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News from the word of the Hungarian and international criminal geography

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Designed by Antal Forró



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LECTORI SALUTEM!

Dear Readers,

Together with the editor-in-chief and the members of the editorial board, when the journal was launched, we have never thought that we would be overseeing such a successful scientific publication. The fact that Bőnözésföldrajzi Közlemények has now entered its fourth year, and the Criminal Geographical Journal is five years old, shows that more and more researchers are enthusiastic about the cultivation of this scientific field. The interest surrounding the publications so far has only confirmed us that professionals, researchers, teachers, and students who are committed to criminal geography must continue to be provided with a scientifically and professionally credible and high-quality publishing platform.

Our present issue once again clearly demonstrates how criminal geography promises wide-ranging research opportunities, and provides an especially excellent breeding ground for interdisciplinary approaches. Therefore, in addition to traditional criminal sciences, the connection of almost any field of science can bring interesting and innovative results.

We hope that these studies will also show that the geography of crime is a "boundary" science, and will motivate others to engage in, in-depth research on the geographic dimensions of crime. I am happy to report that over the past few weeks, studies have been arriving continuously and uninterruptedly into the mailbox of the journal's editors, so it is now a serious challenge to place the more high-quality studies in the current issue. My colleagues, who are scientifically qualified and have significant publishing experience in the field, give guidance to the authors after detailed and thorough proofreading, thus helping to prepare studies that are impeccable both in terms of form and content.

If you have any comments or suggestions regarding the journal, please write them to the editorial board!

I wish you a pleasant time for reading the magazine!

Vince Vári

**Member of the editorial board
vice-president of the International
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GEOGRAPHICAL ASPECTS OF DRUG USE BY PEOPLE IN EXTREME POVERTY IN SEGREGATED AREAS

Abstract

People living in extreme poverty have different drug use habits than those in better financial circumstances. Drug use is bad itself, but it is more dangerous for people living in rural slums. They are the consumers who cannot afford to buy a 'quality' drug and may even turn to other alternatives. To endure misery, they do not care about the health consequences; in fact, they use a low-quality intoxicant from an unknown source to achieve the stupor. The care system is not prepared for dealing with substance abusers even in big cities, but this is magnified in the slums.

Keywords: drug use, segregation, stigmatisation, psychoactive substances, dissatisfaction

1. Introduction

Segregated areas often have higher drug market presence and easier access to drugs. Drug trafficking and consumption in low-income communities or segregated areas is often associated with social and economic vulnerability. In this context, I think it is important to research this as it is a current and stagnating problem in Hungary. In poorer areas, the chances of breaking out are often impossible, so this is often solved by perpetuating the stupor. This is not only a criminological problem, but also a crime-geographical problem, as these areas remain slums for decades. My research question is mainly to find indicators that influence drug use by poor people living in geographically isolated areas. People in segregated areas¹ are often disadvantaged and have limited access to resources, support and opportunities. By researching this topic, I aim to illustrate the links between segregation and drug problems and the social injustices that exist.

¹ Segregation refers to the isolation of people living in a settlement, who are separated from other social groups. They often have a low standard of living and live in slums.

2. Literature review

The compensation of blurred social distances by clear spatial distances plays a major role in the development of segregation, and thus the invisible system of status positions is loosened (Sommer, 1969). In Social Darwinian terms, segregation becomes significant and spectacular when the display of wealth to the poor is coupled with a "bad conscience" about privileged status groups and the proximity of lower social groups arouses fear in them (Harvey, 1973)' (Dialogue: Journal of Social Work, 2020)

After 1990, under the neoliberal system, which produced social inequalities, income inequalities increased. This income inequality led to increasing segregation. Poorer groups are concentrated in neighbourhoods where housing is in poor condition, services are scarce and there is high density of vacant properties. The onset of privatisation after 1990 has exacerbated the gap between rich and poor. When examining the crime landscape of a large city, it is worth taking into account the subcultures that live there and their sociodemographical attributes as well (Ürmösné, 2014); in a small town, slums are not yet very visible, but even in a city of a few tens of thousands of inhabitants, there are already segregated neighbourhoods with poorer or lower status populations. Here, crime is already on the increase, as crime rates are adapted to the nature of the residential area (Mátyás, 2020). "The inner city of a settlement is usually the area where the first settlers settled, as it offered the best conditions for safe living (e.g. flood-free, well protected). Later, the present inner city areas were surrounded by a fence or a stone wall, thus increasing the safety of the inhabitants. The buildings in this area are usually the oldest in the municipality and have the highest population density. "In the inner city areas of larger cities, areas of both physical and social deprivation can develop, known as slums. These slum/slum areas are still found in many cities around the world." (Matthew, 2020, 72-73)

3. Stages of urbanisation and its relationship with crime

Urbanisation is the process of the formation and growth of cities. Urbanisation is a quantitative change, while urbanisation is a qualitative change. We distinguish 4 stages:

1. Urban boom: in England, it was triggered by the industrial revolution, because large factories in the city needed workers. The industrial boom started in the late 19th century, when cities needed workers to meet the needs of the urban population.
2. Suburbanisation: the lack of favourable conditions in the city to move away from the villages has reduced the number of people moving to the city. The more affluent move to smaller areas around the cities. Suburbanisation in Hungary occurred in the 1980s. The large population movement reinforced the process of segregation, resulting in the formation of slums.

3. Decurbanisation: the population of the agglomeration is also decreasing. Those who have left the agglomeration are moving further away from the cities. This is due to the fact that it is possible to get to the city from further away, and to the appreciation of better living conditions in the countryside.

4. Reurbanisation: the population of cities is beginning to increase, and previously neglected areas in particular are beginning to improve. Young intellectuals are moving into new housing (gentrification). In these regenerated areas, crime rates are declining (Matyas, 2020).

Segregated areas are mainly slum areas, so the 4th phase of urban development, reurbanisation, has not taken place there. A reduction in crime could be achieved by making this process happen in these areas, i.e. by structural social development.

4. Substance use by people in segregated areas

Starting to use these drugs as young people can also lead to early school drop-out, unprotected sexual relationships and crime. "Those who consider themselves poor learners, dissatisfied with their lives and not feeling that they belong to a community at school are more at risk of becoming addicted to cigarettes or drugs (interestingly, we found no such association for alcohol). This suggests that the teacher has a key role to play. Students who are stigmatised as bad students tend to be marginalised in the community. This exclusion drives them towards drugs. Prejudiced or ineffective teacher behaviour therefore has a negative effect, whereas an inclusive and child-centred approach certainly has a powerful protective effect, and not only in terms of substance use! But hanging out with friends all the time has a negative effect on smoking." (Lannert, 2017)

The use of cheap designer drugs is common among ten to twelve-year-old primary school children in slums. Crystal is not a daily occurrence, but rather a party drug. Apart from 'legal' drugs (alcohol, cigarettes), herbal is the most common drug in the slums of the big cities of northern Hungary and in schools in the Szabolcs region. It is also called grass, bio-weed.

By drug, students in North-East Hungary mean many different things and use many different names. Besides speed, herbal, crystal, they use terms like: "drug leaf, rat poison, grass, star, music". The preparation is as follows: the tobacco is steeped in the so-called "sixo" (the synthetic drug itself), wrapped in tobacco paper (e.g. OCB) and smoked. Among the poorest people, tobacco can be replaced by dried mown grass, tobacco paper can be replaced by a receipt, and pot can be replaced by rat poison, acetone and any mixture of diluent or bleach, but also by a screwdriver, so that "pot" can be produced for pennies. " (Lannert, 2017, old.: 17)

Fifth graders can describe the process accurately, with minor mistakes, starting with, where the money will come from. In the metropolitan segregation there is only bio-weed with synthetic active ingredients, no marijuana at all. The cannabis derivatives are called 'Dutch weed' or 'Canadian weed', which is far-fetched, only in the movies, and in fact they think it is even healthy. The three main reasons given by students for addiction are the following: one is that they want to cut up or stand out. The other is when they are forcibly habituated. The third and most common reason is that they get addicted because they are sad or have a problem. Curiosity and because it "feels good" were cited as reasons for trying drugs in the small town of Szabolcs. And the reason given for continued use was that users 'miss the drug' and want to 'get high' (Lannert, 2017, 17.). Access is so easy that young school children can get it at any time. "The experience of recent research on substance use in rural segregated areas and communities shows that both the availability and use of OSTs among the target population has been on the rise over the last two years, but the common finding of the research is that drug use patterns vary significantly across municipalities." (Csák et. al. 2020)

As a result, the accessibility and quality of services play an important role in the quality of life of people living in settlements, highlighting the role of schools, their creativity and acceptance (Csák et. al. 2020) Research has shown that, that there is an intensive, concentrated and risky use of IPPC among people living in a settled environment and social exclusion, which is predominantly the use of synthetic cannabinoids and synthetic cathinones, and over-the-counter (abusive) use of tranquillisers/sleeping pills, and the co-use of alcohol with medicines (Csák et. al. 2020) Alcohol and drug use among people living in segregated settlements is high, but research data show that the social and health care systems are not, or only to a very limited extent, for a specific reason (acute sickness due to substance use, GP visits), can reach the IDUs (Csák et. al 2020). Substance users typically do not meet social workers or family support services, or only to a lesser extent. " (Csák et. al 2020, 52.) In the Hős utca housing estate, even drug cooking was common, which could mean cooking up screwdrivers and rat poison. The price of these substances was therefore incredibly cheap, cheaper than the alcohol. This means that almost anyone has access to them, as it is possible to buy drugs for as little as 1000-1500 HUF. This makes these substances incredibly dangerous. The danger is therefore heightened, as the effects are unpredictable. The new psychoactive substance (Ürmösné at al, 2021) 4fmdmb-bica (bull) was released in Hungary in 2020. Gábor Zacher said that "bull" is the most dangerous designer drug on the market since Devil's Breath (which was released in 2016). "The new product on the market is called "bull" because it is very harsh and fast-acting, and very cheap." (magyarhirlap.hu, 2020) These drugs are unpredictable because they can cause very

rapid cardiac arrhythmia or circulatory failure, which can kill the fatal. After the "kicks" that the drug causes, they become self-harming and dangerous, capable of harming anything or anyone. Poverty is cumulative, yet they will sell anything to get their daily dose. The body gets used to the effect after a while, which if it doesn't happen then withdrawal symptoms follow. Tension, frustration, suicidality, insomnia, weight loss are the symptoms that appear in these cases. When this happens, crime is no longer an excluded means of obtaining the drug. Robberies, burglaries, even violent crimes also occur. In many cases, in these municipalities, the crime is a crime of means, which means that they steal or break into a place in order to buy drugs with the stolen money.

These chemicals are poured by the average person into the washing machine's tank or the sink. Hallucinations also develop during drug use, which can lead to criminal activity. In an interview on this topic, hallucinating was mentioned in a story about a man who had taken drugs and thought his wife was unfaithful to him, and looked for her lover in a drawer.

The differences are easy to see, as a young person living in a slum or in a slum in a big city will not be addicted to cocaine. More expensive drugs, such as cocaine, known among the wealthy, are only available to a certain class of people because of their price. In slums, on the other hand, people consume nutsot bio weeder? worth thousands or fifteen hundred forints, because they are cheaper than alcohol. There are rural villages where the pub has been closed down because the inhabitants prefer buying cheap weed. In big cities such as Budapest and Debrecen, cocaine, as mentioned above, or better quality weed is more common. Individuals also have wider and better earning potential and a better chance of access than a young person living in a slum.

5. The Development of stigma

Erving Goffmann classifies stigmas into three types based on their subject matter. Physical, character and origin stigmas, however, rarely appear in isolation. They appear to have very different content, the types are not chemically distinct, yet they can easily be confused (for example, origin stigmas can easily be combined with character stigmas). Stigmas help society to create categories and labels more easily. Closely related to the meaning of stigma are prejudice and stereotyping. Stigma is thus defined by Goffman as "a sign of undesirable difference". The author of the quotation defines the social psychological meaning of the word stigma as being used to describe personal characteristics and traits that have a discrediting power in almost all parts of society. In later decades, Goffman put the concept on a social plane and speaks of it as a social reaction that deteriorates the "normal" identity" (Löwi, 2018, 214-215).

People living in extreme poverty are stigmatised by the neighbourhood in which they live. After a while, it is almost impossible to break out of this stigma, as they have neither the opportunity nor the motivation to do so. It's a vicious circle, with friends, acquaintances, relatives and often parents consuming various mind-altering substances, which means that the people living there are not being given a proper role model. Their lives are characterised by a lack of purpose, and by the many problems they face, as they have to struggle to make ends meet. In most cases, the parents are unemployed, if they have a job they earn so little money that they can barely make ends meet, or they survive on benefits. They want to be in a state of ignorance so that they are not able to think about their acute situation and future possibilities. Alcohol has completely taken its place, as it is even cheaper and the experience of intoxication is even greater. "Drug use is just a symptom, an escape from reality. These kids are escaping from stress or from a bleak environment, with alcohol, cigarettes or pot. It is a shocking experience that they even "consume" rat poison or a screwdriver in order to get high." (Lannert, 2017, 3.)

Young people living there move in "gangs", which creates a kind of group effect. It becomes "cool" to do drugs, and if others don't, they are ostracised. This also has a major impact on addiction, as the need to conform, the lack of community and the desire to belong to somewhere can lead to drug use. According to labelling theory, a secondary deviance may also develop. Under primary deviance, if the perpetrator, in this case the drug user, rationalises that they are a drug user, it does not become part of their identity and everyday life. If, on the other hand, this act (drug use) comes to the attention of the authorities and they are prosecuted, their environment and the institutions of social control begin to relate to them differently, thinking of them as deviant. In this way, the individual starts to carry this deviant stigma from which he or she cannot escape and which becomes part of the identity. This is called secondary deviance (Borbíró et. al. 2019). The individual's choices and community also begin to fit this stigma, so they consciously choose a society that fits their stigma. The way out of this stigma is very difficult, as the media reinforces it and keeps it under control. In the media, we hear a lot about the 'hero street drug addict', the young drug addict living in the slums. This makes society feel even more fearful of them, seeing them as enemies who should be isolated from society. They are the "evil ones", the "dangerous ones", which is a kind of amplifying feedback. We call this moral panic.

6. Summary

I believe that this is a systemic problem that should be solved globally, or can only be solved globally. The level of poverty that these people are living in should be completely eradicated. Their living conditions are often below the minimum subsistence level, and they suffer from food shortages. People living in the segregated areas should be offered work, and unfortunately, in my opinion, it is not a solution to find work in the surrounding towns, as in many cases they are unable to leave the area because of financial problems. The expansion of job opportunities could solve this problem. I do not think that this phenomenon would be completely eliminated, but it would be reduced. Children are exposed to inappropriate patterns from birth, and the circumstances can cause them to underachieve at school. The age limit for compulsory education should be raised, not lowered, as many children do not even complete eight years of primary schooling by the age of 16, putting them at an absolute disadvantage in the labour market. These marginalised groups often cannot read or write, so illiteracy is also a feature. I think that these individuals start their lives at a disadvantage from birth, because they have no chance of escaping from these slums. I do not think this is fair at all, because I think that the system should give everyone the chance to live a normal life. I also find 'drug addicts' repulsive, I feel I am not the only one. Being in the same room with them would also make me scared and worried since there is a significant link between drug use and crime. On the other side of the coin, however, we can see the reasons that have led to the trend whereby drugs are on the increase to this extent.

Young children living in slums are also more mature than their peers. They have more experience, due to their poor circumstances. Because of these circumstances, many children get jobs at a young age to help on their family's financial situation which forces them to grow up too fast. They not only consume drugs, but in many cases distribute them as a potential livelihood opportunity. They also do not address the risk factors, often selling it on the open street.

According to various reports, the only setback for parents that "scares" them is when the child welfare agency notices and removes the child from the family. At the point where this can sometimes be a pull-back, but obviously we can also see when it is not. The awful thing about this is that many times mothers consume all these chemicals during pregnancy, causing the baby to suffer serious damage at birth which is permanent. It is also the case that the baby is born addicted, which means that the mother has ruined the child's life from the very first moment. But people living in slums often do not even realise the seriousness of their actions,

because they have seen it from others, it was the pattern, why should they do otherwise? Proper education is also needed, which the system can provide. It would need a comprehensive, long-term, structural overhaul as a whole. The children there should be encouraged to be creative, to engage themselves, to have an experience, and above all to have a sense of achievement. The lack of a sense of achievement leads to burn-out very early.

For me, the situation of drug addicts is depressing, sad, but also frightening. It has a negative impact on society as a whole, because children who have not necessarily grown up in such circles are also exposed to this phenomenon, but it is not difficult to get into these circles at a young age. I think that the main task of parents and teachers is to pay a great deal of attention to children and their behaviour, because it can tell us a lot. Human relationships are also being eroded in these areas, loneliness is emerging. Community building, even with start work programs would also be a solution. To help reduce drug use, developing recreational programs, the opportunity to try different sports, could also provide an experience for the people living there.

Personally, I would like to change this situation, and to help, because I am an important part of the society. I consider drug prevention lectures to be very important, and we need to educate these people, because they often have no idea what damage these drugs can cause to themselves and their environment. We visited a homeless shelter in a school setting, where a lady who works there informed us that our parents' age group is falling down because of alcohol problems in most cases, and our age group is falling down because of drugs, which is scary, because it is true, because the nightclubs are full of drug-addicted party people nowadays, and less often drunk people. This problem is getting worse as the years go by, in my view. Changing and eradicating this process, is long and bumpy, but I think it is worth it. Everyone should be given the chance to start a new life, or better still, not to start this lifestyle at all. As I have already mentioned, the aim for me is to be able to improve this situation to some extent in the course of my work. I would also like to use my studies for this purpose, as this system is not suitable for drug addicts or 'outsiders'. The stupefied state is not good for them either, perhaps only for a while, and for non-users it creates anxiety and fear.

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Mária Márkus

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*markusmaria0308@gmail.com***FIGHTING THE DARK WEB DRUG TRADE****Abstract**

As the internet spreads around the world, the other side of the internet is slowly making a comeback: the dark web, invisible to many. In the early 1990s, the US Navy developed the Tor program for coverting information exchange, and in 2004 the code was made public. This browser is considered the strongest bastion of anonymous, covert Internet browsing, but it offers complete anonymity compared to traditional browsers. This anonymity makes interception and investigation on the Internet much more difficult, as neither users nor the creators or operators of websites leave any digital traces. This essay will discuss the rise of the seemingly inscrutable dark web drug trade on the Internet, based on the literature on the subject.

Keywords: criminal geography, crime, dark web, drug crime

1. The bottom of the Internet

According to Bailenson, the boundaries between reality and virtuality are slowly blurring, and this blurring may be to the point where these worlds are becoming almost interchangeable (Zimbardo, 2016). However obscure and overwhelming it may seem, only a fraction of the total Internet network is made up of public sites frequently visited by ordinary people: magazines, news sites, social networking sites or commercial websites (Hegedűs et al. 2016). There are two main levels of the "internet below the internet". The top level is the so-called Deep Web: this is all the data, pages and services that are not indexed by search engines, not directly found by Google or cannot be accessed by simply typing in a web address.

Even deeper than that, it is the Dark Web. The term refers to a network which, with the right methods, can be used in a completely anonymous way, meaning that anything we look at, read or create cannot be linked to us by the authorities, by different states or even by our nosy acquaintances. On the dark web, you will not find websites ending in .com or .hu, but instead complex lines of code indicating the address of the pages, always ending in the onion extension.

The word “*onion*” means onion, and this technology is named after the multifaceted solution underlying encryption (<https://pcworld.hu>).

2. Criminogenic elements on the "darknet"

Barratt, Aldridge and Maddox divide dark web content into five categories: 1. The first category is "entertainment value", content on the surface web that is strictly regulated, such as pornography. 2. It includes content that refers to the dark web itself: how to use Tor, hidden services, how to use encryption to achieve technical anonymity; best practices and practices to achieve social anonymity. 3. The third category includes markets and trading companies specialising in illegal or highly regulated commodities, such as crypto markets, which allow the trafficking of drugs, arms or other digital goods, stolen credit card data or fake private documents. 4. This category includes scam sites, phishing sites, scams, fraud services. 5. This category includes services where users determine the purpose and content of communications or use of Tor, such as anonymous email programs, chat services, social networking, open topic forums, and peer-to-peer file sharing (Arrat et al. 2018).

However, it is a misconception that the dark web is completely impenetrable to the authorities, as evidenced by the increasing number of arrests of participants and leaders of drug crypto-markets and pedophile networks communicating on the dark web. Traditional law enforcement techniques, including the use of undercover investigators, can also be successful in deterring crime in the digital environment (<https://ujbtk.hu>).

3. The dangerous pages of the dark web

Moore and Rid's research, conducted between January and March 2015 using a search engine robot, looked at 300,000 addresses and found that the most common use of websites on Tor's hidden services is criminally oriented. These include drug trafficking, unauthorised financial activities, and violent pornography featuring children and animals. Moore and Rid divide the financial category into three sub-categories: Bitcoin-based money laundering methods, trafficking in illegally obtained credit cards and stolen user accounts, and trafficking in counterfeit money (Moore, 2016).

4. Divergent views on the dark web

Mirea, Wang and Jung conducted an empirical research using qualitative interviews in an online survey on the dark web and concluded that the dark web is not so criminogenic. Nonetheless,

the authors do not deny that the dark web can pose a serious security risk for all and requires surveillance. They believe that the dark web is not a community where crime is the norm, but a technological platform that can be used by different individuals for different purposes, completely freely (Mihnea et al. 2019).

However, it must also be acknowledged that any survey conducted on dark web forums, or even a personal interview, would not paint a completely true picture of the criminogenic or non-criminogenic nature of the dark web, as users of these forums are certainly not, or are less likely to paint a negative picture of themselves. A truer picture of the criminality of the dark web can be obtained, for example, by using search engines. Moore and Rid's research suggests (Moore – Rid, 2016) that the dark web presents us with a clearly criminogenic image.

5. Online drug markets

A large part of the dark web is dominated by illegal markets, where almost anything can be found and ordered, just like from regular e-commerce sites. Empire Market, Dream Market, WallStreet Market are some of the most popular dark web markets. Adewopo, Gonen Varlioglu and Ozer hypothesise (Adewopo et al. 2019) that street drug dealers are now becoming online drug traffickers on the dark web due to the ease and untraceability of delivery and the reliance of their payment systems on cryptocurrency transactions. Drug addicts, in turn, tend to buy drugs on the dark web under the seductive guise of anonymity.

The Silk Road was a dark web marketplace where drugs and other contraband were traded. The significance of the Silk Road may lie in its impact on the drug trade of the future. Just as computers have changed the way we manage and consume information, crypto markets have the potential to change the way drug markets operate in ways that could set back regulatory efforts by decades. Researchers need to pay attention to the scalability of crypto markets: in 15 months, Silk Road sales have also increased sixfold. A further issue could be the internationalisation of crypto markets. The Silk Road has enabled drug users to order whatever they want from almost any country. Crypto markets could be the innovation that law enforcement agencies do not want to see, which could fundamentally change the drug trade in the coming decades (Aldridge – Decary, 2014).

Numerous studies in recent years have shown that administrators are discovering new alternatives. Given the user-friendly design, the versatility of existing markets and Tor's

customer base, a complete migration of marketplaces to new platforms seems unlikely. There has been growth in single-seller stores and smaller marketplaces on Tor, including those specialising in specific languages. Communication applications with encryption strengthen single-seller commerce on the dark web by helping to direct users to services and enabling closed communications.

6. Crime fighters in the darkest corners of the internet

Law enforcement agencies are able to catch criminals on the dark web using a myriad of techniques: covert operations, hacking, OSINT, bulk data collection, scanning seized data (e.g. to arrest a dark web trader or seize a marketplace), tracking money flows, especially Bitcoin, and monitoring the postal system, for example when buying drugs.

Nyeste and Szendrei report that gathering information on the dark web is a particular problem, but that special search engines and other means of extracting information can be used (target software: e.g. Tor, I2P, Freenet, Deepdotweb.com, Reddit, GRAMS). OSINT provides the possibility to map criminal activities, identify and disrupt organised criminal groups, prevent crime, obtain and expand information on past offences, identify the target, enhance information on the target, identify the modus operandi of the crime, and study the crime (Nyeste – Szendrei, 2019).

In their work on the dark web, it is essential for law enforcement agencies to involve experts in order to be successful. Examples of methods currently used to apprehend dark web criminals: Memex: The U.S. Defense Advanced Research Projects Agency (DARPA) has developed a search engine called Memex to help the Department of Defense combat human trafficking and detect illegal activities on the dark web. Memex plows through and indexes millions of sites inaccessible by traditional search engines, including thousands of sites that can only be found by dark web browsers.

Network Investigative Techniques (NIT): in 2011-2012, during an investigation called "Operation Tornado", the FBI used a technique called NIT to discover the IP addresses of at least 25 individuals who visited sites containing child pornography on the dark web. To penetrate the dense layers of anonymity provided by TOR, the FBI used an application called Metasploit during "Operation Torpedo" (<https://ujbtk.hu>).

Traditional techniques: Despite constitutional restrictions, law enforcement agencies are free to conduct investigations in traditional ways, using traditional techniques. The most common technique is the well-established method of infiltrating criminal circles with undercover detectives and following suspects in public places.

In addition to Memex, the Apache Tika software is also suitable for investigating the dark web. The Apache Tika toolkit detects more than a thousand different file types (such as PPT, XLS and PDF) and extracts metadata and text from them, making Tika useful for search engine indexing, content analysis and translation. BlackWidow is a highly automated system that monitors the dark web services in real time and continuously, combining the collected data into a single analytical framework (<https://ujbtk.hu>).

7. The (shadow) sides of the (dark) web

It is easy to agree with András Nagy's statement. Crimes committed in the computer environment are a new challenge not only for substantive criminal law, but also for criminal procedure and criminalistics." (Nagy, 2018) Nagy also points out that the Internet, with its rapid technological advances, has opened up a wealth of opportunities, and that both organised criminals and terrorists are using the same technical capabilities that other users use, but unfortunately abusing the freedom and freedom of expression for their illegal purposes.

Having digital tools in our possession makes it easier for us to take action and feel that our actions have no consequences, or none as severe as actions taken in a completely offline world. Not one kind of digital future is being built online. Despite the shortcomings and abuses, the world has a uniquely open and egalitarian system that facilitates the sharing of information and has the potential to be a wealth of opportunities. The ability to think is now in our tools: increasingly sophisticated machines that we build help us to remake ourselves (Chatfield, 2013).

8. Fighting crime offline and online

Anonymity is a major problem, and the European Union has made a number of recommendations to help combat the spread of drugs online, but unfortunately the production, trafficking and consumption of illicit drugs cannot be stopped at national borders. Cooperation with third countries is an important element of EU Drugs Strategy. The EU and its member states fund cooperation programmes on drugs with many countries and regions around the

world. Dialogues are also held, in which an evidence-based approach is promoted and respect for human rights is at the heart of this cooperation. The European Union also engages in multilateral discussions, notably through strategic cooperation with the United Nations Office on Drugs and Crime (UNODC) and through participation in UN policy processes and bodies such as the Commission on Narcotic Drugs (<https://www.consilium.europa.eu>).

9. Summary

One of the driving forces of organised crime in the European Union is the illegal trade in "darknet markets", i.e. encrypted virtual drug markets. However, a distinction needs to be made between drug sales on the visible web and those on the invisible web. In the world of crime, cybercrime is a relatively new concept, as cyberspace is the newest medium in which crime can manifest itself. Crime has always been with us and will always be with us. That is human society. The dark web is an excellent platform for the exploitation of intelligence tools. The monitoring, surveillance and study of crime on the dark web, illegal markets, pedophile sites, terrorist sites and other criminal elements by law enforcement agencies, the use of undercover agents, experts and the involvement of civil society are important (Farkas, 2016). Illegal markets and criminogenic elements must be removed from the dark web (<https://ujbtk.hu>).

We must agree with Zoltán Nagy's ideas: 'The new risks, like other risks in the cyber environment, the dark side of the Internet, must be explained at a level and in a depth appropriate to the form of education, from secondary schools to universities, from legislators to law enforcement. There is currently plenty of work to be done in this area.' (Nagy, 2012)

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**DOMESTIC VIOLENCE: ON THE ISSUE OF PUBLIC DANGER AND
COUNTERACTION MEASURES****Abstract**

The family both as a part of society and an object of real scientific research has existed for more centuries. But, despite this, the issues of countering acts of family and domestic violence remain largely a shadow sector in the field of violent criminality. And according to this, the right of family victims to life and health (mostly physical) protection is the object of criminal legal protection. At the same time, the level of family-violent crime has socio-economic and territorial features depending on the certain subject of the Russian Federation.

Keywords: family, domestic violence, legislation, legal regulation, legal protection, types of family violence acts.

The social life of any person begins with family and family relationships. The life and, frankly, happiness of not only the individual himself, but also the security and progressive development of society as a whole depend on how positive and humane the society itself as well as laws are, focused on the upbringing of a harmonious and comprehensively developed, mentally and emotionally stable personality.

The family as a public institution is not only an object of public influence, but also has an impact on economic and social processes in it, including demographic ones. Here we can see the correlation "general – private" in the form of "state – family": the family is the primary

evolutionary and biological alliance of citizens. That is the "society – family" dichotomy as a single object of state regulation, we can talk about.

The family as such and family relations are an object of legal regulation primarily in family law.

Personal non-property relationships between family members, more often – property ones, are regulated by civil, housing and inheritance legislation. These are branches of private law. In terms of labor law and social security law, for the most part, we are talking about increased protection of the rights of "weak" society members – minors, pregnant women, disabled people, etc.

On the other hand, the State intervenes in these relations not only by regulating particular relationships, but also by establishing criminal law protection of the interests of the family and minors, carrying out criminal prosecution for crimes against them. And here the issues of criminalization or decriminalization of certain violent acts play an important role.

Victims of domestic violence, including murder and health injury of various degrees of severity, differ in a number of parameters, but at the same time they have many similar features. However, before addressing the problems of family violence, it is necessary to determine the terminology.

In this article, violence is understood as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation" [5, P. 5].

The European Court has repeatedly reminded in its decisions: the problem of domestic violence is a common problem that affects all states to one degree or another, and which is not always obvious, since it often takes place in the sphere of personal relationships or closed systems. It can affect any family member, although in the vast majority of cases the victims are women². The particular vulnerability of victims of domestic violence and the need for the active participation of the State in their protection are emphasized in a number of international documents and in the case law of the European Court of Human Rights³.

The problem of domestic violence is relevant for all states, the Russian Federation is no

² Постановление ЕСПЧ по делу "Опуз против Турции" (Opuz v. Turkey), жалоба N 33401/02, § 132, ECHR2009. (Date of application 30.05.2023).

³ §§ 72-86 постановления ЕСПЧ по делу "Опуз против Турции"; §§ 64-65 постановления ЕСПЧ от 12 июня 2008 г. по делу "Бевакуа и С. против Болгарии" (Bevacqua and C. v. Bulgaria), жалоба N 71127/01; § 46 постановления ЕСПЧ от 30 ноября 2010 г. по делу "Гайдуова против Словакии", жалоба N 2660/03. (Date of application 30.05.2023).

exception. In Russia, this problem has a significant scale: for example, in 2020, 40% of annual applications to the Ministry of Internal Affairs are reports of domestic violence⁴. During the pandemic, the problem became even more acute, there was a surge in domestic violence, as potential victims were locked up with those family members who affected them, embittered by the economic crisis that had occurred.

In scientific and practice-oriented sources, the variety of terms used indicates the specific diversity of attacks: "violence against women", "gender-based violence", "family violence", "domestic violence", "physical violence", "psychological violence", "sexual violence" and "financial abuse". And, if sexual violence can be talked about regardless any geographical references, then gender and physical violence and financial abuse can be differentiated geographically to a fairly high degree.

This is due to the fact that the socio-economic stability and well-being of society itself also have an impact on the family, as the main component of this society. And here the authors see a direct correlation: the more stable the economy of the state, the more comfortable the civil society, the higher the confidence of citizens in their own and their children's future, the more opportunities for cultural and educational self-development and self-realization, and the lower the level of domestic violence.

Thus, physical violence by women against men is higher in the central regions and economically prosperous areas: Moscow region, Sochi, Krasnodar, Salekhard, St. Petersburg, Yekaterinburg, Moscow, Murmansk, Samara, Voronezh, Rostov-on-Don, etc.⁵ A significant part of such acts is latent, since men tend to hide domestic violence against themselves.

However, if we consider physical violence by men against women, then in 2022 Moscow and Bashkortostan, being economically prosperous regions, became the "leaders".

If we take the level of economic development by region and the level of crimes on family and household grounds, we will see the following: with a decrease in the level of poverty, the level of domestic violence also decreased. For example, in the Samara region, the poverty rate decreased from 12.7% in 2018 to 10.9% in 2022, while until 2019 the region remained among the twenty regions with a high mortality rate among women because of domestic violence.

Generally speaking, the number of registered crimes related to domestic violence in 2015-2018 decreased both, in Russia as a whole, and in some federal districts, with the exception of the

⁴ Обзоры обращений в МВД России, 2020 // [Электр. ресурс]. – режим доступа: https://xn--b1aew.xn--p1ai/mvd/structure1/Departamenti/Departament_deloproizvodstva_i_raboti_s/Informacija_o_rassmotrenii_obras_hhenij (Date of application 30.05.2023).

⁵ <https://www.pravda.ru/news/society/1839288-fight2family/> (Date of application 30.05.2023).

Southern and Far Eastern regions⁶.

Thus, during the period of COVID-19 restrictions, the number of court sentences in cases involving harm to life and health of family members also increased in large cities, in which self-isolation measures were more stringent (according to the Report "Domestic violence in the conditions of COVID-19 in Russia"⁷). In this case, it can be stated that family-colored violence is preconditioned by emotional and psychological unpreparedness of large cities residents for a sharp narrowing of both personal and physical space, for constant presence in a narrow circle of people within limited space.

As of 2021, with the abolition of harsh anti-covid measures, the number of crimes committed on domestic grounds has decreased by 7.4%.

Domestic violence is often latent, and one of the reasons for this condition is the fear of revenge for a statement to the police. In this regard, we have analyzed serious violence as the least latent type of crime that can be studied based on the official data. However, it should be noted: statistically, the decrease in the level of physical violence took place after the partial decriminalization of battery in January 2017: physical assault without serious consequences during family conflicts left the sphere of criminal law regulation and became an administrative offense in cases where it is not recurrent. However, sometime later, Interior Minister V.A. Kolokoltsev said that the decriminalization of battery led to certain difficulties⁸, and the Commissioner for Human Rights in the Russian Federation T.N. Moskalkova called the reform a mistake and advocated the adoption of a special law on domestic violence⁹. In general, we agree with these conclusions [4] and consider it necessary to reverse the erroneous decision to decriminalize acts of domestic violence of any severity of harm to life and health.

⁶ В Госдуме представили данные о семейном насилии: аномалии и ожидания. Архивная копия от 25 января 2020 на Wayback Machine // [Электр. ресурс]. –Режим доступа: ИА REGNUM, 21.10.2019. (дата обращения 30.05.2023).

⁷ <https://docs.yandex.ru/docs/view?tm=1682839316&tld=ru&lang=ru&name=Doklad-o-domashnem-nasilii-v-usloviyah-COVID-19-v-Rossii-2020-god.pdf&text=домашнее%20насилие%20и%20экономика%20по%20субъектам%20рф&url=https%3A%2F%2Fwww.ASI.org.ru%2Fwp-content%2Fuploads%2F2020%2F07%2FDoklad-o-domashnem-nasilii-v-usloviyah-COVID-19-v-Rossii-2020-god.pdf&lr=21621&mime=pdf&l10n=ru&sign=23b7ca4f36261b63d04d8972f6c7a3fe&keyno=0&nosw=1&serpParams=tm%3D1682839316%26tld%3Dru%26lang%3Dru%26name%3DDoklad-o-domashnem-nasilii-v-usloviyah-COVID-19-v-Rossii-2020-god.pdf> (Date of application 30.04.2023)

⁸ Владимир Колокольцев провел заседание Правительственной комиссии по профилактике правонарушений // [Электр. ресурс]. –Режим доступа: <https://xn--b1aew.xn--plai/news/item/19183645/> (Date of application 30.05.2023).

⁹ Уполномоченный приняла участие в конференции «Женщины против насилия» // [Электр. ресурс] – Режим доступа: https://ombudsmanrf.org/news/novosti_upolnomochennogo/view/upolnomochennyj_prinjala_uchastie_v_konferencii_acirczhenshhiny_protiv_nasilijaacirc (Date of application 30.05.2023).

The most accessible for analysis is information about harm to health of adult family members and adolescent children who are already able to seek help on their own, or this information becomes known through representatives of children's or medical institutions. In relation to young children and the elderly, information is practically absent and becomes publicly available only as a result of high-profiled cases.

At the same time, information about domestic violence, especially, sexual violence and financial abuse against women, is hidden by the victims themselves under the pretext of its "being shameful", "accepted" and "washing dirty linen in public": this is what the abusers use, continuing to influence their victims for years.

And if "physical" types of violence are criminally and administratively punishable, then others (mental, psychological, emotional, etc.) fall out of the sphere of public law regulation and go into the sphere of private law.

Thus, "psychological violence" can be seen in the sanctions of the Family Code of the Russian Federation¹⁰: paragraphs 3 and 4 of Article 69 "Grounds for deprivation of parental rights" – parents abuse their parental rights; abuse children, including physical or mental violence against them, encroach on their sexual integrity.

Paragraph 5 of Article 87 and paragraph 4 of Article 92 of the RF FC – grounds for the release of adult children from providing maintenance to disabled needy parents and spouses (former spouses) among themselves:

A. Children may be released from the obligation to support their disabled parents in need of assistance if the court finds that the parents evaded their parental duties. Children are exempt from paying alimony to parents deprived of parental rights.

B. The court may release the spouse from the obligation to support another disabled spouse in need of assistance or limit this obligation to a certain period both during the marriage and after its dissolution: in case of misconduct in the family of the spouse demanding alimony.

The law does not define what "unworthy behavior" is. The question of whether the behavior of the spouse is unworthy is decided by the court subjectively, taking into account the specific situations of the case on the basis of generally recognized moral and ethical norms prevailing in the surrounding society. No one disputes that the unworthy behavior of a person is the commission of criminal offenses against the family members. Some scientists attribute drug

¹⁰ Family Code of the Russian Federation of December 29, 1995 N 223-FZ (RF IC) (with amendments and additions) // Collection of Legislation of the Russian Federation. 1996. No. 1. Article 16 (In Russ.: Семейный кодекс Российской Федерации от 29 декабря 1995 г. N 223-ФЗ (СК РФ) (с изменениями и дополнениями) // Собрание законодательства Российской Федерации. 1996. № 1. Ст. 16).

use, infidelity, verbal insults, etc. to inappropriate behavior [1, P. 35-36; 2]. But most of the crimes were committed under the influence of alcohol or because of personal hostility [3, P.87-88].

So, we believe that the isolated application of criminal and family law sanctions for these acts is not enough. It is necessary to combine them with the strengthening of private law regulation, namely, to introduce into family legislation restrictive measures for offenders.

Due to the fact that the sphere of family relations is an extremely sensitive issue, and it has to be dealt with very carefully, measures to counteract family violence should be taken at several levels. We see further measures to counteract domestic violence as the result of a synergetic approach in terms of combining methods not only of criminal law, but criminological, family law and socio-economic analysis and impact on these processes.

First, it is necessary to define the terms, and clearly, at the legislative level, introduce into circulation a single concept of domestic violence. At the same time, the law should clearly specify the types of such violence: financial, physical, mental, psychological, sexual.

Secondly, it is necessary to increase criminal responsibility for domestic violence, based on the fact that the victim of the abuser is most often dependent (physically, psychologically, financially) from him, and, because of this, helpless.

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*wenqiangbnu@163.com***ANALYSIS OF REGIONAL DIFFERENCES IN SENTENCING FOR CRIMES OF
INFRINGING ON CITIZENS' PERSONAL INFORMATION****Abstract**

The analysis of 578 valid verdicts by basic people's courts in four representative regions from 2021 to 2022 reveals significant regional differences in the sentencing practice in infringing on citizens' personal information. For example, in terms of free punishment, a major difference is found between the eastern region and the southern region, the application rate of probation is the lowest in the central region, and the allocation of free punishment and fine punishment among regions is unreasonable. Regional differences in sentencing do not only have the risk of violating the principle of balance between crime and punishment, but also hinder the realisation of the purposes of punishment. The role of the case guidance system should be further brought into play to do a good job in searching for similar cases, especially for the application of probation, the configuration of free punishment and criminal fine, and to develop guiding principles to achieve "same case and same sentence" to maximise the function of criminal punishment and achieve legislative purposes.

Keywords : personal data violation, sentencing practice, regional differences, penalty function, the balance between criminal offence and punishment

Introduction

Advanced internet technology has made information an important resource. There have been many cases of trading and leaking personal information on the Internet, which has led to crimes such as fraud, extortion, and theft. To prevent such misconduct and protect citizens' privacy, Article 7 of the Amendment (VII) to the Criminal Law of P.R.C, which came into force as of February 28, 2009, added two new delicts: the crime of selling or illegally providing citizens' personal information and crime of illegally obtaining citizens' personal information.¹¹ The

¹¹ This article stipulates that the staff of state organs or financial, telecommunications, transportation, education, medical and other units, in violation of state regulations, sell or illegally provide to others the personal information of citizens obtained by the unit in the process of performing duties or providing services, If the circumstances are

legislation limits to two special subjects, i.e., According to Yu Haisong (2022), "staff of state agencies or financial, telecommunications, transportation, education, medical and other units" (pp. 122-125). The statutory maximum penalty lasts only for 3 years of fixed-term imprisonment, which hinders the preventive function of punishment. The promulgation of the "Personal Information Protection Law" and "Network Security Law" and other pre-laws have led to difficulties in the connection of executions. Because of this, Article 17 of the Amendment (IX) to the Criminal Law of P.R.C, which came into effect on August 29, 2015, combined the above two crimes into the crime of infringing on citizens' personal information. At the same time, the subject of the crime is extended to general, and the statutory maximum penalty is increased to 7 years in prison.¹²

According to Xu Fengxue and Wang Lei (2020) 'The judgments on violating citizens' personal data have obvious regional characteristics. The number of eastern coastal provinces is generally higher than that of the mainland, and the number of cases in the Yangtze River Delta region is significantly higher volume than it occurred in other areas (Fengxue – Lei, 2020, 32). In China's judicial practice, there has always been a "strike hard" mentality, and severe punishment is prone to occur in times or locations with a high crime rate. Do the regional differences in the distribution of crimes infringing on citizens' personal information also imply regional differences in sentencing? Adding the crime of infringement on citizens' personal information to the legislature is to prevent crimes through punishment, the most severe sanction. If there are regional differences in sentencing, not only will there be a risk of violating the law and adapting the sentence to the crime, but also unfair sentencing will affect the performance of the preventive function of the punishment. The purpose of this article is to determine whether there are regional differences in the sentencing practice for violating citizens' personal information

serious, the offender shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and shall be fined concurrently or solely. Stealing or illegally obtaining the above-mentioned information by other methods, if the circumstances are serious, shall be punished in accordance with the provisions of the preceding paragraph. Units that commit crimes in the preceding two paragraphs shall be fined, and the directly responsible managers and other directly responsible personnel shall be punished in accordance with the provisions of the respective paragraphs.

¹² This article stipulates: Whoever sells or provides citizens' personal information to others in violation of relevant state regulations, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and shall also be fined or only fined; Fixed-term imprisonment and a fine. Whoever, in violation of relevant state regulations, sells or provides to others the personal information of citizens obtained in the course of performing duties or providing services, shall be severely punished in accordance with the provisions of the preceding paragraph. Those who steal or otherwise illegally obtain citizens' personal information shall be punished in accordance with the provisions of the first paragraph. Units that commit crimes in the preceding three paragraphs shall be fined, and the directly responsible managers and other directly responsible personnel shall be punished in accordance with the provisions of each of these paragraphs.

by analysing the judgment documents of the crime of violating citizens' personal information from 2021 to 2022.

1. Sample selection and variable design

Although there are currently many databases that can search for judgment documents, such as the China Judgment Documents Network, in comparison, the judgment documents collected by the Peking University Chinalawinfo Database (<https://www.pkulaw.com>) including different courts levels and case types and contain judgments and the authority. This article deals with data retrieved from there if otherwise indicated.

1.1. Sample selection

Using "crime of infringing on citizens' personal information" as the keyword to search the Peking University Chinalawinfo Database, the results show that in judicial practice, -because most defendants choose to plead guilty and accept punishment from 2021 to 2022-, the whole country will enter the second-instance procedure for violating citizens. There were only 97 cases involving personal information, which were not statistically significant, while 1,133 cases were heard by grassroots courts across the country. Therefore, this article selects the judgment documents made by the basic courts as the research object.

The analysis shows that the cases of violations of citizens' personal information are unevenly distributed among provinces, which is consistent with the existing research results. However, as described below, there is no direct correlation between the specific distribution and the degree of economic development. To make the selected samples more in line with the needs, this paper does not use the sampling method to choose pieces but directly selects the top six provinces with the largest number of trial cases as research samples. After the screening, a total of 578 valid judgments were obtained, and the top six provincial-level administrative regions were Hunan Province, Shaanxi Province, Henan Province, Jiangxi Province, Guangxi Zhuang Autonomous Region and Jiangsu Province. From the perspective of geographical distribution, these six provincial-level administrative regions also happen to represent different regions of China: Jiangsu Province represents the eastern region, Shanxi Province represents the Western region, Hunan, Henan, and Jiangxi provinces represent the central region, and Guangxi Zhuang Autonomous Region represents the southern region, so these six regions can roughly show the sentencing situation of violations of citizens' personal information nationwide. At the same time, because the purpose of this article is to count the regional differences in sentencing, and the first defendant has the heaviest sentence when depending on the samples, only the first

defendant is selected as the statistics for the same judgment with multiple defendants. In this way, 578 judgment documents involved a total of 578 defendants. The reason for using the defendant as a sample for statistics is also because this method can more clearly show the application of the crime in judicial practice, which is conducive to the analysis of the impact of sentencing circumstances on the sentence of free punishment and fine punishment, and the analysis of sentencing in different regions.

1.2. Variable design

After confirming that the defendant is used as a sample for statistics, this paper further designs the independent and dependent variables. Specifically, this paper mainly creates related variables from the following aspects:

First, the basic information is mentioned, including case name, region, and two variables. ①

The name of the case is labelled in the selected judgment, which is used to mark the specific judgment, which is convenient for the analysis of the perpetrators in the sample in the follow-up research, and is used to check the accuracy of the selected judgment and entered data. ②

The region is, the specific region where the defendant was convicted. This article will involve 6 provincial-level administrative regions and divide them into four regions: eastern, Western, central and Southern.

Secondly, the independent variable in this article is the sentencing plot. According to the relevant laws of our country, the sentencing circumstances of the crime of violating citizens' personal data mainly include confession, surrender, meritorious service, pleading guilty and accepting punishment, actively returning compensation and stolen goods, and whether they are repeat offenders, a total of 6 statistical standards.

Thirdly, the design of the dependent variable, in this article is the sentence of freedom and fine. Specifically, it includes three dependent variables: the type of free punishment, the time of free punishment and the amount of fine punishment. Liberal punishment includes four types: free punishment, criminal detention, fixed-term imprisonment, and probation. The period of free punishment is counted as months. In order to facilitate the statistics of the probation period, two months of probation are uniformly converted into one month of fixed-term imprisonment, that is, one year of probation is calculated. Six months of fixed-term imprisonment, and one month of criminal detention is counted as one month of fixed-term imprisonment; fines are calculated in RMB as the statistical standard.

2. General situation of sentencing and regional characteristics

Based on the selection of the above samples and the design of independent variables and dependent variables, this paper uses SPSS to process and analyse the obtained data, to fully understand the application status of the crime of violating citizens' personal information in judicial practice. Specifically, from the perspectives of the general situation of judicial application of the crime of infringing on citizens' personal information and the main differences in sentencing in different regions, this paper conducts a statistical analysis of the corresponding data obtained to obtain the main factors that affect the sentencing of this crime in different regions.

2.1. Sentencing overview

Here, mainly based on the two factors of the region where the crime occurred and the actual sentencing in each region, the spatial distribution of this crime in judicial practice is outlined to prepare for the subsequent analysis of regional differences in sentencing.

2.1.1. Judgment area

It can be seen intuitively from Figure 1 that in the four regions counted in this paper, the number of the defendants in descending order is the central region, eastern region, southern region, and western region. The central region tried 306 defendants, accounting for 53%; the eastern region tried 156 defendants, accounting for 27%; the southern region tried 64 defendants, accounting for 11%; the western region tried 52 defendants, accounting for 9%. The formation of this geographical distribution feature may be related to the level of digital economy development in each region. According to the 2022 China Top 100 Digital Economy City Development Rankings¹³, it can be found that the cities in the central region rank at the top15 in the digital economy, the cities in the eastern region rank at the top10, while the cities in the western region rank after 20. It fully demonstrates that in areas where the digital economy is relatively developed, the number of crimes of infringement of citizens' personal information is relatively large, but it is not absolute, because the number of cases in the central region is more than that in the eastern region. This distribution feature reflects the actual situation of the crime

¹³ The data comes from CCID Consulting, an institution directly under the China Electronic Information Industry Development Research Institute of the Ministry of Industry and Information Technology, <https://www.163.com/dy/article/HV2ROJ6205561PSI.html>.

committed in different regions, which provides an objective basis for further analysis of the actual impact of sentencing circumstances on sentencing in different regions.

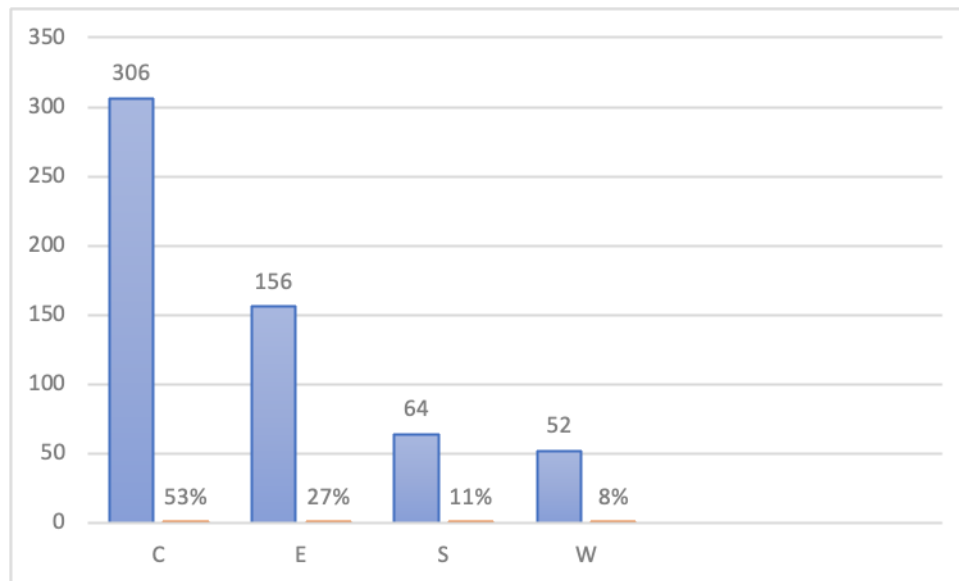


Figure 1: Statistical map of the geographical distribution of the defendants

2.1.2. Regional characteristics of sentencing results

From the perspective of the average value of the sentence of freedom (see Table 1 for details), the eastern region is the highest at 11.19 months, followed by the central region at 8.45 months, the western region at 7.21 months, and the southern region at 7.16 months. In terms of penalties for free punishment, the eastern region has the highest average value, and the southern region has the lowest average value, with a mean difference of nearly 4 months.

In terms of fines, the central region has the highest average value of about 34,383 yuan, followed by the eastern region at about 32,079 yuan. The region with the lowest fine penalty is the south, about 14,373 yuan, and the difference between the highest and lowest fine penalty is nearly 20,010 yuan. As the economically backward area in my country, the southern region's fine penalty reflects the impact of the local economic development level on the fine penalty to a certain extent. However, as the central region with a relatively underdeveloped economy, the number of fines is much higher than that of the eastern regions with a relatively developed economy. There are large differences in the application of fines among regions, and there is a difference between the application of fines and the degree of economic development, which is not directly related.

However, comparing the free punishment and the fine punishment in each region, it can be found that in the western region, although the average value of the fine punishment is at a high

level, the average value of the free punishment is at a low level. In the central region, the fine penalty is also at a relatively high level, but the average value of the free penalty is also at a high level. Both the fine penalty and the free penalty in the eastern region are at a relatively high level. This statistical analysis also breaks the public's misunderstanding of the fine penalty, which is believed to be "ransom with money" (Mingxuan – Xiao, 2009, 6). At the same time, it also shows that there are great differences in the application of free punishment and fine punishment to defendants in different regions, and the configuration of free punishment and fine punishment is unreasonable. It can be seen from this that there are differences in the application of free punishment and fine punishment to defendants in different regions.

Table 1 Statistical Table of Differences in Sentencing Means Between Regions

Region	N	Minimal	Maximum	Mean	Standard deviation	
		value	value			
E	Sentence of liberty	156	0	66	11.19	17.291
	Sentenced to a fine	156	1000	1200000	32079.49	108251.189
C	Sentence of liberty	306	0	55	8.45	13.529
	Sentenced to a fine	306	1000	4000000	34383.33	229608.079
S	Sentence of liberty	64	0	48	7.16	13.035
	Sentenced to a fine	64	2000	80000	14373.44	16070.077
W	Sentence of liberty	52	0	48	7.21	14.017
	Sentenced to a fine	52	2000	750000	30521.15	106224.114

It can be seen from Table 2 that there are differences in the types of freedom punishments applicable in different regions. In terms of the application for probation, the western region has the highest application rate of 67.3%, and the central region has the lowest application rate of 37.3%. Only 114 of the 306 people were sentenced to probation. The difference in the application of probation between the two regions exceeds 30%. As for the application of fixed-term imprisonment, the central region is the highest at 47.4%, and the western region is the

lowest at 28.8%. It can be found that in the central region of our country, in the selection of free punishment types, not only the application rate of probation is low, but also the application rate of fixed-term imprisonment is the highest. As a non-penal punishment, probation has not been used rationally in the region. Perhaps felonism is deeply rooted in the ideology of the people in the region. They believe that the defendant should "either be sentenced to death or be imprisoned. If the criminal is still in society after being sentenced, they believe that they have not been punished" (Xuexiang, 2004, 80). In the western region, the application rate of probation is high, and the application rate of fixed-term imprisonment is also the lowest, which shows that the digital economy in the western region is relatively underdeveloped, and no severe punishment measures have been taken to prevent the occurrence of violations of citizens' personal information. The applicable situation of criminal punishment almost confirms that "crime will increase along with economic development"(Jianjun, 2010, 148). The above shows that there are significant differences in the choice of punishment types in different regions.

Table 2 Statistical Table of the Differences in the Types of Freedom Penalties between regions

Region			Frequency	Percentage
E	Valid	Suspended Sentence	98	62.8
		Penal Servitude	2	1.3
		Fixed-term Imprisonment	56	35.9
		Total	156	100
C	Valid	No Sentence of Liberty	6	2.0
		Suspended Sentence	114	37.3
		Penal Servitude	41	13.4
		Fixed-term Imprisonment	145	47.4
S	Valid	Total	306	100
		Suspended Sentence	38	59.4
		Fixed-term Imprisonment	26	40.6
		Total	64	100
W	Valid	No Sentence of Liberty	1	2
		Suspended Sentence	35	67.3
		Penal Servitude	1	1.9
		Fixed-term Imprisonment	15	28.8
		Total	52	100

2.1.3. The geographical characteristics of the application of sentencing circumstances

Table 3 counts the application of the above-mentioned regions to the main sentencing circumstances in this crime, such as confession, meritorious service, confession and punishment. From the statistics in the table, it can be found that confession, guilt and punishment, and active restitution are the sentencing circumstances with the highest proportion in each region and have become the main sentencing circumstances considered by judicial organs in judicial practice. The confession and punishment rates in the eastern and western regions have reached 100%, and even if they have not reached 100%, the confession and punishment rates in the central and southern regions are as high as 99.7% and 98.4% respectively, to a similar extent. In terms of frank application, the highest application rate is in the southern region, about 95%, followed by the western region, about 90%, and the lowest in the central region, about 73%. However, the surrender rate in the central region is the highest among the above-mentioned regions, reaching 19%, but the application of probation is the lowest among all regions, at about 37%. For active compensation, the southern region has the highest refund rate of 79.7%, followed by the central region at 75.2%, and the lowest refund rate is the western region at 55.8%.

From the statistics in Table 3, it can be found that in all regions, the defendants' pleas of guilt and acceptance of punishment are very high. When the defendant pleaded guilty and accepted punishment, as some people said: "The judiciary may deliberately abandon the legitimate interests of the injured party" (Junfeng, 2021, 116). At the same time, the analysis shows that in judicial practice in various regions, there are more cases where the defendant confesses and pays compensation, and there are fewer cases where he surrenders himself and makes meritorious service. This may be due to statistical data, but it does not rule out that in specific cases, the circumstances of self-surrender and meritorious service are less objective, so they are not significant.

Table 3 Statistical Table of Differences in Sentencing Circumstances between Regions

Region			Frequency	Percentage
E	Valid	Confession of Offence	132	84.6
		Meritorious Service	4	2.6
		Plea for Leniency	156	100
		Restitution	98	62.8
		Voluntary Surrender	25	16
		Recidivism	2	1.3
C	Valid	Confession of Offence	247	80.7
		Meritorious Service	3	1
		Plea for Leniency	305	99.7
		Restitution	230	75.2
		Voluntary Surrender	58	19
		Recidivism	4	1.3
S	Valid	Confession of Offence	61	95.3
		Plea for Leniency	63	98.4
		Restitution	49	76.6
		Voluntary Surrender	2	3.1
W	Valid	Confession of Offence	47	90.4
		Plea for Leniency	52	100
		Restitution	29	55.8
		Voluntary Surrender	5	9.6

2.1.4. The influence of the same plot in different regions

Tables 4 and 5 take the above-mentioned sentencing circumstances as the independent variable and the free punishment and fine penalty as the dependent variables. Through regression model analysis, the impact of sentencing circumstances in various regions on the discretion of free punishment and the fine penalty is analysed. The results show that in the central region, there are four significant factors: whether to refund compensation, whether to confess, whether to surrender, and whether to repeat offenders. The significant factor in the eastern, central, and western regions is whether to refund or not. Pleas and punishments were prominent factors in the southern region. It can be seen from the table that there is a negative correlation between the sentencing circumstances and the sentencing of free punishment and fine punishment, indicating that the relevant statistical analysis conforms to the law between the sentencing circumstances and the discretion of the penalty, that is, the independent variable increases, and the dependent variable shows a downward trend. Both Table 4 and Table 5 show this trend.

It can be seen from Table 4 that when judging the defendant's free sentence, whether to refund or not is a sentencing factor that is considered by judicial organs in different regions when judging the penalty. From the absolute value of the relevant B value, it can be found that the sentencing circumstance of confessing guilt and accepting punishment has the greatest impact on the sentencing of free punishment, and its absolute value of B value is about 41; followed by surrender, its absolute value of B value is about 22. For the eastern, central, and western regions, which all have the significant factor of compensation or not, the absolute value of the B value is the largest in the eastern region, indicating that the sentencing context of active compensation has the greatest impact on the sentencing of free sentences in the eastern region. Although the sentencing circumstance of refund and compensation is considered in different regions when sentencing, there are also certain differences in its impact. It can be seen from the above that judicial organs in different regions consider different aspects of sentencing circumstances when making penalty decisions. Even if the same sentencing circumstances are considered, there are differences in penalty discretion.

Table 4 The impact of sentencing circumstances across regions on the free sentence

Region	Model		Non-standardized		t	Sig.
			coefficient			
			B	Standard Error		
E	1	Restitution	-11.263	2.773	-4.061	0.00
		Confession	-20.117	10.304	-1.952	0.05
C	1	Restitution	-5.199	1.77	-2.938	0.00
		Voluntary Surrender	-22.607	10.359	-2.182	0.03
		Recidivism	13.326	6.672	1.997	0.05
S	1	Plea Leniency	-41.417	12.754	-3.247	0.00
W	1	Restitution	-9.349	3.783	-2.471	0.02

Table 5 shows the impact of the sentencing circumstances on the fine penalty between regions. It can be seen from the table that there are no significant factors in the eastern, southern, and western regions, because this paper does not select samples by sampling, which leads to selection bias, resulting in no significant factors in related areas. For the central region with significant factors, whether to refund or not has become a significant factor in this area. This shows that in different regions, different sentencing circumstances have different effects on the penalty of fines, which leads to differences in the application of fines for this crime in different regions.

Table 5 The impact of sentencing circumstances on the penalty of fines between regions

Region	Model	Unstandardised Coefficient		t	Sig.	
		B	Standard Error			
E	1	No significant factors				
C	1	Restitution?	-59044.781	30537.627	-1.934	0.05
S	1	No significant factors				
W	1	No significant factors				

3. Regional Differences and Reason Analysis

The above analysis shows that in the sentencing practice of cases of infringement of citizens' personal information, there are large differences in the selection of punishments and the application of sentencing circumstances by judicial organs in different regions. The reasons for these differences are both legislative and practical.

3.1. Regional differences

First of all, in terms of the application of the penalty of freedom, the average value of the penalty of freedom in the central and eastern regions is higher than 8 months; the average value of the penalty of freedom in the southern and western regions is lower than 8 months, and the average value of the penalty of freedom in the southern region is 7.16 months. There are large differences in the period of free punishment between different regions. The judicial organs in the central and eastern regions impose heavier punishment on the defendant, while the western and southern regions have moderate punishment. The difference in sentencing between different regions does not know whether the purpose of punishment and crime prevention can be achieved. This difference also shows that the judiciary in areas with a large average free penalty tends to punish and prevent crimes by severely punishing defendants. However, in terms of the choice of the term of free sentence, the difference between the highest and the lowest average value of free sentence is nearly 4 months, which shows that even in regions where fixed-term imprisonment is used as the punishment discretion, there are still large differences in the choice of free sentence term.

Secondly, in terms of the choice of the type of free punishment, non-custodial sentences (suspended sentences) are mostly adopted in the regions, and the applicable proportions in the eastern, southern, and western regions are all over 50%, and the application of probation in the western region has reached 67.3%, which is much higher than other regions. The regions and the application of fixed-term imprisonment in the above regions is lower than 50%. However, the application rate for probation in the central region is only 37.3%, while the application rate for fixed-term imprisonment is as high as 47.4%. This shows that there is a big difference in the choice of the type of free punishment in different regions. Most regions tend to choose non-custodial measures (suspended sentence) for the defendant, and a few regions prefer adopting prison sentences (fixed-term imprisonment). Compared with regions that adopt custodial measures, non-custodial sentences have fewer restrictions on defendants, and to some extent are more conducive to their reintegration into society. If the purpose of social defense can be achieved by taking non-custodial measures, there is no need to apply prison sentences (Wanqin, 2018, 131).

Thirdly, in terms of the application of fines, the average value of fines in the central region is the highest, followed by the eastern and western regions, while the average value of fines in the southern region is the lowest. There are great differences in the application of fines among the above-mentioned regions. Article 52 of the *Criminal Law* stipulates: "The amount of fines shall be determined according to the circumstances of the crime." The determination of the amount of fines based on the circumstances of the crime is mainly determined by the principle of adapting the punishment to the crime. That is, the amount of the fine imposed on the defendant depends on the nature and consequences of the defendant's criminal behavior. When comparing the average value of free punishment with the average value of fine punishment in each region, it will be found that there is a big difference in the application of the two. For example, in the central region, the average fine penalty is the highest among the above-mentioned regions. The high average fine penalty indicates that the defendant's crime is serious, but the average free penalty is not as high as the similar fine penalty in the eastern region. In the allocation of free punishment and fine punishment, the central and western regions have achieved relative coordination, while there is a certain imbalance in the allocation of free punishment and fine punishment in the eastern and southern regions. Statistical analysis shows that there are differences in the configuration of fine punishment and free punishment in different regions.

Finally, in terms of the application of sentencing circumstances, confession, guilt and punishment, and active compensation are the sentencing circumstances with the highest proportion in each region, which shows that the above circumstances will be considered in the

judgment of punishment in different regions. However, the proportion of confessions and punishments is abnormally high. The confession and punishment rates in the eastern and western regions have reached 100%. Even if the rates in the central and southern regions have not reached 100%, the confession and punishment rates are as high as 99.7% and 98.4% respectively. When selecting the research samples, this article only selects the first-instance judgments made by the basic courts, because the proportion of defendants pleading guilty and accepting punishment is high, and there are few appeal cases. Although pleading guilty and accepting punishment as a significant factor has a positive impact on the judgment of punishment, it is doubtful whether this system will deprive the defendant of his legal rights. "The leniency system for pleading guilty and accepting punishment should undoubtedly ensure that the accused's confession of guilt and punishment is voluntary, consistent and sufficient. Otherwise, the superficial plea of guilt and acceptance of punishment will easily lead to wrongful convictions, which will not only damage the rights of the accused, but also damage the interests of the victim and weaken the credibility and authority of the judicial system" (Weimin, 2017, 164). When the judiciary implements the plea system, it should pay attention to the protection of the legal rights of the defendant and should not plead guilty for the sake of pleading guilty but should plead guilty and accept punishment on the basis of fully protecting the defendant's procedural rights.

As for the cases of self-surrender, most of them are in the eastern and central regions, and less in other regions. To a certain extent, it shows that the judicial departments in the above-mentioned regions pay attention to the publicity of the self-surrender policy and encourage criminals to actively surrender. From the statistical judgments, it can be found that the central and eastern regions accounted for nearly 80% of all judgments, which shows that the crime of infringing on citizens' personal information is severe in the eastern and central regions, which has a certain relationship with the developed digital economy in the eastern and central regions. For this reason, the eastern and central regions need to take effective measures to curb this crime trend and provide legal protection for the healthy development of the digital economy.

Whether or not compensation is a significant factor in the eastern, central, and western regions indicates that whether the defendant is compensated or not has become an important factor considered by the judiciary when judging the defendant's penalty, and it also reflects the profit-seeking nature of the defendant who committed this crime. Selling other people's information for financial gain. Therefore, the defendant's active restitution of stolen goods has become a key factor considered in the judgment of punishment in the eastern, central, and western regions, while for the southern region, pleading guilty and accepting punishment is the

sentencing circumstance that is mainly considered in the judgment of punishment. To a certain extent, it shows that the profits of the defendants who commit this crime in the southern region are lower than those in other regions. When judging the punishment of the defendant, different regions focus on different sentencing circumstances, which reflects the differences in the governance of the crime of infringing on citizens' personal information in different regions.

3.2. Cause Analysis

The above-mentioned regional differences in sentencing are due to both legislative and judicial reasons, as well as objective factors such as the social situation.

First of all, at the level of substantive law, as some scholars have said: "There are reasons for the difference in sentencing at the level of substantive law and the level of procedural law. The level of substantive law is mainly because China's criminal legislation sets too broad a range of statutory penalties" (Lei, 2021, 71). The *Criminal Law* divides the statutory penalties for the crime of infringing on citizens' personal information into two categories: "serious circumstances" and "especially serious circumstances", and in the "Interpretation of Several Issues Concerning the Application of Law in Handling Criminal Cases of Infringement of Citizens' Personal Information" (referred to as "Interpretation") are specifically defined. However, the "Interpretation" remains an abstract and general provision. Due to technical factors and potential disparities in judges' interpretations, many of the normative provisions within the interpretation still necessitate further explication (Xiuzhe, 2018, 31). The expansive yet non-specific statutory penalties, coupled with the abstract nature of the judicial interpretation, inevitably place the onus on judges to exercise their discretionary powers judiciously when determining specific sentencing. Although it is necessary to grant discretionary power to judges, "the purpose of granting certain criminal discretionary powers to examination and approval organs is to require judicial organs to make timely and fair judgments that do not exceed the law according to specific circumstances and specific objects, so as to better punishment and crime prevention" (Kefang, 2001, 30). In practice, our country lacks clear guidance of substantive laws and effective regulations on procedures for judges' sentencing activities, and judges' sentencing activities are always in a "hidden" state, which makes discretionary powers unreasonably exercised. To a certain extent, it has led to differences in the penalties of similar cases in different places.

Secondly, at the level of procedural law, the main reason is that the sentencing procedure is not independent enough. In current judicial practice, trial procedures and sentencing procedures are carried out simultaneously. However, sentencing and trial are two different procedures. The

trial is to synthesize the case evidence and legal provisions to characterise the case, while the sentencing procedure is to judge the type and range of the defendant's punishment. At present, courts do not use special procedures to select the type and the range of punishment. Public prosecutors, defenders, victims, and defendants cannot substantially participate in sentencing issues, and sentencing activities are in a "hidden" state. Because of the "hidden" state of sentencing activities, it is difficult for judges in different regions to refer to the practices of judges in other regions when they encounter similar cases, which will lead to differences in sentencing to a certain extent. Secondly, the absence of the procedural law of the lenient system for pleading guilty and accepting punishment also has a certain impact on the generation of sentencing differentiation. When a criminal suspect or defendant pleads guilty and accepts punishment for his crime, the judiciary will give him a lenient punishment. The statistical analysis in this paper also shows that the rates of guilty pleas and punishments of defendants in all regions are very high. However, there are situations in which the leniency varies in practice. The reason is that the *Criminal Procedure Law* as a procedural law only applies to trial procedures. However, in the *Criminal Law* for cases where criminal suspects or defendants plead guilty and accept punishment, how to deal with leniency? There is no definite stipulation on the extent of the leniency. For cases of pleas of guilt and punishment, sentencing is mainly carried out by referring to previously judged cases, and the decision-making power of penalty discretion is mainly in the hands of judges (Jing, 2021, 79), which has a certain degree of individualism and empiricism. Therefore, for similar cases, even if the criminal suspect or defendant pleads guilty and accepts punishment, there will be differences in sentencing. Thirdly, judges in different regions are subject to their own comprehensive quality¹⁴ and social environment, which have a certain impact on the generation of sentencing differences. Judges' personal emotions and personal concepts may affect their views on criminal behavior, thereby affecting their concept of punishment. "Different judges usually hold different sentencing philosophies, and different sentencing philosophies are often in conflict with each other, which inevitably leads to wide differences in sentencing" (Jiangang, 2011, 22). Some regions may place more emphasis on maintaining social order, and judges may tend to adopt severe penalties punish crimes. In other areas, judges may prefer to reform criminals through lenient sentences, so they choose light sentences or leniency. The judge's personal criminal trial experience may

¹⁴ One's comprehensive quality refers to the general term of cognitive factors that may affect the judge's penalty judgment process and results, and refers to the judge's personal emotion, life experience, individual criminal trial experience, and individual position. Such as personality, moral concepts of right and wrong, individual emotions, the social harm of crime reflected in individual emotions, and the potential impact of personal experience on judicial trials. Long Guangwei (2003): On Sentencing Imbalance and Its Countermeasures. Jilin University Social Science Journal, (2):59.

also affect the discretion of the penalty. When judges in various regions face the behavior of violating citizens' personal information, their trial experience will affect the judge's cognition of the behavior and the choice of the type and range of punishment. Furthermore, the social security situation in different regions may also affect the judge's sentencing activities. The social environment, crime rate and public attitudes towards crime in different regions may be different, and these factors may also affect the judge's choice of punishment. For example, in some areas with a high crime rate, judges may tend to choose heavier penalties to severely punish crimes in order to maintain social order and security.

Finally, the macro-social situation, especially the development of the digital economy, also affects the sentencing of cases of infringement of citizens' personal information to a certain extent. Therefore, the development of the digital economy is highly dependent on citizens' data or information, which indirectly becomes a violation of citizens' personal information. Specifically, from the perspective of the relative degree of digital economy development in the southern and western regions, the grassroots courts have only tried 116 cases in the past two years, which is significantly lower than other regions. In contrast, due to the relatively developed digital economy in the eastern and central regions, crimes involving citizens' personal information are more frequent. The average value of free punishment, and fine penalty in the two regions is relatively high.

4. Negative impacts and countermeasures

As mentioned above, the purpose of adding the crime of infringement of citizens' personal information by the legislature is to play the deterrent function of penalties and prevent infringement of personal information. However, the regional differences in sentencing will have a negative impact on both the macro and micro levels, hindering the realization of legislative purposes. Therefore, specific measures should be taken for the above reasons.

4.1. Negative impacts

At the macro level, regional differences in sentencing affect judicial authority, affects the implementation of laws. "Judicial authority, as a special type of authority, refers to the credible position and power of the judiciary in social life" (Guangzhong - Peiquan, 2011, 3). It is crucial to maintain social harmony and stability and the normal implementation of laws. Judicial authority symbolizes social credibility, and credibility is the degree to which the public agrees with and is convinced of the judiciary. The differences in sentencing for the crime of infringing on citizens' personal information in various regions not only have the principle of balanced

penalties for crimes, but also inevitably make criminal suspects or defendants question whether they have been treated fairly in the judicial process or not. Judicial activities are the last line of defense to resolve disputes. Failure to uphold justice will have a major impact on social harmony and stability.

At the micro level, the differences in sentencing in various regions may affect the function of punishment. Penalties have the functions of punishment, reformation and deterrence. The differentiated sentencing between different regions will have a certain impact on the function of punishment. The severity and appropriateness of punishment have an important impact on the rehabilitation of offenders and their social reintegration. The differences in sentencing for the crime of violating citizens' personal information in various regions will affect the function of punishment to some extent. In some areas, the penalty is too trivial for criminals to realise the consequences of their crimes, so they cannot form a sufficient understanding of their behaviour. This will affect the deterrent function of penalties, increase the possibility of re-offending and bring more harm to the society. In some areas, the punishment is so strict that criminals may think that they have been treated unfairly, and then have reluctance to reformation, resulting in the failure of their reformation, and may even cause criminals to resent the society more, increasing the possibility of re-offending and affecting the function of reformation and deterrence of law.

4.2. Proposals on Countermeasures

Based on the reasons above, measures are suggested to be taken from the following aspects to improve the regional differences in sentencing in cases of infringement of citizens' personal information.

First, give full play to the function of searching guiding cases and similar cases, and implement the same judgment for the same case. The same case refers to seeking a delicate stability between the tension between the law and social life within the scope permitted by the law, while the same judgment means that for similar cases, the judgment results should be generally consistent, even if there are subtle differences (Yongzhao, 2022, 33). As long as the difference does not exceed the scope of the law, it should be classified as the category of the same case and the same judgment. Therefore, the same sentence for the same case does not require that the crimes of infringing on citizens' personal information in different regions have the same verdict, but that cases with similar circumstances in different regions should be given the same sentence as much as possible to maintain judicial authority. At the national level, a case guidance system should also be established as soon as possible to make "unified" penalties for

similar cases in different regions as much as possible. "Pursuing the natural justice of the same case with the same judgment and maintaining the unity of law application is the goal that any country's case system strives for" (Xiao, 2011, 72). Regarding the sentencing of free sentences, judges in the above-mentioned regions have different judgment standards, whether in terms of the duration of free sentences or the choice of types of free sentences. In order to achieve the goal of the same judgment, a reasonable case guidance system should be used to bridge the differences between different regions. The case guidance system with practical guiding significance should be based on the legislative and judicial reality of China, in order to solve practical problems and achieve the unification of law application (Yunteng – Tongzhi, 2008, 10).

Second, improve criminal legislation. At the level of criminal substantive law, regarding the relatively broad provisions of the criminal law on penalties, more detailed provisions should be made on the discretion of penalties in combination with judicial interpretations to make the criminal law and its judicial interpretations more operable, thereby reducing the difference in sentencing. In terms of criminal procedure law, we should explore the establishment of a sentencing procedure different from the trial procedure, so that the public prosecutor, the defendant, and the defender can effectively participate in sentencing activities, so as to ensure the openness and fairness of sentencing.

Third, promulgate normative documents to regulate the application of prison sentences, especially to increase the application of non-custodial sentences (probation). Statistics show that, except for the central and southern regions, the application rate of probation in other regions is at a relatively high level, reaching more than 60%. It shows that in judicial practice, most regions have adopted more lenient measures than fixed-term imprisonment for criminal acts of infringing on citizens' personal information. Even in the eastern region, which is as severe as the crime situation in the central region, the application rate of probation exceeds 60%. Moreover, China is establishing and improving the community correction system (Zongxian, 2022, 81), which provides a more solid institutional guarantee for the expansion of non-custodial sentences, "carrying out punishment execution work for criminals in the community" (Zongxian, 2020, 68). Criminals do not need to be detained but return to their communities. Of course, this does not mean that criminals are free from any constraints.

Fourth, formulate guiding rules or release guiding cases to standardise the application of free punishment and fine punishment, and improve the practical allocation of punishment. "The rationalisation of the punishment allocation structure is the organisational basis for the effective performance of the punishment function" (Zhixiang – Ning, 2011, 42). As shown in the analysis

above, the average value of free punishment and fine punishment in the eastern region is at the highest level at the same time, while in other regions there is a reasonable negative correlation structure between free punishment and fine punishment. The irrational allocation between free punishment and fine punishment makes it difficult to play the punishment and preventive functions of punishment. Judiciary agencies in different regions should consider the circumstances of the defendant's crime and the economic development level of the region in the penalty of fine punishment but should also pay more attention to the reasonable allocation of free punishment and fine punishment to give full play to the punishment and prevention functions of punishment.

Finally, at the level of criminal policy, it is recommended that while developing the digital economy in the eastern and central regions where the digital economy is relatively developed, it is recommended to pay attention to the governance of violations of citizens' personal information, especially to give full play to corporate compliance, which will help promote "The crime governance strategy based on the concept of "co-governance and cooperation" can not only protect the legitimate rights and interests of citizens from infringement, but also provide legal protection for the development of the digital economy and better promote the development of the digital economy.

5. Conclusion

The analysis shows obvious regional characteristics in the sentencing practice in the cases of violating citizens' personal information. There are great differences in the choices of the type of free punishment and the application of probation in different regions especially the eastern and central region. This not only has the risk of violating the principle of balance between crime and punishment, but also hinders the realisation of the purpose of punishment. Therefore, the role of the case guidance system should be further brought into play to do a good job in searching for similar cases, especially for the application of probation, the allocation of free punishment and fine punishment, and to develop guiding principles to achieve "same case and same sentence" in order to achieve the legislative purpose.

It should be noted that, due to the limitation of sample selection and research methods in this paper, individual variables are not significant, so the relationship between independent variables and dependent variables needs to be further studied to make the research results more accurate. It should objectively and truly reflect the status of this crime in judicial practice, so as to better guide judicial practice.

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News from the world of the Hungarian and international criminal geography



International Criminal Geographical Association

The organizers are happy to announce that many applications for the English Language essay competition have been received by the International Association of Criminal Geography.

The results of the category are the following:

1st place: **Wu Wenqiang** (Beijing Normal University / China)

2nd place: **Mária Márkus** (LUPS / Hungary)

3rd place: **Brigitta Ignác** (ELTE / Hungary)

Congratulations to all the winners!

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https://rendezet.uni-nke.hu/.../rendesz.../BFK_2023_5-6.pdf

Dear Readers,

The Ist Horst Herold International Criminal Geography Competition was held on 21st April, with the following results:

1st place: Irem Teciman (Turkish National Police Academy) and Nándor Nagy (University of Debrecen)

2nd place: Mária Márkus (Ludovika University of Public Service)

Congratulations to all the winners!

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