

An Analysis on the Globalization of Criminal Law Legislation from the Perspective of Big Data

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Abstract: *The globalization of criminal law refers to the multiple extension and developments of different countries' criminal laws to the absorption of other countries' criminal laws. Based on the perspective of big data in the information age, this model is basically feasible. Criminal law is a legal form that mainly stipulates crime and criminal responsibility. There is a necessary connection between criminal responsibility and specific criminal behavior. Therefore, in criminal law legislation, whether the punishment of criminal behavior is reasonable and appropriate is particularly important. This article mainly discusses the globalization of criminal law legislation from the perspective of big data for reference.*

Keywords: *Big data; Globalization of criminal law legislation; Practical countermeasure*

1. Introduction

The age of globalization represents not only the new development of human beings and human society, but also the new starting point of jurisprudence. As a traditional discipline with a long history, criminal law has great opportunities for development in the era of globalization. Globalization entering the field of criminal law makes the total knowledge of this field realize obvious growth trend, and also promotes the great reform of thinking mode and concept update of criminal law. In the era of big data, how to promote the globalization of criminal law legislation is an important topic we need to consider.

2. Basic Connotation of big data

Big data is a new data processing method, which can improve the growth rate by optimizing the process, provide more real and reliable data basis for relevant personnel, and enable them to complete important decisions in a relatively short time. ^[1] In the cloud age, big data has been widely applied, featuring large capacity and rich content, which accelerates the information construction of different industries and promotes the scientific development of social economy. The unit of measurement of big data is generally "TB", "EB", "YB", etc., which will collect the required information, analyze, process and judge the information, and retain valuable data information. This technology describes new technologies and architectures that capture valuable information in very large scale data at high speed in an economical way. On this basis, people can access a lot of information around the world in real time. However, the form of information itself and its change form both present a state of rapid expansion. In general, big data has become one of the indispensable technologies in this era. To promote the globalization of criminal law legislation from this perspective is conducive to strengthening the scientific nature and feasibility of the globalization of criminal law legislation.

3. The globalization picture and feasibility demonstration of criminal law legislation

First of all, the world economic activities have gone beyond the international scope, and different factors of production have realized transnational and trans-regional flows, making the economy gradually form a relatively close overall form. Economic globalization is more obvious in the changes of production mode and economic structure. Most people believe that there is an inevitable relationship between economic globalization and legal globalization movement. But in fact, globalization also represents the manifestation and extension of modern problems. Economic globalization and legal globalization are the inevitable trends of social development, which need to be subject to a world system. ^[2]

Secondly, the form of the globalization of criminal law legislation can reach the consensus of different countries on the criminal code. On this basis, we also need to timely clarify the relationship with other criminal laws, and build a more perfect criminal legal system. Modern countries are confronted with the phenomenon of active criminal law legislation. The legislative phenomenon in different countries has the following characteristics: First, the criminal circle expands. Second, the premise of punishment. Third, severe punishment. In addition, there is another phenomenon widely existing in modern countries under the rule of law: the principle of legality of crime, which not only clearly divides the definite limit of the power of state punishment, but also makes the derogation of citizens' rights more clear.

As what can be seen above, great changes have taken place in criminal law and the universalization of criminal phenomena. If we continue to deal with criminal cases with a single method, we may not be able to accurately crack down on modern criminal behaviors. Therefore, the criminal law needs more accurate and subjective conditions for the attack. Through the reconstruction of criminal law legislation through big data, a new form is created to meet the development needs of modern society. In order to meet the tide of globalized criminal crime, we must gradually realize the goal of globalized criminal law legislation, protect the people's rights, and construct the theory of the new era, so as to adapt to the development trend of the new era.

4. Challenges to the globalization of criminal law legislation from the perspective of big data

4.1. The relationship between legal globalization and local order

The globalization of law will be strengthened, and the globalization of criminal law legislation will change accordingly. Although this model has been started, there are still many challenges to be faced in the actual development process. Based on the perspective of big data, the primary challenge facing the globalization of criminal law legislation is the connection and contradiction between the globalization of law and local order. In different regions, the content of criminal law is different, so it is necessary to consider how to complete the global development of criminal law legislation from the perspective of local order.

4.2. Establishment of global epistemology of criminal law legislation

In the field of law, the nature of law and its stand have not been unified understanding, resulting in the disorder of knowledge production. If the problem continues to expand and diverge, it can be found that the main pursuit of domestic law is scientific knowledge. In order to promote the organic combination of legal knowledge and practical work, the establishment of the epistemology of the globalization of criminal law legislation is also a big challenge in the future. Legal theorists need to assume their own responsibilities and construct the modern theory of legal knowledge which is more in line with the globalization of criminal law legislation.

4.3. Establishment of the methodology of the globalization of criminal law legislation

In addition to establishing a more perfect theory of knowledge, it is also necessary to establish a methodology to promote the globalization of criminal law legislation, which is also a big challenge in the development process. We need to establish a more reasonable methodology based on the domestic legal needs, and choose the legal system or legal concept applicable to the country as a reference, so as to promote the development of the globalization of criminal law legislation.

5. Practical countermeasures of the globalization of criminal law legislation from the perspective of big data

5.1. Make clear the connection between local order and legal globalization

The globalization of criminal law legislation is the extension of criminal law of different countries to absorb the criminal law of other countries. This form not only shows the current situation of mutual absorption and penetration of criminal laws of various countries, but also promotes the rationality of different criminal laws legislation. The globalization of criminal law legislation has the following characteristics: First, diversity. Second, blending. Third, long-term. At present, the development of

globalization is the inevitable result of responding to the challenge of criminal crime. In the 21st century, knowledge and science are closely linked, especially under the influence of big data, cyber crimes have gone beyond the scope of traditional criminal law theories. At the same time, the globalization of terrorism, organized crime and other forms of crime poses a serious threat to the stability and harmony of human society. [3] In order to curb the occurrence of these criminal acts and effectively combat criminal acts, it is necessary to realize the integration of criminal law, so as to enhance the cooperation and connection between international criminal law and different countries. Based on the perspective of big data, we should fully grasp the technical content, combine the characteristics of legal globalization and local order, and formulate a legal system with strong applicability. For example, big data technology is used to collect information related to legal globalization and local order, integrate information and extract valuable data as the basis for decision-making, so as to strengthen the reliability of decision-making. This can not only improve the efficiency of globalization construction, but also ensure the accuracy and reference of data. At the same time, we should also do a good job of institutional standards. This is not only the direct requirement for the globalization of criminal law legislation, but also the direct manifestation of the criminal legal system. These two approaches need to be realized in two ways: One is the mutual influence of domestic laws. The legal theories of different countries learn from and absorb each other, which can form a kind of regional universality and unify in some theories to realize the development of globalization. The other is to join international conventions. [4] As a matter of fact, domestic criminal law legislation has absorbed a large number of international treaty provisions on terrorist crimes: First, set up separate charges. Second, bring into the existing crime system. Through the convergence of the normative system, the laws around the world can be promoted to develop together and penetrate each other, thus achieving the attribute requirement of "out of domain" and making countries in different Spaces realize "synchronic" development in criminal law legislation. In the process of the convergence of normative systems, there is a certain overlap between the globalization and internationalization of criminal law legislation, which represents the gradual development of the criminal law of different countries in the times. Based on the standard and cohesion of the system, the criminal laws of different countries will develop in the direction of "synchronization", promoting the organic blend of the criminal laws of our country and international criminal laws. This means that the coordination of criminal laws in different countries has laid a certain foundation, so that we can better use judicial resources to combat modern criminal acts.

5.2. Construction of scientific theory of knowledge

From the perspective of practical jurisprudence and big data, during the study of legal knowledge, it is projected on the logical level of social life, that is, according to a certain historical subject as the jurisprudence itself, the way of development as the practical vision. In combination with the actual conditions of the country and the needs of law, to formulate a more perfect and scientific theory of legal knowledge. Based on the perspective of big data, relevant researchers can learn about the current criminal legislation and legal systems of different countries through literature collection and data review, and integrate the useful materials for the construction of domestic legal knowledge system into electronic archives for later collation and induction. Compared with traditional knowledge data collection, big data technology has fast efficiency, large capacity, and huge information resources that can be collected, which is very beneficial to the construction of knowledge theory. Relevant scholars can use cloud platform and other management systems to integrate knowledge content, so as to effectively improve the efficiency of theory of knowledge construction. It should be noted that, when constructing a scientific theory of legal knowledge, we can learn from, absorb or even introduce certain knowledge content, but we should also consider the practicability of the knowledge learning, that is, whether it will be beneficial to the development of criminal law legislation and whether it will promote the domestic law to optimize the development path. Through careful consideration and academic research, a scientific and perfect theory of legal knowledge is constructed to achieve the goal of the globalization of criminal law legislation. In the research process, relevant scholars need to actively update big data technology, keep up with the trend of the times, and pay attention to the status quo of advanced technology development. Using high and new technology to accelerate the construction and optimization of knowledge theory to promote the domestic criminal law legislation gradually realize the development of globalization.

5.3. Build a reasonable methodology

Based on the perspective of big data, the establishment of the methodology of the globalization of

criminal law legislation needs to be considered from the following aspects: First, the establishment of the methodology should have the characteristics of collaborative standards. When introducing or absorbing a certain international legal system or idea, we should give full consideration to whether its system and idea conform to the local social environment and whether it harmonizes with the characteristics of social operation. Second, we should follow the principle of minimum standards. Under the phenomenon of globalization of criminal law legislation, if the legal system or legal idea of a certain country becomes the minimum standard of international criminal justice, it can be used for reference. Finally, the legal system and concept that combines evolutionism standard to guarantee absorption is conducive to the great progress and development of domestic criminal law legislation. From the perspective of cultural value evolution, we should view the legal system of other countries from the perspective of social development of our own country, and build a socialist country ruled by law. In addition, during the establishment of the methodology, we should also fully recognize the position and angle between the globalization paradigm and the localization paradigm, and make it clear that there are certain differences between the two paradigms, so as to clearly determine the development of domestic law. From the perspective of construction, globalization paradigm and localization paradigm seem to be in opposition, but in fact, they complement each other. Under the background of globalization, the combination of criminal law legislation and localization paradigm is inevitable.^[5] In this process, we should clearly recognize the commonness of criminal law, strive to form a sense of the globalization of criminal law legislation, and realize the integration with the global criminal law. In order to solve the localization problem, the legal content of the country should be changed flexibly on the basis of introducing the legal system or idea of other countries. Relevant personnel can make use of big data technology to analyze data information, adjust and improve the methodology of criminal law legislation according to reliable data results, solve the contradictions between international law and domestic social environment, and build a stable and harmonious socialist legal society.

6. Conclusions

In the information age, big data technology has become the main tool of various industries, and it has become the symbol of the times. Based on the perspective of big data, we should integrate the data information related to the globalization of criminal law legislation, promote the domestic criminal law legislation to be more comprehensive and reasonable, crack down on modern cyber-crimes and other new criminal cases, protect people's basic rights, and build a harmonious society under the rule of law.

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