

In the Digital Age, the Impact of Victim Community-based Fault on the Sentencing Paradigm and the Examination of Legal Legitimacy

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Abstract: With the rapid development of digital information technology, victims have broken through geographical restrictions to form a community with strong mobilization and public opinion pressure, which has profoundly impacted the traditional dual sentencing paradigm with judicial organs and defendants as the core. Although existing research has focused on this phenomenon, there is a lack of systematic examination of the underlying problems caused by community, such as structural imbalances, disturbances in judicial independence, and derivative harm. This paper argues that the core of the impact of victim community-based fault on sentencing is that it breaks the closed nature of the judicial field and exposes the shortcomings of the traditional sentencing paradigm in protecting judicial rationality, the rights and interests of victims, and avoiding community aggressive behavior. Therefore, it is urgent to build a new framework for the rights and responsibilities of "judicial organs, criminals, and victim communities". Judicial organs need to strengthen independent adjudication guarantees and effective communication mechanisms; Victims need to participate rationally with safe expression and institutional support; The participation of the public in public opinion should be guided by acceptance and legally restrained; Criminals should actively cooperate with judicial procedures and voluntarily admit their faults. The legal legitimacy of this reconstruction lies in balancing the right of victims to express their demands and the right to judicial fairness and independence, ultimately maintaining the rule of law order and substantive justice in the digital age, and providing suggestions for judicial practice to respond to new social pressures.

Keywords: Victim Community; The Fault of

the Victim; Judicial Independence; Sentencing Paradigm

1. Introduction

The updating and upgrading of information technology continues to reshape the relationship between justice and society. At present, in the process of judicial discretion moving towards a higher degree of rationalization and specialization, the profound impact of digital public space cannot be ignored. Based on this background, how to effectively adopt the positive value of public participation while defending the independence and rationality of the judicial field has become an important issue that must be faced in the process of judicial modernization. Among them, the protection of victims' rights and interests, as an important yardstick of criminal justice civilization, has undergone significant changes in the digital age. The traditional individual victims' rights protection is increasingly evolving into a phenomenon of "victim community" that breaks through geographical restrictions, relies on online platforms, and has strong social mobilization and public opinion aggregation capabilities. This new form of participation not only injects democratic vitality into the judiciary and enhances the main position of victims, but also poses a structural challenge to the traditional sentencing paradigm characterized by closedness and professionalism.

The "Jiang Ge Case" is a typical example of this tension and challenge. In this case, the misfortune of the victim Jiang Ge was disseminated through the Internet, and a "victim community" with her mother as the core, highly resonant emotions, and strong action power was quickly formed. The community continued to speak out, launch online petitions, and form extensive public discussions through social media, exerting unprecedented public attention and moral pressure on the judicial process of the case. This case shows that with the

empowerment of digital technology, the victim has gradually transformed from a relatively passive individual in criminal proceedings to a "community symbol" that can actively set agendas, gather public will, and profoundly influence judicial narratives. The generalization of this phenomenon marks that this new force, known as "victim community", has intervened and begun to reshape the ecology of judicial discretion.

The emergence of this phenomenon has had a fundamental impact on the traditional dual sentencing paradigm with "judicial organs and criminals" as the core. The traditional paradigm relies on a relatively isolated "judicial field", and sentencing is regarded as a professional and calm and discretionary rational activity of judges based on facts and law. However, the public emotions and moral judgments gathered by the victim community, as a powerful "third force", forcibly penetrate the professional barriers of the judiciary, resulting in many difficulties faced by judges in their discretion: in the Peng Yu case, the judge's cutting of facts triggered a series of social trust crises and moral crises; In the Xu Ting case, due to the judge's unreasonable assessment of the social harmfulness of Xu Ting's behavior, the sentencing was too heavy, which raised questions about the judge's discretion by "public opinion" [1]. This forces us to seriously consider whether the rational foundations on which judicial independence and sentencing decisions depend are at risk of being eroded when sentencing activities must confront an emotionally motivated, demanding, and large community. Obviously, the traditional binary closed structure has shown functional "failure" in the face of such impacts.

This article summarizes the core of this challenge as "victim community-based fault". The so-called "fault" here does not refer to the attribution of legal liability, but refers to a derivative structural dilemma and systemic risk. In other words, while the victim community legitimately exercises its right to express and supervise, prompting the judiciary to pay attention to the victim's situation, the process and consequences of its collective action may also unintentionally trigger a series of negative effects. Especially in network cluster events, due to the de-authoritative characteristics of the network, the judgment ability and motivation of individual netizens will change, or increase or decrease. Under the regulation of infection,

individuals will be affected by the herd effect and follow the crowd to make corresponding behavioral choices, constituting network cluster actions [2]. It can be seen that its potential "fault" cannot be ignored: it may have an impact on judicial judgments at the level of public opinion and squeeze the space for independent judicial judgment; Its fragmented and moralized narrative may obscure the rigorous determination of legal facts, causing sentencing to deviate from the rational track under the guidance of social emotions. What's more, it may lead to cyber aggressive behavior against all parties (especially the defendant), causing "secondary harm" beyond the case itself.

Although existing academic studies have paid attention to the interaction between public opinion and justice, or discussed the protection of individual rights of victims, most of them have failed to systematically examine "victim community" as a key variable. In particular, there is a lack of in-depth and integrated analysis of the imbalance between the power and responsibility of the three principals (judicial organs, criminals, and victim communities) in the judicial field, and the necessity of constructing a corresponding legal framework.

Therefore, the core question of this paper is: In the digital age, how does the structural "fault" associated with the phenomenon of victim community, as shown by examples such as the "Jiang Ge case", profoundly impact and expose the limitations of the traditional sentencing paradigm? How can we construct a new framework with legal legitimacy to effectively respond to this challenge? The author believes that the response is not to simply reject or blindly follow public opinion, but to strive to build a new sentencing paradigm with "judicial organs-defendant-victim community" and clear rights and responsibilities, so as to seek a new balance between judicial rationality and substantive justice in the digital age.

2. The Triple Impact of Victims' Community-based Faults in the Digital Age

2.1 The Failure of the Traditional Binary Structure

The sentencing paradigm of traditional criminal justice is based on the binary structure of "state-criminal", in which sentencing is regarded as a rational activity of the judiciary to professionally judge the defendant based on

facts and law. In this dualistic structure, the victim and his behavior are often ignored, the relationship between the victim and the criminal is still a weak link, and the identification and application of the victim's fault are subject to many restrictions [3].

Taking the "Jiang Ge case" as an observation sample, it can be clearly seen that the victim community, as a new social force, has fundamentally shaken the foundation of the traditional judicial dual structure. The legal basis of the traditional sentencing structure lies in the closed and autonomous nature of the judicial system. According to Niklas Luhmann's theory of social systems, the legal system is a self-generated system that processes information through a "legal/illegal" binary code that enables the legal system to screen and transform external information [4]. This characteristic allows the legal system to remain operationally closed to maintain its independence and authority, while cognitively remaining open to adapt to changes in the external environment. Therefore, under the traditional dual structure, judges, as neutral adjudicators, can isolate external interference through professional rules (such as evidence rules and sentencing guidelines). However, in the "Jiang Ge case", the victim Jiang Ge's mother successfully shifted the issue of sentencing from the "professional field" of the court to the public "public opinion field" through the huge community gathered by the victim Jiang Ge. In Pierre Bourdieu's field theory, the action of victim communityization is actually injecting social capital and moral capital into the judicial field through social media, playing with the professional capital of the judicial organs, changing the capital pattern in the judicial field, prompting the judicial organs to consider the impact of these non-professional capitals when sentencing, thus breaking its monopoly on sentencing discourse [5].

The hallmark of this structural failure is the weakening of the autonomy of the judicial field. When the victim community becomes an actor that cannot be ignored in a collective form, it is no longer a simple external environment, but an internal participant that can directly engage in a discourse game with the judicial organs. This has led to the forced transformation of the decision-making space on which sentencing activities depend from a closed system strictly protected by procedural rules to a field partially open to external moral and emotional pressures.

Compared with similar cases that have not attracted widespread community attention, the sentencing process can be maintained on a professional track. The "Jiang Ge case" clearly shows that once sentencing is placed in the spotlight of public opinion, the autonomy of judicial decision-making will face severe challenges, and the functional failure of the traditional dual structure will be exposed.

2.2 Public Opinion Pressure Interferes with Judicial Independence and Sentencing Rationality

After breaking through the traditional binary structure, the public opinion gathered by the victim community further constitutes a substantive intervention on the principle of judicial independence and the rational basis of sentencing. This kind of intervention has slipped from legitimate democratic supervision to irrational pressure-based intervention.

Public opinion's supervision of judicial activities is an important embodiment of judicial democratization, helping to prevent judicial arbitrariness and promote judicial transparency. Article 131 of our country's Constitution clearly stipulates: "The people's courts shall exercise their adjudication power independently in accordance with the provisions of the law and shall not be interfered with by administrative organs, social groups and individuals." "Interference" here refers to undue pressure that may affect the fairness of the trial. In the author's opinion, when the public opinion of the victim community evolves from "expressing concerns" to "setting expectations", that is, by creating a public opinion atmosphere of "public anger will not be settled without a heavy judgment", it constitutes improper interference in judicial independence.

The direct consequence of this "improper intervention" is that sentencing activities have been alienated from "legal judgments" based on facts and laws to multiple value trade-offs influenced by social emotions and public opinions. In the face of the doubts of the parties and the public about judicial judgments, it is unrealistic, passive, and lacking courage to blindly attribute it to the strong professionalism of the judiciary and insist that the questioner solve the troubles of the challenged person by improving his own legal literacy [6]. Therefore, under the judicial practice of increasingly attaching importance to humanistic care, judges

are required to face the highly emotional collective moral demands conveyed by the community during the trial process, which forms a parallel "shadow bench" driven by moral emotions outside the judicial organs. When online public opinion ignores judicial procedures, makes random comments on the nature of certain cases, exaggerates the circumstances, preemptively makes qualitative reports on cases, or sets off a wave of biased public opinion, judges can easily develop "preconceived" concepts and squeeze the space for professional discretion purely based on the law [7]. In the "Jiang Ge case", the "national condemnation" sentiment permeating cyberspace has invisibly exerted huge moral and reputational pressure on judges.

The American jurist Lon L. Fuller's procedural natural law theory emphasizes that the inherent morality of law lies in its procedural nature, including the neutrality of the referee and the rationality of decision-making. Public pressure undermines this foundation. Looking back at the "Xu Ting case", the sentence of life imprisonment in the first instance was strongly questioned because it was contrary to the public's intuitive feeling of the blameability of the behavior, and was finally changed by retrial under the impetus of public opinion; The "Peng Yu case" caused a moral panic in the whole society about "helping the elderly" due to the reasoning in the first-instance judgment, and damaged the judicial authority for a long time. Both cases prove from different directions that once public opinion crosses the supervisory boundary, its emotional and fragmented nature will obscure the rigor and comprehensiveness required by legal reasoning. The victim's fault of community-based fault confuses public opinion expectations with legal standards, thus shaking the rational foundation of sentencing.

2.3 Secondary Harm Derived from Digital Aggressive behavior

While victim communityization breaks through the traditional judicial structure and forms public opinion intervention, its extreme form often evolves into more destructive digital aggressive behavior, causing compound "secondary harm" to litigation participants and the judicial order itself. From the perspective of legal connotation, it is necessary to clearly distinguish between "primary injury" and "secondary injury", that is, the criminal act itself constitutes "primary

injury" to the legal interests of the victim. In the process of judicial procedures and social concerns, new injuries caused by institutional defects or external intervention constitute "secondary harm".

In judicial practice, the manifestations of digital aggressive behavior are diverse. In cases that have attracted widespread attention, such as the "Jiang Ge case", the large-scale online trials and doxxing encountered by the defendants and their families essentially violate the golden rule of criminal proceedings, "presumption of innocence". At the same time, digital aggressive behavior against victims often carries out "consumer tragedy" in the name of "sympathy", forming paradoxical harm. Digital harassment weakens the victim's psychological defense through malicious slander, personal attacks, and public opinion encirclement and suppression, leaving the victim in long-term psychological distress [8]. This phenomenon of transforming private tragedy into public consumption is essentially a secondary injury to the victim's subjectivity and personal dignity.

On this basis, digital aggressive behavior also has a profound negative impact on the judicial order, creating a "chilling effect" and distorting judicial decision-making mechanisms. When judges face the potential threat of "cyberbullying if they don't re-judge", they may tend to adopt a more conservative adjudication strategy, prioritizing public opinion response rather than pure legal rationality. For example, once a specific event touches the "emotional boiling point" of the public, it will form a powerful online public opinion, thus exerting some visible or invisible pressure on the judge, causing the judge to shift from focusing on the case itself to paying more attention to whether the judgment can gain social recognition.

To sum up, digital aggressive behavior, as an extreme manifestation of the victim's communal fault, has formed a double erosion of individual rights and judicial order. It not only causes secondary harm to litigation participants, but also endangers judicial fairness itself by polluting the judicial environment and distorting the decision-making mechanism.

3. New Exploration of Judicial Concepts under the Communalized Faults of Victims in the Digital Age

3.1 The Current Situation and Dilemmas of

Judicial Response at Home and Abroad

The rise of victim communitying in the digital age poses an unprecedented challenge to the global justice system. Although judicial organs at home and abroad have made various attempts to deal with it, most of these efforts have shown passive and fragmented characteristics, failing to fundamentally alleviate the predicament, but profoundly exposing the systemic discomfort of traditional judicial concepts and systems in the face of new social forces.

At present, the practice of our country's judicial organs has shown a trend from passive response to preliminary guidance. The judicial system is at a specific stage of transition from traditional to modern paradigms. The current legal system is a form that is mixing many factors and is shifting from repressive law to autonomous law [9]. During this transitional period, the response of the judicial system to emerging social forces is inevitably characterized by a transitional period: both trying to maintain the autonomy of the closed system and having to face social pressure to be more open and responsive.

Taking the above-mentioned cases such as the "Jiang Ge case" and the "Hangzhou drag racing case" as examples, judicial organs often try to maintain closed trials in the initial stage, but under the pressure of community-based public opinion, they are forced to respond through briefings and statements by the person in charge, and their sentencing decisions inevitably show consideration of public opinion. This passive response practice shows the lag and helplessness of the response, which puts the judiciary in a dilemma of "not responding, questioning, and responding, fearing being kidnapped", eroding the stability and independence of the process. In contrast, an active avoidance strategy is also breeding, and some courts and judges tend to file cases conservatively, avoid disputes, or vaguely handle potential hot cases in order to avoid public opinion risks, which temporarily avoids head-on conflicts, but leads to legal disputes that cannot be deepened, which is the same as the "chilling effect" in the aforementioned "secondary harm" and damages the development function of the judiciary. The author believes that although our country's preliminary guided exploration is advancing, these measures are mostly limited to the one-way release of information, and there is a lack of institutionalized channels for effective and two-way communication with emotional

communities.

Throughout international experience, different legal systems face similar challenges but give different responses. The jury system under common law itself embeds the community conscience into the judiciary, and in high-profile cases, the phenomenon of victim communityization combined with the media strategies of both the prosecution and defense amplifies the institutional risks of "public opinion trial". The way to deal with it is to rely on strict "password orders", change of trial location and other procedural isolation techniques, and build a fortress of judicial independence with rigid procedures. The civil law system relies on the professional rationality of professional judges, and theoretically requires judges to make judgments only based on files and legal judgments. However, the judge is not an illusory god, he comes out of the same social environment as ordinary people and eats the fireworks of the world, which also destined the judge's judgment to be affected by factors outside the law [7]. Especially in the digital age, it is even more difficult to completely stay outside the "echo chamber" of public opinion, and continuous public pressure will affect the overall atmosphere of the judicial system and the professional perception of judges in a more diffuse way. The two models show that there is no mechanism of absolute immunity, and the core lies in the adherence to the principle of judicial independence and the institutional wisdom of building a "firewall" and "drainage channel".

Through dialysis practice at home and abroad, common deep dilemmas have emerged. The judicial system is still accustomed to treating the victim community as a problem that needs to be "managed" rather than a participant in "dialog", which is incompatible with the requirements of "governance" in the digital age. The core of the construction of a "judicial-social" response framework should be the direction of gradual reform, and its core is not simply to echo public opinion, but to "embedded" interaction on the basis of strictly adhering to the rationality of legal form, so as to achieve a balance between legal and social effects [10]. Secondly, the dilemma of role conflict makes judges torn between the dual expectations of "legal patron" and "social emotional stabilizer". This reveals the necessity of "limitationist" judicial control, that is, the judiciary cannot and does not need to

respond to all the demands of society, and must abide by the principles of the rule of law such as criminal law, so as to avoid falling into the dilemma of "pan-legalization" due to carrying too many political and social functions [10]. Finally, the lack of capacity highlights the lack of ability of judicial organs to communicate professionally with mediated and emotional communities and reduce risks. These dilemmas are intertwined, which together reveal the inadequacy of the traditional judicial paradigm in digesting the social tension of the digital age, and urgently call for a profound conceptual innovation.

3.2 New Ideas for Optimizing Judicial Concepts Based on National Conditions

The traditional "state-criminal" binary confrontation structure has struggled to respond to the structural challenges posed by victim communityization in the digital age. Under the traditional criminal justice model, people believe in the concept of retributive justice, and the concept of retribution adheres to the "dual structure model" of "state-criminal", believing that crime is an infringement of the legal interests of the state, and a conflict and confrontation between the criminal and the state. Criminal legal relations are the relationship between the state and the criminal [11]. Based on China's judicial context and governance needs, the author proposes a new framework of judicial concept with the "three-way balance theory" as the core, aiming to reshape the dynamic relationship between "victim-criminal-judicial organs" and provide theoretical support for the construction of a sentencing paradigm that fits the digital ecology.

The "three-way balance theory" emphasizes that in the sentencing process, the judiciary, as the procedural leader and the ultimate responsible subject, should simultaneously and impartially examine and balance the legitimate demands of the victims (and their communities) with the legitimate rights of the defendants, and seek the best balance in the conflict of multiple values. In this sentencing process, the victim is a completely independent party, and his independent status makes it possible to reconstruct him from an "external pressure group" to an "orderly participant within the system" [12].

This concept has a solid legal foundation. The core of this is the deepening and expansion of

the connotation of procedural justice, and one of the important manifestations of deepening is the recognition that the full participation of the victim can ensure that judges obtain new sentencing information [12]. This information about the true impact of the crime is difficult for both the prosecution and the defendant to fully reflect, and is the prerequisite for the judicial organs to make a judgment based on both hearing and understanding. Its primary theoretical support is the contractual reconstruction of the "tripartite relationship" in criminal justice, and the other important support comes from the principle of "unity of three effects" in the context of Chinese justice.

At the specific practical level, this concept promotes the systematic reshaping of the three main roles in the judicial structure, and the judicial organs should shift from "isolated adjudicators" to "procedural balancers". Victims (communities) should shift from "external pressure groups" to "internal orderly participants", and use mechanisms such as sentencing hearings and influence statements to introduce their reasonable demands into the judicial field in an orderly manner, so as to realize the combination of emotional counseling and rational participation. The protection of defendants' rights must be sublimated from "formal equality" to "substantive equality", and under the background of public opinion pressure, measures such as strengthening the presumption of innocence, full defense, and procedural isolation should ensure that their status as the subject of litigation is not eroded.

4. The Coordination of the Three Subjects and the Reconstruction of the Mechanism of Power and Responsibility

4.1 Judicial Dimension: the Guarantee and Communication of Independent Adjudication

In the face of public opinion pressure brought about by victim communities, the judicial system can neither adhere to a closed posture nor ignore social sentiments, let alone passively submit to public opinion and lose professional autonomy. The core task of the judicial dimension is to construct a new communication paradigm of "limited transparency" and "structured dialog", which is based on the solid principle of judicial independence, that is, the judiciary should adjudicate cases accepted in an impartial, fact-based and legal manner, without any

constraints, and should not be influenced by any direct or indirect undue influence, instigation, pressure, threat, or intervention, regardless of where it comes from or for any reason [13]. While fully aware of social concerns, judges should always maintain the independence and rationality of their judgments.

At the spatial level, we should promote the dual innovation of judicial physical space and discourse system. Drawing on Japan's "round table trial" system, a "dual-track hearing court" was established: the left track is a closed professional court, strictly limited to the three parties of prosecution, defense, and trial, to ensure that the core link of the trial is not interfered with by the outside world; The right track is an open dialog hall, allowing certified victim community representatives, experts and scholars to attend and express their opinions on non-core legal issues such as sentencing circumstances and social impact. This provides a structured entry point for social participation while maintaining the autonomy of the legal system. At the discourse level, it is necessary to transform moralized demands such as "not killing is not enough to anger the common people" into statutory sentencing factors such as "cruelty of criminal means" and "remorse", so as to realize the accurate translation of the language of public opinion into the language of legal norms.

At present, most sentencing documents mainly list legal provisions, and the response to the focus of public opinion is insufficient, so it is necessary to improve the reverse supervision and communication mechanism between the judiciary and public opinion. The negotiation and communication between the judiciary and public opinion is extremely necessary for China at present, because without public opinion participating in the judicial process, the judiciary can only be a nonsense sentence if it wants to be free from the inertia and atmosphere of powerful political groups interfering in the judiciary [14]. Judicial independence does not mean judicial arrogance, and judges should professionally and actively refine and screen the public's simple sense of justice into the scope of discretion in their judgments. Therefore, the author believes that the data on the popularity of public opinion and the rate of rejudication of hot cases in the past five years can be systematically collected, and the empirical analysis completely ignores the depletion effect of public opinion on judicial

credibility, and provides decision-making support for "limited consideration of public opinion". In terms of communication strategies, we should avoid falling into the cognitive paradox of "considering public opinion is submitting to public opinion", and instead emphasize the "integrated judgment" of the judiciary on the basis of comprehensive legal norms, individual circumstances and social effects.

Through the above mechanism, the judicial system can rebuild its authoritative cognitive barrier in the digital age, so that judges can not only "hear" the voice of the community but also not "drown" in the wave of public opinion.

4.2 Victim Dimension: Safe Expression and Support System

The core contradiction of the phenomenon of victim communityization lies in the tension between its "emotional catharsis" and "rational demands". If there is no institutionalized expression and support channel, victims can easily turn to self-reliance on online public opinion, which will lead to secondary risks such as civil opinion trials and digital aggressive behavior. Therefore, building a dual protection system of safe expression and professional support is the primary key to resolving the fault of victim community.

While our country's criminal procedure law attaches importance to the protection of victims' rights, there are still some deficiencies, which are highlighted in the fact that the procedural provisions on victims' participation in criminal proceedings are not specific enough, the status of victims as parties in criminal proceedings has not been fully implemented, and their role in criminal proceedings is limited [15]. Although it grants certain rights to victims in terms of incidental civil compensation and sentencing opinion hearings, it is often limited to "symbolic participation" in practice. In some hot cases, victims can only intervene in the process through symbolic auditing and filling out templated opinion forms, and their emotional catharsis and factual supplementary functions are greatly suppressed. In the Jiang Ge case, the victim's family was forced to become a "public opinion leader" through social media, which just shows the blockage of the channels of expression within the judicial system. This kind of formal participation not only fails to effectively channel the victim's emotions, but may cause "secondary

harm" due to procedural idling.

Therefore, the author proposes that: first, the multi-functional positioning of the victim support system should be clarified. This system is not only a psychological support tool for victims' trauma repair, but also an important source of judicial fact supplementation and sentencing information input. Restorative justice theory emphasizes the protection of victims' rights as the core [16]. That is, the goal of criminal justice should not be limited to punishing crime, but should also be committed to repairing damaged social relations. From this perspective, the victim's statement, as the direct recipient of the crime, can provide details and emotional truth that are difficult for both the public prosecution and the defense to touch, which helps judges more comprehensively assess the harm of the crime and the responsibility of the perpetrator. The successful experience of shelters in domestic aggressive behavior cases shows that when victims receive sufficient institutional support, the quality and effectiveness of their participation in justice are significantly improved, and judicial judgments can better embody substantive justice.

Secondly, it is necessary to set up necessary risk prevention and control mechanisms. Victims' community-based expressions may be hijacked by commercial rights protection organizations or extreme emotions, leading to "data falsification" or "emotional manipulation" in the form of joint signatures, open letters, and other expressions. In this regard, a "cooling-off period review" mechanism can be established with reference to the lead plaintiff qualification review system in the United States class action: for victims' opinions signed by more than 1,000 people, the court or a neutral institution should initiate authenticity verification to filter out improper manipulation such as paid signatures and false information. In the arson case of a nanny in Hangzhou, the procedural controversy caused by the public's push for strict sentencing warns us that we must be vigilant against the potential interference of social emotions in judicial judgment while protecting the victim's right to expression.

In summary, the construction of a victim safety expression and support system essentially transforms the victim community from an "external pressure group" to an "internal orderly participant" in the judicial process.

4.3 Community Dimension: Guidance and Constraints of Rational Participation

In the discussion of constructing the three-way collaborative sentencing paradigm of "judicial organs-criminal-victim community", it is first necessary to clarify the research focus of this paper. In view of the fact that victim communityization has become a new variable that impacts the traditional sentencing paradigm in the digital age, and the traditional core issues such as the protection of rights and procedural participation at the criminal's dimension have been fully discussed in the academic community, this article will not be expanded, but this does not mean that it has a secondary position in the ternary framework. Based on this premise, the focus of this part is on how to deal with the most dynamic force of the victim community, which is no longer the idea of "governance object" in current judicial practice, and the victim community is the main body that needs to be guided and cooperated with in the judicial process.

At present, judicial practice adopts the idea of passive prevention for the victim community, which is difficult to cope with the structural impact it brings. The establishment of judicial credibility depends on the recognition of the public, and orderly public participation is an inherent requirement of judicial democracy. Therefore, if citizens want to express their views on the judiciary reasonably, they must make their expression more rational, and they also need to have a field of expression independent of the state—the public domain, which is the "reservoir" of public opinion, the "shock rod" of civil rights, the "sensor" of public sentiment and the "resonance board" of public voice. It is also the "intersection" of social communication, the "early warning device" of social crises, the "spillway" of social dissatisfaction, and the "source" of social integration [14]. The system theory further suggests that guiding the community to express itself within the rules through institutionalized channels is a feasible way to maintain the autonomy of the legal system and effectively respond to the social environment. The core task is to integrate the community's spontaneous behavior into the track of legal proceedings through the balance of "empowerment" and "accountability", so that it can be rationally expressed and responsible as a participant in the process. In this process, it is crucial to build a healthy public sphere.

In order to achieve this goal, we must first build an institutionalized guidance mechanism. The author believes that on the basis of the existing victim impact statement system, in specific major cases, the victim community is allowed to elect representatives to submit a "community impact statement report" after court review, which should focus on the overall and diffuse harm caused by criminal acts to specific groups, and provide a reference for judges to assess the harm to society. At the same time, for cases of great public concern, limited open hearings or public opinion statements can be held at the sentencing stage, inviting relevant experts and selected community representatives to participate, and ensuring that the speech revolves around the statutory sentencing circumstances under the chairmanship of the judge. In addition, it should pay attention to the role of the official "judicial-community information communication platform" established by the court, which is not only used to disseminate authoritative procedural information, but also to establish a "public opinion summary" mechanism, where specialized personnel are responsible for collecting and sorting out the core demands of the community, and summarizing them into key legal issues that can be referred to within the collegial panel.

Secondly, while establishing guidance channels, it is necessary to clarify the boundaries of participation behavior and establish corresponding restraint mechanisms. The judicial judgment document should clearly respond to the large-scale and organized public opinion pressure outside the procedure, pointing out that its attempt to influence the judgment with public opinion constitutes improper interference with judicial independence and should not be positively evaluated by law. When community behavior evolves into illegal acts such as doxxing, defamation and insult against the defendant and his family, the court should actively submit judicial recommendations to the relevant departments in accordance with the Personal Information Protection Law, the Public Security Administration Punishment Law and other legal provisions to pursue the legal responsibility of the infringer. In particularly serious circumstances, such an illegal public opinion environment against the defendant can be used as a factor for judges to comprehensively consider their situation when sentencing. Organizers and main instigators who

maliciously incite and cause serious harm to others in online aggressive behavior should be investigated for criminal liability for the crimes of insult and defamation that may constitute in accordance with the law, or they should be liable for tort damages, so as to form an effective legal deterrent.

Finally, the final effect of guidance and restraint depends on the improvement of the community's own rational expression ability, so it is necessary to establish an external empowerment mechanism. Professional forces such as lawyer associations, legal aid institutions, and university legal clinics should be encouraged to provide public welfare legal advice and counseling to the victim community, helping them understand judicial procedures and clarify the boundaries of their rights, so as to express their demands in a way that is more in line with legal norms. At the same time, the media and online platforms should be encouraged to fulfill their social responsibilities when reporting and discussing judicial cases, presenting the views of all parties in a balanced manner, and popularizing basic rule of law principles such as the presumption of innocence and judicial independence, so as to jointly create a public atmosphere of rational dialog.

5. Epilogue

With the in-depth development of the digital age, the relationship structure between justice and society has been reshaped with unprecedented breadth and depth. As a product of the interweaving of technological empowerment and judicial democratization, the phenomenon of victim community not only highlights the improvement of the victim's subjective status, but also poses a systemic challenge to the traditional sentencing paradigm characterized by closure and specialization. By analyzing typical cases such as the "Jiang Ge case", this paper systematically demonstrates the triple impact caused by the victim community: the failure of the traditional "state-criminal" dual sentencing structure, the erosion of judicial independence and adjudication rationality under public opinion pressure, and the secondary harm and order risks caused by digital aggressive behavior. These issues point to a fundamental proposition: the design of criminal justice procedures should be based on the restoration of violated legal interests, the balance between the victim, the offender and society, the traditional "binary

structure model" should be reconstructed into a "ternary structure model", and the interests and positions between the three should be reasonably positioned in the "ternary structure model", so as to pursue the value goal of justice [11].

In the face of the above challenges, adhering to the logic of closed judicial justice or simply succumbing to the pressure of public opinion cannot be applied to the contemporary judicial system. This paper advocates that efforts should be made to build a new sentencing paradigm with the core concept of "ternary balance theory". Its legal legitimacy stems from the deepening and expansion of procedural justice, that is, through the reconstruction of rights and responsibilities and collaborative governance of "judicial organs, criminals, and victim communities", the organic unity of the protection of victims' dignity, the protection of defendants' rights and the rational authority of justice are realized at the institutional level.

In the context of the coordinated evolution of digital civilization and judicial modernization, building and improving the sentencing paradigm of ternary synergy is not only a practical solution to respond to the impact of victim communities, but also an inevitable choice for the criminal justice system to achieve resilient development and enhance the credibility of the system. This paradigm shift requires judicial personnel to enhance their ability to absorb social emotions and public rationality on the basis of abiding by legal formal rationality, and seek a dynamic and refined balance between professional judgment and democratic participation, individual justice and social order. Only through this systematic paradigm reconstruction can we effectively defend the fundamental principles of the rule of law in the digital age and ultimately realize the substantive justice pursued by the judiciary.

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