

Analysis of the Difficulties in Balancing Judicial Practice and Sentencing from the Perspective of the Broad System for Admitting Guilty and Punishing Duty Crimes

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Abstract. The implementation of the leniency system for confessing and accepting punishment for job-related crimes plays an important role in improving judicial efficiency and saving judicial resources, but it also exposes the problem of difficulty in achieving sentencing balance in judicial practice. Starting from the characteristics of job-related crimes and the legal basis of the leniency system for confession and punishment, this article analyzes the main difficulties in judicial practice, including the conflict between sentencing balance and legal application, the difficulty of reviewing the authenticity of the defendant's confession, and the public's disagreement with the sentencing results. By analyzing the causes, it was found that institutional design, judicial resource limitations, and social cognitive biases are the main influencing factors. To address the above issues, this article proposes optimization paths such as improving sentencing guidance for job-related crimes, strengthening judicial resource allocation, enhancing public awareness and judicial transparency, and improving sentencing recommendation review mechanisms, in order to promote sentencing fairness and enhance judicial credibility.

1 Introduction

Official crime refers to the act of a state official taking advantage of their position to commit acts that harm public or national interests. In China, the governance of job-related crimes has always been an important issue in the fields of law and administration. In order to improve the judicial efficiency, reduce the judicial burden, and take into account the legitimate rights and interests of suspect, China's Criminal Procedure Law has established a lenient system of pleading guilty and punishment. The application of this system in cases of job-related crimes, especially in terms of sentencing balance, has sparked many controversies and challenges in judicial practice. This article aims to analyze the difficulties in balancing sentencing in cases of job-related crimes from the perspective of the leniency system for confession and punishment and explore the underlying causes and response paths.

2 Overview of the Leniency System for Duty Crimes and Confession of Guilt and Punishment

2.1 Main Characteristics of Job-related Crimes

The core characteristic of job-related crimes lies in the abuse of power, usually manifested in forms such as corruption, bribery, and abuse of power. This type of crime has a special subject nature, with the criminal

subjects mostly being government officials, enterprise leaders, or other personnel with public functions, which determines the special status and high attention of this type of crime [1]. At the same time, job-related crimes have strong concealment, diverse criminal methods, and perpetrators often use their positions to cover up illegal activities, which increases the difficulty of investigating cases. In addition, the social harm of job-related crimes is extremely high, not only infringing on the national public interest, but also seriously undermining the principles of fairness and justice in society and damaging the trust of the people in public power. More notably, the difficulty of obtaining evidence for job-related crimes is high, and criminal behavior often relies on complex interest chains and relationship networks, leading to significant challenges in the process of obtaining and fixing evidence.

2.2 Legal Basis and Principles of Leniency System for Confession and Punishment

Article 15 of the Criminal Procedure Law of our country clearly stipulates the legal principle of lenient punishment when pleading guilty. Its core is that the suspect or defendant signs a written statement on the basis of voluntarily pleading guilty, and the judicial organ can be given a lighter, mitigated or exempted punishment according to law. This system fully embodies the specific requirements of the criminal policy of balancing leniency and severity. Firstly, it can save judicial resources, simplify procedures, improve

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case handling efficiency, and reduce the workload of judicial organs; Secondly, it helps promote social harmony by reducing the defendant's confrontational emotions and providing a good foundation for criminal reconciliation; Finally, the system also safeguards the legitimate rights and interests of the defendant, clarifies sentencing expectations through a negotiation mechanism, and reduces adverse consequences caused by litigation uncertainty. The leniency system for confessing guilt and accepting punishment has therefore become an important measure to balance efficiency and fairness in the field of criminal justice [2].

2.3 The Particularity of the Leniency System for Confessing Guilt and Accepting Punishment in the Application of Duty Crimes

Due to its special subject identity, complexity of cases, and significant social impact, duty crimes have put forward higher requirements for the application of the leniency system for confession and punishment. This type of crime often involves abuse of power and infringement of public interests. Fair sentencing not only concerns the fairness of individual case handling, but also directly affects the public's evaluation of judicial credibility. In judicial practice, how to balance the contradiction between leniency and fair sentencing while ensuring the efficiency of case handling has become an important challenge faced by judicial organs. The solution to this problem requires balancing the spirit of the criminal policy of balancing leniency and severity with the special nature of job-related crimes, in order to achieve the unity of legal and social effects.

3 Analysis of Difficulties in Judicial Practice

3.1 Conflict Between Sentencing Balance and Legal Application

There is often a significant conflict between the balance of sentencing and the application of the law when applying the leniency system of confession and punishment for job-related crimes. Firstly, there is a contradiction between leniency and the principle of proportionality between punishment and crime. The leniency system for confessing guilt and accepting punishment requires that those who confess guilt be punished leniently in accordance with the law. However, due to the strong social harm of job-related crimes, especially in some cases of massive corruption, the reduction of punishment may be seen as unfair by the public, leading to doubts about judicial authority. This contradiction directly affects the public's recognition of judicial fairness [3]. Secondly, there is a conflict between the uniformity of sentencing recommendations and the complexity of individual cases. In cases of job-related crimes, due to significant differences in the circumstances, amount of money involved, and social impact, standardization of sentencing recommendations by the procuratorial organs may lead to the phenomenon of "one case per thousand", making it difficult to fully

reflect individual justice. This unified sentencing recommendation model is prone to overlooking the specific circumstances of the case in practice, which is not conducive to achieving fair sentencing.

3.2 The Authenticity and Legal Consequences of the Defendant's Confession of Guilty

In cases of job-related crimes, the authenticity of the defendant's confession directly affects the effectiveness and legal consequences of the leniency system for confession and punishment. Firstly, there is a phenomenon of the defendant's "procedural confession". Some defendants were "forced to confess" due to their expectation of sentencing results and did not truly repent from the bottom of their hearts. This "procedural confession" behavior may limit the leniency system for confession and punishment to only a formal level, thereby weakening the social education and warning role that the system should have. Secondly, it is difficult to evaluate the repentance performance after confessing. Official crime cases are usually accompanied by high public attention, and the defendant's confession behavior is often influenced by external pressure [4]. In this situation, it is difficult for judicial authorities to accurately assess the defendant's true attitude of repentance, which may lead to doubts about the rationality of lenient treatment and further affect the public's recognition of judicial fairness.

3.3 Difficulties in Public Recognition of Sentencing Outcomes

In cases of job-related crimes, the public's recognition of sentencing results is a major challenge in judicial practice. Firstly, some members of the public have misunderstandings about the leniency system for confessing and accepting punishment, believing that leniency is a condoning of job-related crimes, and ignoring the important role of this system in saving judicial resources and promoting the rapid resolution of cases. This misunderstanding has led to public resistance towards the lenient sentencing of confession and punishment, which has affected the enhancement of judicial credibility. Secondly, public opinion pressure has a significant impact on judicial fairness. Especially in some high-profile cases of job-related crimes, public opinion often holds a critical attitude towards the sentencing results, believing that the sentencing is too light and harms social fairness. This kind of public opinion orientation not only increases the difficulty for judicial organs to handle cases but may also have a negative impact on the independence and impartiality of case trials [5].

4 Cause Analysis

4.1 Limitations of Institutional Design

The current leniency system for confessing guilt and accepting punishment has certain institutional design limitations in the field of job-related crimes. Firstly, the

current laws have a wide range of flexible provisions for sentencing recommendations by the procuratorial organs, which leads to a lack of unified sentencing standards in practice. In specific cases, the procuratorial organs often face significant discretion when making sentencing recommendations based on the law, which may result in inconsistent and opaque sentencing results due to different regions or judges giving different sentencing recommendations based on their own understanding and practical experience.

Secondly, there is a lack of specialized guidance rules for sentencing in cases of job-related crimes. Compared with other types of crimes, there is a relative lack of sentencing guidance for job-related crimes. Due to the complexity, specificity, and significant social harm of job-related crimes, traditional sentencing standards are difficult to fully apply to these cases. Therefore, judicial authorities often lack clear criteria to determine appropriate sentencing for specific cases. This lack of systematic guidance can easily lead to excessive subjectivity in sentencing results, making it difficult to ensure fairness and transparency in sentencing [6].

4.2 Limitations on Judicial Resources

The complexity and professionalism of cases of job-related crimes pose high demands on judicial resources. Firstly, cases of job-related crimes usually involve professional fields such as economics and finance, and their trial is difficult. The investigation and trial of cases often require a lot of time and energy. Therefore, the handling cycle of these cases is usually longer. The limited availability of judicial resources has made case backlog a norm. Although the implementation of the leniency system for confession and punishment has alleviated this problem to some extent and improved case handling efficiency through simplified procedures, it may also lead to insufficient depth of case review, affecting judicial fairness and the quality of case handling.

Secondly, the handling of cases of job-related crimes requires a highly specialized investigation and trial team. However, China has not yet fully met this demand in the allocation of judicial resources. A specialized case handling team includes experienced financial auditors, anti-corruption experts, etc. However, the existing judicial system has not yet established sufficient specialized forces in cases of job-related crimes, which limits the efficiency and accuracy of case trials. Especially in some complex cases of job-related crimes, the lack of sufficient professional expertise may lead to improper handling of the case, further affecting judicial effectiveness and fairness [7].

4.3 The Impact of Social Cognitive Bias

The cognitive bias of the general public towards cases of job-related crimes has to some extent affected the realization of judicial fairness. Firstly, due to the fact that the subjects involved in job-related crimes are usually government officials or enterprise leaders with

special identities, the public often has higher expectations for their punishment. The public generally believes that such crimes should be punished more severely. However, the gap between lenient sentencing and public expectations may lead to a decrease in social trust. Especially in some cases of job-related crimes, the application of the leniency system for confessing and accepting punishment may allow the defendant to receive reduced punishment, which may lead to public questioning of judicial fairness, believing that the punishment of job-related crimes by judicial organs is not strict enough, thus affecting society's recognition of judicial authority.

Secondly, the media's coverage of cases of job-related crimes has also had a significant impact on social cognition. The media often focuses more on the conclusive results of cases and neglects the procedural justice in the handling process. The media may amplify the public's concern about the severity of punishment in reporting on cases of official crimes, which can easily lead to misunderstandings about the leniency system in society. The one-sided reporting and excessive focus on the outcome of public opinion may lead the public to overlook the comprehensive consideration of factors such as the defendant's attitude towards confession and the complexity of the case in the judicial trial process, thereby exacerbating misunderstandings and mistrust of judicial fairness.

5 Response Paths and Optimization Suggestions

5.1 Guiding Opinions on Improving Sentencing for Duty Crimes

In order to improve the fairness and transparency of sentencing in cases of job-related crimes, it is necessary to first refine the sentencing recommendation standards. By establishing a quantitative indicator system, it is possible to clarify the specific application rules of the leniency system for confession and punishment in official crimes, thereby ensuring the uniformity and standardization of sentencing in handling similar cases. Specifically, sentencing standards should be set based on the social harm of the criminal behavior, the defendant's attitude towards confession, repentance, and other relevant factors, in order to reduce the influence of subjective factors on sentencing recommendations and enhance judicial fairness [8].

In addition, introducing a case guidance mechanism is also an important means to improve the sentencing guidance for job-related crimes. For major or complex cases of job-related crimes, a case guidance system can be established to select representative cases for in-depth analysis, forming a reference basis for sentencing guidance opinions. This mechanism can not only help the procuratorial organs have more practical experience to support sentencing recommendations, but also provide more specific and targeted references for the judicial organs, effectively improving the accuracy and fairness of sentencing decisions.

5.2 Strengthening the Allocation of Judicial Resources

In order to more effectively address the complexity of cases of job-related crimes, the first step is to establish a specialized task force for job-related crimes. By establishing cross departmental task forces, the investigation and trial capabilities of job-related crimes can be enhanced. These special task forces can be composed of professionals from public security, procuratorial organs, courts, and other departments to coordinate and cooperate, jointly cope with the complexity of cases, avoid simplifying case trials due to the implementation of leniency for confession and punishment, and ensure the full investigation of cases and the fairness of trials.

In addition, it is necessary to strengthen the training of judicial personnel, especially in response to the complexity of official crime cases and enhance the professional competence of prosecutors and judges. By regularly organizing training courses, judicial personnel can enhance their understanding and ability to respond to cases of job-related crimes, thereby improving the scientific and fair nature of sentencing recommendations and trial work. Professional training can help judicial personnel better grasp sentencing standards and the key points of the leniency system for confessing and accepting punishment, ensuring that they can make fair and reasonable judicial decisions when facing cases of job-related crimes [9].

5.3 Enhancing Public Awareness and Transparency

In order to improve the public's understanding of the handling of cases of job-related crimes, it is first necessary to carry out extensive legal publicity. The significance and function of the leniency system for confessing guilt and accepting punishment through multiple channels can help the public better understand the original intention and purpose of this system, and reduce public misunderstandings about the sentencing results of job-related crimes. The promotion of legal education can not only explain the legal basis and social value of lenient treatment, but also clarify how this system plays a positive role in saving judicial resources and promoting social harmony, thereby enhancing public trust in the judicial system.

In addition, enhancing judicial openness is an important means to enhance judicial transparency and credibility. For some typical cases of job-related crimes, the trial process and sentencing criteria can be made public through live court broadcasts, case disclosures, and other means to enhance judicial transparency. Through the public trial process, the public can have a better understanding of the legal procedures and judgment standards followed by judicial organs in handling cases of job-related crimes, thereby enhancing judicial credibility and promoting social recognition of judicial judgments.

The application of the leniency system for confessing guilt and accepting punishment in cases of job-related crimes is an important part of China's judicial system reform. How to promote efficient handling of cases while ensuring fairness and social recognition in sentencing is a key issue that needs to be addressed in judicial practice. By improving sentencing guidance, optimizing judicial resource allocation, and enhancing social awareness and transparency, the implementation effect of the leniency system for confessing and accepting punishment for official crimes in China is expected to be further improved, providing strong support for building a more fair and transparent judicial system.

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6 Conclusion