

# Research on the Connection and Conflict between Civil Law and Criminal Law in Property Protection

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## ABSTRACT

This article aims to explore the connection and conflict between civil law and criminal law in property protection. With the continuous deepening of the construction of the rule of law in China, the legal system is becoming more and more perfect. However, in practice, civil law and criminal law often conflict on property protection, which brings certain troubles to judicial practice. Through the analysis of the legislative purpose, adjustment object and legal effect of civil law and criminal law in property protection, this article reveals the causes and manifestations of legal conflicts, and puts forward suggestions to resolve conflicts. The study found that improving legislation and improving the level of judicial practice is the key to reducing legal conflicts and maintaining the unity of the rule of law.

## KEYWORDS

Civil Law; Criminal Law; Property Protection; Legal Connection; Legal Conflict.

## 1. INTRODUCTION

Forward: Law is an important tool to maintain social order and protect the rights and interests of citizens. In China, the legal system is composed of the constitution, laws, administrative regulations, local regulations, autonomous regulations and single regulations, departmental regulations, local government regulations, etc. As an important part of the legal system, civil law and criminal law play an irreplaceable role in property protection. However, due to differences in legislative purpose, adjustment object, legal effect, etc., civil law and criminal law often conflict in property protection, affecting the uniformity and authority of the law. Therefore, it is of great significance to study the connection and conflict between civil law and criminal law in property protection.

## 2. LEGISLATIVE PURPOSE AND ADJUSTMENT OBJECT OF CIVIL LAW AND CRIMINAL LAW IN PROPERTY PROTECTION

### (I) Legislative purpose and adjustment object of civil law in property protection

As a legal norm for adjusting property relations and personal relations between equal subjects, civil law plays a crucial role in property protection. Its legislative purpose is mainly reflected in two aspects: first, to protect the property rights and interests of civil subjects and to ensure that the property of citizens, legal persons and other organizations is not illegally infringed; second, to maintain the normal operation of the market economy, to ensure transaction security and promote economic prosperity and development by clarifying the rules of property ownership and circulation. In terms of the adjustment object, the civil law mainly focuses on the property relations between equal subjects. These property relationships include both static property. Attribution relations, such as ownership, usuprus and interest rights, collateral property rights, etc., also include dynamic property flow

relations, such as contractual relations, tort relations, etc. The civil law provides clear property protection standards for civil subjects through legal rules that stipulate these property relations. For example, in terms of ownership, the Civil Law clarifies the methods of acquisition, exercise and protection of ownership to ensure that civil subjects enjoy full control of their property; in terms of contractual relations, the Civil Law stipulates the conclusion, performance and liability for breach of contract, etc., which provides legal guarantees for both parties to the transaction.

#### (II) Legislative purpose and adjustment object of criminal law in property protection

The purpose of criminal law legislation is mainly to crack down on criminal acts that infringe on property rights, maintain social order and public safety, and protect the property rights and interests of citizens from illegal infringement. By setting clear criminal elements and types of punishments, the criminal law severely punishes and prevents criminal acts that violate property rights, so as to maintain the fairness and justice of society and the order of the rule of law.

In terms of the adjustment object, the criminal law mainly focuses on those criminal acts that seriously violate property rights. These criminal acts include but are not limited to theft, robbery, fraud, extortion, etc. They all illegally obtain other people's property through violence, coercion, deception and other means for the purpose of illegal possession, which seriously infringes on the property rights and interests of citizens. By stipulating the constituent elements and types of punishments for these criminal acts, the criminal law provides a clear legal basis for the judiciary and ensures the accurate identification and severe crackdown on criminal acts. In addition, the criminal law also pays attention to the prevention of crime, and increases the cost of crime and reduces the crime rate by setting the deterrent effect of punishment. At the same time, the criminal law also pays attention to the re-socialization of criminals. Through education, reform and other measures, it helps criminals return to society and reduce the possibility of reoffenders. Therefore, the legislative purpose and adjustment object of the criminal law in property protection not only reflect the severe crackdown on criminal acts, but also reflect the education and reform of criminals.

### **3. THE LEGAL EFFECT AND CONNECTION BETWEEN CIVIL LAW AND CRIMINAL LAW IN PROPERTY PROTECTION**

#### (I) The legal effect of civil law and criminal law in property protection

Civil law mainly protects property rights and interests by stipulating civil rights, civil obligations and civil liability. When the property rights and interests of the civil subject are infringed, the civil law provides a series of relief measures for it, such as requesting the return of the original, eliminating interference, eliminating danger, and compensating for losses. These measures aim to restore the infringed property rights and interests and ensure that civil subjects can fully enjoy and exercise their property rights. In terms of the protection of property rights and interests, the civil law emphasizes the principles of equality, voluntariness, fairness, honesty and credit, and maintains the normal operation of the market economy and the stability of the social order by adjusting the property relations between civil subjects. The legal effect of the criminal law in property protection is mainly reflected in the suppression and punishment of criminal acts of infringement of property rights. The criminal law imposes severe sanctions on theft, robbery, fraud and other criminal acts that violate property rights by setting clear criminal elements and types of punishment. This kind of sanction is not only the punishment for criminal acts, but also the maintenance of social order and the protection of citizens' property rights and interests. The legal effect of criminal law lies in its strong deterrent and enforcement power, which can ensure that criminal acts are duly punished and prevent the recurrence of similar criminal acts.

#### (II) The connection between civil law and criminal law in property protection

At the legislative level, the connection between civil law and criminal law in terms of property protection is mainly reflected in the formulation of legal provisions. Civil law provides a basic protection framework for property rights and interests, and clarifies the types, contents and methods of exercise of property rights. On the basis of civil law, the criminal law makes detailed provisions on criminal acts of infringement of property rights, and sets the corresponding types of punishment and sentencing standards. This legislative connection ensures the coherence and consistency of the legal system in terms of property protection. In judicial practice, the connection between civil law and criminal law is reflected in the handling of cases. When a case involves both civil and criminal issues, the judicial organs need to comprehensively consider the provisions of civil law and criminal law to ensure the fairness and reasonableness of the judgment results. For example, in cases involving property crimes, the judicial organs need to first confirm the establishment of the criminal act, and then punish the offender in accordance with the provisions of the criminal law. At the same time, for the victims who suffer losses due to criminal acts, the judicial organs also need to judge the offender to bear the corresponding civil liability in accordance with the provisions of the Civil Law to compensate the victims for the losses.

#### **4. CONFLICTS AND RESOLUTIONS BETWEEN CIVIL LAW AND CRIMINAL LAW IN PROPERTY PROTECTION**

##### **(I) Conflicts between civil law and criminal law in property protection**

First of all, differences in the means of rights relief may lead to conflicts. Civil law mainly relieves property rights and interests through civil litigation procedures, emphasizing compensatory and resibility, that is, requiring the infringer to compensate for losses or restore the original state. And the criminal law passes the punishment. The procedural procedure to punish criminal acts emphasizes punitive and preventive, that is, to sanction criminals through punishment and prevent the recurrence of similar crimes. When the same act violates both civil law and criminal law, how to balance the remedies of the two and avoid excessive punishment or insufficient relief has become a problem that needs to be solved. Secondly, different criteria for determining liability may lead to conflicts. When determining liability, the civil law is mainly based on the principle of fault, that is, it requires the perpetrator to bear responsibility if there is subjective fault. When determining a crime, the criminal law pays more attention to the objective harmfulness of the behavior and the subjective malignancy of the actor, and has stricter requirements for the constitution of the crime. This difference in the determination of liability sometimes leads to the same act being recognized as an infringement in civil law but not recognized as a crime in the criminal law, or being recognized as a crime in the criminal law but difficult to investigate the liability for infringement in the civil law. In addition, different requirements on the rules of evidence can also lead to conflicts. There are significant differences in the rules of evidence between civil litigation and criminal litigation. For example, the procedures and requirements of evidence collection, examination and judgment are different. This difference sometimes causes the same behavior to face different requirements of evidence in two proceedings, which in turn affects the determination of responsibility and the outcome of the adjudication.

##### **(II) Proposals to resolve conflicts between civil law and criminal law in property protection**

First, establish a cross-departmental collaboration mechanism. In order to resolve the conflict between civil law and criminal law in property protection, a cross-departmental collaboration mechanism composed of civil law experts, criminal law experts and judicial practitioners can be established. The mechanism can hold regular meetings to discuss and consult on the application of law in specific cases to form a unified opinion on the application of law. At the same time, the mechanism can also be responsible for collecting and sorting out relevant legal issues to provide references for legislation and judicial practice. Secondly, improve legal interpretation and applicable rules. In view of the possible conflicts between civil law and criminal law in the legal interpretation

and application of property protection, relevant legal interpretation and application rules can be further improved. Reduce uncertainty and controversy in the application of the law by clarifying the meaning, scope and boundaries of legal provisions. At the same time, we can strengthen the research and discussion of legal interpretation and applicable rules, and improve the accuracy and fairness of legal application. Finally, promote the improvement of legislation. In view of the possible legal gaps and loopholes in the protection of property in civil law and criminal law, legislative improvement can be actively promoted. By formulating clearer, more specific and perfect legal provisions, we can reduce disputes and uncertainties in the application of the law, and provide stronger legal guarantees for the protection of citizens' property rights and interests.

## **5. CONCLUSION**

In the process of exploring the role, conflict and resolution strategy of civil law and criminal law in property protection, we deeply realize that the harmony and unity within the legal system is crucial to maintaining social order and protecting the rights and interests of citizens. Through an in-depth analysis of the legislative purpose, adjustment object, legal effect and potential conflict between the two in property protection, we not only reveal the complementary and mutually constrained relationship between civil law and criminal law, but also point out the challenges that may be faced in judicial practice. The recommendations put forward in this article, such as cross-departmental collaboration, improvement of legal interpretation, training of judicial personnel and legislative promotion, aim to build a more coordinated, efficient and fair legal protection system to meet the increasingly complex and changing needs of property protection.

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