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The Dilemma and Way out of Indubio Pro Reo in Chinese Context: Analysis of Li Huailiang Case

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Abstract

Li Huailiang's case basically covers three main issues related to the application of the principle of presumption of innocence in China's criminal judicial practice: First, the interference of media trial dominated by the idea of presumption of guilt to judicial justice; second, the suspect and defendant are presumed guilty in the criminal proceedings; third, the principle of "In dubio pro reo" only stays in the trial stage of the court. For the issue of media trial, it is necessary to regulate the news reports related to law, authorize the judicial organs to restrict the news reporting cases through legislation, and endow the courts with the power to regulate the news reporting activities related to their trial cases. For the problem of extended detention, China's judicial organs have carried out activities to supervise and inspect extended detention cases for many times. Media trial and extended detention all reflect the far-reaching impact of the idea of presumption of guilt on China's public concept and judicial practice, as well as the practical problem that it is difficult to implement the principle of "In dubio pro reo" in judicial practice. The reason is inseparable from the thought of suspected crime in Chinese traditional legal culture, the limitations of China's reference to the criminal legal system of western countries, and the tradition of China's administrative intervention in justice.

Keywords

In Dubio Pro Reo, Media Trials, Extended Detention, Crime and Tort

1. Introduction

Li Huailiang is known as "the first person in China to be acquitted of suspected crimes in court". The case occurred in 2001 and was well known by the public

until 2012 due to the "death penalty guarantee" released by the Internet. There are five major problems in the case: first, the case was shelved due to insufficient evidence, but the defendant Li huailiang was detained for 12 years. Second, the "death penalty guarantee" broke out in this case takes selling judicial justice as the transaction content in exchange for stopping petitioning and maintaining stability. The content of the "death penalty guarantee" is that the victim's family asked the Pingdingshan Intermediate People's Court of Henan Province to bring the case up for trial, and assured the Pingdingshan Intermediate People's Court of Henan province that as long as the murderer is sentenced to life, it is better to be sentenced to death, and the victim's family will no longer continue to petition. Third, the case was returned by the procuratorial organ for supplementary investigation three times due to insufficient evidence, the court at the next higher level ruled to revoke the original judgment and remand it for retrial three times on the grounds of "unclear facts and insufficient evidence", but the court did not make a acquittal judgment according to the principle of "in dubio pro reo". Fourth, the case was mixed with the factors of petition, stability maintenance and administrative intervention from the beginning. At the initial hearing in 2003, due to insufficient evidence, the case was "downgraded" through the coordination of relevant departments, and the first instance was tried by the county court. In 2007, led by the Political and Legal Commission, the person in charge of public security, procuratorial and judicial affairs held a case handling coordination meeting on Li Huailiang's case. The only purpose of these administrative interventions and pressure is to close the case as soon as possible and maintain social stability. Fifth, the case was a media driven trial. The retrial procedure of the case was launched in 2013, not because of trial supervision, but because of public opinion, because of the "death penalty guarantee" burst out on the Internet, because of overwhelming media reports and doubts about China's judicial organs. Therefore, the acquittal judgment made by the court in 2013 still had the consideration of stability factors (Cha & Wan, 2015).

Therefore, Li Huailiang case has become a landmark case in the history of China's legal system, which is integrated with the development of the principle of presumption of innocence in China.

In China, the principle of presumption of innocence has been a controversial issue with the tortuous development of criminal procedure legislation and judicial reform. So far, the principle of presumption of innocence has not been established in China's constitution and criminal procedure law. Article 5 of the criminal procedure law of the People's Republic of China (Draft) drafted in 1957 stipulates that "the defendant shall be presumed innocent before the guilty judgment takes effect". This is the only draft that clearly stipulates the principle of presumption of innocence in the draft legislation of new China so far, but it is criticized and abolished in the subsequent rectification and anti rightist movement, which characterized the principle as "bourgeois reactionary principle". During the promulgation and implementation of the criminal procedure law in 1979, Chinese scholars have reflected and discussed how to treat the principle of

presumption of innocence, but it has not been adopted by the criminal procedure legislation due to conceptual differences. Before and after the first amendment of the criminal procedure law in 1996, academic circles had a heated discussion on whether the principle of presumption of innocence should be absorbed, and most scholars held a positive attitude towards the principle of presumption of innocence. Finally, Article 12 of the criminal procedure law revised in 1996 stipulates that "no one shall be convicted without a judgment of the people's court according to law", and established two kinds of acquittal judgments of "confirmed innocence" and "insufficient evidence innocence". In the second revision of the criminal procedure law in 2012 and the third revision of the criminal procedure law in 2018, the spirit of the principle of presumption of innocence has been further implemented and highlighted, but the principle of presumption of innocence has not been formally established, and it is still the "dual" acquittal mode of "confirmed innocence" and "insufficient evidence innocence" (Min & Bao, 2018).

The principle related to the presumption of innocence established in China's criminal procedure law is actually the principle of "in dubio pro reo", which still has a certain gap with the internationally recognized principle of presumption of innocence.

According to the provisions of the United Nations Human Rights Committee, the basic contents of the principle of presumption of innocence include: the burden of proving the defendant's guilt should be borne by the prosecution; Meet the standard of proof to eliminate reasonable doubt; The accused should be "presumed" innocent until proven guilty; The handling of doubtful cases should benefit the accused.

From the perspective of China's Criminal Procedure Law revised for the third time in 2018, first, the situation of the accused in criminal proceedings. Article 12 of the criminal procedure law in 2018 emphasizes the right of the people's court to convict, and only the court has the right to convict the defendant, rather than emphasizing that the accused is presumed innocent in the process of criminal proceedings. Second, in terms of the standard of proof, the standard of proof stipulated in Article 55 of the criminal procedure law of 2018 is that "the facts of conviction and sentencing have evidence; the evidence based on the final case has been verified by legal procedures; based on the evidence of the whole case, reasonable doubts have been eliminated about the identified facts". The "exclusion of reasonable doubt" stipulated in China's criminal procedure law emphasizes the unique combination of evidence and conclusion, and the proof of key facts needs to reach the point of unique conclusion. It is very different from the "high probability" standard of about 95% in the international legal community. Third, putting doubt is beneficial to the accused. Article 200 of China's criminal procedure law in 2018 only reflects "in dubio pro reo", does not stipulate that "the suspected crime is light when the crime is light and the misdemeanor is heavy". Moreover, the acquittal judgment of "doubtful case" with "insufficient evidence" is a "reserved" acquittal judgment. When the defendant

cannot be found guilty due to insufficient evidence, the acquittal judgment made emphasizes "the acquittal judgment with insufficient evidence and the alleged crime cannot be established". According to the provisions of judicial interpretation, for such judgments, even if they have come into force, if new evidence proves the defendant's guilt, the defendant can be brought again without revoking the original acquittal judgment. Fourth, the distribution of the burden of proof. According to Article 51 of the criminal procedure law revised in 2018, "the burden of proof for the defendant's guilt in public prosecution cases shall be borne by the people's Procuratorate, and the burden of proof for the defendant's guilt in private prosecution cases shall be borne by the private prosecutor. The establishment of this distribution of the burden of proof meets the requirements of the principle of presumption of innocence (Chen, Zhang, & Xiao, 2013).

Li Huailiang's case perfectly presents three main problems about the application of the principle of presumption of innocence in China's criminal judicial practice. First, the interference of media trial dominated by the idea of presumption of guilt to judicial justice. Two, the suspect and defendant are presumed guilty in the criminal proceedings. The third is the dilemma between the principle of "in dubio pro reo" that only stay in the trial stage of the court and the fact that the court cannot handle cases independently.

2. The Interference of Media Trial Dominated by the Idea of Presumption of Guilt to Judicial Justice

The issue of "media trial" and its impact on ordinary people is closely related to the judgment of public opinion in China's judicial practice, and it is an important factor interfering with judicial justice. Influenced by traditional presumption of guilty presumption, some media make a preemptive determination of cases before making judgments in criminal cases, make reports of crimes and defendants, and even suspect and defendants to be evil villains. They ignore the normal operation of judicial organs and judicial proceedings. Media trials often use sensational language and hype to attract attention and attract social attention in the form of arousing public anger. Sometimes, multimedia joint publicity and reporting will be used, and the prediction of cases is often of the same caliber and single dimension, which intentionally or unintentionally suppresses other different opinions and controls public opinion. For example, the Liu Yong case, Xu Ting case, Deng Yujiao case, Li Zhuang case and so on, which are of great social concern, all have this "media trial" to varying degrees. There is also a strong force of public opinion in Li Huailiang's case, which promotes the start of the retrial procedure of this difficult case that has been dusty for 12 years. However, unlike the preceding publicity campaign to make the guilty suspect and defendant guilty, it is the case that the media and public opinion have been exaggerating in this case. On April 27 and 28, 2013, CCTV channel 12 program "today's statement" aired two episodes of "twelve years of cicadas singing Shahe" to report the case. After the program was broadcast, it aroused strong repercussions in all sectors of society. The national and even global Chinese media be-

lieved that Li Huailiang was innocent. There was a one-sided situation in the media and public opinion. More people believed that Li Huailiang's innocent involvement in the rape and murder of Guo and his extended detention for nearly 12 years was a retrogression of justice. It directly targeted China's judicial organs, especially the public security organs.

According to the provisions of China's criminal procedure law, the public security organ has the power to detain and arrest the person suspected of a major crime. If the court finds that he is innocent due to insufficient evidence, the public security organ shall release the defendant according to the procedure. However, this does not mean that the previous detention and arrest by the public security organs are wrong, let alone that the public security organs have handled unjust and wrong cases. In this case, Li Huailiang contradicts other people's statements in the public security organs' investigation of suspect. There is definite evidence that Li Huailiang has been to the scene of crime on the night of the crime and there is a time for committing crimes. However, Li huailiang denied that he had been to the scene and lied to the basic facts of the case many times, which was exposed. This shows that Li Huailiang is a major suspect. He also stated that his testimony of extorting a confession by torture by the public security organ was inconsistent, and the place where he was extorted a confession by torture was inconsistent with the place where he made a guilty confession for the first time. Therefore, it cannot be proved that the public security organ extorts a confession by torture. The media and public opinion attribute Li Huailiang's case to an unjust and wrong case, which implies such a thinking: whoever the public security organ catches is the criminal. If the court finally decides that he is innocent, then the public security organ has handled the wrong case and caught the wrong person. This is actually another manifestation of the presumption of guilt and the thought that "murder cases must be solved". Moreover, judicial adjudication is the reverse cognition of the facts of past cases by judicial personnel through evidence. Misjudgment is inevitable from the perspective of objective epistemology, and the cognition of misjudgment is often found many years later. Therefore, the cognition of misjudgment has become the secondary reverse cognition of the cognitive results of past events. Therefore, For the judgment of whether the judgment of judicial organs is wrong, we also need a unified standard of proof, rather than following others and allowing public opinion to judge (He, 2020).

It is undeniable that media reports highlight the concept of press freedom, are the supervision of judicial public opinion, and are also an important embodiment of human rights protection. They go the same way as the human rights protection value embodied in the presumption of innocence. However, improper media reports will affect the independent trial and damage the defendant's right to presumption of innocence. The relationship between presumption of innocence and media coverage is actually a tension between human rights protection, press freedom and judicial independence. There are many debates on the relationship between the two in the Chinese context, but they do not pay at-

tention to the premise of scientific discussion on this relationship, that is, free media and independent judiciary (Wang, 2017). In this case, the guidance of public opinion created by the media criticized that Li Huailiang was detained for an extended period of time, but it was reasonable to believe that Li Huailiang was innocent involved in this criminal case and tried to overthrow all the work done by the judicial organ before, which belonged to the media trial and presumed the guilt of the judicial organ suspected of judicial corruption.

Many multimedia professionals have also reflected on this phenomenon. As the junction field of justice and media, there are serious deficiencies and deficiencies in the understanding and implementation of the principle of presumption of innocence in law related news reports. The disregard and violation of the principle of presumption of innocence in law related news reports has become a negative factor affecting judicial justice and social stability. Therefore, it is necessary to regulate the news reports related to law, authorize the judicial organs to restrict the news reporting cases through legislation, and endow the courts with the power to regulate the news reporting activities related to their trial of cases (Lu & Yang, 2019). In order to spread the awareness of the rule of law of "presumption of innocence", the basic professional concept of news media journalists is "objectivity", especially the report on the court trial, we must report the court trial calmly and rationally from the perspective of a third party (Chen, 2011).

3. The Suspect and Defendant Are Still in a State of Presumed Guilt in Criminal Proceedings

Although Li Huailiang's case finally applies the principle of" in dubio pro reo", it is seriously illegal in the applicable legal procedure. The ninety-sixth, ninety-seventh provision of the 2012 criminal procedure law at the time of the case stipulates that cases of detention of suspect or defendant shall not be released within the time limit stipulated in the investigation, custody, examination, prosecution, first instance and second instance. Those who need to continue to verify and hear the suspect or defendants can be released on bail or monitored. If the legal time limit for taking compulsory measures expires, they shall be released, released from bail pending trial, residential surveillance or become compulsory measures according to law. The suspect, the defendant, his legal representative, close relative or defender also have the right to request the lifting of compulsory measures. In this case, Li Huailiang was detained for nearly 12 years. Article 171 of the 2012 criminal procedure law stipulates that the supplementary investigation shall be limited to two times. If the two supplementary investigations still believe that the evidence is insufficient and do not meet the conditions for prosecution, the procuratorial organ shall make a decision not to prosecute. However, in this case, there are the problems of repeatedly returning the supplementary investigation and three times ruling to remand for retrial. In fact, each return of supplementary investigation, each judgment and each remand for retrial, Both

judges and prosecutors saw the problems of unclear facts and insufficient evidence in the case, but the procuratorial organ did not have the courage to make a decision not to prosecute, the court did not have the courage to pronounce innocence, and the three public security organs and the law passed the buck to each other, resulting in the delay of the trial period of the case and the defendant's indefinite detention.

One of the most significant problems in Li Huailiang's case is the problem of extended detention, which has always been an important problem in China's criminal procedure. China's criminal procedure law clearly stipulates the detention period and the extension of detention period for the suspects and defendants who are detained or arrested, and if they exceed these periods, they will continue to detain or have extended the detention procedures without extending the custody of the suspect. All belong to extended detention in law. One of the most important reasons for the existence of extended detention is the influence of the concept of "presumption of guilt" on judicial practice. In the process of case investigation, investigators believe that only after continuing investigation can we find guilty evidence, rather than think that the evidence of guilt can not be found within the specified time limit, and that the suspect is innocent. Because of the value judgment of "presumption of guilt", the detained person is presumed to be "guilty". Therefore, it is difficult for the public security and judicial organs to pay attention to his detention. The criminal law of our country stipulates that detention after being convicted can be converted into the term of imprisonment, which makes the illegality of extended detention seriously covered and ignored. In addition to the "explicit extended detention" that continues to be detained after the expiration of the detention period, the "implicit extended detention" in the pre-trial procedure, such as the arbitrary extension of the detention period by the investigation and public prosecution organs, the recalculation of the detention period and the exclusion of the detention period, has always been a "blind spot" in the theoretical and practical circles (Yang & Zhou, 2016).

A fundamental problem behind the extended detention is that the suspect and defendant are still presumed guilty in the criminal proceedings, rather than presumed innocent. In order to solve the case, the pressure of the victim, whether the suspect or defendant has the danger of social judgment, whether the suspect or defendant has the possibility of escape from a negative case, and so on, the public security organs make the suspect and defendant once detained. It is difficult to obtain relief whether the detention is appropriate or not, as well as the exercise of the right to appeal for extended detention and the right to request the change of coercive measures (Luo, 2010). Especially in death penalty cases, when there is doubt about guilt and innocence, in order to maintain stability and appease the victims, the principle of "in dubio pro reo" is often abandoned in judicial practice, and the practices of "lighter doubt" and a verdict of "allow for unforeseen circumstances" are adopted. In addition, in judicial practice, the case

handling personnel did not establish the awareness of protecting human rights according to law, and the deep-rooted concept of emphasizing reality over procedure led to the untimely delivery of judicial documents, the non-standard implementation of the system, the widespread existence of temporary detention and the virtual existence of supervision in practice. For example, the service of judicial documents is not standardized and timely, and the court system does not produce and serve legal documents such as the certificate of change of charge and the notice of change of detention extension in accordance with the requirements of the regulations. Instead, it is served with the situation statement issued by the Criminal Court. If the detention center fails to issue the notice of expiration of the detention period in time, the trial of the case is suspended and the ruling is omitted. In practice, the public security and judicial organs often negotiate to borrow the case handling period of the other party in order to solve the dilemma of insufficient case handling period of their own unit. This kind of borrowed detention improperly prolongs the detention period. The procuratorial organs have no power of punishment and no rigid measures for the supervision of extended detention, which is limited to oral supervision, correction or procuratorial suggestions. In addition, the case handling operation process is not standardized, the legal provisions on the trial period are lack of operability, some special cases need internal audit, and the law does not stipulate that the internal audit is included in the trial period (Bai, 2021). These practical problems make the problem of extended detention have a deep soil in China.

China has also carried out activities to supervise and inspect cases of extended detention for many times. Since 1993, the public security, procuratorial and judicial organs have jointly or separately issued judicial documents on correcting, cleaning up and preventing extended detention, and carried out comprehensive supervision and inspection of extended detention cases throughout the country. However, after more than ten years of cleaning up and prevention of extended detention, the problem of extended detention in the judicial field still exists for a long time (Xie, 2013).

There are deep-seated reasons for this, such as judicial concept, legal system construction, law enforcement concept and so on. One of the most important reasons is that it is difficult to implement the principle of "in dubio pro reo" in judicial practice.

4. The Dilemma Faced by China's "In Dubio Pro Reo"

According to item 3 of article 200 of the criminal procedure law of 2018, if the evidence is insufficient and the defendant cannot be found guilty, a judgment of innocence shall be made if the evidence is insufficient and the charges cannot be established. This is not only the principle of "in dubio pro reo" in China's criminal procedure law, but also one of the main manifestations of the implementation of the principle of presumption of innocence in China. However, the principle of "in dubio pro reo" in China can only stay in the trial stage. Even in the

trial stage, the principle of no doubt of crime is still facing a dilemma in judicial practice. On the one hand, the principle of judicial independence stipulated in China's criminal procedure law is different from the internationally accepted principle of judicial independence. China's criminal procedure law requires public security organs, procuratorial organs and judicial organs to divide responsibilities, cooperate and restrict each other. In practice, this principle is alienated into the joint case handling mechanism of public security, procuratorial and judicial organs, which makes the judicial organs unable to get rid of the administrative organs. On the other hand, China's judicial organs can not get rid of the entanglement of the victims and their families. The continuous petition of the victims and their families and the requirements of national stability maintenance also make the Party and government offices constantly put pressure on the judicial organs.

4.1. The Principle of "In Dubio Pro Reo" in China's Criminal Procedure Law Has Relativity

The principle of "in dubio pro reo" in China's criminal procedure law also reflects the thought of "benefiting the defendant" in modern criminal law to a certain extent. However, it is different from the thought of "favorable defendant". "Favorable defendant" exists in the field of criminal procedure law as an accompanying principle of the principle of presumption of innocence and a supplementary rule to the strict interpretation rule. In terms of the determination of criminal facts, favorable defendant requires no doubt of crime, and takes the exclusion of reasonable doubt as the standard of criminal proof (Xing, 2015). The principle of "in dubio pro reo" in China's criminal procedure law is a judgment rule of wrong distribution. It is a way for judges to choose the wrong configuration when they are in doubt when they determine the facts and cannot form psychological evidence. It itself is not a preventive norm to reduce wrong cases. The principle of "in dubio pro reo" is a technical means and principle to solve difficult criminal cases in judicial practice. It is the coordination and balance between the two legal values of criminal law to protect society and protect citizens' human rights. Generally speaking, when there is evidence to prove guilt and innocence and it is difficult to distinguish between them, they should be recognized as innocent; If the standard of proof is met or the defense voluntarily pleads guilty, but the judge's evidence has not been formed, and there is no way to rule out reasonable doubt of guilt, it shall also be deemed innocent (Guo, 2021).

Such "in dubio pro reo" is "quasi innocent", which is acquitted because of insufficient evidence. If the defendant is proved guilty by reliable and sufficient evidence, the defendant will still be punished by the criminal law. Such "in dubio pro reo" is relative. Reflected in:

First of all, the decision of the procuratorial organ not to prosecute the suspected crime case is not final. First, according to Article 180 of the new criminal procedure law in 2018, if the victim refuses to accept the decision not to prose-

cute, he can appeal to the procuratorial organ at the next higher level and request public prosecution. If the procuratorial organ at the next higher level believes that public prosecution should be initiated, the procuratorial organ shall prosecute; if the procuratorial organ at the next higher level upholds the decision not to prosecute, the victim may bring a suit in the court. The victim may also bring a suit directly to the court without appeal. After the court accepts it, the decision not to sue shall naturally become invalid. Second, if the procuratorial organ finds new facts and evidence after making the decision not to prosecute, it can reprosecute.

Secondly, item 5, paragraph 1, Article 219 of the interpretation of the Supreme People's Court on the application of the criminal procedure law of the people's Republic of China in 2020: "after the defendant is acquitted in accordance with Item 3, article 200 of the criminal procedure law, if the people's Procuratorate reopens the lawsuit based on new facts and evidence, it shall be accepted in accordance with the law." article 298 stipulates, "For a case accepted in accordance with item 5, paragraph 1, Article 219 of this interpretation, the people's court shall specify in its judgment that the defendant has been prosecuted by the people's Procuratorate, the alleged crime cannot be established due to insufficient evidence, and the defendant has been acquitted by the people's court according to law; The judgment made in the previous case in accordance with paragraph 3 of article 200 of the Criminal Procedure Law shall not be revoked." Therefore, the acquittal judgment of suspected crime cases made by the judicial organ in the final instance is not final.

4.2. The Idea of "In Dubio Pro Reo" in China Originates from Chinese Traditional Legal Culture

The principle of "in dubio pro reo" in China's criminal procedure is deeply influenced by the suspected crime in Chinese traditional legal culture. In the traditional Chinese context, suspected crime is not a legal term, but a judicial practice, which cannot clear the facts of the case, and cannot exclude the suspect's guilt or the difficulty of confirming the crime. It is a phenomenon that is unavoidable in judicial practice. This case involves the first suspected crime situation, the suspected crime of guilt or not. This understanding of suspected crimes is obviously influenced by Chinese traditional legal culture. The last article of the law of the Tang Dynasty, an ancient Chinese law code, specifically stipulates that "all suspected crimes shall be redeemed according to what they have committed". Suspected crime means that "the matter is suspected, and it is difficult to judge". Its small note explains "suspected" as "suspected, which means the evidence of falsehood and reality, the reason of right and wrong, or the matter is suspected, and there is no evidence; or there is hearsay evidence, and the matter is not suspected" (Qian, 2007). it points out that suspected crime means that the evidence of guilt and innocence is quite similar, and it is impossible to judge the case or the facts of the case are in doubt, and there is no witness, Or only hearsay witnesses. This case belongs to this situation. The reason why the principle of "in

dubio pro reo" is adopted is that according to the existing evidence, the defendant can neither be proved guilty nor excluded from the suspicion of crime, so it is presumed that the defendant is innocent. This idea is similar to the judicial organ's withdrawal in dealing with Li Huailiang's case in practice.

4.3. An Analysis of the Reasons Why the Principle of Presumption of Innocence Can Not Take Root in China

The principle of presumption of innocence is not acclimatized in China. In addition to the differences in law enforcement concepts and understanding of presumption of innocence in China's judicial practice, there are three important problems that cannot be ignored.

First, the working mode of public security, procuratorial and judicial joint handling of cases in China is the main inducement. The reason why Li Huailiang's case was "downgraded" was the result of compromise between the public security, procuratorial and judicial organs, as well as the inevitable result of the mutual cooperation and joint case handling mechanism of the three public security, procuratorial and judicial organs. The first instance of this case was handed over to Ye County Court for trial, which was also the result of this joint case handling mechanism. The public prosecution organ twice returned for supplementary investigation, and twice refused to accept it after prosecution to the court, indicating that there was a problem of insufficient evidence in the case. The public security organ and the court had different views. The public security organ determined that Li Huailiang was the murderer, but the procuratorial organ and the court considered that there was a lack of evidence. Finally, through the coordination of relevant departments of Pingdingshan City, a case of intentional homicide was handed over to the grass-roots court for trial. The coordination meeting on Li Huailiang's case handling held by the political and Legal Commission and the three organs of public security, procuratorial and judicial organs in 2007 is also an embodiment of this working method. According to the provisions of the Constitution and the criminal procedure law, the three organs of the public security, procuratorial and judicial organs are in a relationship of division of responsibilities, mutual cooperation and mutual restriction. However, in judicial practice, once a major case or homicide case occurs, the local government, out of consideration of maintaining stability, requires that the case be solved as soon as possible. The political and legal committees at all levels shall take the lead and organize the leaders of the three departments of public security, procuratorial and judicial affairs to hold a case discussion meeting to quickly finalize the case. In practice, this joint case handling mode tends to be alienated, and the principle of mutual restriction between public security, procuratorial and judicial organs has become empty talk. Some public security, procuratorial and judicial personnel frequently use torture to extort confessions in order to achieve political achievements and solve cases quickly. Joint handling of cases makes the criminal procedure completely lose its significance: the restrictive relationship between the public security organ and the law is weakened, the neu-

tral position of the court is shaken, and the defense function is shrinking. Joint case handling mode is a typical mode of administrative justice, and it is necessary to conduct a comprehensive review (Wang, 2013).

In view of this working mode, after the 18th National Congress, under the background of continuously promoting the rule of law, the central political and Legal Commission, the Supreme Court, the State Council and other institutions issued regulations and opinions for many times, emphasizing that leading cadres of Party and government organs should no longer intervene in specific cases. At the national political and legal work conference in January 2013, it was proposed to straighten out the relationship between the political and Legal Commission of the Party committee and political and legal units, and support judicial organs Procuratorial organs exercise judicial and procuratorial power independently and impartially according to law, and support the requirements of political and legal units to be independent, responsible and coordinated in their work in accordance with the Constitution and the law. In August 2013, the Central Commission of politics and law issued the provisions on effectively preventing unjust, false and wrong cases, which made specific requirements on how all litigation links and relevant units exercise their functions and powers according to the current laws, prohibit exceeding their authority and boundaries, and prevent unjust, false and wrong cases (Zou, 2015).

Second, the mutual achievements of the petition and maintaining stability are deep-seated social reasons. In this case, an important reason to promote the continuous retrial of the case is the petition of the victim, and the victim are willing to continue the petition because they understand that the final decision of the case is not in the court, but in the intervention of administrative organs. Petitions are a feature of China's grass-roots policy implementation. China's policy formulation is only the beginning of the game, and policy implementation is the main battlefield for all parties to wrestle. In order to safeguard their own interests, local governments often implement policies symbolically and selectively within the scope of policies, so as to make the policies of the central government meet their own interests and needs. There are also some grass-roots policy implementers who have a lot of "boycott capital" and can constantly turn central decrees into grass-roots profit-making policies. The combination of the self-interest demands of the grass-roots policy executors and the stability maintenance requirements of the central government makes the grass-roots government strongly demand to contain the people's contradictions at the grass-roots level and resolve the petition contradictions within the jurisdiction (Zhou, 2019). This requirement of the grass-roots government, administrative justice and the complexity and lengthy of criminal proceedings objectively stimulate the desire of criminal cases to obtain relief through petition rather than litigation.

Third, the relief channels given to victims by tort law have not been fully explored. Within the existing legal framework of China, for criminal cases with victims such as intentional homicide, after the defendant is acquitted due to evidence, the victims will have no relief channels. This is also an important reason

why it is difficult for the court to make a judgment without doubt. In fact, our country ignores the reference to the corresponding supporting system when learning from the principle of presumption of innocence and the evidence standard of excluding reasonable doubt in the western criminal procedure law. According to western legal theory, tort and crime are two different punishments for the same act. Criminal prosecution and punishment for a certain act does not hinder the prosecution and civil compensation for the tort of the act (Barry, 2010). Therefore, for a certain act, although prosecution according to the criminal procedure law cannot accurately prove that it is a criminal act, prosecution according to civil tort can prove that it is a tort, so we can obtain compensation according to civil tort. The famous Simpson's wife killing case in the United States is a typical example, although in proving the fact of Simpson's murder, the evidence is flawed, which cannot rule out reasonable doubt; However, in the tort civil lawsuit against Simpson, it fully proved Simpson's tort against his wife, and the families of the victims received huge compensation. Because the purpose of prosecuting tort and crime is different, the applicable evidence standards are different, the accuser of prosecuting crime is the state, and the prosecution and defense are not equal, so it is required to eliminate such a strict evidence standard as reasonable doubt; However, the accuser of infringement is the victim and his agent, and the prosecution and defense are equal, so the applied evidence standard is the dominant evidence standard. It depends on who has sufficient evidence to prove the facts and who advocates the principle of proof. The evidence excluded in criminal proceedings can still be used in civil proceedings.

5. Conclusion

Li Huailiang's case basically covers various issues related to the application of the principle of presumption of innocence in China's criminal justice practice. However, from the perspective of judicial practice, we can see the great progress of China's justice, the attention of the media to judicial justice, the public's cognition of judicial justice, the efforts of judicial personnel for judicial justice, the appeals of scholars for judicial justice, and the continuous correction of legislative and judicial organs to implement the principle of "in dubio pro reo". However, the reason why the principle of "in dubio pro reo" in China's specific context can only stay in the court trial stage, and why there is a certain difference between the principle of "in dubio pro reo" in China's specific context and the internationally accepted principle of presumption of innocence, is closely related to the thought of doubt crime in Chinese traditional legal culture and the limitations of China's reference to the criminal legal system of western countries, it is also inseparable from the tradition of administrative intervention in justice in China.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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