations. When an act is officially recognized as a crime by public authorities, it is already at the mercy of negative moral evaluation. This distinction highlights an essential distinction in the legal frameworks of China and Japan. Specifically, Japan adopts a broader definition of crime, while the decision to impose penalties is more flexible and context-dependent.

The paternalistic “State-as-Parent” ideology is also implemented in Japan’s penal system, where criminal punishment is designed to foster genuine moral repentance among criminals. Japanese correctional institutions emphasize ideological reformation, striving to instill a sense of moral “goodness” in prisoners. The penal system is meticulously structured—for instance, inmates are generally required to engage in labor, often without remuneration or for minimal compensation. This strategy enhances the notion that rehabilitation is an integral part of serving a sentence, thereby fully embodying paternalistic principles within the legal system.

### **3.2.2 China's Formalism Dilemma: Value Conflicts in Theft Law**

By contrast, in China, not all acts of theft—even those involving unlawful intent to appropriate property—constitute a crime. The property value of the stolen object can determine the liability of people as a substantive element, a principle that may sometimes diverge from general public perceptions. China's criminal law framework primarily adopts a formalistic approach—the determination of crime is based on statutory elements explicitly outlined in the Criminal Code. Even proponents of general deterrence theory do not argue that criminal statutes alone possess a strong educational function, as legal provisions serve more as behavioral guidelines than as moral imperatives. In contrast, crime prevention through education plays a more significant role within the broader legal system and is primarily considered a function of punishment rather than a distinct legal doctrine—a distinction that only emerged in modern legal history when punishment and education were conceptually separated. Consequently, in China, educational efforts within

the legal system primarily take place at the later stages of criminal justice processes, rather than at the initial classification of crime itself.

### **3.3 Cultural Logic of Death Penalty Application: From the "Nagayama Criteria" to Judicial Restraint**

In terms of judicial procedure, the application of the death penalty in Japan is characterized by a strictly controlled approach—that is, "while the death penalty is never abolished, it is also rarely applied." The global discussion over the abolition of capital punishment has persisted for decades. While Japan retains the death penalty, its criteria for application are multifaceted, the procedural requirements are intricate, and its actual imposition is infrequent.

The Nagayama Criteria serve as a legal benchmark for Japanese judges when considering the death penalty. According to this standard, under Japan's existing legal framework, the imposition of capital punishment must take into account various factors, including

- The nature and severity of the crime,
- The motive and circumstances of the offense (particularly the persistence and brutality of the killing methods),
- The gravity of the consequences (especially the number of victims killed),
- The emotional suffering of the victims' families,
- The social impact of the crime,
- The defendant's age,
- Criminal history, and
- Post-crime behavior.

The situation in which the death penalty is needed to be applied is when the defendant's accountability is extremely severe, and both the principle of proportionality and the goal of general deterrence necessitate capital punishment as the only viable sentence.

Moreover, the final period of death penalty execution requires the personal approval of the Minister of Justice. This need makes the overall process prolonged and highly scrutinized. For judges, the lifetime responsibility system further reinforces extreme caution in sentencing someone to death. A wrongful conviction leading to prison would be a disruptive failure in a judge's career. Consequently, Japan's judiciary exhibits a strong reluctance toward issuing death sentences, which partly explains why the 20-year fixed-term imprisonment proposed by the prosecution was ultimately accepted by the court—a decision that implicitly signaled disapproval of the defendant's actions without resorting to capital punishment.

Japan's legal culture also imposes restrictions on the application of capital punishment. The paternalistic perspective can explain the reason for strict limitations on the death penalty—only acts of extreme evil within a familial or societal structure warrant capital punishment. Japanese courts place great emphasis on a defendant's expression of remorse during trial, incorporating genuine repentance as a key sentencing consideration. In this case, the judge dismissed Chen Shifeng's claim—as presented by his defense team—that Liu Xin had provided false testimony and was an unreliable witness. The court found no genuine ruefulness in Chen's conduct, which played a crucial role in its decision to uphold the prosecution's sentencing recommendation—a relatively rare occurrence in Japan's judicial practice.

Furthermore, history and religion have influenced Japan's approach to capital punishment. Due to the Buddhist principle of nonviolence, Japan abstained from executing criminals for several centuries in its history. Even in modern times, ministers of justice who hold Buddhist beliefs tend to be extremely reluctant to approve death penalty executions during their tenure, further curtailing the frequency of its application.

### **3.4 Dormancy and Activation of Self-Defense Provisions: Judicial Tradition vs. Public Opinion**

The Kunshan Longge Case and the Yu Huan Case both revolve around the theme of which conditions are needed to apply the clause of justifiable defense in Chinese law. In 2017, the Yu Huan case initially went unnoticed following its first-instance verdict, only drawing widespread public attention after media coverage. This sparked heated discussions within legal academia, bringing about a wave of criticism over the lack of full utilization.

of self-defense provisions in judicial precedent. Famous scholars such as Chen Xingliang, Zhou Guangquan, Zhang Mingkai, and Lao Dongyan all published articles to analyze this issue, ultimately contributing to a reversal of the verdict in the second-instance trial. The Kunshan Longge Case, occurring after the Yu Huan Case, became another litmus test for the practical implementation of self-defense provisions.

In terms of statutory provisions, Japan's application of the justifiable defense clause is stricter than China's. Japanese law mandates that self-defense actions must be both necessary and proportionate, meaning that a defensive act cannot overstep the level of unlawful aggression and must be an absolute last resort. Despite these strict legal constraints, Japan's online public discourse rarely conflicts with judicial rulings on self-defense, making a clear harmonious relationship between public opinion and the legal system.

Legal scholar Lao Dongyan, drawing on Su Li's research, highlights the judicial distortion of self-defense in China. She argues that the issue does not stem from insufficient doctrinal development but rather from the misconception that the judiciary's primary function is to resolve disputes rather than uphold legal norms. Scholar Chen Xuan further observes that Chinese courts have subconsciously imposed additional urgency requirements and outcome-oriented judicial approaches in self-defense cases. Because of China's traditional judicial culture, the burden on defenders is excessively strict, which prioritizes social stability and is shaped by a unique perspective on life, death, and pragmatic reasoning.

For centuries, Chinese judges have adhered to the ideology of “ending litigation to resolve conflicts”—a philosophy that remains deeply ingrained despite vast improvements in material living conditions. However, in modern society, the simplistic pursuit of stability and mediation is no longer the primary concern of the public. Citizens gradually have a space to voice their opinions due to the rise of online platforms and challenge judicial decisions, rendering feudal legal ideologies obsolete. What people now demand is a justice system that embodies both fairness and morality—a judiciary that not only settles disputes but also upholds legislative intent and legal righteousness. Only when the judiciary embraces these principles can it wield the sword of justice with true authority.

To construct a rule-of-law society, people require not only just laws but also effective governance. True legal reform is located in a genuine understanding and implementation of the rule of law, ensuring that legal provisions are actively enforced to build a more robust legal system. In the Kunshan Longge case, prosecutorial authorities proactively intervened, fusing theoretical reflection into judicial practice. Their commitment to rigorously applying the law, timely engagement with public concerns, and efforts to dispel online controversy ultimately earned widespread social recognition.

## **4. Path Construction: Governance Framework for Chinese-Style Cyber Rule**

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China faces a long and complex journey in equilibrating public opinion in cyberspace with judicial independence. The root of this challenge is located in the disconnect between legislation and moral considerations, leading to conflicts between case-specific facts and broader notions of justice. Furthermore, China's historical pay more attention to severe punishment has resulted in cases where sentences, though legally valid, may be excessively harsh, lacking reasonableness and legitimacy. This often triggers public outcry online, pressuring the judiciary and, in turn, undermining judicial independence while exposing the reactive and hasty nature of legal system reforms. Such pressured adjustments finally erode public trust in judicial institutions.

Aristotle argued that natural law arises from natural justice, reflecting human reason, moral standards, and the foundation of statutory law. Hegel further emphasized that "for legal principles to become laws, they must not only take on a universal form but also attain true specificity." Being aware of this, the moral and justice-based perspectives represented by public opinion should be one of the cornerstones of sound legislation and a benchmark for evaluating effective governance. Laws should not only embody justice in substance but also ensure its realization through fair procedural mechanisms. A proactive approach in handling tensions between public opinion and judicial decisions—with well-structured response mechanisms—is essential to avoiding the drawbacks of trial by public opinion and preserving judicial integrity.

### 4.1 Normative Synergy: Bridging Law and Moral Evaluation

From a societal perspective, morality is built to curb excessive selfishness, reduce harm to others, prevent destructive conflicts, and mitigate divisive forces within society, ultimately fostering social harmony. The goals of legal regulation align with those of morality, but the methods and intensity of enforcement differ. Legal concepts and norms are extracted from social life and codified by legislators, yet laws cannot comprehensively cover all possible scenarios. Therefore, legal systems must remain open and responsive to societal developments and public sentiment.

Where the boundaries between law and morality are obscure, the legal system should establish clear mechanisms for solving such ambiguities, ensuring that judicial decisions adhere to legislative intent rather than preempting or circumventing it. The judiciary must neither interpret moral dilemmas through the prism of legality before legislation provides guidance nor disregard legislative provisions for the sake of resolving individual disputes.

Within the framework of Socialism with Chinese Characteristics, efforts should pay attention to proactively exploring the integration of justice and morality into the legal system, refining legal theory, and expanding diverse dispute resolution mechanisms. By doing so, the legal system can distinguish moral considerations such as fairness and compensation from strict legal determinations of right and wrong, thereby reducing conflicts between morality and judicial rulings. This approach will enable the legal system to maintain control over high-profile cases and public discourse, ultimately reinforcing judicial credibility and public confidence in the rule of law.

### 4.2 System Integration: Structured Legal Reasoning in Practice

The correct and precise application of law relies on a well-structured legal system. A systematic legal framework requires that specific legal norms within different branches of law provide clear guidance for judicial practice, while legal principles, in their abstract form, reflect the fundamental spirit of justice. Moreover, various legal norms—behavioral norms, attribution

norms, and grounds for excluding liability—must operate within a coherent framework, each fulfilling its designated role.

Judicial authorities must clearly understand the systematic position of each legal norm, applying structured legal reasoning to identify appropriate judicial standards to adhere to the principle of "Good Laws for Good Governance." Only by considering case facts holistically throughout the judicial process can courts avoid placing case-specific factors (minor premises) before broader legal principles (major premises). This approach helps prevent the over-criminalization of conduct and ensures that essential legal provisions—such as those governing justifiable defense—are neither marginalized nor left unutilized.

It is essential to cultivate judicial professionals who employ structured legal reasoning and restrain judicial pragmatism. Systematic legal reasoning is the foundation of scientific legal thinking, a key tool for achieving good governance under the rule of law, and an intrinsic requirement for developing a socialist rule-of-law state and a legal system with Chinese characteristics. In the past, the pragmatic, dispute-resolution-driven approach in judicial practice has often overlooked the rational underpinnings of the legal system and the governance function of judicial decisions, resulting in public misinterpretation of court rulings and skepticism toward the legitimacy and reasonableness of judicial decisions.

Thus, the principle of "Good Laws for Good Governance" requires judicial authorities to clearly recognize the systematic role of legal norms, apply structured legal reasoning, and comprehensively assess case circumstances. This approach prevents judges from intuitively prioritizing case-specific factors over overarching legal principles, thereby reducing legal fragmentation, ensuring that provisions such as justifiable defense are actively applied, and ultimately upholding the fundamental principle of "strict adherence to the law".

Structured legal reasoning is not only a prerequisite for scientific legal thought but also a crucial instrument for achieving good governance, developing the rule of law, and constructing a legal system tailored to China's socialist framework.

#### **4.3 Power Balance: Institutional Safeguards for Judicial Independence**

Ensuring the independence of judicial personnel and shielding the judiciary from undue influence, including public opinion, is essential for building a judicial system with credibility and legitimacy. Beyond theoretical and institutional preparation, it is crucial to ensure effective implementation.

- Strengthening Judicial Safeguards:** It is imperative to establish robust protections for judicial personnel, ensuring that judges can adjudicate cases independently, free from external interference and solely in accordance with the law.

- Minimizing Administrative Influence:** Judicial assessment mechanisms should be optimized to prevent undue administrative intervention in the adjudicative process, ensuring that legal verdict or rulings are made based on judicial reasoning rather than external pressures.

Professor Ma Kechang, in analyzing the "Deng Yujiao case," noted that without public opinion, Deng Yujiao would have likely received a suspended sentence. This highlights a critical principle: judges do not serve their superiors but rather uphold the rule of law with independence. While public sentiment may not always be unreasonable, it often reflects a primitive sense of justice rooted in retribution—an "eye for an eye" mentality—rather than a sophisticated legal framework.

Furthermore, be or come into adjustment judicial decisions with poll may create the illusion of legitimacy, as if the judiciary is acting with the endorsement of the people. This perception can increase judicial flexibility in certain cases but also present both positive and negative consequences. Therefore, it remains crucial to uphold judicial independence, transparency, and

resistance to public pressure, ensuring that the judiciary responds to societal concerns not through populist rulings but through well-reasoned, logically sound, and legally robust judgments.

#### 4.4 Supervision Enhancement: Legalization of Public Participation

Public oversight is one of the fundamental mechanisms for exercising popular sovereignty. Public engagement in judicial affairs represents an active form of participation in the governance of a rule-of-law state. When citizens express their views on legal cases, it fosters stronger ties between judicial institutions and the public, helps define the boundaries of justice, and enhances the perceived legitimacy and societal acceptance of judicial decisions, ultimately reinforcing the fairness and authority of the judiciary.

The current judicial system in China already includes mechanisms for external engagement. In 2009, the Supreme People's Court issued the "Six Provisions on Judicial Transparency" and the "Provisions on People's Courts Accepting News Media Supervision" (Legal Issuance [2009] No. 58, hereinafter referred to as the "Provisions"). These regulations mandate the disclosure of key judicial processes, including case filing, trials, enforcement, and legal documents. They also require courts to establish online portals, integrate transparency into judicial performance assessments, and facilitate media oversight. The enactment of these provisions has provided a legal basis for judicial transparency, significantly enhancing public access to real-time case information. Similar transparency mechanisms exist within the procuratorates and public security agencies.

Measures such as live-streamed trials and public access to court judgments reflect the ongoing commitment to judicial openness. For instance, the proactive involvement of procuratorial authorities was originally intended for ensuring due diligence in major cases. However, as public discourse has evolved, cases that trigger widespread online discussions are increasingly regarded as matters of significant legal and social importance. The Kunshan Longge case exemplifies proactive judicial engagement, demonstrating the responsiveness, empathy, and public-oriented stance of judicial institutions.

Despite these advancements, further improvements are necessary. Judicial authorities must enhance the precision of their responses to public concerns, effectively identify the core issues that spark public debate, and deliver targeted and well-reasoned explanations. By doing so, the judiciary can both maintain its authority and strengthen public trust in legal institutions.

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