

REFLECTIONS ON THE BOUNDARY OF CRIMINAL PUNISHMENT FOR NEUTRAL HELPING BEHAVIOR***Fen Li**

Open Institute, Hainan Open University, Haikou, China

Received 16th February 2022; Accepted 24th March 2022; Published online 30th April 2022

Abstract

The boundary of neutral helping behavior into crime needs to be strictly identified in essence, the theory of limiting punishment should be adopted, the principle of limiting and shrinking the application should be adhered to, and the boundary of identifying such behavior as a crime should be narrowed. There are doubts about the application of the theory of limited punishment, the internal subjective theory and the compromise theory; Therefore, we should adhere to the judgment standard status of objective theory. The specific judgment method, taking the objective imputation theory as the judgment method of the causal relationship between the neutral help behavior and the result, can get rid of the dilemma of too wide attack caused by the theory of conditional theory to the greatest extent, and achieve the purpose of limiting the criminalization of the neutral help behavior. From the raising of the problem to the dispute over the boundary of incrimination, finally, objective imputation is advocated. The objective imputation theory is taken as the core judgment perspective to minimize the complexity of judgment, improve the efficiency of judgment, and reasonably limit the boundary of neutral helping behavior. This paper briefly introduces and makes a simple comment on the theory of the criminalization boundary of neutral helping behavior in the theory.

Keywords: Criminalization, Restricted punishment, Objective imputation.

INTRODUCTION

Neutral help behavior, that is, the behavior appearance does not violate the norms of criminal law, but objectively provides help for the realization of other people's criminal behavior, so as to promote the consequences of infringement of relevant legal interests. Not all helping behaviors are commendable. The criminal law amendment (9) adds the crime of helping information network criminal activities, which is an independent crime for knowing that others use information networks to commit crimes, providing technical support such as Internet access, server hosting, network storage and communication transmission for their crimes, or providing assistance such as advertising promotion, payment and settlement. There are new provisions on the crime of helping information network crimes and disputes about whether the behavior of network service providers providing network services can be identified as an accomplice or even a principal offender in relevant judicial practice cases such as the "fast broadcast case". The boundary of the punish ability of neutral help behavior has gradually become a hot spot in the field of criminal law in China. Today, with the increasingly blurred social division of labor and the increasing expansion of cyberspace, The research on the boundary of neutral helping behavior has certain social significance. Before discussing whether the act of neutral assistance constitutes a crime and under what circumstances, we should distinguish and judge the concept and core elements of the act of neutral assistance. On the one hand, as mentioned above, the core of neutral helping behavior lies in the appearance of "neutrality", that is, this behavior is legal and harmless from the perspective of general social life. The legitimate selling behavior of the owner of a hardware store selling hammers or kitchen knives, the behavior of one husband or wife providing food to the other, and the behavior of network service providers or platform managers providing cyberspace and services to the public have

corresponding legal qualifications because of the authorization or agreement of their actors, so they have the characteristics of "neutrality" in the appearance of their behavior; On the other hand, in addition to "neutrality", these "seemingly harmless" help "behaviors objectively contribute to the implementation of criminal acts, resulting in the occurrence of criminal results, which has also become the main basis for making their own neutral criminal acts no longer "neutral", so as to identify neutral help behaviors as helper offenders or even principal offenders. The "neutral helpfulness" of neutral helping behavior has also become the core feature that distinguishes it from the "neutral helping crime" that can be evaluated as a crime; In other words, the boundary problem of criminal punishability of neutral helping behavior can be simplified to the judgment of "neutrality" of this behavior to a certain extent. In fact, the main criterion of "neutrality" lies in the fact that the main criterion of "neutrality" needs to be judged. If it is only the criterion of "neutrality", it needs help to determine the degree of neutrality in fact.

Disputes on the boundary of the criminalization of neutral helping behavior

The punishment basis of neutral help behavior is the judgment of the boundary of neutral help behavior. From the general direction, whether the criminal punishability of neutral help behavior should be limited, there are comprehensive punishment theory and limited punishment theory in theory. The theory of comprehensive punishment advocates comparing the neutral helping behavior with the constituent elements of the helping crime. If the helping behavior objectively leads to the result and the perpetrator has the subjective intention to help the offender, the neutral helping behavior should be recognized as the helping crime. Therefore, almost all the neutral helping behaviors can be recognized as the helping crime in the joint crime. In the process of illegal detention of the victim by either husband and wife, one party still gives him food and live with him knowing the fact that the other party

***Corresponding Author: Fen Li**

Open Institute, Hainan Open University, Haikou, China

has committed a criminal act. From the perspective of comprehensive punishment, this behavior undoubtedly constitutes the helping behavior of the crime of illegal detention. In today's society, it is unthinkable to evaluate the daily life behavior that objectively does not infringe on legal interests as a criminal behavior. The comprehensive punishment theory does not recognize the limited punishability of neutral help behavior, and even ignores the "neutrality" characteristics of neutral help behavior. Therefore, it has gradually become a minority theory in theory. On the contrary, the theory of restrictive punishment advocates limiting the punishment scope of neutral help behavior with various subjective and objective factors, trying to find the basis of the crime while clarifying the boundary of the crime of neutral help behavior. As for the basis of limiting punishment, the theory of limiting punishment can be divided into the subjective theory with subjective elements as the main judgment object, the objective theory with objective elements as the main judgment object and the compromise theory of unified consideration of subjective and objective elements.

The position and analysis of subjective theory

The subjective theory holds that the standard to judge whether the neutral helping behavior has criminal punishability should extend to the actor's subjective intention. If the actor's subjective intention state is enough to overturn the "neutrality" of the behavior, the actor will undoubtedly constitute the helping crime of the principal offender. As for the specific evaluation criteria, some scholars believe that the punishable neutral helping behavior must have a subjective attitude of "knowing" the criminal facts of others, that is, if the perpetrator still helps others when he knows the criminal facts of others, the helping behavior will no longer be neutral, but will be transformed into a helping behavior worthy of criminal punishment in the sense of joint crime; However, this theory also has defects in theory and practice. In theory, the subjective establishment element of the aiding offender, that is, the aiding intention, can generally be identified as double intention, that is, the helper knows that his helping behavior will promote the implementation of the principal offender's behavior, and still hopes or allows this situation to happen, but the "knowing theory" only requires the aiding actor to know the fact that others are committing a crime. However, the perpetrator is not required to have a pursuit or laissez faire attitude towards the content that he is "helping others to commit a crime" and that such helping behavior will lead to the result of the crime. In this case, it is obviously impossible to draw the conclusion that the perpetrator establishes a helping crime. In judicial practice, the identification of the perpetrator's subjective state of mind of "knowing well" often depends on the perpetrator's oral confession. However, under the criminal procedure principle of "the defendant shall not be forced to prove his crime", the perpetrator's oral confession of knowing well about his subjective state of mind is usually difficult to obtain. At this time, it has to be identified by looking for objective and strong evidence and then by judicial presumption. However, the implementation of judicial presumption virtually increases the judicial cost, and at the same time, it has the risk of breaking through the principle of legally prescribed crime and punishment, which should be applied carefully. In addition, Professor Roxin advocates the "dichotomy of intention", which divides the subjective state of mind of the helper into "definite intention" and "unnecessary intention". When the perpetrator holds a definite intention to help the perpetrator in carrying out

criminal activities, and hopes and allows the results to occur, it undoubtedly constitutes a helper. However, when the perpetrator in the above circumstances only has an unnecessary intention for the behavior and results of others using the help provided by himself, that is, he realizes the possibility of the perpetrator's criminal behavior and criminal results, the principle of trust shall be applied, and the perpetrator shall not bear the responsibility of helping the perpetrator. Roxin's view is also questionable. Just as an intentional crime cannot be constituted only by direct intention, but not by indirect intention, the different forms of determined intention and unnecessary intention as intention only have the significance of sentencing, but cannot be used as the judgment factor to distinguish whether a crime is established or not at the level of conviction.

Subjective theory has methodological defects. To evaluate the criminal punishability of an act, we should first judge its objective illegality objectively. Only by determining the illegality of the objective illegality level, can we judge the process of the subjective responsibility stratum, which is the due meaning of the objectivism of criminal law. However, the subjective theory reverses the evaluation order of the behavior and takes the subjective judgment as the core element of the evaluation of the neutral help behavior. It is very easy to replace the objective judgment with the subjective judgment, and evaluate the objectively harmless behavior as a criminal behavior only because of the perpetrator's subjective malignancy. It is not only easy to fall into the stereotype of the subjective criminal law, but also has the suspicion of making the criminal law become "impression criminal law" and "mood criminal law". In addition, due to the consistency of the judgment results between the subjective theory and the comprehensive punishment theory under the principle of limited punishment, the problem of excessive punishment of neutral helping behavior has not been solved.

The position and analysis of objective theory

Contrary to the subjective theory, the objective theory advocates a set of evaluation system for neutral help behavior from the perspective of objective behavior. According to the different standards of evaluating objective behavior, there are many theories such as "social equivalence theory", "alternative daily behavior theory" and "interest measurement theory". Among them, the "social equivalence theory" holds that the infringement of legal interests caused by neutral help behavior can be given criminal punishability only if it exceeds the scope of social equivalence, that is, infringing legal interests in a way that is contrary to the requirements of social moral order formed by the history of community life. This theorist handed over the criminal illegality judgment basis of neutral help behavior to the theory of "social equivalence". If the neutral helping behavior does not exceed the daily behavior form, especially when the behavior does not simply exceed the framework of professional behavior, it should be excluded from the scope of helping crime in criminal law, that is, these behaviors are socially equivalent behaviors and do not have the elements of helping crime, so the establishment of helping crime should be denied. The defects of this theory are: firstly, the neutral helping behavior itself is a vague concept, and the requirements of the moral order formed between social communities over a period of time based on the so-called social equivalence are not invariable. Using an uncertain concept without a fixed judgment standard to explain another

concept without a fixed form of expression is bound to cause confusion in the process of interpretation; In addition, if the theory of professional equivalence is used to replace the theory of social equivalence, the illegality of the same neutral helping act will be different with the change of the perpetrator's occupation, and the principle of equal application of criminal law will undoubtedly be impacted. "Alternative daily behavior theory" holds that in the case of criminal results caused by the participation of neutral help behavior, assuming that this behavior does not exist and the results will occur, the causal relationship between help behavior and results should be denied. In other words, if this neutral help behavior can be objectively replaced by other behaviors, this behavior does not have the possibility of imputation in the sense of criminal law. The defect of this theory is that it focuses on the fact that it is based on assumptions and does not exist objectively. The objective judgment of the criminal punishment basis of neutral help behavior should be based on the behavior itself. If we insist on finding another behavior that has not occurred objectively in addition to this behavior, so as to deny the existence of causality, it will undoubtedly cause a large number of neutral help behaviors that are worthy of punishment to not be evaluated as criminal acts, thus improperly limiting the boundary of criminal illegality of neutral help behavior. The theory of interest measurement is based on the measurement and comparison of legal value to judge the criminal illegality of neutral help.

According to this theory, the criminalization or decriminalization of the act of neutral help should be measured by whether the perpetrator has complied with the code of business conduct, whether the act itself has substantial infringement of legal interests, or the risk of causing infringement of legal interests, and the result of infringement of legal interests caused by the act actually contributed to the implementation of the act. Its essence is to measure the freedom of conduct of the neutral helper and the principle of protection of legal interests in criminal law. It should be said that the theory of interest measurement advocates comparing the infringement of legal interests, so as to limit the scope of the establishment of the crime of neutral assistance, and grasp the essence of the act of neutral assistance to a certain extent. However, there are still doubts: after the actor A pays off the legal debt to B, B uses the benefits obtained from realizing the creditor's rights in the business activities of producing and selling fake and shoddy products. In this case, it is judged according to the theory of interest measurement, It is necessary to weigh between A's freedom to perform his obligations and the legal interests protected by the crime of producing and selling fake and shoddy products, that is, the health and safety of the unspecified public in society. If we try to come to the conclusion that A's behavior does not constitute an accomplice, it is bound to require the perpetrator's freedom to perform his obligations on the premise, which is superior to the health and safety of the unspecified public in the society in criminal law, but this premise itself is a false proposition. It can be said that the limitation of interest measurement theory is that its judgment standard is too abstract, which will increase the difficulty and cost of judgment in the face of special cases.

To sum up, objectively speaking, it is worth affirming that the judgment focuses on the infringement of legal interests by the behavior itself. However, whether it is the theory of equivalence, the theory of alternative behavior or the theory of interest measurement, they all try to set an independent

judgment standard to identify the criminal punishment boundary of neutral help behavior. However, there are problems in the evaluation mechanism of each standard evaluation, There seems to be a common problem of "different directions" in all the above theories.

The position and analysis of compromise theory

The compromise theory holds that the criminal punishability of neutral help behavior needs to be considered in combination with subjective and objective factors. Firstly, objectively, helping behavior significantly increases the risk of principal offender infringing on legal interests; Secondly, subjectively, the helper clearly recognizes that the principal is about to commit or is committing a crime, and still holds a hope or laissez faire attitude towards strengthening the behavior and results of the principal. When the objective and subjective conditions meet the above conditions, the perpetrator of the neutral helping act constitutes the helping crime. The compromise theory, based on the fact that the establishment of a crime in China needs to be judged based on the unity of subjectivity and objectivity, seems to be reasonable in the normative sense. However, on the one hand, as scholars say, the discussion of identifying neutral helping behavior as the boundary of helping crime essentially recognizes that some actors may not constitute a crime if they provide help deliberately; On the other hand, under China's accomplice theory system, the negligent helping behavior does not constitute helping crime. Of course, the judgment of the punishability of neutral helping behavior should be based on an objective position. "Compromise is actually equivalent to saying nothing." In addition, the author believes that although the compromise theory adds the subjective aspect as the judgment data in the judgment process, the practice of combining the subjective and objective aspects indiscriminately for judgment is not conducive to emphasizing the objective attribute of neutral help behavior, and there is even the risk of subjective imputation. Therefore, the compromise theory also has insurmountable defects.

Advocacy of objective imputation theory

In the viewpoints and theories on the judgment of the criminal punishment basis or the crime boundary of neutral help behavior, the subjective theory has inherent defects in methodology. The compromise theory virtually expands the scope of judgment, and there is also the risk of subjective imputation while increasing the judgment cost. Although there are many differences within the objective theory, its judgment path and thinking are indeed in line with the essential characteristics of neutral help behavior. Therefore, The author advocates taking the objective theory as the basis for judging whether the neutral helping behavior is a crime. When there are some defects in the "social equivalence theory", "alternative behavior theory" and "interest measurement theory", it is a feasible way to introduce the objective imputation theory for substantive judgment.

Judgment advantages of objective imputation theory

The basic content of objective imputation theory is that an act can make an objective judgment of illegality only when it creates the danger that is not allowed by law, realizes the danger that is not allowed by law, and the harmful result is within the constituent elements of relevant norms. The author

believes that using the objective imputation theory to judge the criminal punishability of neutral help behavior has the following advantages.

Firstly, the objective imputation theory has certain rationality in methodology, and has the function of simplifying the judgment process and improving the judgment accuracy at the same time. As we all know, the basic position of objective imputation theory is to completely hand over the judgment of the illegality of behavior to the objective and substantive level, and avoid qualitative analysis of objective behavior at the subjective level. Starting from the essence of the concept of neutral helping behavior, what neutrality embodies should be objective neutrality, that is, this behavior itself is not an accomplice behavior that can participate in the principal offender's behavior and cause the risk of legal interest infringement in a general sense. Subjective factors should not be added to the judgment of objective behavior. Therefore, the objective imputation theory based on objectivism draws a clear line from the subjective theory and the compromise theory. Different from other theories in the objective theory, the objective imputation theory directly focuses on the substantive judgment standard of infringement of legal interests. The infringement of legal interests by an act is undoubtedly stable compared with the degree to which the act conforms to social moral principles or professional ethics. Therefore, The result of substantive judgment on the infringement of legal interests of neutral helping behavior is also stable compared with other internal views of objective theory. The substantiation and independence of judgment standard not only conforms to the principle of legal interest protection of criminal law, but also improves the efficiency of judgment.

Secondly, the hierarchical judgment idea advocated by the objective imputation principle is worth advocating. On the issue of judging whether an act is objectively reprehensible, the objective imputation theory follows such a judgment path: the first step is that the perpetrator creates an impermissible danger and meets the results of the constituent elements; The second step is that the result achieved by the impermissible danger needs to be within the scope of the effectiveness of the constituent elements. Therefore, only after judging that the behavior objectively creates the danger that is not allowed by the law, can we continue to judge whether the danger caused by the behavior is within the effectiveness of the constituent elements, and then attribute the behavior. From attribution to imputation, we strictly follow the judgment path of "without the former, we will not be by the latter", which has the characteristics of simplicity and efficiency in the way of thinking. As scholars said, the use of objective imputation theory needs to distinguish the types of risk creation and risk realization, and judge in turn according to the logical order, so as to gradually exclude those neutral helping behaviors that are not dangerous from the crime.

Finally, the application of objective imputation theory to judge the criminal punishability of neutral help behavior is conducive to overcome the judgment dilemma of neutral help behavior in the traditional sense of causal accomplice theory. As the current punishment of accomplice, according to the general theory of causal accomplice, if you want to judge whether an act is a helping act in the sense of accomplice, its core is to judge whether there is a causal relationship between this act and the criminal result caused by the principal offender. If you admit that there is a causal relationship between the two, you

should affirm the establishment of helping act in the sense of accomplice. However, the defect of the traditional causal accomplice theory is that it only judges the causal relationship between the helping behavior and the infringement of legal interests caused by the principal offender's behavior from the perspective of natural attribution, which leads to the improper expansion of the establishment scope of the helping crime, and there is a risk that some harmless neutral helping behaviors will be judged as helping crime. The objective imputation theory combines attribution and imputation into one, overcomes the defect that the causal condition theory is easy to expand the scope of punishment, and judges the infringement of legal interests of neutral helping behavior in combination with relevant norms, which reasonably limits the establishment scope of helping crime.

Specific application of objective imputation theory

In the specific process of applying the objective imputation theory to determine the punishability of the neutral help behavior, we should strictly abide by the internal judgment procedure of the objective imputation theory, that is, first judge whether the neutral help behavior creates an impermissible danger, second judge whether the impermissible danger is realized, and finally judge whether the realized danger belongs to the scope of constituent elements. The author believes that, on the premise that the judgment object is neutral helping behavior, the core of using objective imputation theory to judge the punishability lies in accurately grasping the first judgment path, that is, to make a substantive judgment on whether the behavior creates a danger that is not allowed by law. If the infringement of legal interests of the behavior is excluded at this stage, it is logical to judge that this type of behavior does not belong to helping behavior in helping crime, Then delimit the punishment boundary of neutral help behavior. Whether this behavior is a dangerous behavior can be judged in combination with relevant specifications. Based on the integrity of the judgment system, the next two steps under the objective imputation judgment mode are briefly described.

- 1) The daily life behavior without any risk of infringement of legal interests is not enough to be included in the scope of objective imputation theory. The behavior of one husband or wife providing food for the other is a typical example. The act of providing food does contribute to the principal's behavior objectively. It can even be said that if there is no act of providing food, the corresponding principal cannot have physical strength to carry out subsequent criminal acts. However, the premise of attribution based on conditions is that the attributed behavior must belong to the criminal behavior worthy of evaluation in criminal law. No matter what position, the behavior of providing a person with daily food can not become the criminal behavior. In other words, the behavior of daily life itself does not have the risk of infringement of legal interests, or this risk can be tolerated in the context of risk society. As Professor Nishida said: even if it is determined that there is causality of help, the help behavior must reach a level worthy of being called "help". Therefore, the objective imputation theory negates the premise and basis of imputation for this behavior.
- 2) Strictly abiding by relevant laws and regulations and industry norms in the industry is not an act that causes or

promotes impermissible hazards. Today, with the vigorous development of the information network field, the number of Internet users is increasing, and all kinds of information can be quickly spread through the vigorous network business. In contrast, the crimes committed by using the network platform have developed to a new level in terms of quantity and means. Therefore, with the attention of the criminal law on emerging network crimes, the responsibility of network service providers is increasing. There is a risk of assuming the responsibility of accomplice or even principal offender because of the cyber crime occurring in the platform. From this perspective, the identification of the responsibilities of network platform managers and network service providers has become the focus of the research on the punishability of neutral help behavior in today's society. The author believes that based on the modesty of the criminal law and the substantive judgment standard of the criminalization of neutral help behavior, whether the network platform manager complies with relevant laws and regulations and industry norms should be taken as the judgment basis of whether the neutral help behavior increases the risk. When the network platform manager obtains the business qualification according to law and adheres to the position of technical neutrality, there is no abetting. When luring others to use this platform for criminal activities and establishing a complete set of network compliance management system to prevent crime, it should be considered that their behavior of providing network services does not significantly increase the risk of impermissibility, so as to eliminate objective imputation. Similarly, in other professional fields except the field of information network, if an act itself is recognized as a legal and compliant act because it complies with the basic legal norms or basic industry norms, it is also not an act that objectively increases the risk and can be attributed. In this way, it can avoid identifying the common transaction acts in daily life as criminal acts and avoiding the improper expansion of the attack surface of criminal law.

- 3) When the act does objectively cause the danger of infringement of legal interests and the danger has been realized, it is necessary to judge whether the act realizes the danger and whether the harmful result exceeds the protection scope of the constituent elements of the relevant criminal law norms. "The premise of objective imputation is that the impermissible danger created by the actor is realized in the result." "The most important imputation standard of objective imputation theory lies in the relationship between the result and the risk not allowed by law. In addition to causality, the result must be within the normative protection of avoiding risk, or it must be the object to be mastered by the protective effect of constituent elements." The author's immature thinking is that when we judge the neutral help behavior itself and admit that it has caused or increased the risk of adding merit to the corresponding behavior to a certain extent, and then produce the risk of infringement of legal interests, we might as well make a reverse judgment as to whether the risk is realized due to the neutral help behavior and whether the result belongs to the protection scope of the constituent elements. First, the neutral aiding behavior should be discussed based on the concept of aiding crime, which is the product of the accomplice principal offender distinction system. Based on the context

of the differentiated accomplice system, the premise for the establishment of accomplice (accomplice) is that there must be the criminal act of the principal. Therefore, on the premise of not denying the danger caused or increased by the neutral accomplice, after using the judgment path of Article 2 and Article 3 of the objective imputation theory to exclude the objective imputation of the corresponding (possibly evaluated) principal's act, it can be based on the principle of accomplice subordination. Of course, it comes to the conclusion that the neutral helping behavior, which objectively contributes to the corresponding behavior, does not constitute the crime of helping crime.

To sum up, in the process of using the objective imputation theory to judge the criminal punishability of neutral help behavior, we can judge from two aspects: positive and negative, direct and indirect. Firstly, the theory of increasing risk is used to exclude the objective imputation of the neutral help behavior that does not cause or enhance the risk of legal interest infringement. Secondly, although the neutral help behavior creates or increases the impermissible risk, after excluding the implementation behavior of the relevant principal offender, based on the principle of accomplice subordination, the objective imputation of the neutral help behavior can also be reversed and indirectly excluded.

Epilogue

Out of respect for the protection function of human rights in criminal law and the implementation of the principle of legally prescribed crime and punishment, we should abide by the judgment idea of carefully identifying the act of neutral assistance as a crime. Due to the inherent factual attribute of neutral help behavior itself, it is difficult to standardize and evaluate it. Among many theories about the criminal punishability standard of neutral helping behavior, the objective imputation theory within the objective theory is methodologically reasonable. "The objective imputation theory is mainly based on the increase of risk, that is, using the probability of the occurrence of the result to determine whether a result can belong to a specific behavior. It is two different theories from the causality theory which explicitly focuses on the relationship between cause and effect." Taking the objective imputation theory as the core judgment perspective can minimize the complexity of judgment and further improve the judgment efficiency, so as to reasonably limit the criminalization boundary of neutral help behavior.

REFERENCES

1. Guo Wei: Discussion on the criminal punishability of network neutral help behavior, *Journal of Henan University of science and Technology*, issue 2, 2018
2. Hu zongjin: on the punishment basis and restriction path of neutral help behavior, *Published in law forum*, No. 17, 2018
3. Liu Yanhong: evolution and criticism of the punishability of network neutral helping behavior -- Taking the theory and practice of Germany and Japan as the comparative benchmark, *Published in legal review*, No. 5, 2016
4. Chen Hongbing: the basis for the crime of neutral helping behavior can only be the objective behavior itself -- Reinterpretation of the judicial interpretation of accomplice, *Journal of Sichuan University*, issue 4, 2021

5. Zhu Yong: punishment basis of helping behavior and punishment control of neutral helping behavior, *Journal of China University of political science and law*, No. 3, 2019
6. Hans welzel: introduction to the theory of purposeful behavior: a new picture of criminal law theory, translated by Chen Xuan, China Renmin University Press, 2015 edition.
7. Chen Jialin: general theory of foreign criminal law [M], China People's Public Security University Press, 2009 edition.
8. Chen Hongbing: Research on the punishability of network neutral helping behavior, *Academic forum*, issue 2, 2021
9. Wang Yang, Ding Zhihua: Research on objective imputation theory [M], China People's Public Security University Press, 2006 edition.
10. Yao wanqin: neutral helping behavior and objective imputation theory, *Published in jurist*, No. 6, 2017
11. Chu Chencheng, Hu Zixin: the causality of the crime of helping information network crime and the path of crime -- a discussion centered on objective imputation, *Journal of Shandong judges training college*, No. 1, 2020
12. [Japan] Nishida Dianzhi: general theory of Japanese criminal law [M], translated by Wang Zhaowu and Liu Mingxiang, Law Press, 2013 edition.
13. Zhang Mingkai: Criminal Law [M], Law Press, 2021 edition.
14. Lin Shantian: general theory of criminal law [M], Peking University Press, 2012 edition.
15. Li Hong: general theory of criminal law (Second Edition) [M], Law Press, 2016 edition.
