

Criminal Law Regulation of Online Non-contact Indecent Acts

-- Taking the Case of Li's Forced Indecent Assault as an Example

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ABSTRACT

In the digital era, where the Internet is deeply integrated into social life, the frequent occurrence of online indecent assault cases poses significant harm to the physical and mental health of minors. While it is practically necessary to regulate online indecent assault through criminal law, merely relying on practical necessity is insufficient to justify the rationality and legitimacy of convicting and punishing such acts under the crime of compulsory indecent assault. In-depth legal analysis is still required. The term "indecent assault" carries strong moral evaluations and normative connotations. By analyzing its core semantics and categorizing relevant behaviors, it can be concluded that online nude chatting falls within the semantic scope of "indecent assault." Although inveiglement is prevalent in online indecent assault cases, it does not meet the requirement of "coercion" and thus cannot violate the principle of legality for the sole purpose of "protection." Compared with offline indecent assault, online indecent assault poses less risk of physical violence but a higher risk of privacy dissemination. Therefore, judgment of the degree of criminality should be made in consideration of its particularities.

KEYWORDS

The Case of Li's Forced Indecent Assault; Indecent Assault; Criminal Regulation.

1. [BASIC FACTS OF THE CASE]

June 17, 2020, the defendant Li (male, born in 1998) with its QQ account to add the same QQ group of Liu (is a pseudonym, female, born in August 2004) QQ number, after the two sides to add each other WeChat. On the evening of June 19 of the same year, Liu stayed at her friend Nie 's (a pseudonym) home. Li through his cell phone login WeChat to Liu message said to video nude chat. Liu did not agree. After Li promised to pay Liu 3,000 yuan, Liu consulted Nie agreed to agree to Li nude video chat requirements. Video process Li to black screen, with text prompts Liu and Nie hand rub chest and mouth kiss each other's chest, the whole chat process lasted more than 30 minutes, after the end of the video, Li did not pay 3,000 yuan.

On July 6, 2020, Li used his QQ number on his mobile phone to contact Liu and threatened to disseminate the nude photos he had previously obtained and force Liu to engage in a nude video chat again. Liu was forced to engage in a nude video chat with Li on July 12, and the process lasted over 10 minutes.

On July 15, 2020, Li used his QQ number on his mobile phone to send a message to Liu asking for a naked video chat. Liu did not agree, and Li then told Liu that if he had a naked video chat with him

30 times or had a one-time sexual relationship with him in Shanghai, he would delete the naked video chat stored on his mobile phone. Liu agreed to Li's request for 30 naked video chats. That evening, Li asked Liu to have a naked video chat with him, and the entire process lasted over 10 minutes.

2. [JUDGEMENT RESULTS]

A basic court in Panzhihua City, Sichuan Province, issued a criminal verdict on November 30, 2020, finding Defendant Li guilty of forced indecent assault and sentencing him to three years' imprisonment. After the verdict was pronounced, Defendant Li filed an appeal. The Intermediate People's Court of Panzhihua City, Sichuan Province, issued a criminal verdict on January 18, 2021, rejecting the appeal and upholding the original verdict.

3. [JURIDICAL ANALYSIS]

3.1. Interpretation of Relevant Legal Provisions

Article 237 of China's criminal law provides for the crime and penalty of forced indecent assault. Although this article adopts a descriptive indication of the crime, indicating that the behavioral pattern of forced indecency consists of "coercive means + indecency", the specific meanings of terms such as "indecency" and "coercion" are not entirely clear and precise, which can easily lead to theoretical disagreements and practical mismatches. With regard to methods of coercion, the provisions explicitly list violence and threat as the two main methods, with "other methods" as an underpinning. China's criminal law, there are a number of crimes in the composition of the elements are included in the use of coercive methods, such as rape, robbery, etc.. "Coercive" has the will of against the will of the victim, so that the victim for the infringement of the act of being or about to be subjected to can't resist, don't dare to resist the meaning of the act. Although "coercive" in the criminal law context has a specific connotation, and even in each crime has its unique requirements, but its application is still flexible, in judicial practice need to be judged according to the specific case. In this case, it is worth exploring whether Li's initial behavior of chatting naked with Liu and Nie through inveigle can be regarded as the use of coercive in the crime of forced indecent assault, which will be discussed in detail below. In addition to "coercive", the term "indecent" is even more heavily laden with normative evaluative connotations. China's criminal law does not define indecent assault, and did not list the common acts of indecent assault, its connotation and extension is in the history of long-term social concepts of sexuality, sexual morality, and will change with social change. And will change with social changes^[1], thus there is a large space for doctrinal interpretation. In this case, Li demanded that minors engage in nude video chatting with him in cyberspace through inveigle and threats, which involved actions that prompted the minors to touch their own bodies. Whether such conduct constitutes an act of indecency regulated by criminal law is also a major research focus.

In 2018, the Supreme People's Procuratorate released the case of Luo's child indecent as a guiding case, which has since established the principle of recourse for indecent without physical contact as if it were an offline crime. In 2023, the Supreme People's Court and the Supreme People's Procuratorate jointly issued the "Interpretation of Issues Concerning the Application of Laws to the Handling of Criminal Cases Involving Rape and Indecent Assault of Minors", which stipulates in Article 9 that threat or inveiglement of minors to expose private parts of their bodies or commit obscene acts through online video chat or sending videos or photographs, etc., which meets the requirements of Article 237 of the Criminal Law, shall be punishable by forced Conviction and punishment for the crime of forced indecent assault or child indecency.[18] This provision further strengthens the legal basis for criminalizing and sentencing cyber indecency in the form of judicial interpretation. Judicial interpretation is not a legislative activity, and its content only provides guidelines for handling relevant cases in practice, and does not exceed the connotation of existing legal norms; in other words,

the highest judicial authority in China believes that online indecent behavior is within the scope of Article 273 of the Criminal Law. This undoubtedly reflects China's attitude of cracking down on cybercrime and protecting the healthy development of minors across the board, but as a mandatory law that has the power to deprive people of their freedom, property, and other basic rights, the modesty of the criminal law will inevitably run through the entire process of legislation, justice, and execution of penalties, and thus when considering the scope of application of the criminal law, in addition to the needs of the real world, it is necessary to analyze in-depth from the perspective of jurisprudence whether or not a certain phenomenon exceeds the Existing law predictable interpretation of the boundaries. This article is based on the above to explore the jurisprudential basis of this case that Li's behavior constitutes the crime of forced indecency, and on this basis to try to explore the issues that should be noted when regulating such cases through criminal law.

3.2. Jurisprudential Analysis of Criminalization and Sentencing

As the Internet penetrates into all aspects of people's lives, many social activities are upgraded from face-to-face to virtual cyberspace, and the Internet brings great convenience while also providing a breeding ground for many illegal and criminal activities, concealing great risks. The physical and mental health development of minors is a hard-hit area. 2022 "The report of the Supreme People's Procuratorate on the work of people's procuratorates in conducting procuratorial work relating to minors" shows that since the release of the guiding cases in 2018 to September 2022, China's procuratorial organs prosecuted the use of the network "indecent across space" minors crime a total of 1130 people, the use of the network to carry out "indecent across space" of minors and online contact, offline infringement of the crime accounted for 15.8% of the crimes of sexual abuse of minors.[19] Judicial practice has been practiced network indecent equivalent to offline crime prosecution, but the application of forced indecent crime conviction and punishment of such cases need more jurisprudence analysis, in order to realize the facts and norms of the legitimate link. This article will analyze Li's conviction and sentencing from three aspects: conformity to the constituent elements, substantial legal interest infringement and adaptability of crime and punishment.

3.2.1. Conformity of Constituent Elements

1) inveiglement

China's criminal law forced indecent assault crime requires the implementation of violence, threat and other methods of coercion. In this case, the perpetrator Li first nude chatting behavior is achieved through the way of inveiglement, it is worth noting that the judicial authorities ultimately determined the victim for only Liu one, which shows the judicial authorities for Li first nude chatting behavior constitutes forced indecent assault crime of the attitude of the denial. According to the judicial interpretation issued in 2023, inveiglement of minors to expose private parts of their bodies or commit obscene acts through online video chatting or sending videos or photos, in accordance with the provisions of Article 237 of the Criminal Law, shall be convicted and punished for the crime of forced indecency or the crime of indecently assaulting a child. Does that mean that, according to existing judicial interpretations, Li's act of inveiglement naked chats in this case should also be included in the scope of criminal law?

There is a view that, in order to implement the principle of "the most favorable to minors" in the criminal law, the coercion requirements for the crime of forced indecent assault should be appropriately relaxed. Because the cognitive ability and preventive awareness of minors are relatively poor, and the perpetrator makes use of inveiglement to cause minors to form a "false voluntariness" can be regarded as a kind of coercion. For this point of view the author thinks it is not appropriate, there is a significant semantic difference between inveiglement and coercion. Including inveiglement within the scope of coercive methods constitutes an improper analogical interpretation of legal provisions, which violates the principle of legality in criminal law. Inveiglement refers to the act of enticing and misleading, Inveigling indecent assault refers to the perpetrator promises the other party

a certain benefit in exchange for the opportunity to engage in sexual behavior with the other party (in addition to sexual intercourse). People's consent under inveiglement is flawed, but it does not mean that their freedom of decision and freedom of will have been violated[2], they subjectively hope to exchange their sexual interests for other interests. Regardless of whether their hopes are not fulfilled in the end, it does not affect the initiative and voluntariness of their behavior. The methods of coercion stipulated in China's criminal law for the crime of forced indecent assault include violence, threat or other methods, of which "violence" refers to methods that jeopardize another person's personal safety and personal freedom, such as injury or beating, so that the other person is unable to resist or does not dare to resist; "Threat" refers to the imposition of fear or intimidation, enforcing mental constraint upon a victim in order to elicit submission; "Other methods" refer to those means, beyond the use of violence and coercion, that render others unable to resist.[3] Obviously, inveiglement does not possess the essence of "rendering others unable to resist" and is difficult to be interpreted as a form of coercion within the context of criminal law. Therefore, for Li's first nude chatting in this case, the author concurs with the opinion of the case-handling authorities in deeming it not to constitute an act of forced indecency.

However, from the principle of protection of minors, inveiglement indecency also has its real harm. Firstly, in the realm of cyber-indecency, inveiglement indecent behavior often serve as preparatory acts for forced indecency. Due to the non-presence feature of online indecency, perpetrators often leverage threats to enforce mental coercion on victims, with the possession of their private photographs and videos being a significant means of intimidation. Inveiglement indecency is frequently followed by forced indecency, and without regulating inveiglement indecency, it can easily lead to a permissive attitude towards forced indecency. Secondly, while the author does not concur with interpreting inveiglement as a form of coercion, it is acknowledged that there exists a significant disparity between minors and adults in terms of mental capacity, social experience, and other aspects. If it is argued that the over-application of paternalism in the adult world is undesirable, minors precisely require special attention and protection from the state and the law. China's Criminal Law, Article 237, divides minor victims into two categories: those under 14 years old (children) and those aged between 14 and 18. Strict protection is afforded to the former, and conviction of perpetrators who indecently assault them not requiring coercion as an element. While the latter are treated equally with adults without further differentiated protection. Although Chinese law stipulates that females aged 14 and above possess the right to sexual consent, safeguarding their freedom to exercise this right does not conflict with strengthening the protection of their rights. A more nuanced and tiered protection for minors is highly necessary. Thirdly, in real life, there are numerous instances where individuals request the other party to expose their bodies for "legitimate reasons" such as recruitment assessments or medical examinations, and then proceed to commit online indecency. This method does not meet the coercion requirement in criminal law, but neither can the victim's consent be simply deemed as a "flawed consent that does not affect autonomous will." At this point, the victim has not yet recognized the sexual significance of the act being performed, and naturally cannot be said to have consented to the other party's indecent behavior. Based on the above points, it can be considered to add inveiglement methods targeting minors to the normative structure of the crime of forced indecency. However, returning to the current judicial interpretation, it cannot be deemed that the law has been perfected. On the one hand, the nature of judicial interpretation is to interpret the law rather than create it. On the other hand, the relevant provisions do not directly link "inveiglement" with the "crime of forced indecency" but rather impose two levels of restrictions under inveiglement": one is that it must simultaneously comply with the provisions of Article 237 of the Criminal Law, and the other is that it may be punished under the crime of indecent assault on children. This means that to constitute the crime of forced indecency, even with inveiglement behavior, the coercion requirement stipulated in the Criminal Law must be met. If it is only inveiglement indecency, the crime of indecent assault on children should be considered.

In summary, regardless of the attempt to expand the interpretation of the coercive approach, or from the logic of the current legal statement, the perpetrator Li's act of inveiglement of naked chatting should not be recognized as constituting the crime of forced indecency.

2) Threatening behavior

In this case, Li's second act of nude chatting involved threatening to disseminate the nude photographs of the other party. In the context of indecent acts in cyberspace, since the perpetrator and the victim are not in the same physical space, the perpetrator cannot use violence for direct suppression and usually resorts to threat to impose mental coercion on the victim. The means of coercion in cyberspace and those in offline indecent acts demonstrate a strong consistency in criminal law recognition, as the perpetrator's presence has little impact on such mental coercion. The only difference is that across the geographical area when the perpetrator can not be on the spot to implement the threat of violence. And in the crime of forced indecent assault, the means of threat are not limited solely to the use of violence, which constitutes a significant distinction from the means of threat employed in the crime of robbery. Li's threat to disseminate the nude photographs of the victim clearly reached a level where the victim was unable to resist, fulfilling the coercion requirement of the crime of forced indecent assault.

Li's third instance of nude chatting was achieved through the promise to delete the nude chat videos. This act had the appearance of inveiglement but essentially remained a form of threat. Firstly, Li's language implied that if the victim did not comply, the videos would be disseminated. Secondly, the content of Li's promise was a legal obligation he was already required to fulfill. For the victim, the deletion of the videos represented a restoration of legal interests rather than the acquisition of new benefits, let alone the acquisition of benefits that should not have been obtained. Therefore, Li's behavior essentially constituted a means of coercion and also met the coercion requirement in the crime of forced indecent assault.

3) Internet nude chatting behavior

The act of indecency is a core constituent element of the crime of compulsory indecent assault. In China's Criminal Law, "indecency" is a normative constituent element with a distinct moral evaluation, and it is particularly challenging to judge its applicability. Due to its extremely broad scope, it may be easier to reach a consensus on the judgment of typical indecent acts, while for atypical indecent acts, people may hold different opinions.[4] In the author's view, Li's act of nude chatting through a screen in this case does not exceed the scope of indecency stipulated in the Criminal Law and constitutes an act of indecency towards others.

Tracing back to the origins, we first examine the basic meaning of indecency. In the Modern Chinese Dictionary, the term "indecency" is defined as "lewd, vulgar, and performing vulgar actions", and the meaning of the word "lewd" is "indulgence in sexual behavior in violation of moral norms", which shows that the basic interpretation of the words in the dictionary also has a strong social and moral color, making it impossible to clarify the boundaries of indecency accordingly. Since 1997, when China's criminal law separated the crimes of forced indecent assault and insulting women from the crime of hooliganism, scholars have tried to define the term "indecent assault" in the provisions, which mainly include the following: "Indecent assault on another person refers to acts committed against another person, which have a sexual significance, and infringe upon the right to make decisions about the sexuality of the other person[5]", "Indecent assault refers to the commission of an obscene act that harms the normal sexual shame of ordinary people and violates good sexual morality"[6], "Indecent assault is the violation of a particular human psychology by means of obscene and indecent words or specific acts other than sexual intercourse for the purpose of stimulating or satisfying sexual desire"[7]. These definitions reveal scholars' jurisprudential views on the constituent elements of the crime of compulsory indecency. For example, some scholars believe that the object infringed upon by indecency is sexual autonomy, while others propose that the subjective intention must be to satisfy sexual desires. However, the concept of the specific element of indecency has not

been rigorously and comprehensively elaborated. In the author's opinion, although from the perspective of the meaning of the text we can not explore the obscene behavior of the extension, but also enough to its connotation of the core elements - "obscenity, sexual significance" (in addition to sexual intercourse) in this case on Li's behavior to make a judgment. In this case, the perpetrator Li implemented a total of three nude video chat behavior, the first time he asked Liu and Nie hand rubbing breasts and kiss each other's breasts with his mouth, the second and third time the object of Liu alone, according to the case can not be judged whether to carry out the self-contact behavior. Naked chat itself with a strong obscenity meaning. Although Li was not in the same location as Liu and Nie, and there was no direct physical contact, the entire nude chatting process was conducted under his instructions. Although the actions of undressing and touching were physical activities performed by Liu and Nie, their bodily movements at that time can be viewed as tools for Li to commit acts of indecency. (regardless of whether the inveiglement constituted a form of coercion for the moment). Therefore, whether it is nude chatting involving self-touching with breast rubbing and kissing or pure nude chatting, both align with the connotation of the term "indecency".

In addition to the core textual meaning, it can also be analyzed from a typological perspective. Professor Zhang Mingkai in his textbook of criminal law in the definition at the same time on the specific types of indecency behavior to do the division and generalization, including sexual access to the act, sexual contact behavior, present but not contact with the act of indecency, indecency of the use of telecommunications networks[8], which can be seen that he also recognizes the establishment of the cyberspace indecency. However, the book does not provide further explanation on these specific ways, the first two or even the first three ways are undoubtedly in line with the social and moral concepts, but in the end, the use of telecommunication network indecency is attributed to the specific ways of molesting other people still need to be analyzed in depth. Another scholar suggests that criminal law studies are accustomed to treating criminal law categories as characteristic categories, attempting to cover all indecent acts with a common set of semantic features, but in fact, indecent acts are typical archetypal categories, with a certain recognized situation as the core archetype, and situations with a high degree of similarity to the archetype can undoubtedly be included in the category, while those with less similarity require an interpretive loop between norms and facts to define their attribution.[9] This is in fact similar to analogical reasoning, which is forbidden by criminal law theory to incriminate analogical interpretations, but the analogical reasoning referred to here is not the same as analogical interpretations, which often play a role in people's minds as a form of logical thinking. The principle of prohibiting analogical interpretation states that even if a certain act is similar to an act regulated by criminal law, it cannot be convicted and punished on that basis, as analogical interpretation exceeds the "scope of possible meaning" within the provisions of criminal law. But this is the degree of reasoning, and does not mean that analogical reasoning itself is irrational, even in the "possible context" within the expansion of the interpretation of the exploration, but also can not be separated from the analogical reasoning of this way of thinking. As stated by Roxin, interpretation and analogy are logically not mutually exclusive, as interpretation must operate through analogy.[10] In this case, the type of behavior of Li can be summarized as in the virtual space formed by the computer network, through a specific remote chat tool, the long-distance, non-direct physical contact sexual communication behavior[11]. The development of network technology so far, has been completely can realize different space sound and picture of high definition and synchronization of the dissemination and interaction, can obviously find, this way and offline non-contact this type of indecency behavior has great similarity, as both utilize the victim's physical movements as the "tool" for indecency, with the perpetrator satisfying their sexual desires through sight and hearing. The difference between the two is that the offline indecency perpetrator can be transformed into contact indecency at any time, the victim suffers greater risk of bodily injury. And the online indecency victim suffers more risk of the dissemination of their own private photos/videos on the Internet. It can be seen that online indecent assault and offline non-contact indecent assault are only slightly different forms of risk manifestation, while the content of the risk belongs to sexual rights, and in the behavioral pattern of the differences are

relatively small, and therefore it can be considered that Li's behavior belongs to the criminal law "indecent assault" included in the type of behavior.

3.2.2. Substantial Legal Interest Infringement

Behavior incrimination needs to meet the three aspects of the constituent elements conformity, illegality and culpability, corresponding to the principle of legality in criminal law, the principle of the protection of legal interests and the principle of responsibility, respectively. The three elements are progressive relationship, that is, there is no the latter without the former, and with the former does not necessarily have the latter.[12] The next point to be argued in this paper is that Li's behavior has substantial legal interest infringement.

Currently, the general theory in criminal law circles on the protection of legal interests in the crime of forced indecent assault is sexual autonomy, i.e.. The right of an individual to independently decide whether to engage in sexual acts, and when, where, and with whom to engage in sexual acts. However, a number of scholars have questioned the use of sexual autonomy as a protective legal interest for the crime of indecent assault, and the specific reasons can be summarized in the following aspects. From the perspective of social reality, indecent assault not only violates the victim's right of consent related to sexual behavior, but also includes the violated person's human dignity, physical privacy, etc., "sexual shame" is based on this gradually become the strong doctrine of sexual crimes to protect the legal interests; from the perspective of the current legal norms, protecting sexual autonomy as the legal interest in the crime of indecent assault is impossible to explain why the criminal law stipulates that the act of forcibly molesting another person "in a public place" is an aggravating circumstance, because whether or not it is in a public place, the act of forcibly molesting a person infringes the victim's right to sexual consent in the same way; from the perspective of jurisprudence, whether it is rape or indecent assault, emphasizing only the autonomy of "consent or not" lacks attention to "sex" itself, which is analogous to life or property, and we would not call it a violation of another person's "autonomy of life/property" if it violates another person's right to life or property. "In fact, this kind of violation naturally includes the meaning of against the will of the victim. Similarly, in sexual crimes, the protection of legal interests should be "sexual interests", and "The essence of sexual autonomy is the right to dispose of legal interests"[13]. This article holds a positive stance on this viewpoint. The academic consensus understands the legal interest protected in sexual crimes as sexual autonomy. The author believes that there are two reasons for this: first, "coercion" has always been the most prominent characteristic of sexual crimes, drawing public attention; second, compared to other personal crimes, the victim's autonomy in sexual crimes plays a decisive role in the establishment of the crime, and once consent is given by the victim, all acts affecting their sexual interests cannot be termed sexual assault. It should be recognized that constituent elements and protected legal interests are two closely related yet mutually independent aspects. Legal interests embody the core interests involved in a crime. Although coercion is essential in the crime of forced indecency, it is ultimately only a means, not an end. The core interest protected by criminal law is actually sexual interest. "Legal interest embodies the actuality of experience and its usefulness to human beings"[14], combined with the specificity of "sex" itself, the abstract sexual interest can be materialized as the sum total of the physical privacy, physical and mental health, and dignity of the person in relation to "sex".

In this case, the particularity of Li's conduct, compared to traditional offline acts of indecent assault, lies in the fact that he did not physically contact the victim. Instead, he coerced the victim into undressing and engaging in nude video chats with him, satisfying his sexual desires through sound and imagery. During this process, due to the fact that they are not in the same physical space, it is impossible for the perpetrator to commit a tactile sexual assault, and the victim's physical health is not subject to direct harm or immediate threat. However, the perpetrator's demand for the victim to expose various parts of their body for his viewing has clearly violated the victim's sexual privacy, personal dignity, and psychological well-being. The development of network video transmission technology has enabled audio-visual interactions via the internet to achieve a sensory experience

comparable to face-to-face interactions. In such instances of remote exposure-based indecent assault, the network interaction subjects the victim to psychological harm akin to that of face-to-face indecent assault[15]. Accordingly, it is sufficient to conclude that Li's conduct possesses substantial infringement upon legal interests.

3.2.3. Compatibility of Crime and Punishment

After determining that Li's behavior belongs to the combat range of the crime of forced indecent assault, then we should pay attention to adjudication of punishment, "the penalty is a response to the citizen's unlawfulness"[16], The principle of suitability between crime, culpability, and punishment should be adhered to when sentencing the perpetrator, with an appropriate punishment determined within the statutory penalty range based on the degree of social harm caused by the act, the specific facts of the crime, and the subjective malice of the perpetrator. According to Article 237 of the Criminal Law, the basic statutory penalty range for the crime of compulsory indecency is imprisonment for not more than five years or criminal detention. Firstly, starting from the basic facts constituting the crime, in the context of assessing the degree of crime in offline indecency cases, the degree of physical harm to the victim is usually given attention. However, the online indecency in this case has its specificity, and the mindset should be changed to conduct a specific analysis in combination with the characteristics of "non-contact" and "cyberspace". On the one hand, as Li and the victim are not in the same location, Li cannot commit close physical violence or sexual contact with the victim, making his behavior less harmful to the victim's physical health. On the other hand, indecency committed in cyberspace facilitates recording and repeated viewing by the perpetrator and may even be disseminated online and the social harmfulness of Li's behavior is greater than that of offline indecency, and both aspects should be considered comprehensively when sentencing. The sentencing should take these two aspects into consideration. Secondly, starting from other facts affecting the constitution of the crime, such as the number of offenses. Offline compulsory indecency often involves violent means, with "compulsion" and "indecency" generally occurring simultaneously, or even being integrated into one another in specific actions. In contrast, indecency in cyberspace is mostly achieved through threats, and due to the concealment and flexibility of virtual networks, the "compulsion" and "indecency" can occur at different times. At this point, attention should be paid to the causal continuity between the two acts. In this case, Li made threatening moves on July 6 and achieved nude video chatting with Liu under the previous threats on July 12, which together constituted an act of compulsory indecency. Additionally, Li's coercion of Liu into nude chatting on July 15 also met the requirements for accomplishment, indicating that Li committed two acts of compulsory indecency, with relatively serious social harmfulness. It should be emphasized that only committing indecency towards another person three or more times constitutes "other aggravating circumstances" deserving heavier punishment. Li's two acts of compulsory indecency still fall within the sentencing range of "imprisonment for not more than five years or criminal detention". Finally, regarding the subjective malice of the perpetrator, Li coerced Liu into agreeing to have nude video chats with him 30 times or to have a one-time sexual encounter with him in Shanghai. Although these acts were not successfully carried out in fact, they suffice to reflect Li's sinister intentions. By exploiting the mental immaturity and weak resilience of minors, Li attempted to repeatedly and intensively infringe upon the other party's sexual interests, demonstrating a relatively high degree of subjective malice and deserving a heavier punishment. Considering the above three aspects comprehensively, the judicial authorities sentenced Li to three years of imprisonment, which is commensurate with the degree of his crime and contributes to the prevention of crime, meeting the requirement of suitability between crime and punishment.

3.3. Summary

In the current digital era of the deep integration of network and social life, the more the society relies on the network, the more the network technology develops, the more prominent the universality, updating, anonymity, dispersion and other characteristics of cyberspace^[17], it can be said that these

characteristics of cyberspace provide great convenience for the perpetrators with indecent intent to commit illegal and criminal acts. The first is that the perpetrator can search and screen more criminal objects through the network without being restricted by interpersonal communication in the real society. The second is that the perpetrator's evil acts are also more difficult to be discovered, as the information on the network is complicated and diversified, and the victim is often not as alert as when he or she is in the real space, and the perpetrator's traces are easier to be hidden in the flood of virtual information. The criminal regulation of cyber indecent assault holds practical necessity, yet merely based on practical necessity is insufficient to justify the rationality and legality of convicting and sentencing such behavior under the crime of compulsory indecent assault. Therefore, this paper conducts juridical reasoning based on the constituent elements of this crime and the infringed legal interests, concluding that while Li's enticement in this case does not meet the compulsory requirement of the crime, his act of forcing Liu to engage in nude video chatting with him through threats complies with the constituent elements of "compulsion" and "indecent assault on others," and substantially infringes upon the sexual legal interests protected by this crime, warranting conviction and sentencing under the crime of compulsory indecent assault. Additionally, in terms of sentencing, it is necessary to consider the characteristics of online screen-based indecent assault, namely its low risk of physical harm and high risk of online dissemination, to comprehensively assess the degree of social harmfulness of the act and thereby determine an appropriate penalty.

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