Research on the Development of Modern Computer Technology in the Field of Law -- Based on Big Data and Community Correction Supervision

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Abstract. At present, the community correction based on big data has entered the comprehensive pilot trial stage, but also faces a series of practical problems, such as lack of legal basis, unclear subject of implementation, small number of applicable objects and narrow scope. The application of modern computer technology in the field of law is extensive and far-reaching. Based on the current situation of community correction based on big data in China, this paper discusses some shallow understanding and Suggestions on how to solve the problems and difficulties encountered by procuratorial organs in participating in community correction based on big data.

Keywords: Community Correction, Procuratorial Supervision, Countermeasures, Big Data

1. Introduction

By performing the procuratorial functions and powers, the SPC severely investigated and dealt with judicial corruption cases in the process of community correction, timely supervised the reform of people serving sentences in the community and criminal cases, and ensured the completion of the task of criminal proceedings[1].

2. Current situation of community correction in China

At present, the community correction based on big data has entered the comprehensive pilot trial stage, but also faces a series of practical problems, such as lack of legal basis, unclear subject of implementation, small number of applicable objects and narrow scope[2]. As a legal supervision organ, how to exert its functions to make community correction based on big data achieve high quality correction effect and effectively maintain social harmony and stability is an important subject before
the procuratorial organ.

3. Problems existing in current legal supervision of community correction

Community correction based on big data, since the legal supervision of procuratorial organ from the original mode of procuratorial supervision into execution outside prison now under the community correction of procuratorial supervision, although work is carried out under the existing legal framework, but the legal supervision object, supervision contents such as some changed, a lot of new problems brings to the procuratorial supervision of community correction, some even constituted of restricted the healthy development of community correction. It mainly includes:

3.1. Community correction legislation lags behind

Community correction is a "import", China's current law is still no special provisions of execution of community correction, a series of work such as execution of community correction is the lack of legal basis, lack of maneuverability, also not the rigid rules of law, the authority of penalty execution and compulsory, correction of deprivation of political rights of the object management has become a prominent problem, generally for the felon, deprived of political rights criminal prison time is long, deep, vice psychological conflict society, should be corrected the focus of the crowd, but because of the lack of mandatory provisions of law on the basis, Correction organizations are at a loss what to do about such people's disobedience to management, and cannot play a good role in resolving social contradictions and maintaining social harmony and stability (as shown in Figure 1 below).

![Figure 1. Relationship between law and community corrections](image)

At the same time, as there is no special legislation for community correction based on big data, it is impossible to accurately position community correction based on big dataers, and their relevant rights and responsibilities are not determined in the form of law, which affects the inspection and supervision and the in-depth development of community correction based on big data[3].

3.2. Lack of intervention mechanism and procedural guarantee for the performance of supervision function

The community correction based on big data in China started late and is still in the exploratory trial stage. A complete, unified and reasonable correction procedure is still in the process of research and
exploration. There are only some principles in community correction but no specific procedures to follow[4]. The whole community correction based on big data lacks unified procedural requirements, and the regulations of each province and city according to local conditions are either too simple or not comprehensive, which makes the implementation procedures of community correction based on big data numerous and makes it difficult to standardize and unify all links of this serious law enforcement work.

3.3. The inherent defects of the existing supervision means seriously weaken the supervision effect

The supervision means of the procuratorial organ is mainly through issuing the "Notice to correct the violation of law" and "Inspection Suggestion", etc. The supervision means is relatively simple and has no law enforcement force, and the supervised unit may or may not execute it. In addition, the supervision of community correction has just started, and relevant laws and regulations have limited supervision methods, which seriously affects the supervision strength. In practice, it often happens that after the procuratorial organ issues the notice of correction, the supervised organ neither raises objection nor implements it[5].

4. Improve the inspection and supervision of community correction

In view of the problems existing in the procuratorial supervision of community correction pilot work, this paper draws on the theories and legal practices of community correction legal supervision abroad and combines with the actual situation of community correction pilot work in China to put forward the following Suggestions:

4.1. Improve legislation

4.1.1. Formulate special community correction law. Combined with national conditions, according to the actual situation of our country community correction pilot work, to absorb the useful experience for reference foreign legislation of community correction, make a special command and coordinates activities of community correction of the laws and regulations, the legal nature, the applicable scope of community correction, supervision and management measures, security system, working procedure and the set of institutions and personnel of community correction, responsibilities, rights and obligations, and make law enforcement and supervision, legal responsibility of make clear a regulation, especially the clear public welfare labor, daily rewards and punishments, etc., the legal nature of corrective action is to resolve the procuratorial supervision of community correction object fuzzy problems such as lack of legal basis, supervision[6].

4.1.2. Improve the relevant provisions of The Criminal Law. First of all, the legal status of procuratorial organs in community correction based on big data should be clarified, and the procedural guarantee of supervision should be improved. For negative or positive actions against legal supervision, the procedure of responsibility investigation should be stipulated, so as to inject compulsory force into the legal supervision means of procuratorial organs. Figure 2 below shows the daily situation of a rehab center under community supervision:
Secondly, it is to formulate detailed rules to strengthen the supervision and authority of procuratorial organs. According to the provisions of the laws of community correction to make detailed and comprehensive, the provisions of procuratorial supervision, such as procedures, methods, supervision of procuratorial supervision object, the power of supervision, etc.) detailed specifications in the detailed rules for the implementation of community correction, especially given the procuratorial organs correct illegal execution and supervision is in the object is not within the time limit to correct illegal and will correct the feedback to the procuratorial organs, procuratorial organs should be brought with the corresponding illegal disposition.

4.2. Application of Big data in community Correction supervision

4.2.1. Implement the information exchange and sharing system. To build a unified correction information platform, promote community correction information sharing, integrate the supervision mechanism with modern information means, and make rational use of high-tech achievements to create conditions for solving the contradiction of fewer personnel and heavy tasks in the procuratorial organs. An information network platform for rectified objects should be established among county-level public procuratorial organs, legal organs and judicial organs, through which information of rectified objects in communities within their jurisdiction can be easily viewed. At the same time, the GPS positioning system can effectively monitor the corrected objects and prevent them from falling off the pipe, leaking pipe and committing crimes again.

4.2.2. Establish a synchronous supervision system. Post-supervision is not conducive to the discovery and solution of problems, but also affects the effectiveness of the supervision of the procuratorial organs. Therefore, it is necessary for the procuratorial organs to change post-supervision into synchronous supervision so as to enhance the effect of supervision. The procuratorial organs should carry out the following work simultaneously in the community correction activities: first, actively carry out the sentencing Suggestions in the public prosecution, and urge the judicial organs to reasonably expand the application of non-imprisonment punishment; Second, examine criminal judgments in a timely manner, focus on the supervision of sentencing, and ensure the legitimacy of non-custodial sentences awarded by judicial organs; The third is to supervise the activities of parole and temporary execution outside prison in advance, carefully examine the materials submitted by executing organs for parole and temporary execution outside prison, and put forward corrections when
problems are found, so as to prevent the occurrence of illegal parole and temporary execution outside prison.

5. Conclusion

The community correction based on big data in China started late and is still in the exploratory trial stage. According to the current law, the procuratorial organs cannot get involved in the application and approval process of commutation, parole and temporary execution outside prison, and the executing organs do not transfer relevant materials. The exclusive enjoyment of the procuratorial organs is only the written order made by the people's court, which is not a substantive and effective review. Therefore, the supervision of the procuratorial organs on commutation, parole and temporary execution outside prison belongs to post-supervision. At present our country's community correction pilot practice, procuratorial organs to participate in confined to penalty execution phase, way of supervision and content are passive, checking and supervision means for the written examination, field trips, talking with the people or organizations, it is difficult to effectively examination as to substance, the procuratorial supervision afterwards to community correction will lose this new way of penalty of exploring significance.

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