The legal approach of proactive policing mode under the background of digital age

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Abstract: *The proactive policing mode refers to a new policing mode in which the public security organs take the initiative to monitor and warn by using information technology to discover the crimes in time. With the steady progress of the construction of the rule of law in China, the proactive policing model is becoming more and more important in national security and social governance. In the context that the rule of law has become the key word of modernization, the mode of proactive policing is also facing the proposition of The Times of legalization. The proactive policing model in the new era needs to confirm the legitimacy of the proactive policing power allocation through the rule of law, and ensure the maximum value of the proactive policing model through the rule of law. In practice, it still faces realistic difficulties such as the need to improve the perception of proactive policing patterns, ambiguous power boundaries, insufficient data applications, and imperfect systems. To solve the above practical difficulties, we should focus on the two aspects of concept clarification and system construction at the same time, and comprehensively improve the level of the rule of law of the active policing mode.*

Keywords: *Digital age, Proactive policing, Approach to rule of law*

1. Introduction

As a public security organ with dual functions, how to combine the implementation of proactive policing, preventive policing and improving the level of social governance by law is an important part of the current public security work. We should promote the transformation of the public security governance model to prevention in advance. The advent of the digital age has brought unprecedented technological progress and social changes, and the rise of digital technology has brought new opportunities and challenges to police work. Under the background of the digital age, the proactive policing model should take the construction of a country ruled by law as its goal. It should actively combine the current legal environment, clarify its connotation and extension, face the current realistic dilemma, and improve its approach to rule by law.

2. The basic connotation and theoretical logic of proactive policing mode

2.1. The basic connotation of proactive policing model

The proactive policing mode refers to a new policing mode in which the public security organs take the initiative to monitor and warn by using information technology to discover the crimes in time.[1] Proactive policing and reactive policing are two modes of policing. The main difference between the two is that reactive policing is the response of public security organs to cases based on citizens' request for intervention, while proactive policing is the active intervention of public security organs in social governance.[2] The primary purpose of proactive policing theory is to prevent crimes, prevention not only refers to the prevention in advance, but also includes the initiative to attack.In addition, proactive policing and predictive policing are two easily confused concepts. The concept of predictive policing refers to the prediction based on probabilistic statistical methods.[4] The main goal of the proactive policing model is to discover the potential security risks and criminal clues in advance, and take proactive measures to prevent and combat criminal behavior. The predictive policing model focuses on predictive analytic based on data and intelligence. By analyzing crime patterns, trends and statistics, we can predict in advance the likely occurrence of criminal activities, and formulate corresponding prevention and combat strategies based on these predictions.

2.2. The theory and logic of proactive policing model

2.2.1. It meets the practical requirements of proactive policing and preventive policing

For a long time, the police work in our country has been taking the attack and punishment of illegal crimes as the core, and the performance evaluation of public security organs at all levels is also built on this basis. However, the diversification of social contradictions prompts the mode of police work to change from a passive fight-centered mode to an active one dominated by accurate and multi-angle prevention, starting from strengthening the collection and investigation of basic information of public security work.[3] From the perspective of the realization path, the proactive policing model focuses on social governance, which restrains the dominant power of social governance at the source. From the perspective of practical value, the implementation of the proactive policing mode of public security organs helps to obtain intelligence information in advance, thus improving the level of social security prevention and control and management. This change is in line with the requirements of the Ministry of Public Security to actively promote proactive policing and preventive policing, and to achieve a close fit between police work and social needs.

2.2.2. To realize the positive interaction between police work and social governance

In the context of the digital age, the interests of the people are complex and diverse, social contradictions are unpredictable, and the difficulty of social governance is suddenly increasing. Bringing the proactive policing model into the track of rule of law is conducive to the public security organs maintaining social stability, resolving contradictions and handling problems with the rule of law thinking and way.

2.2.3. It will lead the innovation and improvement of the governance capacity of the social governance system

Public security organs shoulder important responsibilities and missions in implementing the basic strategy of comprehensively governing the country according to law and building a socialist legal system with Chinese characteristics and a country under the rule of law. The level of its rule of law reflects the image of law enforcement to a large extent, reflecting the level of the country's rule of law and the degree of social civilization.[5] Rule of law public security is an important part of rule of law in China. This inevitably requires the public security organs to stand on the height of the comprehensive rule of law, and actively respond to the requirements of the new era. Of course, this inevitably requires the public security organs to continuously improve the level of rule of law in the proactive policing model, and lead the innovation and improvement of the governance capacity of the social governance system.

3. The realistic dilemma of proactive policing model under the background of digital age

To sort out the realistic legal dilemma of proactive policing mode under the background of digital age is the cornerstone to find the way of its rule of law. At present, the proactive policing model mainly has the following practical dilemmas:

3.1. The cognition of proactive policing mode needs to be improved

Although the concept of proactive policing model has long been proposed and widely publicized, in fact, the public security organs have not fully understood the connotation and characteristics of proactive policing and the differences from the traditional reactive law enforcement model. In practice, some public security organs only have a superficial understanding of the proactive policing mode and lack of cognition of its profound nature and practical significance.

There is insufficient understanding of the value and effectiveness evaluation of the proactive policing model. Although the proactive policing model is regarded as an important means to deal with the complex crime situation and improve the efficiency of law enforcement, there are still some deficiencies in the evaluation and verification of the practical application effect. The lack of systematic and scientific evaluation of the proactive policing model leads to some limitations in the understanding of its value and effectiveness. Under the background of digital age, in order to promote the development of proactive policing model better, it is necessary to strengthen the overall understanding of proactive policing model and pay attention to multi-faceted understanding and application.

3.2. The power boundary in proactive policing model is fuzzy.

In the past, the police work in our country was more inclined to the passive policing mode which mainly combated crime, and the definition of its scope of power was relatively clear. However, with the implementation of the proactive policing model, its scope of powers has become slightly ambiguous. This is mainly because the passive policing model with the main purpose of combating crime has its own clear definition and laws to follow, but the proactive policing model aimed at preventing crime involves many complex social problems and needs of the population, and the boundary of its scope of power is more vague.

Under the background of the digital age, the infringement of personal privacy by big data is inevitable. The implementation of the proactive policing model, especially in the application of investigation, public security prevention and prediction and early warning that cannot target specific individuals, the public security organs will inevitably touch on the protection of personal privacy information, and the legitimacy, legitimacy and acceptability of data application have become the key. In the proactive policing model, the scope of police action may be relatively broad, which is easy to cause the problem of police abuse of power. For example, the police may violate the rights and interests of the people in carrying out patrols, investigations, evidence collection and other work.

3.3. The data application in proactive policing model is insufficient.

Under the background of the digital age, the data in the proactive policing model has increased rapidly, and the characteristics of objects and things concerned by the public security organs have been submerged in massive data. So far, the basic theories and methods relied on by the public security organs for their business work are mainly formed based on the analysis and distillation of experience and small sample data. Due to the decentralized and unstructured nature of the data, it is difficult to analyze and integrate large amounts of data. The value of data lies in its effective analysis to identify potential problems. However, the capacity of public security organs in data analysis is relatively weak. The understanding of the business based on data application and the data generated in the business needs to be improved.

3.4. The system of proactive policing mode needs to be perfected

The proactive policing model lacks in the system design.

First, there is a lack of clear institutional norms. Under the proactive policing model, police actively prevent and fight crime, and interact and collaborate with community residents. China's system mainly focuses on the traditional stability maintenance and crime fighting work, and the system design and related policies of proactive policing mode are relatively few. The lack of clear institutional arrangements and guidance makes the implementation process of the proactive policing model lack of unified standards and norms, resulting in great differences between different regions, and it is difficult to form a unified action direction and work mode.

Secondly, the legislation of proactive policing model is lagging behind. Compared with the traditional reactive policing model, the proactive policing model involves more requirements of initiative, prevention and active participation. The law's regulation of proactive policing exists after the phenomenon, and can not deal with the contradictions in the proactive policing model.

Third, the lack of perfect internal management mechanism and operation norms. Proactive policing model requires a high degree of initiative and discretion, but the lack of corresponding internal management mechanism and operational norms can not ensure that the police have appropriate constraints when exercising discretion in proactive policing, which is easy to lead to the problem of irregular law enforcement behavior.

Finally, social participation and supervision are insufficient in the proactive policing model. The proactive policing model emphasizes interaction and cooperation with community residents, but the mechanism of community participation and supervision has not yet been perfected. The participation of the society in proactive policing is not high, the supervision mechanism is not perfect, and it is impossible to effectively supervise and evaluate the behavior in the proactive policing model.

4. The legal approach of proactive policing mode under the background of digital age

Under the background of the digital age, to comprehensively promote the rule of law of the proactive

policing model and improve the level of the rule of law of the proactive policing model, we should jointly promote the concept clarification and system construction.

4.1. Conceptual clarity

The idea is the precursor of action. To clarify the concept of proactive policing mode under the perspective of the rule of law is the necessary path to further promote the legalization of social governance, and is also the theoretical premise to dominate various specific systems and behavioral rules.[6] At present, the public security organs often treat the proactive policing model only as a concept, without exploring the more specific and targeted theoretical connotation, which is not conducive to the play of the deep value of proactive policing.

4.1.1. Take proactive prevention as the core

Proactive policing model should emphasize active prevention as the core. Compared with the traditional passive policing model, the proactive policing model emphasizes taking active measures to prevent the occurrence of crimes before they occur. The proactive policing model is more forward-looking and proactive, which can fundamentally curb the occurrence of crimes and reduce the harm to society. Through proactive prevention and targeted preventive measures, the efficiency of resource utilization can be improved, the public security organs can grasp the information related to crime as early as possible, and use preventive measures to prevent and intervene in advance of potential criminal behaviors. Through cooperation with various forces, such as communities, educational institutions, social organizations, etc., to jointly develop and implement relevant proactive strategies, early detection and intervention of potential crime clues, effectively reduce the occurrence of crime and the resulting harm.

4.1.2. Adhere to the digital platform

Under the digital background, the digital platform can provide powerful information collection, analysis and sharing capabilities for the implementation of the proactive policing model, so that the public security organs can obtain and process relevant information more accurately and timely. First, digital platforms enable efficient information collection. Through the establishment of a data platform and the use of big data to help, public security organs better understand social conditions and problems. Rapid access to this information will provide strong support for the proactive policing model, enabling public security organs to make decisions based on information analysis. Second, digital platforms can support accurate information research and judgment. By means of data analysis, public security organs can conduct in-depth research and analysis of the information collected, so as to obtain more clues and information to assist in judging and predicting potential criminal behaviors. This kind of accurate information research and judgment will improve the effectiveness and accuracy of the proactive policing model. Finally, digital platforms can facilitate information sharing and cooperation. Information sharing and cooperation between different departments and agencies is an important support for the proactive policing model. Through the establishment of data platforms and information exchange mechanisms, public security organs can share information resources with relevant departments and form a cooperative situation. Such information sharing and cooperation will provide more comprehensive and multi-dimensional support for the proactive policing model and improve the overall effectiveness of social governance.

4.2. Institutional level

4.2.1. The list of proactive policing responsibilities should be clearly defined

The active police responsibility list refers to the specific items that the public security organs should perform when they carry out active police work.

First of all, there should be no responsibility outside the list, and the responsibilities of public security organs should be clarified around proactive policing to reduce the burden and increase the efficiency. Establish a list of active police responsibilities and clarify work tasks. Through the implementation of no responsibility outside the list, we will further clarify the lines of professional police and the division of work and jurisdiction of public security in handling cases, and draw clear boundaries of responsibilities. By clarifying the list of responsibilities of proactive policing, we can better promote proactive policing and position ourselves to fulfill our duties. In the context of the active police responsibility List, to make the work objectives and responsibilities of public security more clear, this is the role of the active police responsibility list.

Secondly, each responsibility in the active police responsibility list should also be clearly defined, such as in the "information collection" responsibility, not only indicate the type of information, but also put forward specific response and disposal requirements; in the responsibility of "receiving police", it is clearly required to explore hidden complex contradictions and disputes, major risks and hidden dangers and clues to illegal crimes.

Finally, the focus is to do a good job of all kinds of major hidden danger clues and timely processing. The proactive policing model does not mean ignoring the attack, the core is to strengthen the prevention work through the investigation and analysis of the police situation and the solved cases, to achieve both symptoms and root causes, and ultimately to achieve the purpose of prevention.

4.2.2. A system of standardization of proactive policing should be implemented

Standardization is the basis for improving the quality and efficiency of all work. On the basis of formulating the work list of the proactive policing model, clarifying the responsibilities and tasks of the special work and the normal work, the corresponding work standards are set for the specific work content, and the proactive policing standardization system is combined with the special work and the normal work. In this regard, the following aspects need to be considered:

First of all, standardization should be highlighted. Based on the concept of active police responsibility list, strive to promote the standardization of police work, that is, in the implementation of various police work, ensure that its content, safeguards and evaluation system is clear, rigorous and in accordance with the law. Public security organs should pay attention to the standardization of every link, and comprehensively improve the quality and efficiency of police work.

Second, we should pay attention to capitalization. In the new scientific and technological environment, big data and artificial intelligence have become a new driving force for maintaining social stability and promoting the development of police work. Public security organs should strive to build a new ecology of intelligent application of big data, and improve the early warning ability and decision-making accuracy of police work by analyzing big data, so as to avoid and deal with various social problems more effectively.

Thirdly, actual combat should become an important guide for public security organs. Deepening the operational mechanism of actual combat is to better meet the needs of actual combat and improve the effectiveness of police work. To this end, the following points should be done: rebuild the police operation system, and integrate police work into actual combat better; modular establishment of minimum combat units to improve the flexibility of police work and rapid response ability; explore the drone service work system, with the help of modern scientific and technological means, improve the effectiveness and coverage of police work; promote the qualitative change of combat effectiveness generation, improve the combat effectiveness and coping ability of the entire police system.

Finally, the rule of law must be highlighted. Under the background of the digital age, the construction of the police platform in our country is advancing rapidly, but the legislation related to it is lagging behind. Therefore, we must highlight the importance of the rule of law. The public security organs must establish a correct law enforcement concept, respect the law and enforce the law impartially. we have always strictly standardized, fair and civilized law enforcement, respected everyone's rights and interests, and resolutely resisted any form of abuse of power and illegal law enforcement.

4.2.3. A system of standardization of proactive policing should be implemented

To carry out systematic supervision of the whole process of proactive policing model can find and solve various problems in the process of proactive policing in time, which is an important link to effectively promote the proactive policing model. The supervision in the process of promoting the proactive policing model includes not only the internal supervision of the public security organs, the overall supervision of the operation of the entire proactive policing model by means of laws and policies, but also the external supervision of other organs, social organizations and the people. Establishing and perfecting police supervision mechanism is the basis for enhancing the credibility of proactive police work.

The whole-process supervision of the work of the public security organs, the emphasis on transparency and openness, so that the people can better understand and supervise the police work, which not only helps to improve the efficiency of the public security organs, but also can prevent the abuse of public power.

The implementation of the proactive police accountability mechanism is the fundamental guarantee

for the implementation of external oversight. The implementation of the active police accountability mechanism should accept the supervision of public opinion and the public, and evaluate and supervise the law enforcement behavior. When staff members of public security organs have dereliction of duty, dereliction of duty, inaction and other acts in the process of performing their duties, they shall be held accountable in a timely manner and dealt with seriously. Through the disclosure of information, we will strengthen the supervision and evaluation of the results of accountability, and increase public trust and support for the accountability system.

5. Conclusions

Under the background of the rapid development of the digital age, the public security organs should clearly understand the realistic dilemma of the current proactive policing model, deeply grasp the development trend of the proactive policing model, and improve its approach to rule of law through two levels of concept and system. For the concept level, we should adhere to the core of active prevention and digital platform. At the institutional level, we should first clarify the list of responsibilities of proactive policing, then develop a standardized system of proactive policing, and then guide the people to participate in co-governance. Finally, we should implement proactive policing supervision and accountability, so as to respond to the legalization of proactive policing model in the digital age.

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