

Research on the Protection of Victims' Rights in Judicial Practice of Criminal Cases

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Abstract: Victims are direct stakeholders in criminal proceedings, and protecting their rights has a direct impact on judicial fairness and societal justice. However, there are still many issues with the protection of victims' rights in China's criminal justice system, such as a lack of fluid channels for realizing rights, a weak status in court procedures, and ineffective relief measures. This article summarizes the theoretical basis of victim rights protection, analyzes the current situation and problems in China's criminal justice practice, and makes recommendations for improving victim rights protection based on international experience, in order to promote judicial system optimization and development.

1. Introduction

The protection of the rights of victims in criminal cases, as direct victims of criminal acts, is an important component of the criminal justice system. With the continuous promotion of the rule of law construction, the academic and practical circles have gradually realized that victims are not only the proof subjects of criminal cases, but also indispensable participants in litigation. Protecting the legitimate rights and interests of victims is not only about caring for and providing relief to them, but also an important way to promote social harmony and uphold the authority of the rule of law [1].

However, in China's criminal justice practice, there has long been an excessive emphasis on protecting the rights of criminals, while insufficient attention has been paid to protecting the rights of victims. Victims are often in a passive position in criminal proceedings, and their rights to information, participation, and relief are not fully protected. For example, the mechanism of criminal incidental civil compensation has limited effectiveness in practical operation, which makes it difficult for victims to obtain the economic compensation they deserve; The psychological support and social assistance system are also clearly inadequate, further exacerbating the psychological trauma of the victims [2].

This article starts from the judicial practice of criminal cases, sorts out the current situation of victim rights protection, analyzes the main problems, and proposes targeted suggestions based on international experience, in order to provide theoretical basis and practical reference for improving the protection of victim rights in China.

2. Theoretical Basis of Victim Rights in Criminal Cases

The victim is an individual or entity who directly suffers material, mental, or physical damage due to criminal behavior, and is an indispensable and important subject in criminal cases. In criminal justice, the rights of victims are divided into three categories: procedural rights, substantive rights, and remedial rights. Among them, procedural rights mainly refer to the basic rights of victims to participate in litigation activities, including the right to participate in litigation procedures, express opinions, and obtain information related to the case [3]. These rights aim to ensure that victims can exercise their rights equally and effectively in the judicial process. Entity rights emphasize the need to compensate for the actual damages suffered by the victim, such as compensating for material losses

or requesting judicial authorities to hold the offender criminally responsible in order to uphold justice. Relief rights focus on providing psychological support and social assistance to victims, alleviating their physical and mental trauma caused by criminal behavior through professional psychological counseling or social assistance. These three types of rights together constitute the basic rights and interests of victims in criminal justice and are of great significance for achieving judicial fairness and social justice.

2.1 Legal Basis for the Protection of Victims' Rights

The current laws in our country have established a certain legal foundation for the protection of victims' rights, providing a basis for the protection of victims' rights and interests in criminal cases. For example, the Criminal Procedure Law clearly stipulates that victims have the right to accuse criminal cases and the right to request compensation through criminal incidental civil litigation, which provides legal support for victims to participate in litigation activities and safeguard their legitimate rights and interests [4]. At the same time, the Civil Code further refines the relevant content of tort liability and compensation liability, laying the foundation for victims to pursue economic compensation and legal remedies. These legal provisions reflect the state's emphasis on protecting the rights of victims at the theoretical level, but still face some practical problems in judicial practice. For example, the exercise of the right to sue and the execution of incidental civil litigation may encounter obstacles in specific operations, and relevant legal provisions lack clear and operable implementation rules and supporting mechanisms, resulting in victims being in a passive position in the procedure and making the realization of their rights more difficult. This indicates that although China's legal framework has provided certain rights protection for victims, further refinement of legal content and improvement of implementation mechanisms are still needed in practice to truly achieve comprehensive protection of victims' rights.

2.2 The Importance of Protecting Victims' Rights

The protection of victims' rights is of great significance in criminal justice, as it is not only an important guarantee for achieving judicial goals, but also an important part of building a harmonious society and a rule of law country. Firstly, protecting the legitimate rights and interests of victims is the key to achieving judicial fairness. The victim is the direct victim in criminal cases, and their rights are not fully protected, which often weakens the public's trust in judicial fairness [5]. Therefore, by institutionalizing the protection of victims' rights and interests, not only can judicial credibility be enhanced, but also the realization of fairness and justice can be further promoted. Secondly, the protection of victims' rights plays an important role in promoting social harmony. The damage caused by criminal behavior to victims is not only reflected at the individual level, but may also trigger social conflicts and affect social stability. By providing sufficient legal remedies and necessary psychological support to victims, it is possible to effectively alleviate their psychological trauma and economic difficulties, thereby reducing social conflicts and promoting social harmony and stability. Finally, incorporating the protection of victims' rights into the criminal justice system is an important aspect of building a rule of law country. The modern criminal justice system not only pursues punishing crimes and maintaining social order, but also pays attention to protecting the legitimate rights and interests of all relevant parties. Balancing the protection of victims' rights with the protection of criminals' rights can not only improve the criminal justice system, but also promote the deepening development of the construction of a rule of law country [6]. Therefore, strengthening the protection of victims' rights is not only of judicial significance, but also an inevitable requirement for the long-term development of society and the country.

3. The Current Status of Victim Rights Protection in Criminal Case Judicial Practice

3.1 The Position of the Victim in Criminal Proceedings

In criminal proceedings in our country, although the status of the victim is legally protected, it still appears vulnerable in practical operation. The current Criminal Procedure Law gives victims certain

rights, such as the right to sue and the right to incidental civil action, but their litigation roles are obviously limited compared with those of suspect and defendants [7]. Especially in the investigation stage, victims lack the right to participate directly, and their opinions are difficult to influence the case handling. During the review, prosecution, and trial stages, victims are often in a supportive position and cannot have a substantial impact on the course of the case. In judicial practice, due to limited resources and the priority protection of criminal rights by judicial authorities, the needs of victims are often overlooked, which further weakens their position in litigation. Enhancing the status of victims is an important issue in improving China's criminal justice system.

3.2 Current Measures for the Protection of Victims' Rights

In judicial practice, China has taken some specific measures to protect the rights of victims, mainly reflected in the following aspects. Firstly, criminal incidental civil litigation provides a legal channel for victims to pursue economic compensation. The victim can simultaneously file a civil lawsuit in a criminal case, demanding compensation from the offender for the material damage caused, which to some extent compensates for the victim's economic losses [8]. Secondly, judicial interpretations and guiding documents provide policy support for the protection of victims' rights. For example, the "Opinions on Strengthening Victim Assistance Work" clearly puts forward specific requirements for strengthening victim assistance, providing norms and references for judicial organs in dealing with victim related issues. Finally, some regions are actively exploring local pilot mechanisms by establishing victim assistance funds to provide assistance to economically disadvantaged victims. These measures have laid the foundation for the protection of victims' rights at the legal, policy, and practical levels, but there is still room for further optimization to achieve more comprehensive and effective protection.

3.3 Main Problems Existing

Despite some progress, there are still the following issues in the protection of victims' rights in practice. Firstly, the channels for realizing rights are not smooth, such as the difficulty in executing criminal and civil litigation, and the low compensation rate, which makes it difficult for victims to obtain the appropriate compensation through legal means. Secondly, there is insufficient psychological support. Victims often experience psychological trauma during the litigation process, but lack professional psychological assistance, resulting in their mental health not being effectively protected. Finally, there is insufficient attention from the judicial authorities. Some judicial personnel do not attach enough importance to the rights of victims, which limits their right to speak in judicial proceedings and prevents them from fully expressing their demands. These issues urgently need to be addressed to ensure that victims receive the protection and support they deserve in the judicial process.

4. Analysis of Difficulties in Protecting Victims' Rights in Criminal Cases

4.1 Reasons for Neglecting Victims' Rights

There are two main reasons why the rights of victims are ignored. Firstly, the influence of traditional concepts is still profound. In traditional judicial culture in our country, more attention is paid to the reform and punishment of criminals, while relatively neglecting the protection of the rights and interests of victims. Secondly, the limited availability of resources is also a major reason. Due to limited judicial resources, more resources tend to be devoted to the investigation and trial process, resulting in insufficient investment in victim assistance and thus unable to effectively protect the legitimate rights and interests of victims. These factors work together to often prevent victims from receiving the attention and protection they deserve in the judicial process.

4.2 Conflict between Rights Protection and Other Judicial Objectives

In judicial practice, there are often conflicts between the protection of rights and other judicial objectives. Firstly, the contradiction between efficiency and fairness is particularly prominent. In the process of pursuing case efficiency, in order to quickly close the case, the protection of victims' rights

is often weakened, resulting in insufficient attention to them in the judicial process. Secondly, there are also issues with the balance between punishing crimes and protecting rights. When handling cases, judicial authorities often prioritize punishing crimes in order to achieve a punitive effect on criminals, while ignoring the needs and rights of victims. This bias often puts victims at a disadvantage in the judicial process.

4.3 The Gap Between Institutional Design and Practical Operation

The gap between institutional design and practical operation is also one of the reasons for insufficient protection of victims' rights. Firstly, the operability of legal provisions is insufficient. For example, although the Criminal Procedure Law provides for the rights of victims, the lack of specific implementation rules makes it difficult to effectively enforce these provisions in practical operation. Secondly, the weak social support system is also a major issue [9]. At present, there is a lack of specialized victim assistance agencies, which makes it impossible to provide effective assistance and support to victims. The gap between these institutional designs and actual operations seriously affects the protection of victims' rights and interests.

5. Suggestions for Improving the Protection of Victims' Rights in Criminal Cases

5.1 Improve the Legislative System

In order to better protect the rights of victims, it is necessary to improve the existing legislative system. Firstly, legal provisions should be refined to further clarify the procedural rights and remedies of victims in the Criminal Procedure Law, making it more operable. In addition, we can draw on international experience and develop a specialized "Law on the Protection of Victims' Rights and Interests" to provide more comprehensive legal protection for victims.

5.2 Optimizing Judicial Procedures

Optimizing judicial procedures is also an important measure to enhance the protection of victims' rights. Firstly, victims should be granted more procedural rights and their participation rights should be expanded during the investigation and trial stages, so that they have more say in the judicial process. Secondly, efforts should be made to strengthen the construction of compensation mechanisms, promote the efficient implementation of criminal and civil compensation, and establish a national compensation fund to ensure that victims can receive timely compensation.

5.3 Strengthening the Social Support and Assistance System

Improving the social support and assistance system is equally crucial for protecting the rights and interests of victims. Firstly, a psychological assistance mechanism should be established to provide free psychological counseling and guidance services to victims, helping them recover their mental health. Secondly, a victim assistance fund should be established to safeguard the basic rights and interests of economically disadvantaged victims and ensure that they receive timely economic support.

5.4 Enhancing the Awareness of Judicial Personnel

Enhancing the awareness of judicial personnel is crucial for safeguarding the rights of victims. Through training, enhance the awareness of judges, prosecutors, and police officers on the protection of victims' rights, so that they can pay more attention to the needs of victims in their work. At the same time, establish an effective supervision mechanism to ensure that the opinions of victims can be fully expressed and valued in the litigation process.

6. Conclusion

The protection of victims' rights in criminal cases is not only an important manifestation of judicial fairness, but also an inevitable requirement of a rule of law society. By improving legislation, optimizing judicial procedures, strengthening social assistance, and enhancing the awareness of judicial personnel, China's victim rights protection system will be further improved, which can better

achieve the goals of judicial fairness and social harmony. In the future, with the deepening of the rule of law construction, the protection of victims' rights will inevitably become an important direction of criminal justice reform.

References

- [1] Geovani I, Nurkhotijah S, Kurniawan H, et al. Juridical Analysis of Victims of The Economic Exploitation of Children Under The Age to Realize Legal Protection From Human Rights Aspects: Research Study At The Office of Social and Community Empowerment In Batam City[J]. International Journal of Educational Review, Law And Social Sciences (IJERLAS), 2021, 1(1): 45-52.
- [2] Hakim N. The Enforcement of Human Rights Through Implementing of The Sharia[J]. Indonesian Journal of Education, Social Sciences and Research (IJESSR), 2020, 1(1): 01-09.
- [3] Ramadhani R. Legal Protection For Land Rights Holders Who Are Victims Of The Land Mafia[J]. International Journal Reglement & Society (IJS), 2021, 2(2): 87-95.
- [4] Iffat U. Legal Rights and Remedies of the Victims of Wrongful Convictions and Incarceration in Bangladesh: Is It Sufficient to Provide Compensation Only?[D]. East West University, 2023.
- [5] Yuliartini N P R. Legal Protection of Women And Children From Violence In The Perspective Of Regional Regulation of Buleleng Regency Number 5 Year 2019[J]. Jurnal Pendidikan Kewarganegaraan Undiksha, 2021, 9(1): 89-96.
- [6] Shoeibi M, Magami A, Raisi L. International commitments to protect victims of terrorism from a human rights perspective[J]. Political Sociology of Iran, 2022, 5(2).
- [7] Fatoni S, Muti'ah D, Wijaya D P. Criminal Justice System Reform for Women as Victims of Domestic Violence Through Local Wisdom[J]. Al-Daulah: Jurnal Hukum dan Perundangan Islam, 2021, 11(2): 268-296.
- [8] Alfitri A. Protecting women from domestic violence: Islam, family law, and the state in Indonesia[J]. Studia Islamika, 2020, 27(2): 273-307.
- [9] Baldwin S B, Eisenman D P, Sayles J N, et al. Identification of human trafficking victims in health care settings[J]. Health & Human Rights, 2011, 13(1):36-49. DOI: 10.1177/1757975911404747.