

# Research on Balancing the Conflict Between Law and Public Opinion in Judicial Judgment

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**Abstract.** The number of Internet users in China has exceeded one billion. With the rapid development of Internet platforms, the channels for expressing public opinion have skyrocketed, and judicial decisions have been placed under unprecedentedly powerful and extensive supervision. The conflict between law and public opinion in cases with high popularity needs to be solved urgently. As a vital means to maintain social order, whether the law can be highly recognized by public opinion is significant for comprehensively promoting the rule of law. Based on well-known cases including “Zhang Koukou Case”, “Yu Huan Case” and “Lu Yong Case”, this paper analyzes and speculates that the reasons for the conflict between law and public opinions may lie in the conflict between judges’ legal thinking and people’s moral concepts, the conflict between independent and fair justice and the tendency to expand public opinion expression, and the conflict between the universality of law and the particularity of individual cases. Then, this paper seeks the enlightenment from the history of Chinese legal system and the judicial system overseas. It also proposes the necessity of reconciling and balancing judicial judgment and public opinion, and giving full play to the assessors’ participation and the case guidance system to guide judicial judgment, so as to promote the balance between law and public opinion in judicial judgment.

**Keywords:** Judicial Adjudication; Public Opinion; Public Voice; Awareness of the Rule of Law; Judicial Credibility.

## 1. Introduction

Whether the court’s decision can be recognized by parties and the public is an integral embodiment of judicial credibility. In recent years, conflicts between court decisions and public opinion have occurred occasionally, which has become a heated issue in the current construction of rule of law. Objectively, the conflict between court decisions and public opinion damages judicial authority and social harmony to a certain extent. Meanwhile, judicial injustice with unjust, false and wrong cases, judicial corruption and other problems have emerged in judicial practice [1]. As President Xi mentioned in his speech at the Central Political and Legal Work Conference, the negative impact of one misjudged case is enough to destroy the good image accumulated by abundant fair judges. One in ten thousand mistakes in law enforcement are totally harmful to the parties concerned [2]. The adjudication of some well-known cases has caused social controversy. Up against the rapid development of Internet technology and more channels for public opinion expression, judicial decisions have been placed under unprecedentedly powerful and extensive supervision [3]. How to balance the independence of law and consider public opinion in judicial adjudication has been a tricky problem. Firstly, this paper takes “Zhang Koukou Case”, “Yu Huan Case” and “Lu Yong Case” as examples to illustrate the social status of the conflict between judicial adjudication and public opinion. Then, the causes of such a conflict are analyzed from many perspectives. On this basis, this paper seeks enlightenment from Chinese traditional legal culture and foreign judicial systems before proposing possible balance paths.

## 2. Current Situation of the Conflict Between Law and Public Opinion in Judicial Adjudications

### (1) Zhang Koukou Case

On February 15th, 2018, Zhang Koukou killed three people in a row to avenge his mother. A hatred brewing for 22 years has turned into reality, which has aroused shock and widespread concern nationwide. A conflict between judicial adjudication and public opinion has also come into being. The discussion on whether Zhang's criminal motive of "revenge for his mother" can be the reason to exempt him from the death penalty is still ceaseless [4].

After nearly one-year investigation, on the morning of January 8, 2019, the case of Zhang who committed intentional homicide and intentional destruction of property was heard in Hanzhong Intermediate People's Court of Shaanxi Province with the following court's first-instance adjudication. The defendant Zhang, guilty of intentional homicide, was sentenced to death and lifelong deprivation of political rights. For intentionally destroying property, he was sentenced to four-years imprisonment with the death penalty and lifelong deprivation of political rights [5].

The reason why this case has caught great attention from the media and the public lies in its focus on the correlation with the case in 1996. Is Zhang's "revenge for his mother" his motive for murder? Can it be the reason to exempt Zhang from the death penalty?

Based on the case evidence, the public prosecutor emphasizes that the selfish personal "enmity" is by no means an excuse above the law. According to the law, there is no rightness in any killing. A society ruled by law can only use legal means to solve contradictions. Besides, no one has the right to go beyond the law to punish others [6]. If anyone regards themselves as messengers of justice and abuses lynching, everyone can ignore the law and commit crimes arbitrarily. That way, the stable social order and social harmony are impossible. Tit for tat and violence against violence will only put society in chaos and disorder, which must be banned. If Zhang, who killed three people in a row, is a "hero" of "avenging his mother", the basic moral concept in a society ruled by law will be confused [7].

Different from the result of the judicial adjudication, Zhang was praised on the Internet. Some even regarded him as a "chivalrous man", calling for his official acquittal [8]. Three years later, the presiding judge in charge of this case was subject to disciplinary review and supervisory investigation [9], which was publicly informed of serious violations of laws and disciplines such as accepting gifts [10]. Some netizens still complained about Zhang on the Internet. "Revening for mother" has always been integral to the Chinese chivalrous history. "Confucianism uses literature to disrupt the law, while chivalrous men use martial arts to violate the ban" [11]. With the same origin of Confucianism and chivalrous men, literati always have the complex of chivalrous men, and radicalism thinking is haunting. Confucianism rejects the transcendental world and only seeks absolute justice in the mundane world. It's this idealism that pursues justice in reality or nihilism that goes to ideal disillusionment, or becomes the trumpeter of autocratic totalitarianism because of excessively paranoid ideals [12].

In this case, the conflict between public opinion and judicial adjudication mainly stems from various understandings of justice. The rule of law originates from pluralism in essence, emphasizing justice in rules. From the judicial perspective, the relationship between procedural justice and substantive justice is complex. Only by realizing the dynamic balance and their organic unity can the efficiency and quality of judicial adjudications be guaranteed [13][5]. Some believe that mistakes in judicial adjudications are inevitable. However, as long as such mistakes conform to procedural justice, they are loopholes that people should accept [14]. The sensational Simpson case vividly exemplifies judicial adjudications respecting procedural justice [15]. Public opinion stands at the commanding heights of morality for substantive justice, which is the ideal justice in the public. Although this idea is the absolute pursuit of justice by the masses, ignoring procedural rules undoubtedly conflicts with the rule of law that pays equal attention to substance and procedure under the rule-based judiciary.

## (2) Yu Huan Case

In Yu Huan case, the conflict between law and public opinion lies in whether Yu's behavior constitutes self-defense.

On April 14th, 2016, Su Yinxia, the head of Shandong Yuanda Industry and Trade Co., Ltd., and his son Yu Huan were illegally restricted by more than ten people in company's office because of their unpaid loan sharking arrears. During this period, Yu was pushed and slapped, while Su was forced, harassed and insulted many times. Yu stabbed four people to protect his mother with the mood of revenge, one of whom died of hemorrhagic shock.

In this case, the first instance denied Yu's self-defense. Instead, he was determined to intentionally injure others. When the police was dispatched, the danger of Yu and Su's rights to life and health being violated is limited without urgency of defense. Therefore, Yu who stabbed the victim with a sharp knife has no premise of illegal infringement of self-defense, which does not constitute self-defense. The excessive defense proposed by the defender will not be supported [16]. On February 17, 2017, Liaocheng Intermediate People's Court of Shandong Province sentenced Yu to lifelong imprisonment and deprivation of political rights for intentional assault. But Yu's appeal was successful. On May 27th, 2017, the second instance was heard in public. It was held that the original adjudication found that Yu's guilt of intentional injury was correct with legal trial procedure, but the facts were incomprehensive with some wrong criminal adjudications in the application of law and the super-heavy sentencing. Finally, the incidental civil appeal was rejected and the incidental civil part of the original adjudication was upheld. The criminal part of the original sentence was revoked, and Yu was sentenced to five-year imprisonment for intentional injury [17].

The second instance overturned some adjudications of the first instance. During this period, many spoke out for Yu. Zhou Guangquan believed that Yu's behavior belonged to self-defense and he could exercise unlimited defense rights [18]. The means of compulsory indecency are similar to rape, and the unlimited right of defense can be exercised according to Article 20, Paragraph 3 of the Criminal Law. According to Xu Xin, Yu was not guilty, and stabbing one who harmed his mother to death should be classified as self-defense. Chen Guangzhong held that the conviction and sentencing in this case were apparently unfair [19]. In addition, the public is dissatisfied with the first-instance adjudication. Emotional tendency of news keywords shows that 74% of the contents about this case are negative. Public opinion badmouths judicial fairness with obvious negative emotional expressions, even rising to the legislative revision of self-defense [20]. The second-instance revision calmed public irritation, while some netizens still insisted that Yu Huan should be acquitted.

"The oldest legal proverb goes that one can violate the superficial provisions of the law without violating the law itself" [21]. The final adjudication and scholars both determined that Yu's behavior was excessive defensive. The conflict between judicial adjudication and public opinion is well balanced by a sentence in this case. Yu and Su's personal freedom and dignity should be protected by law, but Yu's defensive behavior exceeds the legal limits. Hence, he should bear criminal responsibility [22]. Although judicial adjudications should not be trapped by public opinion and judges must execute rigid laws, persons in charge of the legal system are humans. Judging every case needs to be examined by emotion, and safeguarding the law is the final criterion for safeguarding social justice. Only in this way, such a tragedy will surpass the controversy of individual cases and inspire the significance of rule of law.

## (3) Lu Yong Case

In July 2018, the movie "Dying to Survive" was released, winning the box office champion [23], which publicizes the Lu Yong Case. The surrounding laws and ethics are also constantly colliding. The conflict between the drug management order, credit card management order and patients' right to life and health is thought-provoking.

In 2004, Lu suffering from chronic myelogenous leukemia learned about generic anticancer drugs produced in India with almost the same efficacy and much less cost. So he tried to help patients buy this medicine. To facilitate remittance to Indian companies, Lu bought three credit cards online. In 2013, he was criminally detained by Yuanjiang Public Security Bureau on suspicion of obstructing credit card management. On July 21, 2014, Lu was prosecuted to Yuanjiang City Court on charges of “obstructing credit card management” and “selling counterfeit drugs” [24]. Subsequently, hundreds of patients requested judicial authorities to exempt Lu from criminal punishment [25]. On February 27, 2015, the Procuratorate of Yuanjiang City, Hunan Province made a final decision on Lu’s case, believing that his behavior did not constitute a crime, thus no prosecution was executed [26].

According to the procuratorial organ’s explanation, “Although Lu violated the national management order of drugs and credit cards, the actual harm is limited compared with the right to life and health of leukemia patients [27]. If his behavior that benefits leukemia patients is unilaterally recognized as a crime, it goes against the values of justice for the people” [28].

After Lu was prosecuted, patients testified for him. During the investigation, the prosecutor visited many patients, all of whom confirmed the medicine purchased by Lu was effective and not profitable [29]. Meanwhile, many scholars in academia supported Lu. Based on the adjudication of non-prosecution and the law interpretation, Lu’s behavior destroyed the order of drug management and credit card management. Nevertheless, the mighty patients’ joint appeal and civil support indicated that “Lu was a good person who saved lives and did not ask for profits” [30]. For the final adjudication that decided not to prosecute Lu, many scholars believed that it proved the progress of the rule of law in China [31].

### **3. Reasons for the Conflict Between Law and Public Opinion in Judicial Adjudications**

#### **(1) Conflict Between Judges’ Legal Thinking and Public Moral Concepts**

Judicial adjudication is a judicial activity where judges use rational legal thinking to judge cases. Rationality is a critical feature of judiciary, emphasizing obedience to procedural and formal rules. With the identification of facts and rules as the core, judicial adjudication requires judges to abandon emotional factors to the maximum extent, use strict formal logic to adjudicate judicial cases, and behave neutrally during the trial. The main body of public opinion is the general public, which lacks the training of legal profession, and expresses emotional and moral views on judicial cases. Such a moral thinking is based on people’s simplest view of justice, showing the moral adjudication of people and cases. Such an evaluation is often expressed by some intuitive and perceptual words such as irrational words such as “heinous sin” and “intolerable crime”. The conflict between these forms of thinking is a vital factor of the conflict between law and public opinion in judicial adjudications.

In Zhang Koukou Case, according to the criminal law, Zhang’s behavior conforms to the constitutive requirements of intentional homicide, but public moral concepts and simple sense of justice emphasize the reasons why Zhang committed crimes [32]. With traditional concepts like “revenge of blood relatives”, some hold that we should exempt Zhang from death penalty.

In Yu Huan Case, Yu’s behavior constitutes the crime of intentional injury under the situation of excessive defense. However, public moral concept and simple sense of justice focus on the reason why Yu was forced to defend, especially the victim’s serious fault that caused this case. Even some think Yu should be “acquitted” for protecting his mother.

In Lu Yong Case, Lu did commit certain illegal acts, but numerous helped by him jointly pleaded for Lu. Public moral concepts and simple sense of justice stress the reasons why Lu broke the law. Meanwhile, netizens have asked for Lu to be prosecuted lightly. In the end, the procuratorate decided not to prosecute, arguing that the actual harm of his behavior was limited compared with the right to life and health of leukemia patients. Lu Yong case is a positive example of integrating legal thinking and moral concepts [33].

## (2) Conflict Between Independent and Impartial Judiciary and the Tendency to Expand Public Opinion Expression

For judicial trial, the core value is its independence. “The core of judicial independence is that judges can only obey the law and conscience during the judicial adjudications, without any influence, interference or control from inside or outside the court” [34]. According to Articles 131 and 136 of *China’s Constitution*, the people’s courts exercise judicial power independently according to the law [35], and the people’s procuratorates exercise procuratorial power independently in conformance to the law without interference from administrative organs, social organizations and individuals [36]. Article 5 of *China’s Criminal Procedure Law* [37] and Article 6 of *China’s Civil Procedure Law* [38] confirm and reaffirm the provisions of Articles 131 and 136 of the *Constitution*, all of which emphasize the independence of judicial adjudication in China. The “independent and fair judiciary” emphasized by China and the “judicial independence” in the West are different [39]. Against the comprehensive country governance according to the law, President Xi emphasizes the organic unity of upholding the party’s leadership, the people being the masters of the country, and the rule of law, with the adherence to the party’s leadership as the most fundamental [40]. Only in this way can the institutionalization and legalization of national and social life be advanced orderly. Undoubtedly, China’s legal system confirms that judicial trials do not change for any organ, group or individual, [41] which prevents public opinion from interfering in judicial trials institutionally. In three cases mentioned above, the judicial organs conducted criminal proceedings “based on facts with law as the criterion” [42], which is not influenced by public opinion and fully conforms to China’s legal system.

According to the *53rd Statistical Report on China’s Internet Development Status* released by China Internet Network Information Center (CNNIC), as of December 2023, the number of Internet users in China reached 1.092 billion, and the Internet penetration rate reached 77.5% [43]. The expression of public opinion based on the Internet is expanding [44]. Netizens constantly pay attention to social trending cases and express their views, thus forming a representative public opinion. Trending hashtags such as “rights protection in Weibo” and “court session in TikTok” also reflect the influence of public opinion on cases. Judicial power has its jurisdiction, and the exercise of judicial power also has procedures. In contrast, the expression of public opinion is disorderly. It is a trend that the public opinion expression with expansion tendency is more involved in judicial cases. It is also inevitable that the public opinion expression will conflict with the independence of judicial adjudication.

## (3) Conflict Between the Universality of the Law and the Particularity of Individual Cases

Characterized with universal applicability nationwide, the law classifies people’s behaviors abstractly. However, the specific circumstances to be considered in individual cases may have considerable particularity. It is difficult for universal laws to consider all kinds of particularity in individual cases. In those special cases arousing large-scale public concern, if people think that the universal law can’t adapt to the special case, they may be dissatisfied with the court’s decision, and then influence the judicial organs through public opinions.

In cases with extreme particularity, people often pay attention to unique criminal reasons of the defendant. On this basis, they think there is a conflict between the universal application of the law and the situation of the case. For example, the Zhang Koukou Case and its special growth background and the criminal motive in line with the Chinese chivalrous psychology once triggered a public opinion war [45]. In Yu Huan Case, there was a view that Yu was a “hero protecting his mother”, and he was to protect himself and his mother from illegal infringement. However, the first instance held that there was no “illegal infringement” in the sense of criminal law at that time, and did not take into account the serious fault of the victim’s serious insulting behavior, especially indecent behavior. Yu was adjudicated to commit intentional injury and sentenced to life imprisonment, which caused a heated controversy. After applying the universal criminal law, the second instance focused on the particularity, pinpointing that the ongoing illegal restriction of others’ personal freedom belonged to “illegal infringement” in criminal law. The illegal infringement that seriously derogates others’

personal dignity or blasphemes human relations when sentencing was also fully considered to ensure that judicial adjudications can stand the legal test and conform to social fairness and justice [46].

#### **4. Enlightenment for Handling Conflicts Between Law and Public Opinion in Judicial Adjudications**

##### **(1) Enlightenment for Handling the Conflict Between Law and Public Opinion in the History of Chinese Legal System**

In the traditional Chinese legal culture, the judiciary pays attention to the public opinion, which has a long history of influencing the judiciary in China. According to Mencius, “When all those about you say, ‘This man deserves death,’ don’t listen to them. When all your great officers say, ‘This man deserves death,’ don’t listen to them. When the people all say, ‘This man deserves death,’ then inquire into the case, and when you see that the man deserves death, put him to death.” Since the “adjudication in line with the spirit of Spring and Autumn Period” in the Han Dynasty in China, there have been cases where cases were judged according to reason or other non-statutory sources, regardless of the law [47].

“Those who are praised and passed down to later generations as models are often judicial adjudications based on reason rather than just legal provisions.” In ancient China, judges adapted the law according to public opinion, especially on the premise of following legality. At that time, the general concept of justice in society was that when resolving disputes, officials “regarded themselves completely as administrators, litigation cases as administrative affairs, adjudications as management means, and dispute resolution results as political achievements in line with public opinion”. Besides, “Public opinion cannot be violated, and public willingness cannot be bullied”, “upholding justice for the public grievances” all reflect the critical influence of public opinion on judicial adjudications in the traditional concept. Judicial adjudications conforming to public opinion can win recognition and be more conducive to maintaining social stability.

The trial of “adjudicating in line with the spirit of Spring and Autumn Period” embodies the “people-oriented” thought in many aspects.

One is the respect to basic psychological needs. Confucianism emphasizes the relationship between relatives, and believes that some illegal things done for relatives should be forgiven. Considering the father-son affection, Dong Zhongshu held that it is human nature for the adoptive father to tolerate his son for not being convicted. The other is to respect basic physiological needs. According to the *Classic of Poetry*, “To enjoy food and delight in colors is nature”, which is the most fundamental thing as the most basic physiological need. According to the Spring and Autumn Courts then, the women who had remarriage before burying the husband’s body should be sentenced to death. However, Dong Zhongshu believed that a woman’s remarriage was not lewd, nor for personal gain, so she was not guilty. The spiritual essence of being “people-oriented” and respecting basic physical and physiological needs in “Spring and Autumn Courts” is a quintessence of Chinese traditional legal culture, inspiring for modern judiciary [48].

##### **(2) Enlightenment for Handling Conflicts Between Law and Public Opinion in Foreign Judicial Systems**

The assessor and jury system in civil law system and common law system can provide enlightenment for China, which should cater to China’s national conditions. The transplantation of the jury system into the civil law system stemmed from the introduction of the jury system in England after the Revolution of 1789 in France [49], which was adopted in many countries as a result of the Revolution. However, the jury system has not survived and developed in Germany, France and other civil law countries, but has died out. The jury system originated in England and has been improved in the U.S., which is an integral trial system in common law countries. The movie “Twelve Angry Men” is a profound portrayal of its effectiveness on judicial adjudication. The basic feature of this system is that the jury has the exclusive duty and power to determine the facts of the case, and independently

exercises judicial power over the case within the statutory scope [50], thus reflecting the influence of public opinion in judicial adjudications to a certain extent.

The essence of case law is that judges make laws. First of all, to supplement statutory law, Britain adopts case law, which takes the principle of “following precedent” and requires judges to be bound by precedent when adjudicating [51]. Secondly, a differentiating technique in the judicial practice of the common law system links the specific circumstances of the case with general circumstances stipulated by law, so as to discover reasons for the adjudication. As a result, judges can use this technology to make discretion and even overturn precedents. However, this system has many advantages in practice, which largely makes up for defects of high generalization and ambiguity of legislation in statutory law. Due to the limitation of legislators’ subjective conditions and expression technology, as well as the lagging law itself, the comprehensiveness and accuracy of statutory law are challenged. With case law, precedents can be used as annotations for individual facts in statutory law, forming judicial interpretations with precedents as the carrier.

## **5. Balance Between Law and Public Opinion in Judicial Adjudications**

### **(1) Reconciling and Balancing Judicial Adjudications and Public Opinion**

#### **1. Emphasis Laid on the Cultivation of Judges’ Humanistic Spirit**

Law standardizes people’s behavior from rationality and emphasizes rationality. In judicial practice, it is tricky to solve disputes solely by rationality in specific cases. Because the object of judicial service and judicial judges are emotional people. Chinese traditional legal culture has the humanistic spirit of being “people-oriented”. According to the traditional wisdom of “Spring and Autumn Courts”, judicial adjudications conforming to moral ethics and social reality are easier to win recognition, achieve the unity of judicial effect and social effect, and maintain social stability. As an integral part of social members, judges can’t be separated from this humanistic life. Meanwhile, judges must solve social disputes through adjudication in this humanistic society.

When judges encounter disputes in social life, on the one hand, they should rely on written legal norms as the basis. On the other hand, they can refer to humanistic factors in social life. Hence, it will be challenging for judges to adjudicate only by the law’s rationality. Because the purely rational referee process is likely to make the result inconsistent with perceptual cognition. Humanistic spirit is the bridge between judges and people’s cognition, so judges can’t ignore it when exercising discretion, especially the humanistic spirit of being “people-oriented” in Chinese traditional legal culture. Only by being more familiar with these contents can we make a more convincing adjudication when judging social disputes.

#### **2. Improvement of Public Legal Knowledge and Literacy**

The reason why the public cognition of judicial cases has a huge conflict with judges is largely because the adjudications of judges are highly professional, and the process of judicial trial integrates much expertise knowledge. However, the public don’t have professional legal training and understand cases more from the perspective of perceptual knowledge [52].

Based on the above reasons, China should further popularize legal knowledge, which should be innovated and promoted to intensify the law literacy and the concept of the rule of law among citizens. In addition, we should not only establish and improve the normalization mechanism of publicity and reporting on legislative work, but also speak out on legislative hot issues and dispel doubts. The responsibility system of “whoever enforces the law will popularize the law” should be fully implemented [53]. We should also extensively promote public participation in social governance and create a social governance pattern of co-construction, co-governance and sharing. Besides, the institutionalized channels should be enhanced for the masses to engage in grassroots social governance. We should guide the safeguarding of rights and resolve disputes according to law, giving full play to the public mediation as the first defense. Furthermore, the linkage work system of public mediation, administrative mediation and judicial mediation should be improved [54].

## (2) Give Full Play to the Participation of Assessors in Trials

In fact, China put forward the people's assessor system early, but it is plagued by problems such as "accompanying the court without trial" and "trial without discussion" [55]. The law stipulates that people's assessors enjoy independent voting rights when participating in a three-member collegial panel [56]. In a seven-member collegial panel, they must vote with the judge when voting on fact finding [57]. However, regarding the application of the law, one can express his personal opinion, but does not enjoy the right to vote. Although this new configuration solves the "trial without discussion" to a certain extent, there are still many problems in this law. First of all, in theory, the boundary between "fact finding" and "law application" is blurred, which is difficult to accurately distinguish. Secondly, the distinction between factual trial and legal trial in practice needs to be continuously explored. Only by overcoming these difficulties can people's assessors' participation in the trial be truly played.

## (3) Application of the Case Guidance System to Guide Judicial Adjudications

To solve current inconsistent trials in China, a case guidance system has been introduced. Some scholars have studied the "precedent system with Chinese characteristics" [58].

According to regulations of the Supreme People's Court, the validity status of case guidance is "should be referred to" [59]. Although there is no "case law" in China, case guidance can also be an integral exploration and attempt to solve the dilemma of "different adjudications for the same case" in China to a certain extent. Meanwhile, most of the guiding cases are typical difficult cases or those with relatively principled legal provisions. If the adjudication of this type of case is reasonable with universal application value, it is significant to select them as guiding cases for maintaining judicial justice as well as balancing judicial adjudication and public opinion.

To achieve the balance between law and public opinion in judicial adjudication, we should fully use the case guidance system because of the typicality of the guiding case. Besides, the conflict and balance between the law and public opinion can be more concretely expressed with the help of facts of the case. Hence, in the process of hearing cases, judges can effectively combine reason and law in adjudication by finding relevant guiding cases.

## 6. Conclusion

The fundamental way to balance the law and public opinion in judicial adjudication lies in allowing judges to be close to the public and popularize the law to people. Judicial justice needs independence, but as a powerful tool to maintain social stability, the result of judicial adjudication profoundly affects the position of judicial organs for the masses. Legislature should be the bridge between public opinion and the judiciary; the law enforcement agencies should embody the maintenance of social stability; people should enter the logic of the law. That way, the law and public opinion strike a balance in judicial adjudication, thus making the law return to rules and shaping the rules and regulations as the criterion of stability. Judiciary should implement activities in strict accordance with the law and maximize the public opinion contained in the law, which is the fundamental solution.

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