

The Definition of the Crime of Helping Letter in Payment and Settlement

-- Social Factor Analysis

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ABSTRACT

After investigation, the crime of helping the letter can be divided into subjective intention and non-subjective intention. Some people only collect personal information and do not participate in the payment and settlement. This phenomenon is more common in the society, especially in the economically underdeveloped areas and low-income groups. Some college students are also affected by their lack of awareness of crime, resulting in too broad conviction. In the conviction and sentencing, consideration should be given to different circumstances, paying special attention to the non-intentional but serious circumstances and the influence of network communication. When dealing with the payment and settlement information network crime, it is necessary to judge from the three dimensions of participation time, people involved and helping behavior. Those who know that others have committed a crime and provide help and the circumstances are serious shall be investigated for criminal responsibility. This paper will be analyzed from the above perspective.

KEYWORDS

Help Letter Crime; Subjective Knowing; Social Factors; Payment and Settlement.

1. INTRODUCTION

The crime of helping the letter, namely the crime of helping information network criminal activities, the definition of subjective knowledge in payment and settlement is a complex problem involving legal judgment and social factor analysis.

First of all, in law, the crime of helping faith requires the perpetrator to clearly know that others use the information network to commit crimes, and should provide necessary technical support and help. Knowing here is one of the subjective elements of a crime. In accordance with Article 11 of the Interpretation of the Activities of the Supreme Local People's Courts and the Supreme People's Police on Improper Handling the Use of the Internet and Helping Information Internet Crimes, If an actor has been alerted by the regulator, But before being warned, Continue to engage in the corresponding social activities; After receiving the report, Failure to dispose of it in time; On an improper occasion, Failure to comply with the corresponding rules; On an improper occasion, Failure to detect and prevent any related social activities in time; On an improper occasion, Failure to detect and prevent any related social activities in time; On an improper occasion, Failure to prevent any social activities related to this, Failure to timely detect and prevent any relevant social activities. For those trying to avoid the law, using technology to cover up their violations, using relationship networks to cover up their violations, and those that may prove to be intentional[1].

Secondly, from the perspective of social factors, the subjective knowledge of payment and settlement in the crime of helping credit not only involves personal legal awareness and moral judgment, but also is affected by the social environment, cultural background, industry norms and other aspects. For example, in some industries, payment settlement may be seen as a routine business practice, and in others, as a sensitive high-risk activity. In addition, different social groups may also differ in their cognition and attitudes towards payment and settlement. Therefore, when judging whether the actor knows that others use the information network to commit a crime, it is necessary to comprehensively consider the influence of social factors on their cognition and behavior[2].

This paper will analyze the definition of the crime of helping letter in payment and settlement from social factors. After investigation and research, there are mainly three types of credit crimes in terms of payment and settlement:

2. PROVIDE ILLEGAL PAYMENT AND SETTLEMENT SERVICES

In the provision of illegal payment and settlement services, the economic pressure and interest drive can not be ignored. In society, some people may be tempted by the benefits of providing illegal payment and settlement services under economic pressure, while ignoring the legitimacy of the behavior. Social atmosphere and moral concepts also have an influence on the definition of subjective knowledge. Bad social atmosphere may lead to some people's cognition of illegal behavior, believing that providing illegal payment and settlement services is not a serious criminal act, such as the following cases.

According to the case investigation, xx and Hu found that they could obtain income by selling accounts and conducting payment and settlement services to multinational game companies, so they decided to obtain improper income in this way. Since 2019, they have started the crime together with Wang, Song, Lin and Hu 1. Although Wang, Song and Lin are unauthorized, but they use their bank card, Alipay collection code and other technical means to the multinational casino to collect, transfer requirements; Hu 1 received the second 500 yuan bribe, and continue to use the technical means they have to carry out this activity.

In this case, the controversy is mainly focused on how to define the upstream criminal activity, cover up and hide the proceeds and proceeds of the crime. The public prosecution insists on a serious position, believing that the payment and settlement behavior of Wang, Song, Lin and Hu 1 can not only be used as auxiliary acts of opening casinos, but also be regarded as illegal acts to cover up and hide the proceeds of crime.

After hearing, the court finally ruled that the four defendants, although clearly aware that their property was used for gambling and had been involved in running points, were not liable because they were not involved in the gambling operation[3]. According to the latest judicial ruling, the Criminal Procedure Law of the People's Republic of China clearly stipulates that, in order to prevent fraud and protect the interests of citizens' activities, effective laws must be strictly enforced to protect the safety of citizens' property. However, helping the crime of information network crime focuses more on the illegal behavior at the information network level.

After the trial, the four defendants apparently assisted in the information cybercrime act, and therefore, the case does not involve any other type of criminal liability. This judgment not only reflects the rigor and fairness of the law, but also highlights the severe attitude of cracking down on information network criminal activities. That is to say, the crime comes from the competition between practice and law in the payment and settlement.

3. ILLEGAL PAYMENT AND SETTLEMENT ARE MADE BY SPECIFIC GROUPS OF PEOPLE

With the rapid development of information technology, the payment and settlement methods are increasingly diversified, but this also provides the soil for the breeding ground of illegal payment and settlement services. From the perspective of low education level and shallow cognition of the crime, the crime of providing illegal payment and settlement services is deeply studied.

First, the low level of education is one of the important factors affecting individuals engaged in illegal payment and settlement services. In the areas where educational resources are scarce or the educational level is generally low, people often lack sufficient legal knowledge and moral concepts, and are vulnerable to the temptation of illegal interests. Individuals in these areas may be more likely to view illegal payment and settlement services as a means of making money, thus ignoring the legal risks and social harms behind them.

Secondly, a shallow understanding of the crime of helping xin is also an important reason why individuals engage in illegal payment and settlement services. As a form of information network crime, the complexity and concealment of the crime make many people lack enough understanding and understanding. Some individuals may believe that as long as they do not directly participate in information network criminal activities, providing assistance to others will not constitute a crime. This misperception of the crime of helping letters makes it easier for them to fall into the mire of illegal payment and settlement. In the criminal chain of illegal payment and settlement services, these individuals with low education level and shallow cognition of the crime of helping credit often play an important role. They may obtain some financial benefits by lending bank cards and providing criminals with illegal payment and settlement channels.

According to experts, the victims of the crime are mainly teenagers aged 18 to 28, or 55.09 percent, while only 34.23 percent of those aged 29 to 239 percent. Most of these victims have poor education levels and poverty, and nearly 90 percent of the victims have committed help letter crimes. From 2020 to September 2023, Jinan courts tried 962 cases of two-card help letters, and 912 cases involved minors' cognition of this crime, accounting for 94.80% of the crime. In addition, help letter actor also take specifically for network criminal gangs transfer help (commonly known as run), in the name of brush grab a red envelope invite friends into the WeChat group profit (commonly known as powder), help to pay rebate, set up GOIP equipment to provide communication technical support, this part of the two card class help letter case number is less, a total of 50, accounting for 5.20% of the total number of cases help letter. It can be seen that renting and selling two cards has become the most common type of helping letter behavior. Article 287 of the Criminal Law clearly lists the ways of helping criminal letters, including technical support, advertising promotion, payment and settlement, but the behavior of simply renting and selling two cards has become the largest type of behavior. And then was used by some fraudsters, two-card lending and some money laundering activities. Secondly, college students in some regions have just entered the university. Influenced by the idea of wanting to make a quick business, they are used by some criminals to lend their green cards and engage in criminal activities.

In the case of helping letters, some college students lack legal knowledge, they lend money to friends, return human feelings and other acts as crimes to deal with, and they know nothing, even their own behavior, just get small. This is especially true in the back-to-school season, graduation season and daily part-time jobs.

Due to the lack of legal awareness, many college students do not have a deep understanding of the accomplices, resulting in their inability to correctly identify the danger of their own behavior and the consequences of violating the law, and finally fall into the plight of telecom fraud to help the criminals.

Although most college students have some legal knowledge, they are reluctant to apply it to practical situations. For example, according to a survey, only 17.44 percent of respondents said they would use

IOUs, while only 13.17 percent answered the basic concepts of law correctly. Neither unknown nor unknown can be regarded as a reason for exemption from punishment.

4. ASSIST IN THE CONSTRUCTION OF THE ILLEGAL PAYMENT PLATFORM

The crime of assisting in the establishment of illegal payment and settlement platform is also divided into subjective intention and non-subjective intention aspects. The crime of assisting in the establishment of illegal payment and settlement platform is also divided into subjective intention and non-subjective intention

First of all, from a legal point of view, assisting the establishment of illegal payment platform seriously violates China's laws and regulations. In accordance with the relevant laws of the People's Republic of China, any unit or individual must strictly abide by them, and prohibit all acts on the Internet that may pose a threat to state security, public order, and the legitimate rights and interests of others. Some illegal elements help others to set up illegal websites engaged in the crime of helping activities seriously disturbed the normal financial order and social stability. For example, in September 2022, Fu Mou Court in Xinzhou City met Wu through chat software and contacted technical personnel to set up A website named A on the server provided by Wu Mou Jie and maintain it. Fu Mouting in the chat software group download obscene pornographic video, through the network disk provided by Zhao Moukuan, by Wu Moujie in its maintenance of the server slice processing, after by Fu Mouting uploaded to the website.

The website makes profits in the form of registered members, registered members through wechat, Alipay and other channels to recharge, 10 yuan can watch a pornographic video, 50 yuan can watch for a month, 100 yuan can watch for a year. The defendant Zhao Moukuan is responsible for docking a fourth party payment platform, the illegal can be in the form of virtual currency withdrawal, and through the virtual currency to maintain the website of the relevant technical personnel to settle fees, through the settlement of virtual fees to provide the letter crime, such as running the platform.

Not subjective intent, some people build website to induce people to provide bank card number gambling, which leaked their bank card information, and in the subjective intentional provides the bank card information, using gambling sites, through top-up integral leaked their bank card information, thus used by criminals to help letter. In some bank big customers big enterprises, some enterprises through the bank trust of the enterprise, often do not need to be present can handle two cards, the actual owners of these two cards use two cards for fraud, and the head of the two cards in the unsubjective intention to help the letter crime. The crime of assisting in the establishment of illegal payment and settlement platform is also divided into subjective intention and non-subjective intention.

5. SUM UP

To sum up, the definition of the crime in the subjective knowledge of payment and settlement is a complex and important problem. With the continuous development of payment and settlement technology and the strengthening of the social crackdown on credit and cyber crimes, the research on this issue will be more in-depth and detailed. In the future, we need to strike a balance between protecting the legitimate rights and interests and safeguarding the social public interests to ensure the safe, efficient and compliant operation of the payment and settlement system. At the same time, it is also an important way to strengthen the publicity and education work, and improve the public's awareness and ability to prevent the crime of information network crimes.

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