

The Fengqiao model in promoting social harmony in the new era and Misdemeanor Governance: Realistic Challenges and Path Innovations

Enni Cao

Xiangtan University, China

Abstract

The revision of the Criminal Law reflects the importance that the legislature attaches to the issue of misdemeanor crimes; at present, the threshold for misdemeanor crimes in China has been lowered, and it has become more difficult for crimes to be committed, and there has been a shift in the system of governance from “strict, but not strict” to “both strict and strict”. Fengqiao model in promoting social harmony in the new era contains the value of fairness, efficiency and order, and misdemeanor governance has a unified purpose and position, misdemeanor governance in China has a reference significance. The Fengqiao model in promoting social harmony in the new era is a vivid practice of modernizing social governance. To build a perfect path for misdemeanor governance in China, the Fengqiao model in promoting social harmony in the new era should be used as a theoretical guide, giving full play to judicial activism, strengthening procuratorial hearings, reducing arrests and prosecutions, and ensuring prudent detention; promoting criminal reconciliation and strengthening the governance of the source of the lawsuit; and adjusting the allocation of penalties and reducing the number of people in detention.

Keywords

The Fengqiao model in promoting social harmony in the new era, misdemeanor management, prosecutorial hearings, criminal reconciliation, penalties.

1. Introduction

Standing at the strategic height of promoting the modernization of the national security system and capacity, the Twentieth Party Congress has made new deployments to improve the social governance system, emphasizing the need to improve the social governance system and raise the level of the rule of law in social governance. With the significant changes in the structure of criminal offenses in China in the new era, misdemeanor governance has become a proposition of the times that concerns the country's long-term stability and peace, the construction of the rule of law and the overall situation of national governance. For a long time, misdemeanor governance has always been a key issue of general concern to the legislature and the judiciary, and there has been a great deal of discussion at the social level as well. The revision of some articles in the Amendment (XI) to the Criminal Law of the People's Republic of China (hereinafter referred to as “Amendment XI”) once again demonstrates the legislature's attention to the issue of misdemeanor crimes, and may lead to the emergence of a large number of “misdemeanor crimes” in the future judicial practice. [1]

Admittedly, when new problems arise in social governance, the creation of new crimes in the criminal law to participate in social governance, this way of governance seems to be a manifestation of China's criminal law governance shifting from “crime-fighting” to “social governance”, which has the effect of “effectively combating and standardizing social governance”. “Effective crackdown, standardize the social order” role, but with the expansion

of misdemeanor crimes, due to the lack of effective procedures for the system of crime and the elimination of the system of previous convictions, the expansion of misdemeanor crimes brought about by the increase in the number of cases, aggravate the pressure on the judiciary to handle the case of inappropriate consequences of the penalties attached to the consequences of the phenomenon, resulting in "easy to incriminate, it is difficult to get out of the crime" In fact, the mode of governance of minor and major crimes is no different, and even makes the system of crime governance change from "strict but not strict" to "strict and strict", which is contrary to the original intent of the governance of minor crimes. Therefore, how to choose a practical theory to guide the construction of the misdemeanor governance system is the current urgent problem.

Fengqiao model in promoting social harmony in the new era is the inheritance and development of Fengqiao experience, focusing on "mobilizing and relying on the masses, insisting on resolving conflicts locally instead of handing them over", with a view to realizing the principle of The goal of "fewer arrests and better law and order" coincides with the concept of misdemeanor governance, and is of great significance for the improvement of the system of misdemeanor governance, both in terms of crime and incrimination. The Fengqiao model in promoting social harmony in the new era can not only realize the effective management of misdemeanor, but also is a vivid practice of modernization of innovative social governance. This paper analyzes the real situation of misdemeanor governance in China, describes the value implication of "Fengqiao model in promoting social harmony in the new era", and combines the intrinsic connection between "Fengqiao model in promoting social harmony in the new era" and the misdemeanor governance in China, in order to integrate the idea of "Fengqiao experience" into the misdemeanor governance in the new era, and to make the new era "Fengqiao experience" into the misdemeanor governance. Experience" in the new era into the governance of minor crimes, put forward China's minor crimes governance path construction, so as to realize the social construction, sharing and common governance and 'self-governance, rule of law, moral governance' of the trinity.

2. Realistic challenges to the governance of petty crime in the country

The pattern of crime in modern society is changing rapidly and dramatically, not only entering the era of statutory offenses, but also gradually bidding farewell to the era of natural offenses. Crime statistics in recent years also show that China has entered the era of petty crime and is slowly leaving the era of serious crime. Trends in the severity of crimes have changed even more dramatically. According to statistics, between 1999 and 2019, the number of serious violent crimes prosecuted by procuratorial organs fell from 162,000 to 60,000, an average annual decline of 4.8%; the proportion of those sentenced to more than three years' imprisonment fell from 45.4% to 21.3%. At the same time, there was an increase in new types of crime (especially in the majority of minor crimes), with the most significant increase in dangerous driving crimes, a 19.4-fold increase in crimes of disrupting the market order, a 34.6-fold increase in crimes of producing and selling shoddy goods and a 56.6-fold increase in crimes of infringing on intellectual property rights. The decline in serious violent crimes and the rate of serious sentences reflects the continued improvement in the social security situation, with the people reaping the benefits of a real sense of security. The rise in the rate of minor crimes and light sentences also reflects the remarkable changes in crime patterns in the new era.

For a long time, the modesty of the criminal law has been frequently emphasized, and the launching of the criminal law has a supplementary safeguard nature, so that the criminal law shall not be easily applied unless as a last resort. As a result, criminal law has faced greater resistance in its application than other sectoral laws. In recent years, however, criminal law has played a major role in social governance. The establishment of misdemeanor crimes such as the

crime of throwing objects from a height, the crime of obstructing safe driving, and the crime of dangerous driving while intoxicated is a concrete manifestation of the criminal law's concern for social reality and its response to the people's voices. At the same time, in the context of the risk society, the criminal law has to adopt the logical way of legal interest protection, i.e., to prevent the occurrence or expansion of crime by advancing the crime node. It is undeniable that the active participation of criminal law in social governance is prone to the criticism of heavy-handed governance. [2] However, if we do not punish those behaviors that increasingly jeopardize public safety, we are afraid that it will be difficult to curb the increasing number of crimes in the society, and we will not be able to give full play to the value of criminal law in punishing crimes and protecting human rights. The active participation of criminal law in social governance is the highlighting of the instrumental value of criminal law, and is also the proper meaning of the normative purpose of criminal law to combat crime and defend society, as well as a practical path to enhance the public's sense of security. Before misdemeanor crimes were legislated, judicial practice was often confronted with the problem of "innocence" and "felony", and the application of pocket crimes became increasingly widespread. The addition of misdemeanors has made up for the legislative gap, solved the problems of judicial practice to a certain extent, and avoided the abuse of pocket crimes. The creation of misdemeanors in the criminal law network tightened at the same time, but also for related crimes to realize the possibility of punishment for the crime. Whether it is the addition of misdemeanors or sentencing on the types of penalties set at multiple levels, are designed to promote the crime and punishment system to lighten, the formation of "strict but not severe" crime and punishment system.

"Strict but not severe" mainly refers to the 'tight legal network' and 'light penalties'; 'severe but not severe' refers to the 'harsh penalties'. "harsh penalties" and 'a lax legal network', where 'harshness' is reflected not only in the death penalty but also in the tendency towards a heavy-handed penal policy. [3] Amendment (XI) to the Criminal Law created eight new misdemeanors, but at the same time substantially increased the statutory maximum penalty for many crimes, such as the crime of job appropriation, which was raised from "more than five years" to "life imprisonment", and also created many new felonies, such as one of the following in Article 236 "The maximum penalty for the crime of sexual assault by a person with caring duties is more than 10 years' imprisonment. If divided according to the dichotomy of "strict" and "severe", the creation of new misdemeanors undoubtedly belongs to "strict", while the increase in statutory penalties belongs to the policy of felonies, which is "severe". The increase in the number of minor offences is undoubtedly "strict", while the increase in the level of statutory penalties belongs to the policy of heavy penalties and is "strict". This seemingly "strict but not severe" system of crimes and penalties is essentially "strict and severe" in nature, and it is difficult to provide reasonable legislative guidance for misdemeanour legislation. China's current basic criminal policy is leniency and severity, "leniency" and "severity" is a relatively clear boundary of a pair of categories, which can cover the dual guidance of crime and punishment, "leniency" While "leniency" at least does not prohibit decriminalization legislation, except in the case of lighter penalties, "strictness" promotes continuous criminalization and closes the exit to criminalization. The greatest value of "strict but not severe" is to advocate "decriminalization", but before the old habit of "severe" punishment is lifted, the pursuit of legislation oriented to the tightening of the legal net of misdemeanorization is bound to result in the "re-criminalization" of crime. But before the old habit of "severe" penalties is lifted, the pursuit of legislation oriented to the tightening of the legal net and lightening of penalties will inevitably result in a "strict and severe" structure of crime and punishment. [4] This tendency to be "harsh and severe" is mainly reflected in the two aspects of entry and exit.

2.1. Expansion of the crime and lowering of the threshold of incrimination

With the development of a risky society and the emergence of new types of crime, traditional means of social governance are no longer able to adapt to the new types of social risk, and a moderate expansion of the criminal circle is justified; however, once the criminal law is over-expanded and criminalizes acts that do not require criminal law regulation, it will undermine the majesty of the criminal law, and even infringe upon the personal freedom and rights of citizens. In the short term, criminal law has achieved remarkable results in social governance, and the public has curbed the commission of dangerous behaviors based on the majesty of criminal law, but criminal law is by no means the primary choice. In the long term, if the criminal law is overly active and overstretched, it may easily give rise to negative effects, as some people who have been subjected to criminal sanctions, as well as their family members and relatives, may easily become discontented, and may then turn to hatred and retaliation against society. [5]As mentioned above, the greatest value of "strict but not severe" is to advocate "de-penalization", but under the influence of the current view of active criminal law, China's criminal law still shows a tendency towards heavy penalties. Amendment (XI) to the Criminal Law still builds a tight legal net by adding new crimes, changing the elements of criminal constitutive elements, and lowering the age of criminal responsibility. [6]The tightening of the legal net is in comparison to the leniency of the penalties, i.e., only when the overall penalties are on the lighter side, the tightening of the legal net can achieve the optimal effect. On the other hand, if new crimes are constantly added under the premise of heavy penalties, then the criminal law structure will be "strict and harsh". A one-sided emphasis on expanding the circle of criminality may lead to the expansion of the State's public power and the restriction of citizens' individual rights, to the detriment of economic development and social progress. Particularly in the context of a risk society, the expansion of the criminal circle could easily lead to a proliferation of penalties, and it is important to guard against the omnipotence of the criminal law and to avoid excessive reliance on the criminal law and heavy penalties, which could easily lead to the abuse of penal power and jeopardize the legitimate rights and interests of citizens.

2.2. Minimization of penalties and increased difficulty in getting out of jail

Theoretically, there are two paths to substantive and procedural exculpation. In the field of substantive law, scholars advocate the exclusion of minor offenses from the criminal circle, or their judicial exoneration through purposive doctrinal interpretations of the law. In the field of procedural law, scholars advocate that misdemeanors be exculpated through the discretion of judicial officers and through procedural mechanisms such as failure to prosecute. The two paths to exculpation have the same purpose of mitigating crime and penal overkill, but there are differences in legal basis, operational application, legal effects and other aspects, and there are controversies over how to choose to apply them in practice. [7]In the current context of misdemeanor governance, the relevant criminalization system has not been fully established. The addition of misdemeanor offenses has led to a rise in the number of cases and aggravated the pressure on the judicial authorities to handle cases. China continues to increase the number of misdemeanor crimes, the expansion of the crime circle will inevitably lead to an increase in the number of cases, and at this time and advocate through the criminal procedure summary procedures or additional misdemeanor trial procedures to achieve the felonies, misdemeanors, simple and complex diversion. [8]But the summary procedure does not mean that the efficiency of the case can be qualitatively improved. The ideal model of misdemeanor management, with light penalties for minor offenses and quick closure for minor offenses, also fails to serve the purpose of education and rehabilitation. On the one hand, the threshold of the crime is severe; on the other hand, the penalties are lenient, and the cases of misdemeanor cases are set to be closed quickly, which is a stereotyped, assembly-line mode of handling cases, in fact, it is

difficult to give full play to the criminal law for the offenders to accurately recognize their own behavior, as well as repentance, education and reform. The leniency of the penalties does not achieve the goal of lightening the penalties for minor crimes. The creation of minor crimes means the expansion of the criminal circle, and the inclusion of minor crimes in the criminal law system through criminal legislation, although the penalties imposed are light, however, in the current criminal justice system, even light penalties such as detention and fines will still bring serious criminal consequences, i.e., prior convictions. "Man is born free, but he is always in chains", and for the offender, the adverse consequences of his crime are not limited to the penalty itself, but extend to other adverse consequences resulting from his 'criminal record' after the penalty has been served. Examples include occupational restrictions and the impact on social relations. No matter how light the penalty for a misdemeanor may be, as long as it is compounded by adverse consequences other than the penalty, the misdemeanor can hardly be said to be "not severe".

3. The value implication of the Fengqiao model in promoting social harmony in the new era

In the early 1960s, the cadres and masses of Fengqiao Town, Zhuji County, Zhejiang Province, created the "Fengqiao Experience" of "mobilizing and relying on the masses, insisting on resolving conflicts locally instead of handing them over", and realizing the principle of "fewer arrests and better law and order". Fengqiao Experience". [9]In October 1963, Comrade Mao Zedong gave a personal instruction to "follow the example of the Fengqiao Experience in various places and promote it after a pilot program". [10]In 2013, General Secretary Xi Jinping made an important instruction on adhering to and developing the Fengqiao model in promoting social harmony in the new era, and in November 2020, the Central Conference on Comprehensive Rule of Law made an important deployment. In November 2020, the Central Working Conference on the Rule of Law in All Aspects made the important deployment of adhering to and perfecting the "Fengqiao Experience" in the new era, promoting more rule of law forces to guide and divert efforts, improving the preventive legal system, improving the comprehensive mechanism for the prevention, mediation and resolution of social conflicts, and promoting social harmony and stability. After 60 years of development and change, the "Fengqiao Experience" has adapted to the development situation in different periods, and has accumulated a wealth of governance concepts and experience. The value of the Fengqiao model in promoting social harmony in the new era is reflected in the following aspects.

3.1. Justice value: resolving conflicts and disputes

Justice is the common ideal pursued by mankind and the core value of law. It is based on interests and is a legitimate distribution of interests. Justice is the fundamental motive for the development and progress of law. From the birth of the "Fengqiao model in promoting social harmony in the new era", adhering to fairness and justice and resolving contradictions and disputes have always been its unchanging essence. The core idea of "mobilizing and relying on the masses and insisting on resolving conflicts locally without referring them to the authorities" in the "Fengqiao Experience" is a vivid embodiment of people's mediation. The Fengqiao model in promoting social harmony in the new era emphasizes people's mediation, and the justice value of the Fengqiao model in promoting social harmony in the new era often becomes an important basis for interpreting the law in mediation. People's mediation, as the main way to resolve disputes, plays an important role in maintaining fairness and justice. People have close relationships with each other, and the use of mediation to resolve conflicts and disputes is conducive to maintaining ex post facto relationships between people, promoting social harmony and stability, enabling the public to feel fairness and justice in resolving conflicts, and facilitating the resolution of various conflicts through flexible intervention.

3.2. Efficiency value: adherence to source management

Efficiency is the rate at which a society or an individual maximizes its returns from a given input. The value of efficiency is the value that the law has or should have in promoting the growth of social wealth and the facilitation of activities, and in meeting people's material needs and conveniences. The Fengqiao model in promoting social harmony in the new era emphasizes the management of contradictions at the source, adheres to the principle of prevention, regularly investigates contradictions and disputes, and establishes the most efficient grass-roots model in promoting social harmony in the new era. At the same time, various mediation organizations have been established, and for conflicts that have not yet formed into disputes, they insist on catching them at an early stage, catching them small, and catching them at an early stage, focusing on the prevention of key events that are closely related to the production and life of the people, and formulating a plan for preventing and resolving them, so as to properly control them by means of persuasion and guidance. In response to disputes that have already arisen, mediation work is carried out in a positive manner, and efforts are made to resolve contradictions and prevent intensification. Improve the mediation mechanism for multiple conflicts and disputes, establish and improve the working system of linkage between all parties, and form the overall synergy of the work of comprehensive governance. [11]The Fengqiao model in promoting social harmony in the new era is guided by new experience in resolving conflicts and disputes, and through the creation of a working mechanism centered on prevention, the first signs of conflict are nipped in the bud in a timely manner, thus promoting social development and a good interaction between efficiency and stability.

3.3. Orderly values: maintaining social stability

Good social order is the basis for social progress. The establishment and maintenance of good social order through the law is an important prerequisite for promoting reform and construction. Legal order is the state of relative stability, harmony and orderliness between people and people, and between people and society, established through legal adjustment. On the one hand, the law helps to resolve social disputes and contradictions, reduce conflict and chaos, and maintain normal social order; on the other hand, order is a basic frame of reference for dissolving and moderating social contradictions and conflicts. Order not only adjusts and resolves social conflicts and disputes from a negative perspective, but also encourages social cooperation and promotes social harmony from a positive perspective. The social situation in China has undergone significant changes, and many new social conflicts and disputes have emerged, which have led to problems of social order and governance. The Fengqiao model in promoting social harmony in the new era has always adhered to the modernization of the governance system and governance capacity as the core to achieve good governance at the grass-roots level, providing a sustainable path for grass-roots society to move towards good governance. The Fengqiao model in promoting social harmony in the new era adheres to the principle of multi-principle co-rule and the unity of "self-governance, rule of law, and morality", and has constructed a major mediation system that combines people's mediation, administrative mediation, and judicial mediation, and promotes the participation of lawyers and judicial professionals in the grassroots work. [12]

In addition, the Fengqiao model in promoting social harmony in the new era has strengthened the role of the rule of law as a safeguard for governance, establishing a multi-level system of mediation of social conflicts and disputes, as well as multi-city mediation committees and people's mediation organizations, so as to effectively nip conflicts and disputes in the bud, prevent them from expanding, and safeguard the order and stability of society.

4. The logical connection between the Fengqiao model in promoting social harmony in the new era and the governance of misdemeanor crimes in China.

The “Fengqiao Experience” is an advanced model established in the practice of comprehensive social security management at the grassroots level. 60 years ago, with the rapid development of China's socialist construction, the main contradiction in society has been changing, the “Fengqiao Experience” has been given new contents and deepened its connotations at different stages of history. With the rapid development of China's socialist construction, the main contradictions in society have been changing, the “Fengqiao Experience” has been given new contents and deepened in different historical stages. The core essence of the Fengqiao model in promoting social harmony in the new era includes adhering to the people-centered approach, adhering to the leadership of the Party, promoting the integration of self-government, rule of law, and morality, and building a peaceful and harmonious society. [13]

Clarifying the intrinsic connection between the “Fengqiao model in promoting social harmony in the new era” and misdemeanor governance is the first condition for the “Fengqiao model in promoting social harmony in the new era” to guide misdemeanor governance. Misdemeanor management is a way of social governance, and the Fengqiao model in promoting social harmony in the new era is a program of social governance, both of which have the same position and purpose. [14]

4.1. Conceptual resonance: adherence to a people-centered stance

The essence of the Fengqiao model in promoting social harmony in the new era lies in the people's nature, always adhering to the people as the center and relying on the people. Misdemeanor management is a manifestation of our country's shift from “crime-fighting” to “social management”, and is a concrete embodiment of the criminal law's response to social hotspots and the protection of the people's interests. China's current criminal law penalty system of mitigation reflects the “people-oriented, the law for the people” sentiment, highlighting the temperature of the legislative, judicial and law enforcement agencies and bear. This coincides with the Fengqiao model in promoting social harmony in the new era, which requires that “social governance is for the people, social governance relies on the people, and the fruits of social governance are shared by the people”.

4.2. Functional Fit: Promoting Effective Resolution of Conflicts and Disputes

The Fengqiao model in promoting social harmony in the new era requires that conflicts be resolved at the grass-roots level. Misdemeanors are managed in order to better regulate public behavior, create a harmonious and peaceful social environment, insist on resolving social conflicts, and deter potential offenders by criminalizing acts that impede social harmony and order. The lightening of penalties for minor crimes reflects the spirit of judicial tolerance. Judicial leniency is an effective way to achieve social harmony centered on judicial harmony and thus social justice. For the vast majority of minor crime cases, a tolerant judiciary is a bridge of “reconciliation” between the parties involved, and between the parties involved and the State, as well as respect for human nature and the value of pluralism. China's criminal policy of “leniency with severity” carries the spirit of tolerance in modern justice, and when the rule of law becomes a consensus, the highest ethical goal of judicial tolerance is social harmony. Leniency and severity, is the misdemeanor governance version of the “maple bridge experience” of the proper meaning, for the realization of “when leniency is leniency, the punishment is appropriate to the crime”, “prudent punishment and prudent punishment”, “Justice for the people” are of great practical significance, conducive to promoting social harmony and stability. [15] Since it is necessary to achieve timely and efficient conflict resolution, the management of minor crimes should not be confined to the means of criminal trials, but should diversify the

use of mediation and conciliation and other means to meet the interests of individuals in a timely manner, promoting social harmony in the new era of the Fengqiao model in promoting social harmony in the new era.

5. The three paths of misdemeanor governance in China under the guidance of “Fengqiao model in promoting social harmony in the new era”

The Fengqiao model in promoting social harmony in the new era is based on the needs of social governance, and is constantly enriched with the development of the times. In the current situation of misdemeanor governance facing the tendency of “strict and severe”, the Fengqiao model in promoting social harmony in the new era should be used as a theoretical guide, giving full play to the judicial function, and constructing a perfect path for the governance of misdemeanors in China.

5.1. Front End: Strengthening Prosecutorial Hearings, Fewer Complaints and Prudent Prosecution and Prudent Detention

Procuratorial hearing refers to the system whereby the procuratorial organs, before exercising specific procuratorial powers and making corresponding decisions in accordance with the Criminal Procedure Law, listen to the opinions of litigation participants, interested parties, and other specific members of the public on issues such as facts, evidence, and application of the law related to the decisions. The main functions of the Fengqiao model in promoting social harmony in the new era are to resolve contradictions, promote harmony, inspire confidence, and safeguard development. 2020, the Supreme People's Procuratorate promulgated the “Provisions on the Work of People's Procuratorates in Reviewing Cases for Hearing”, which stipulates that people's procuratorates shall review cases by way of hearings in a manner that is objective and fair, and shall be based on facts and the law, and shall not only achieve the objective of hearing cases, but shall also ensure that all cases are heard in a timely manner. The document stipulates that the people's procuratorates shall uphold an objective and impartial stance in reviewing cases by means of hearings, basing their review on facts and taking the law as a guideline, in order to exercise procuratorial power independently in accordance with the law, and at the same time safeguard the people's rights to information, participation and supervision. As one of the most direct channels for the people to participate in the administration of justice, public prosecutorial hearings are an effective measure for prosecutors in the new era to practice the Fengqiao model in promoting social harmony in the new era. Procuratorial public hearing system and the “maple bridge experience” goal fits, the value of the same, aimed at relying on the masses, safeguard the legitimate rights and interests of the people, resolve conflicts, and effectively solve the problem at the grassroots level. Strengthen the prosecutorial hearing, the implementation of the judicial policy of the lesser supplement prudent prosecution prudent detention, is our country to improve the governance of China's misdemeanor effective path. For misdemeanor crimes with minor circumstances, procuratorial organs at all levels can carry out procuratorial hearings and make decisions not to prosecute, which to a certain extent can avoid the expansion of penalties, in line with the content of misdemeanor governance.

To carry out the procuratorial hearing system, first, to standardize staffing. Enhancing the socialization, rule of law, intelligence and professionalism of grassroots governance is a fundamental requirement of the Fengqiao model in the new era. Prosecutorial public hearings should be expanded to increase the scope of selection, enhance the democratic representativeness of the hearing officer, should increase the proportion of grass-roots ordinary people into the hearing officer directory. Second, the public hearing information. Adhere to the autonomy, rule of law, moral rule “three integration”, which is the new era

“Fengqiao model in promoting social harmony in the new era. Procuratorial public hearing system is the “three rule fusion” in the specific embodiment of procuratorial work. Public hearing information is an important form of realizing the openness of the prosecution, promoting judicial justice, and strengthening self-supervision; it is an important measure to guarantee the correct exercise of the legal supervision function, and an important way to resolve social conflicts and effectively safeguard the legitimate rights and interests of the public. The establishment of “hearing process integration” information disclosure model, to listen to the pre-listening to the preview, listening to the record, listening to the feedback; the establishment of “open + exception” of the procuratorate public hearings mode, to the principle of openness, not open as an exception. [16]Third, to establish a feedback mechanism. Believe in the masses, rely on the masses, for the masses, serve the masses, that is, people-centered, which is the core value of the Fengqiao model in promoting social harmony in the new era. Feedback results should be “comprehensive feedback”, that is, for the adoption or non-adoption of the hearing should be feedback, feedback content should be a positive response, detailed reasoning, and listen carefully to the hearing officer on the feedback “feedback”, and do a good job of the relevant materials to the file.

5.2. Mid-range: promoting criminal reconciliation and strengthening the governance of the source of complaints

With the development of society and changes in the structure of crime, the concept of restorative justice and the development of victimology have gradually taken their place in the field of criminal law. The adjustment of social relations by criminal law is mainly realized through the power of punishment, but the governance of crime should not be overly dependent on the function of punishment, and should be transformed from a mode of crime control to a mode of crime governance. The logic behind the shift from “control” to “governance” is completely different. Crime governance emphasizes the combined efforts of State and social forces to solve crime problems, with the aim of restricting and eliminating the conditions that give rise to crime in order to prevent, control and reduce crime.

The 2012 amendments to the Criminal Procedure Law established the procedure of criminal reconciliation. Since its inception, the criminal reconciliation system has had the shadow of the Fengqiao model in promoting social harmony in the new era, and should draw on the Fengqiao model in promoting misdemeanor reconciliation and non-prosecution work to promote the new development of the criminal reconciliation system. Specifically, under the guidance of the Fengqiao model in the new era, the procuratorial authorities should be active in promoting social harmony in the promotion of social harmony in the new era, fully connecting with the people's mediation committees, relying on the people's mediators to participate in the reconciliation and mediation process of misdemeanor cases, and strengthening traceability governance and resolving social conflicts. Criminal cases occurring in grass-roots communities are mostly dominated by family conflicts and neighborhood conflicts, resulting in criminal consequences often limited to minor injuries, and victims are generally unwilling to pursue criminal responsibility of suspects. For such cases, forced prosecution is not only against the true will of the victims, but also not conducive to the repair of social relations. Procuratorial authorities should listen carefully to the views of the victims, make a risk assessment of public opinion, make a prudent decision not to prosecute, and standardize the production of settlement agreements and decisions not to prosecute by ordering the criminal suspect to repent and apologize on the spot.

5.3. Ends: Adjustment of penal configurations to reduce the number of persons in custody

Our country is still mainly using the traditional rehabilitation method of serving prison sentences. In recent years, thanks to the concerted efforts of all sectors of society and the

judicial authorities, the number of death penalty offences in China has been drastically reduced, reflecting the implementation of the criminal policy of leniency and severity, but custodial sentences are still the main sanction of China's criminal law. The area of application of non-custodial sentences needs to be continuously broadened. [17] Some scholars statistics and pointed out that China's minor crimes crime rate is about 80% of all criminal cases, but the cases sentenced to non-custodial sentences only accounted for about 30% of all criminal cases, so most of China's minor crimes offenders are still sentenced to imprisonment. [18] For the majority of minor offenders, education and rehabilitation in complete isolation from society is not in line with the trend of the development of criminal law in the new era.

The modern view of punishment places greater emphasis on the purpose of crime prevention. On a macro level, the Fengqiao model in promoting social harmony in the new era is an experience in crime prevention. [19] Some scholars have pointed out that the reason why the "Fengqiao Experience" has lasted for 60 years and is still the "classic" crime prevention experience in China is that it is in line with the direction of humanism and the principle of community correctional treatment, and is in line with the actual situation of crime prevention in the region after China's reform and opening up and the basic requirements of community public security. [20] The basic requirements of community public safety. At present, vicious crimes that endanger personal safety rarely occur, and the proportion of new types of crimes that endanger the order of social management has risen sharply, with the structure of crimes and penalties gradually becoming lighter and more lenient, so there is a practical need to enhance the application of non-custodial mandatory measures and non-custodial penalties. [21] Firstly, the social danger and personal harm of minor crimes are low, without the urgency of imprisonment; secondly, from the perspective of restorative justice, the adoption of non-custodial mandatory measures and penalties is conducive to the dissolution of social contradictions, the promotion of social reform of offenders, and the reduction of the cost of returning minor offenders to society; thirdly, for minor crimes with less social harm and no necessity for imprisonment, the adoption of non-custodial mandatory measures and penalties is the Misdemeanor governance criminal justice is an inevitable choice, is the basic principle of criminal law requirements of the crime and punishment fit, and leniency and severity of the criminal policy, less catching prudent prosecution and prudent detention of the judicial concept. Non-custodial mandatory measures and penalties rely primarily on social forces for supervision, and are also an objective requirement of the "Fengqiao model in promoting social harmony in the new era. [22] In order to gradually reduce the proportion of persons in custody, efforts should be made to refine the circumstances in which non-custodial coercive measures and suspended sentences are applied, to unify the criteria for the application of non-custodial coercive measures and suspended sentences, and to increase the proportion of non-custodial coercive measures and suspended sentences; at the same time, problems arising from the application of non-custodial coercive measures and suspended sentences should be promptly sorted out and countermeasures put forward in order to genuinely increase the rate of application of non-custodial coercive measures and non-custodial sentences.

6. Conclusion

"Don't make light of small evils and think that there is no calamity; although a drop of water is small, it gradually fills up a large vessel; all crimes are full of, and accumulate from small beginnings." Crime governance is an important part of social governance, which is related to national security, social stability and people's peace of mind, and misdemeanor governance is of great significance to Chinese-style modern social governance. As a model of grassroots social governance in China, the "Fengqiao Experience", after 60 years of inheritance and development, has formed a set of unique governance methods in resolving contradictions and disputes,

building the rule of law, and innovating grassroots governance, combining the values of fairness, efficiency, and order, and has made a significant contribution to promoting the modernization of grassroots governance. In the current reality of "strict and severe" misdemeanor governance, the practical value of the Fengqiao model in promoting social harmony in the new era should be fully explored, and the judiciary should be motivated to perform its duties, so as to realize the "decriminalization" of misdemeanor cases by means of procuratorial hearings, criminal reconciliation and other methods. The judicial organs should actively and actively perform their duties, realize the "decriminalization" of misdemeanor cases through prosecutorial hearings, criminal reconciliation, etc., adjust the configuration of penalties, increase the application rate of non-custodial coercive measures and non-custodial penalties, and strengthen the supervision of the public, so as to realize the dual functions of "punishment" and "education" for misdemeanor offenders. It has also strengthened public supervision, realized the dual functions of "punishment" and "education" for misdemeanour offenders, and constructed a grass-roots social pattern of common building, sharing and governance.

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