

The Influence of Quantitative Factors for Constituting A Crime on The Amounts of Burglaries and Pickpocketing Acts

-- An Empirical Study Taking H Province in China as An Example

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Abstract: It is a characteristic of Chinese criminal law to stipulate the criminal quantitative factors in the constitutive elements of a crime. <The Amendment to the Criminal Law of the People's Republic of China (VIII)>, which came into effect on May 1, 2011, abolished the criminal quantitative factors of the theft with a weapon, the burglary and the pick-pocketing which would be considered to be a larceny. The empirical investigation in H Province of China shows that after the implementation of <The Amendment to the Criminal Law of the People's Republic of China (VIII)>, the number of larceny cases filed by policemen first increased and then decreased; the proportion of larcenies in criminal cases increased first and then gradually decreased. In contrast, without the cancellation of the criminal quantitative factors, the caseload of the crime of fraud and its proportion in criminal cases increased year by year. The investigation of citizens and police officers in H Province shows that compared with the six years before 2011, the citizens and police officers believed that burglaries and the pick-pocketing acts had decreased in the six years after 2011. The number one reason for the decrease in burglary is the increased number of cameras. The primary reason for the decline in pick-pocketing is the electronic money. That the burglary and the pick-pocketing without explicit criminal quantitative factors are considered to be larcenies also plays a positive role in reducing burglaries and the pick-pocketing acts. An investigation of four prisons in H province in China showed that the crime circle expanded for theft in 2011, leading to no increase in the number of thieves in the four prisons. On the contrary, the number of fraudsters without expanding the criminal circle of fraud increased year by year in the three male prisons in H province, and the number of fraudsters decreased year by year in a female prison.

Keywords: Chinese criminal law; the criminal quantitative factors; burglary; pick-pocketing; caseload.

1. Introduction

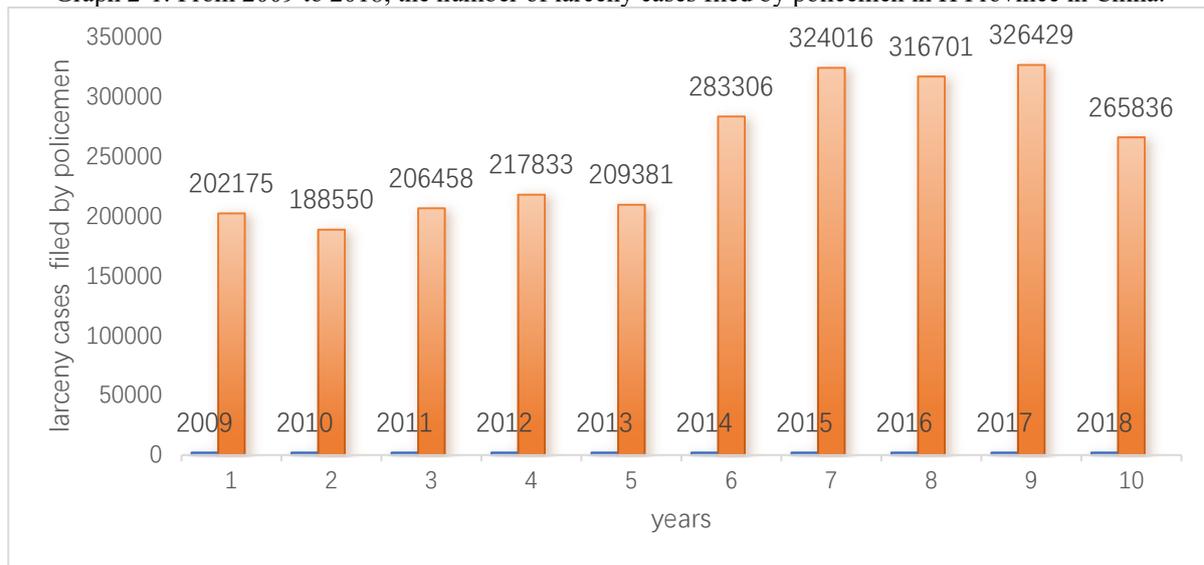
It is a characteristic of Chinese criminal law to stipulate the criminal quantitative factors in the constitutive elements of a crime. [1] Is it conducive to social governance to stipulate the criminal quantitative factors in the constitutive elements of a crime? This is a matter of dispute. [2] Some Chinese scholars believe that the quantity of crime stipulated in the criminal law is beneficial to social governance. [3] Other Chinese scholars argue that the quantity of crime stipulated in the criminal law is not conducive to social governance. [4] Scholars mostly explain the advantages and disadvantages of stipulating the criminal quantitative factors in the constitutive elements of a crime in Chinese criminal law from a theoretical perspective [5] and there is little empirical research [6]. This article to <The Amendment to the Criminal Law of the People's Republic of China (VIII)>(hereinafter referred to as <The Criminal Law Amendment (8) >) abolishing the criminal quantitative factors of the burglary and the pick-pocketing which would be considered to be a larceny, an investigation was made about the influence of the regulation of criminal quantities on the occurrence of burglary and pick-pocketing in H province in China. It proves the influence of

the criminal quantitative factors in Chinese criminal law on social governance from an empirical point of view.

<The Criminal Law Amendment (8) > promulgated on February 25, 2011 amended Article 264 of <The Criminal Law of the People's Republic of China >(hereinafter referred to as the <The Criminal Law>), abolishing the criminal quantitative factors of the theft with a weapon, the burglary and the pick-pocketing which would be considered to be a larceny. Because the external characteristics of theft with weapons are not obvious, it is difficult for people to know the rise and fall of thefts with weapons. Therefore, this study takes the burglary and the pick-pocketing which have obvious external characteristics as the research objects. The study investigated the number of larceny cases filed by policemen in H province in China in each long time before and after 2011 and sampled citizens and police officers about their perceived changes in the amount of the burglary and the pick-pocketing. In addition, the study also looked at changes in the number of thieves held in four prisons in H province in China for a long time before and after 2011.

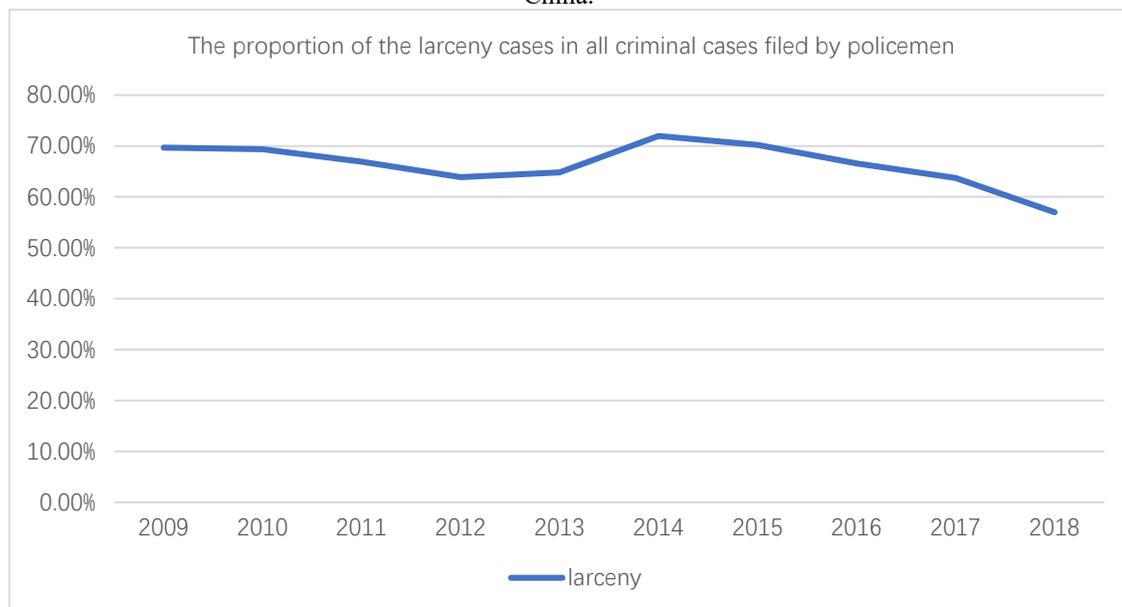
2. The Change of The Amount of Larceny Cases Filed by Policemen

Graph 2-1: From 2009 to 2018, the number of larceny cases filed by policemen in H Province in China.



graph 2-1

Graph 2-2: From 2009 to 2018, the proportion of the larceny cases in all criminal cases filed by policemen in H province in China.



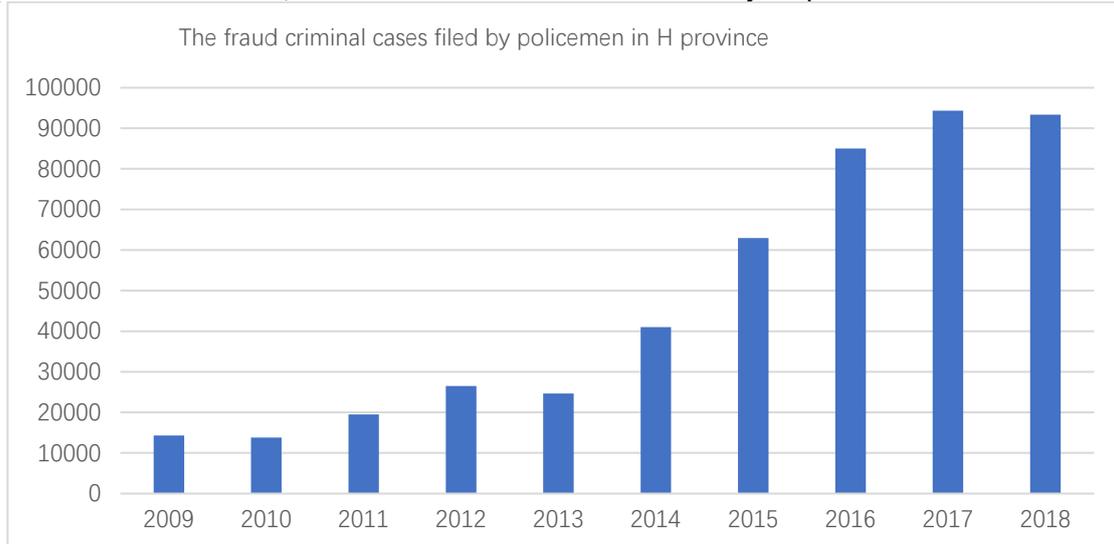
graph 2-2

From the number of larceny cases filed by policemen in H Province, we find that the number of larceny cases increased year by year until 2015 since the implementation of <The Criminal Law Amendment (8)> in 2011 and the number in 2015, 2016, 2017 was at a relatively stable level and the number in 2018 decreased significantly. From the proportion of larceny cases in all criminal cases filed by policemen in H province, there was a spike in proportion of larceny cases in 2014 and 2015, and then declined year by year after the implementation of <The Criminal Law Amendment (8)> on May 1, 2011. The absolute number of larceny cases filed by policemen decreased significantly in H province in 2018. A possible and reasonable explanation for this is that after the burglaries, pick-pocketing and thefts with weapons were canceled the clear criminal quantity requirements, policemen in H Province gradually adapted to the revised provisions of the larceny. Then parts of the burglaries, pick-pocketing and thefts with weapons originally dealt with as larcenies were dealt with as larcenies. Larcenies, which

were previously covered up because of the criminal quantities, have also been significantly reduced.

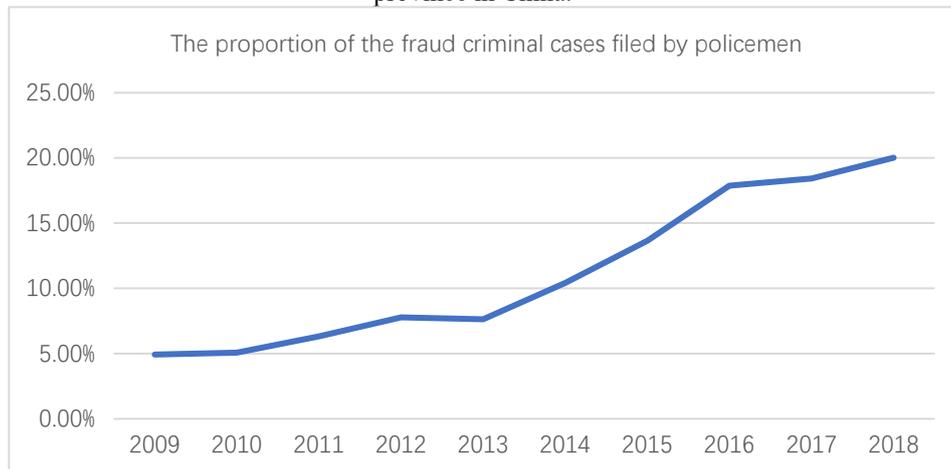
It should also be noted that when the number of cases filed by policemen of a kind of crime increases substantially, it is not the time when the kind of crime happens highly in the society. On the contrary, it is often the time when the actual amount of this kind of crime begins to be better managed. The increase in the number of such criminal cases filed by policemen means that the policemen have intensified their efforts to crack down on the crime, and means that the crime has dropped sharply. This view can be proved by the change in the amount of cases of larcenies and the other below empirical conclusions. The view can also be supported by the change of the number of fraud criminal cases filed by policemen in H Province in China. From 2009 to 2018, the number of fraud criminal cases filed by the policemen in H Province in China is as follows.

Graph 2-3: From 2009 to 2018, the number of fraud criminal cases filed by the policemen in H Province in China.



graph 2-3

Graph 2-4: From 2009 to 2018, the proportion of the fraud criminal cases in all criminal cases filed by policemen in H province in China.



graph 2-4

We can find that the number of fraud criminal cases filed by policemen in H Province increased rapidly from 2016 to 2018 while the number of fraud cases in society did not increase greatly in the same time. On the contrary, fraud cases, especially phone fraud cases, were greatly reduced. The reason which the sharp increase of fraud criminal cases filed by policemen was that policemen had mastered the mature detection methods of phone fraud crimes.

3. A Survey of Ordinary Citizens on Burglaries and Pick-pocketing Acts

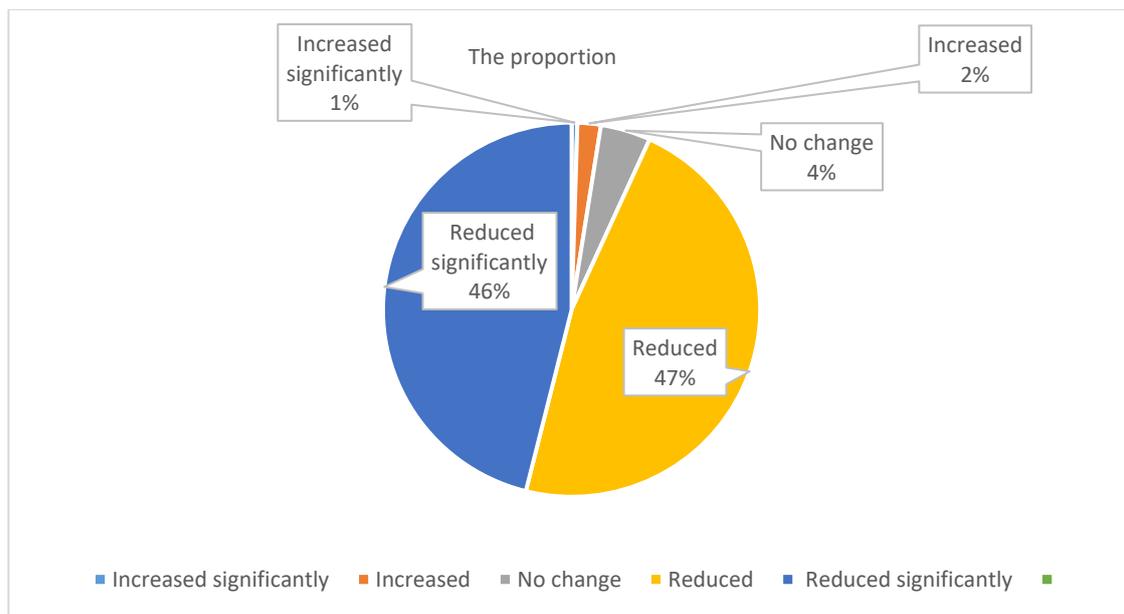
The author designed a questionnaire answered by ordinary citizens on the actual amount of burglaries and pick-pocketing acts. A teacher (This teacher is Professor Fangjun Shi from School of Social Work, Henan Normal University. He designed three sample survey schemes, and I chose one with medium workload. Thank him for his help.) from the School of Social Work of Henan Normal University checked out the questionnaire and designed a sample survey program in H Province. According to the sampling results, the author selected the following five places in H province as investigation points: Huaihe Road district office in

Zhengzhou City, Xiguan district office in old town in Luoyang City, Changzheng district office in Shangqiu City, Chengguan town in Fangcheng County in Nanyang City, Dazhaoying town in Xinxiang county in Xinxiang city. 4 villages or neighborhood committees were selected for each survey site. In addition to 500 questionnaires distributed in Huaihe Road district office in Zhengzhou City, 400 questionnaires were distributed at each of the other 4 survey sites. A total of 2,100 questionnaires were issued in this survey, and 1851 valid questionnaires were recovered. Taking into account the number of burglaries and pick-pocketing acts in two periods from 2012 to 2018 and 2004 to 2010, the respondents should have known the number of burglaries and pick-pocketing acts in these two periods. Therefore, the age of the respondents was limited to citizens between the ages of 30 and 70. Below are the results of the survey.

3.1. The results of burglaries

"Do you feel that there have been more or less burglaries in recent years (about 2012 to 2018) than those in a few years ago (between 2004 and 2010)?" The answers to this question are as follows:

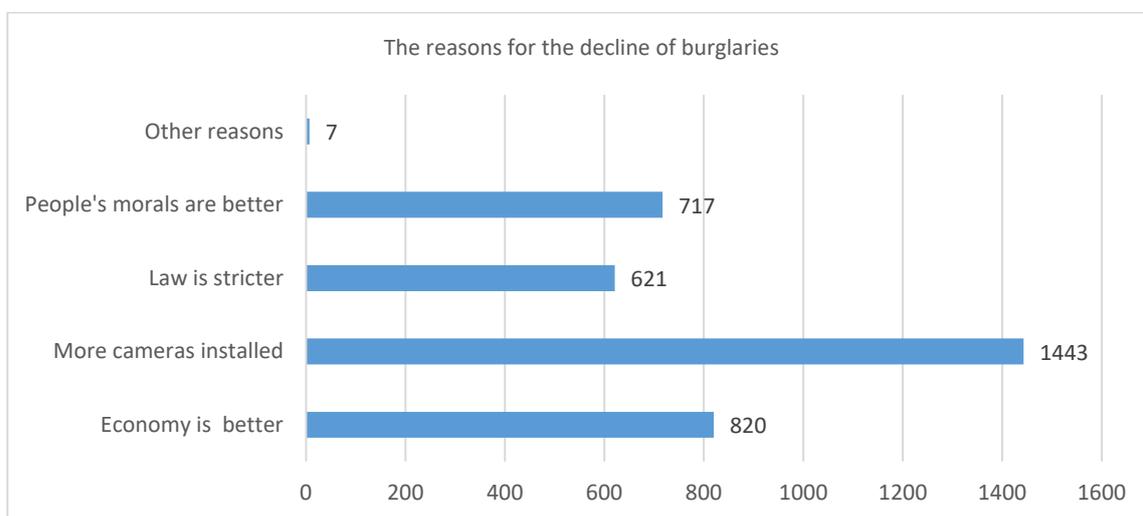
Increased significantly	Increased	No change	Reduced	Reduced significantly
9	37	79	860	842



graph 3-1

" Why do you think there has been a decline in burglaries?" To the multiple choice question, answers are as follows:

Economy is better	More cameras installed	Law is stricter	People's morals are better	Other reasons
820	1443	621	717	7



graph 3-2

According to the results in the survey, 47% of respondents believe that fewer burglaries occurred from 2012 to 2018 compared to 2004 to 2010. 46% of the respondents think burglaries have decreased significantly. Thus, 93% of respondents believe that fewer burglaries occurred from 2012 to 2018 compared to 2004 to 2010. Only 3% of the citizens surveyed believed that the number of burglaries increased or increased significantly from 2012 to 2018, compared with those from 2004 to 2010. Therefore, in the view of the citizens in H Province, after the implementation of <The Criminal Law Amendment (8)>, the number of burglaries has been reduced. In detecting what has contributed to the decline in burglaries in recent years (2012-2018), 1,443 people thought

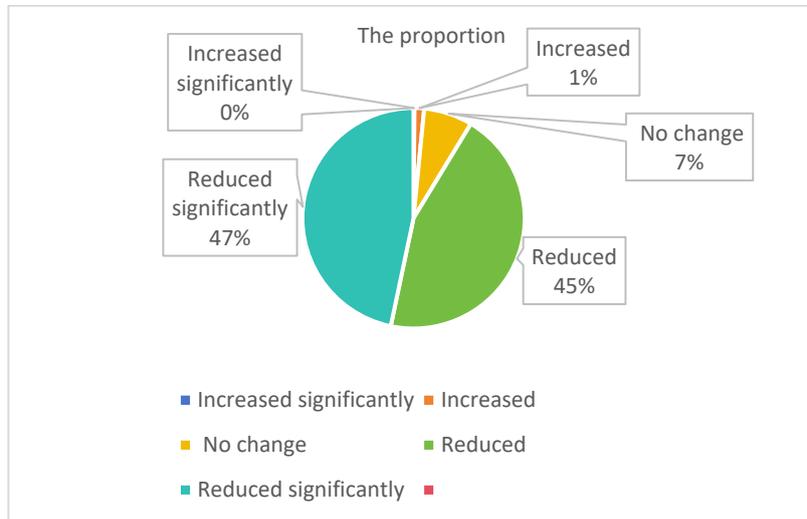
the growing cameras had made burglaries easier to be found out. The option is selected much more often than the others. 621 people chose "law is strict" to cause the decrease in burglaries and the option was selected more often only before the open option of filling in the content yourself. But there is not much difference in the number of times for being selected to 'law is stricter', 'people's morals are better' and 'economy is better'. This indicates that the respondents consider the increasing cameras in the society as the primary reason for reducing burglaries and that the role of the law for few burglaries is not certain.

3.2. Results of pick-pocketing behaviors

" Do you think pick-pocketing acts(pulling out pockets)

have happened more in recent years (2012-2018) than in previous years (about 2004-2010), or less?"To this question, the answers are as follows:

Increased significantly	Increased	No change	Reduced	Reduced significantly
2	23	115	724	757

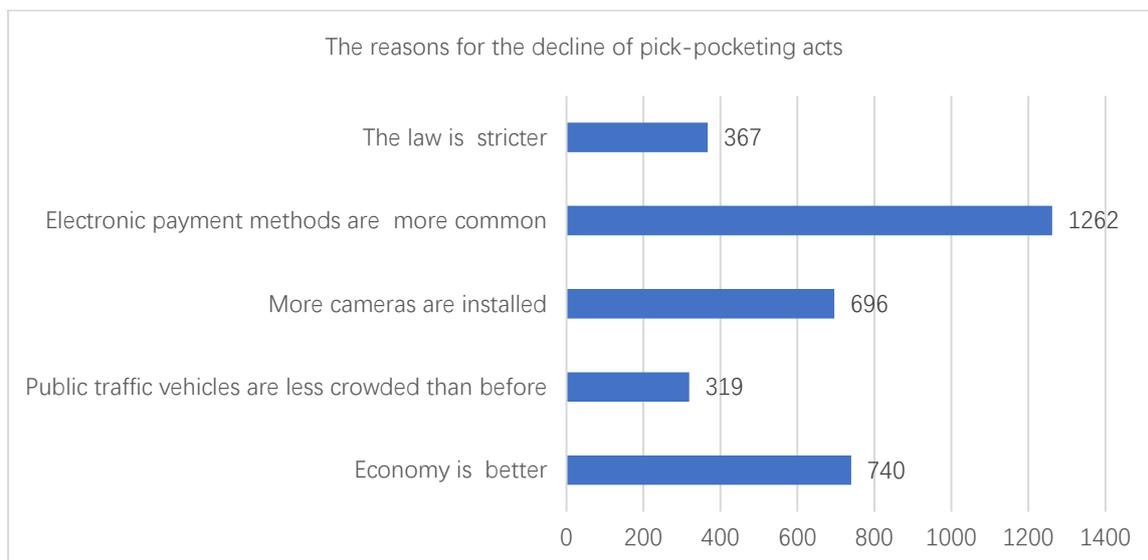


graph 3-3

"what do you think is the reason for the decrease in pick-pocketing behaviors?"In response to this multiple-choice

question, people's answers are counted as follows:

Economy is better	Public traffic vehicles are less crowded than before	More cameras are installed	Electronic payment methods are more common	The law is stricter	Other reasons
740	319	696	1262	367	1



graph 3-4

From the above results, the majority of those surveyed believed that there were fewer pick-pocketing incidents between 2012 and 2018 compared to 2004 and 2010. 45% of the respondents thought that pick-pocketing had decreased, and 47% thought that pick-pocketing had decreased significantly. The two items accounted for 92%. what do you think is the reason for the decrease in pick-pocketing behaviors? 1262 people believed that electronic payment methods such as Alipay were the most important reason. 367

people cited "the law is stricter" as the reason for less pick-pocketing, higher than the open option and the "Public traffic vehicles are less crowded than before" option. More respondents cited "economy is better" and "more cameras are installed" as reasons for the apparent decline in pick-pocketing. The survey results show that the widespread use of electronic payment methods was the most important reason for the decrease in pick-pocketing. Respondents were not very clear and certain about the effect of the stricter law on

the decrease in pick-pocketing.

4. The Survey of The Police Officers on Burglaries and Pick-pocketing Acts

The author designed a questionnaire to the policemen about burglaries and pick-pocketing acts and asked a police officer (This police officer is Yüewen Wu who used to work in the police station in Huaibin County in H Province for many years and is a teacher at Henan Police College now, teaching "criminal case investigation". Thank him for his help) who had been engaged in criminal investigation work for many years to review and modify it. The respondents of the burglary questionnaire are the special and part-time criminal investigation policemen in H Province except the anti-pick-pocketing work. The full-time criminal investigation policemen refer to the police officers of the criminal investigation team and part-time criminal investigation policemen refers to the police officers working in the police station. The pick-pocketing questionnaire targets police officers engaged in anti-pick-pocketing work. Because the subjects were asked to compare the amounts of burglaries and pick-pocketing from 2004 to 2010 with those from 2012 to 2018, the police officers who were investigated were required to be born before June 1, 1983.

The author made the two questionnaires into electronic form, and then put the two questionnaires respectively in the wechat groups of Criminal investigation policemen and anti-pick-pocketing policemen in H Province. Both questionnaires were put into the wechat groups on October 19, 2018. The questionnaire survey investigating anti-pick-pocketing policemen ended on October 27, 2018 and the questionnaire survey investigating other criminal investigation policemen ended on October 29, 2018.

408 police officers answered the questionnaire on

burglaries, including 35 police officers who are under the age of 35 years old and are not eligible. Because the electronic questionnaire cannot distinguish the responses of those who are not qualified, the final statistical result includes the responses of the 35 police officers who are not eligible for age. Because of the small percentage of police officers who are not eligible for age, the findings of the burglary survey are generally credible.

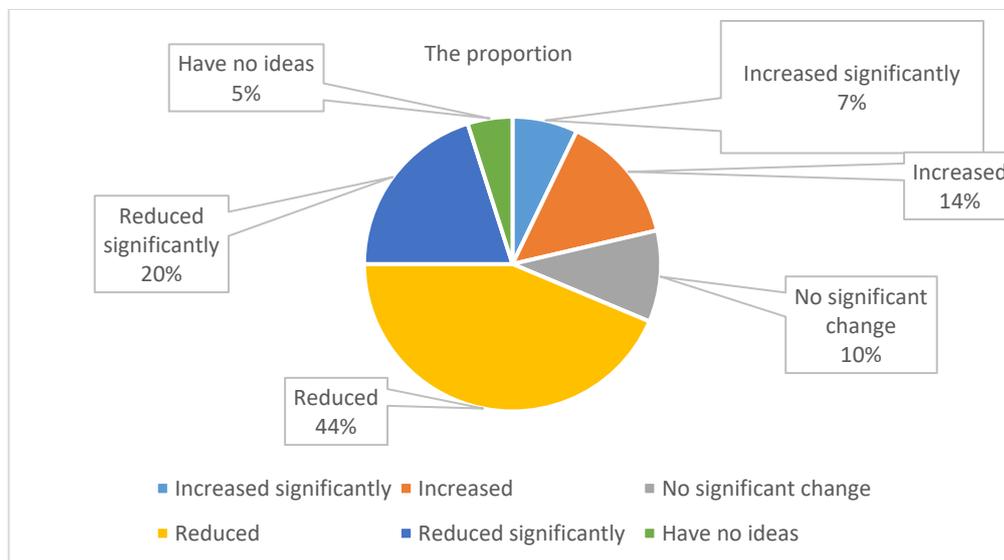
Only 29 police officers answered the questionnaire on pick-pocketing, and 6 of them whose ages were under 35 were not eligible. According to the author's knowledge, there are fewer full-time anti-pick-pocketing police officers in H province, and most of them are young policemen. In many parts of H Province, it is mainly auxiliary police officers who are engaged in anti-pick-pocketing work under the guidance of regular police officers. A police officer who had been engaged in anti-pick-pocketing work for many years told me that the police officers who accepted the pick-pocketing questionnaire survey were all regular police officers, and most of them had been engaged in anti-pick-pocketing work for many years, whose opinions were representative. However, because the number of police officers who took the pick-pocketing questionnaire is small, the results of the survey are of low reference value.

4.1. The results of burglaries

On the burglary questionnaire survey, a total of 408 police officers answered the questions. Each police officer who took part in the survey answered all the questions. In other words, the number of answers to each question of the questionnaire was 408 times.

"Do you think the number of burglary cases has increased or decreased in the last six years (2012-2018) versus six years ago (2004 to 2010)?" The results of this question are as follows:

Option	Reply to the question
Increased significantly	29
Increased	58
No significant change	41
Reduced	178
Reduced significantly	82
Have no ideas	20



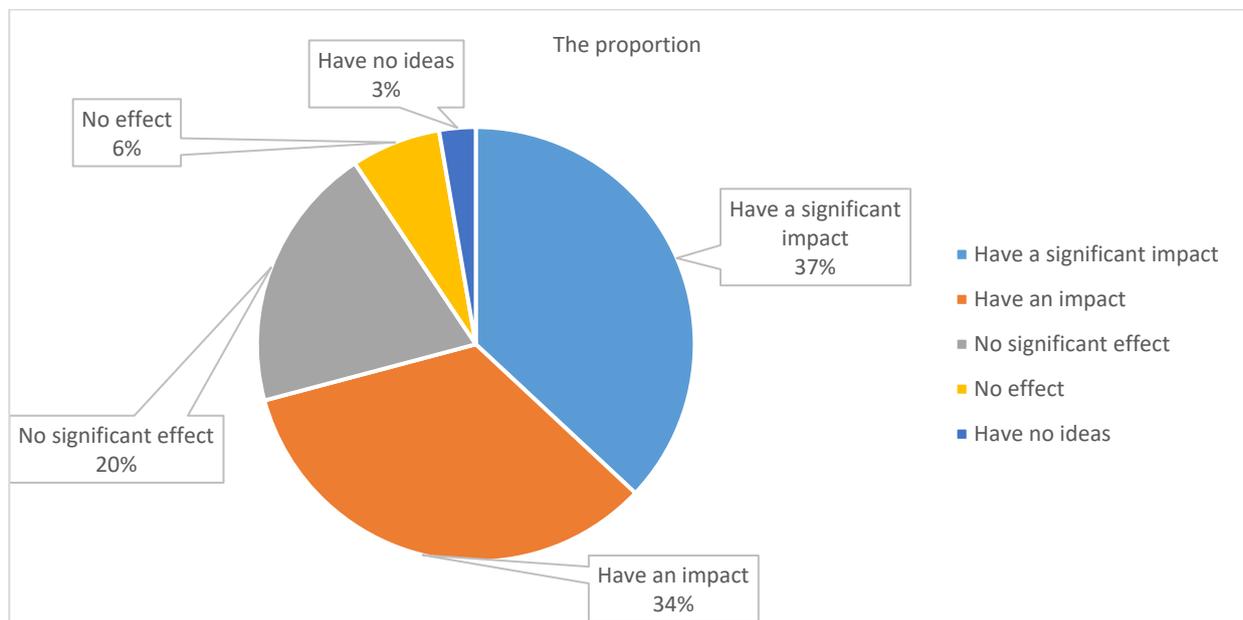
graph 4-1

As it can be seen from the statistical results, compared with 2004 to 2010, 44% of the surveyed policemen think that the number of burglaries from 2012 to 2018 has decreased. And 20% of the surveyed policemen think that the number has decreased significantly. The two items accounted for 64%. Compared with 2004 to 2010, 14% of the police surveyed think that the number of burglaries from 2012 to 2018 has increased and 7% of the police surveyed think that the number has increased significantly. The two items add up to 21%. It can be concluded that by comparing the number of

burglaries from 2012 to 2018 with the number from 2004 to 2010, the police officers surveyed mostly believe that the number of burglaries has decreased after the implementation of <The Criminal Law Amendment (8)>.

"On May 1, 2011, <The Criminal Law Amendment (8)> was implemented. And since then, burglaries had been recognized as larcenies without a limit on the quantity of theft. Do you think whether the amendment to the criminal law had any impact on the number of burglaries?" The answers are as follows:

Option	Reply to the question
Have a significant impact	151
Have an impact	138
No significant effect	81
No effect	27
Have no ideas	11



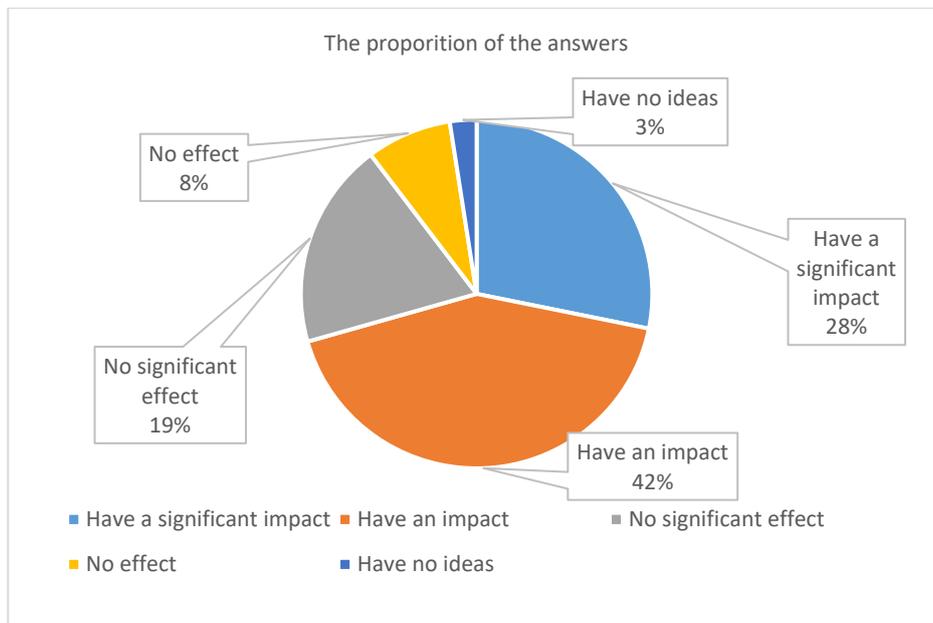
graph 4-2

As it can be seen from graph 3-2, 34% of the investigated police officers thought <The Criminal Law Amendment (8)>, which abrogated the quantity of the burglary to be a larceny, had an impact on burglaries and 37% of them thought it had a significant impact. The two items accounted for 71%. And 20% of the investigated police officers thought <The Criminal Law Amendment (8)>, which abrogates the quantity of the burglary to be a larceny, had no significant impact on the amount of burglaries and 6% of them thought it had no impact. The two items accounted for 26%. A clear conclusion can be drawn that the investigated police officers

mostly believe that <The Criminal Law Amendment (8)>, which abrogated the quantity of the burglary to be a larceny, has an impact on the amount of burglaries. Combined with the survey results of the previous question, it can be shown that the police officers surveyed mostly believe that abolishing the quantity of the burglary to be a larceny has played an obvious role in the reduction of burglaries.

"If the quantity of the burglary, such as 1000 yuan as the standard, determines whether a burglary is to be a larceny, does the punishing way have an impact on the amount of burglaries?" The answers are as follows.

Option	Reply to the question
Have a significant impact	115
Have an impact	173
No significant effect	78
No effect	32
Have no ideas	10



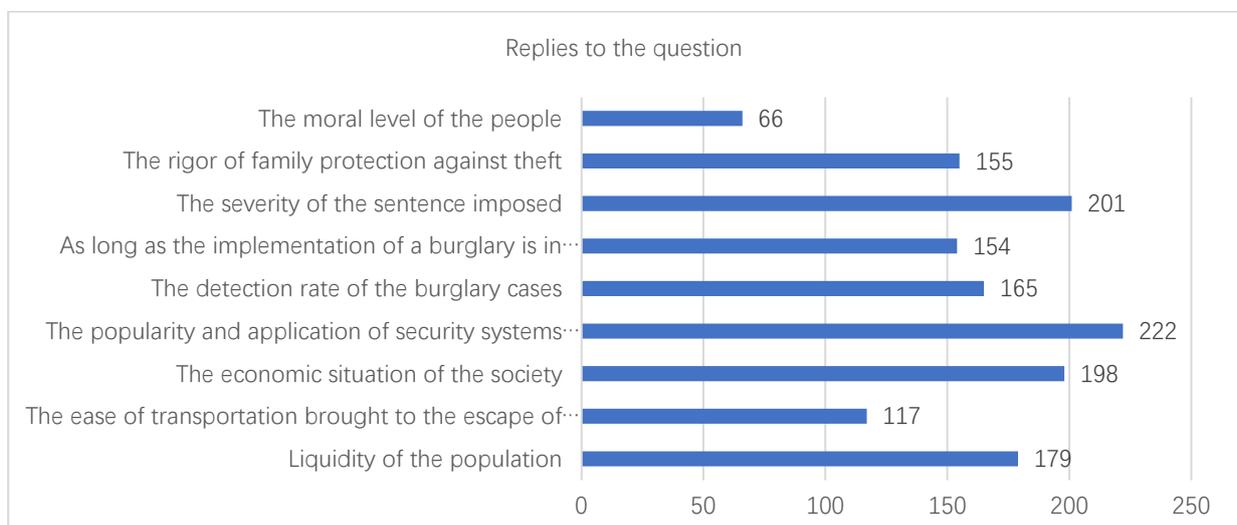
graph 4-3

From the statistical results, it can be found that 42% of the investigated police officers believe that the quantity of a burglary determines whether the burglary is to be a larceny has an impact on the amount of burglaries and 28% of them believe that it has a significant impact. The two items account for 70%. The results of this question and the results of the previous question can be mutually verified. Combining with the survey results of the first question of this questionnaire, it

could be concluded that the police officers surveyed mostly believed that the punishment method of determining whether the act of a burglary constitutes a larceny by the quantity of a burglary originally stipulated in China's criminal law had a negative impact on controlling the amount of burglaries.

"What do you think are the main factors affecting the number of burglary cases?", the answers are as follows:

Options	Replies to the question
Liquidity of the population	179
The ease of transportation brought to the escape of the thief	117
The economic situation of the society	198
The popularity and application of security systems such as cameras and hot-spot fences	222
The detection rate of the burglary cases	165
As long as the implementation of a burglary is in accordance with the crime processing	154
The severity of the sentence imposed	201
The rigor of family protection against theft	155
The moral level of the people	66



graph 4-4

From of the survey results it can be found that the policemen mostly think "the popularity and application of security systems such as cameras and hot-spot fences (Hot spot fence is a means of technical detection, and ordinary citizens lack the knowledge of this technology. And this content does not appear in the sample questionnaire of ordinary citizens)" is the primary reason for the reduction in burglaries. This can matches that ordinary citizens think "more cameras installed" is the primary cause of the reduction in burglaries. The policemen who are investigated believe that "the severity of the sentence imposed" is the second important reason for the amount of burglaries. In the nine options listed, the policemen thought that "as long as the implementation of a burglary is in accordance with the crime

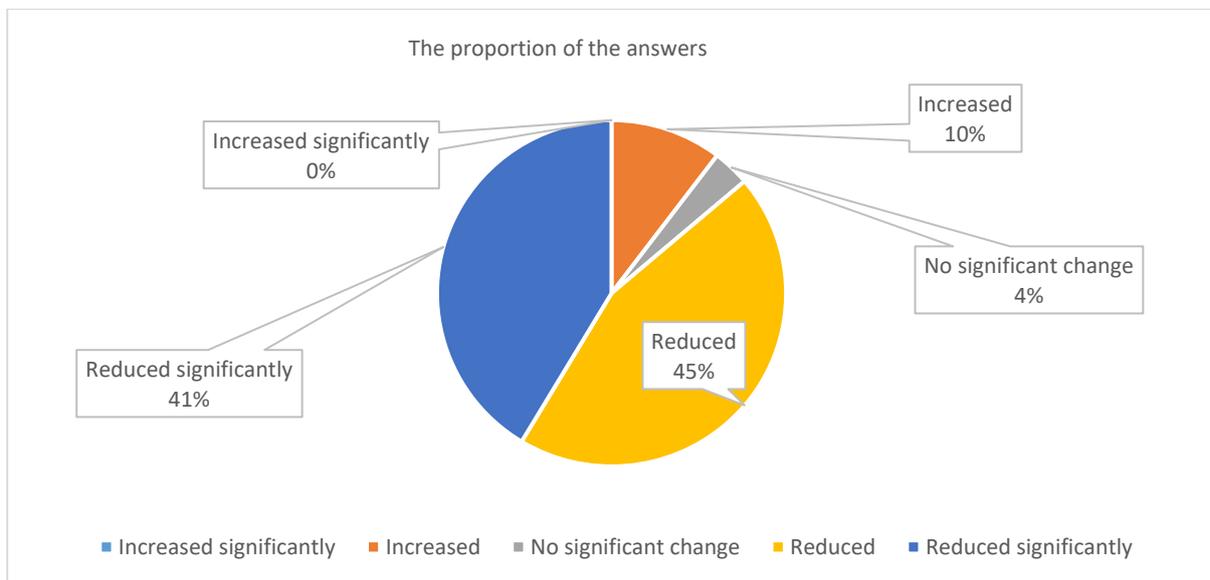
processing"only ranked the seventh of nine options in the influence of the reduction in burglaries. This is consistent with the results of the sample survey of ordinary citizens showing that "the law is stricter" is not the main reason for affecting the number of burglaries.

4.2. The results of pick-pocketing behaviors

As it mentioned above that only 29 police officers engaged in anti-pick-pocketing answered the pick-pocketing behavior questionnaire, and the reference value is relatively low.

"Do you think that there were more pick-pocketing behaviors in recent years (from 2012 to 2018) than a few years ago (between 2004 and 2010)?" The answer to the question is as follows:

Options	Replies to the question
Increased significantly	0
Increased	3
No significant change	1
Reduced	13
Reduced significantly	12



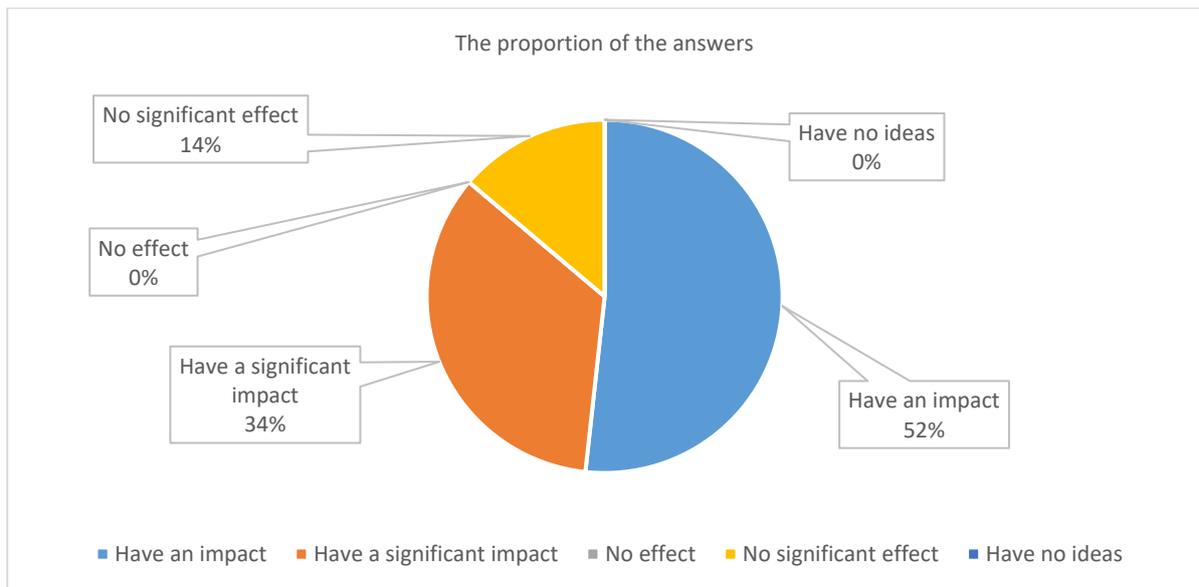
graph 4-5

According to the results, compared with 2004 to 2010, 45% of the police officers surveyed believed that pick-pocketing had decreased and 41% of them believed that pick-pocketing had decreased significantly from 2012 to 2018. The two above items accounted for 86%. According to the statistical results, compared with 2004 to 2010, 10% of the police officers surveyed believed that pick-pocketing behaviors had increased and none of them believed that pick-pocketing

behaviors had increased significantly from 2012 to 2018. The results can be mutually confirmed with the results of the sample survey of ordinary citizens.

"On May 1, 2011, <The Criminal Law Amendment (8) > came into effect. And since then, pickpocketing acts were identified as a crime without the quantity of theft. Do you think the amendment of the criminal law has an impact on the amount of pick-pocketing behaviors?" The answers to this question are as follows:

Options	Replies to the question
Have an impact	15
Have a significant impact	10
No effect	0
No significant effect	4
Have no ideas	0



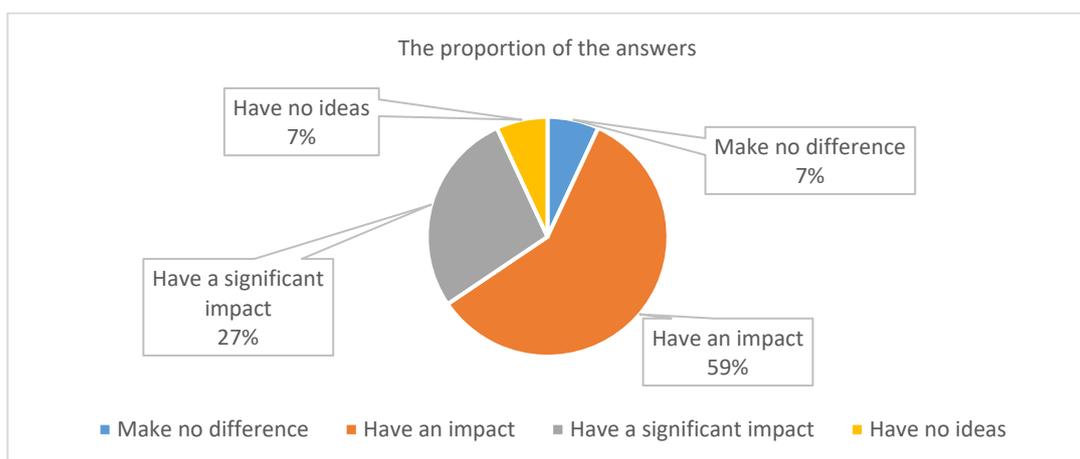
graph 4-6

As it can be seen from graph 3-6, 52%, of the investigated police officers thought <The Criminal Law Amendment (8) >,which abrogated the quantity of the pick-pocketing to be a larceny, had a impact on pick-pocketing behaviors and 34% of them thought it had a significant impact.The two items accounted for 86%. 14% of the surveyed police officers believed that the implementation of <The Criminal Law Amendment (8) > had no significant impact on the number of pickpocketing acts and none of the surveyed police officers

believed that it had no impact.The results are consistent with the investigation of the influence of <The Criminal Law Amendment (8) > on the number of burglaries in the questionnaire of the criminal investigation police officers.

"Do you think if the way of governance, whether the quantity of theft(such as 1000 yuan) determines whether the pick-pocketing behavior is a larceny , has any impact on the number of pick-pocketing behaviors?" The results are as follows:

Options	Replies to the question
Make no difference	2
Have an impact	17
Have a significant impact	8
Have no ideas	2



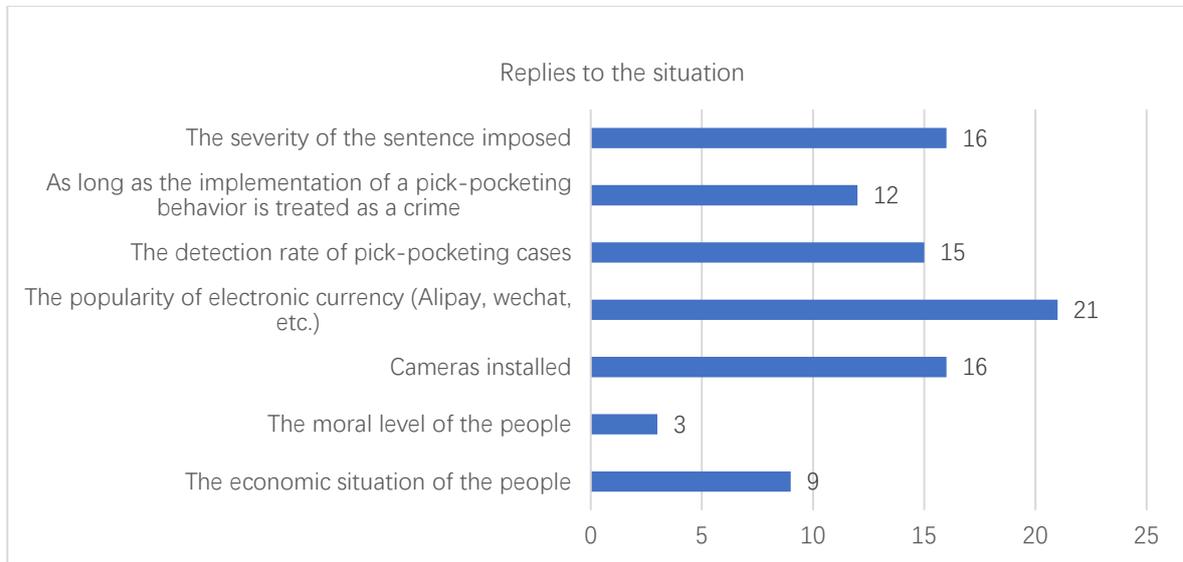
graph 4-7

According to the results, 59% of the police officers surveyed believe that the quantity of theft affects the amount of pick-pocketing and 27% of them believe that the quantity of theft significantly affects the amount of pick-pocketing. The two items account for 86%. 7% of the police officers surveyed believe that the quantity of theft made no difference in the amount of pick-pocketing. The results of this problem can be mutually verified with the investigation results of the implementation of <The Criminal Law Amendment (8) >on

the impact of the amount of pick-pocketing behaviors. In another word, the police officers surveyed mostly believe that <The Criminal Law Amendment (8) > cancelled the criminal quantity of pick-pocketing has a positive effect on reducing the occurrence of the pick-pocketing behavior.

"What factors do you think affect the occurrence of pick-pocketing behavior?" The results to the multiple-choice question are as follows:

options	Replies to the situation
The economic situation of the people	9
The moral level of the people	3
Cameras installed	16
The popularity of electronic currency (Alipay, wechat, etc.)	21
The detection rate of pick-pocketing cases	15
As long as the implementation of a pick-pocketing behavior, it is treated as a crime	12
The severity of the sentence imposed	16



graph 4-8

From the results, it can be found that the surveyed police officers believe that the popularity of electronic currency (Alipay, WeChat, etc.) is the first reason affecting the occurrences of pick-pocketing behaviors. These results are consistent with the results of the sample investigation of ordinary citizens. "Cameras installed" and "the severity of the sentence imposed" were selected at the same times. They are in the second place in seven options. "As long as the implementation of a pick-pocketing behavior, it is treated as a crime", which means that the pickpocketing behavior to be a larceny does not need the quantity of theft, is only in the fifth place in seven options. The result can match the sampling results of ordinary citizens. (That the pick-pockets behavior to be a larceny is cancelled the quantity of theft also means "the severity of the sentence imposed". "The severity of the sentence imposed" are selected in the second place, which also means that the surveyed police officers mostly believe that the pick-pockets behavior to be a larceny is cancelled the

quantity of theft greatly affects the occurrence of the pick-pocketing behavior)

5. The Survey of Prisoners

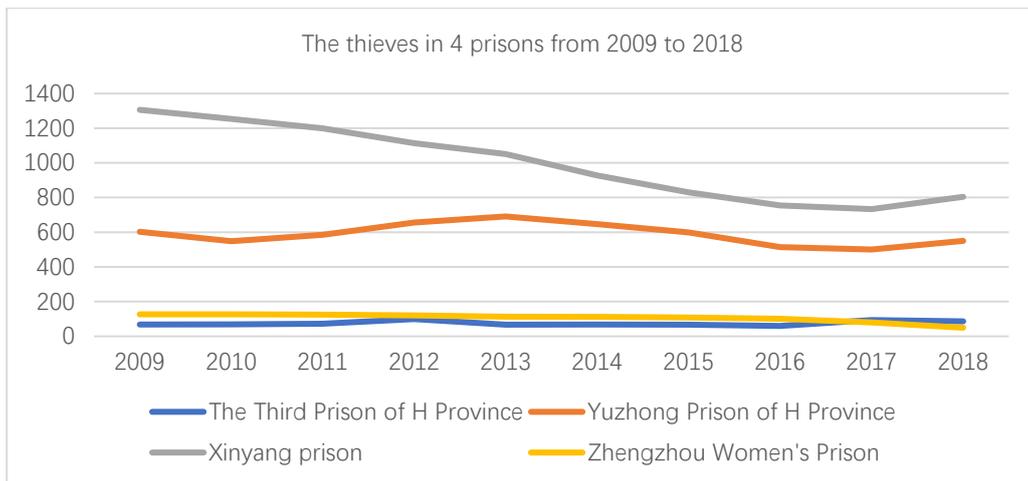
The author also investigated the changes in the number of thieves in four prisons in H Province from 2009 to 2018 and investigated the psychological impact of <The Criminal Law Amendment (8) > on burglars and pickpockets.

5.1. Changes in the number of thieves in four prisons

The author ascertained the changes in the number of thieves from 2009 to 2018 in 4 prisons in H province. The 4 prisons are the Third Prison, Yuzhong Prison, Xinyang Prison and Zhengzhou Women's Prison . The following statistics took June 1 of each year as the statistical day.

Graph 5-1. The numbers of thieves in 4 prisons in H province from 2009 to 2018

years	The Third Prison of H Province	Yuzhong Prison of H Province	Xinyang prison	Zhengzhou Women's Prison
2009	68	602	1306	127
2010	69	548	1253	127
2011	72	585	1199	125
2012	99	656	1113	120
2013	67	691	1051	113
2014	68	647	927	112
2015	67	599	830	108
2016	60	514	754	101
2017	93	501	734	80
2018	86	550	804	50



graph 5-1

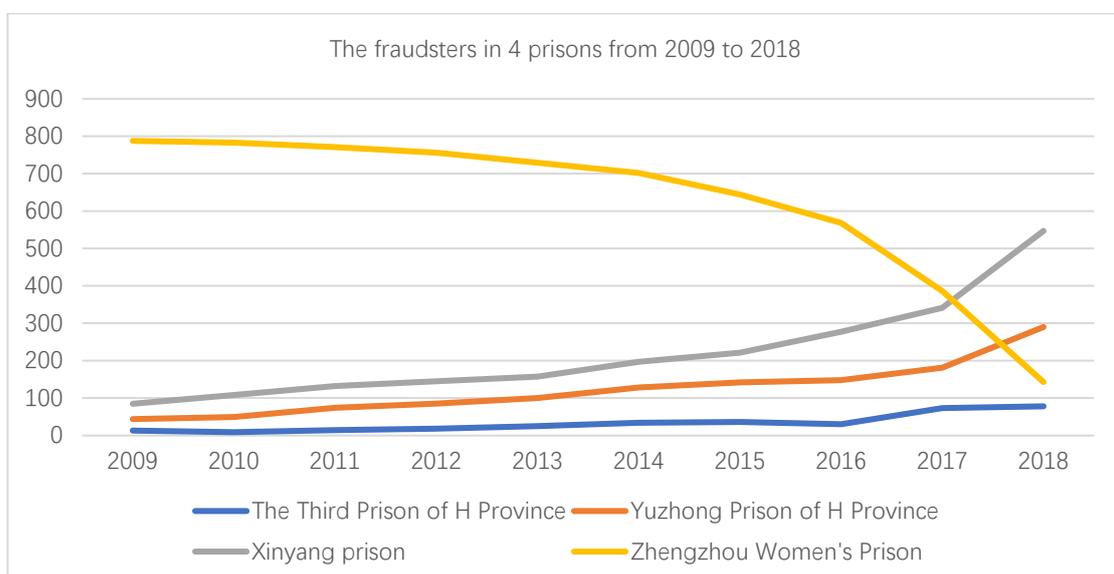
As it can be seen from graph 5-1, the numbers of thieves in the Third Prison and Yuzhong Prison have not changed significantly from 2009 to 2018, while the numbers of thieves in Xinyang Prison and Zhengzhou Women's Prison have decreased gradually. Overall, the numbers of thieves in the four prisons showed a downward trend. This shows that, with the implementation of <The Criminal Law Amendment (8)> on May 1, 2011, burglaries, pick-pocketing and thefts with weapons are easier to be a larceny without the quantity of theft. But it did not lead to more thieves in the four prisons in H province. The reasons may be that some larcenies are exempted from prosecution and some larcenies are simply

fined or sentenced to public surveillance, probation. It shows that the expansion of the crime circle with the right method does not necessarily significantly increase the burden for prisons.

By contrast with the unapparent increase of thieves in the 4 prisons in recent years, fraudsters in the 3 male prisons significantly increased in recent years. The numbers of fraudsters in the 4 prisons changed from 2009 to 2018 as follows. The statistics also took June 1 of each year as the statistical day.

From 2009 to 2018, the numbers of fraudsters in 4 prisons in H province:

Years	The Third Prison of H Province	Yuzhong Prison of H Province	Xinyang prison	Zhengzhou Women's Prison
2009	13	44	85	788
2010	9	49	108	783
2011	14	74	132	771
2012	18	85	145	756
2013	25	100	157	729
2014	34	128	197	702
2015	36	142	221	644
2016	30	148	277	568
2017	73	181	341	386
2018	78	290	547	143



graph 5-2

As it can be found from the graph 5-2, the numbers of fraudsters in the three male prisons tend to increase year by year. The numbers of fraudsters in Zhengzhou women's prison have decreased year by year. It is unclear whether gender causes the phenomenon or whether it is accidental. Since the implementation of <The Criminal Law(1997)>, China has not amended the provisions for fraudsters and has not expanded the criminal circle of fraud.

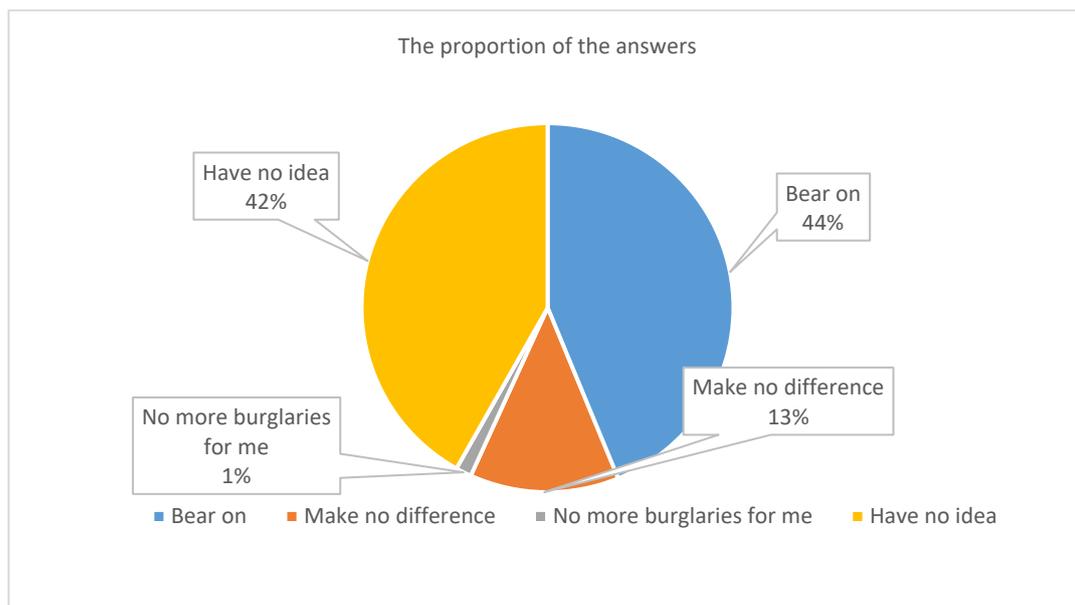
5.2. The impact of the change of the larceny standard on the psychologies of thieves

After the implementation of <The Criminal Law Amendment (8)> in 2011, burglaries, pick-pocketing acts and thefts with weapons are easier to be larcenies than before. Does the change of the criminal law have a significant impact on the psychologies of thieves?The author designed the questionnaires and asked a teacher (The teacher is Professor Lian Chunliang from Henan Judicial Police Vocational College.Thank him for his help) teaching criminal psychology to review it. With the help of prison policemen,

the author surveyed burglars and pick-pockets who went to jail after 2012 in the above 4 prisons in H province in August 2018.However, according to the recovered questionnaires, the number of questionnaires was even greater than the total number of thieves in the prison and some surveyed criminals also indicated on the questionnaires that they were not a burglar or a pick-pocket, or even not a thief. When compiling the questionnaires, the author excluded the questionnaires that were obviously not answered by burglars or pickpockets and also excluded questionnaires that were answered by prisoners who were imprisoned before 2012.However, judging from the number of formally qualified questionnaires, there should still be some questionnaires that were not answered by burglars or pickpockets. In addition, many criminals who answered the questionnaire answered the questions from the perspective of their personal interests and obvious contradictions could be found in the answers to the questionnaires. The following statistical results have a low value in credibility and reference.

"When burglaries are easier to be larcenies than before, does it have an impact on your decision whether to burglarize?" The results are as follows:

Bear on	Make no difference	No more burglaries for me	Have no idea
446	132	14	426

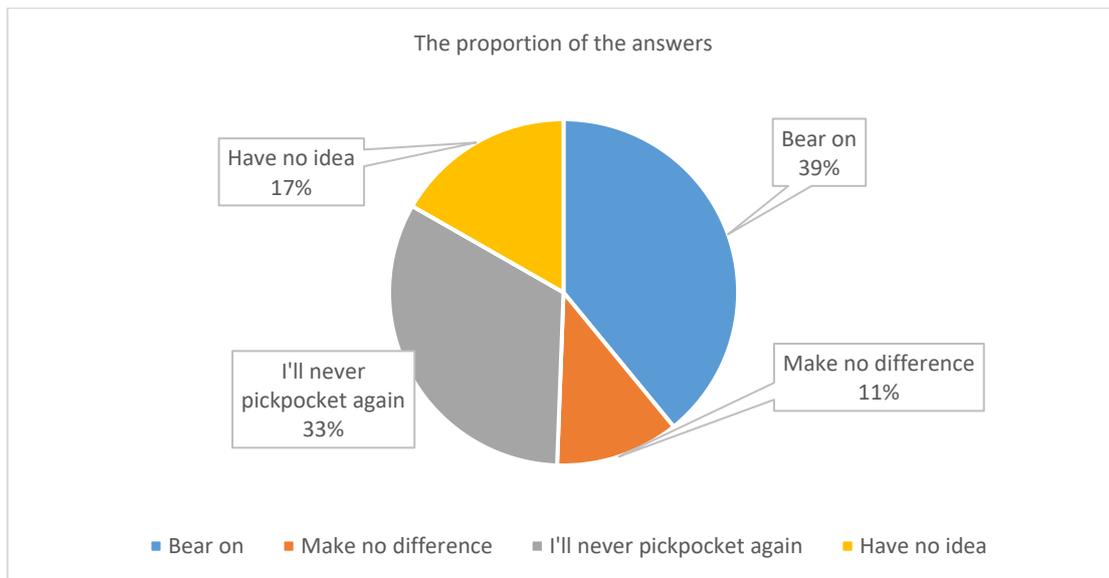


graph 5-3

"When the pickpocketing is easier to be a larceny, does it have an impact on your decision whether to pick?", The

results are as follows:

Bear on	Make no difference	I'll never pickpocket again	Have no idea
396	116	331	169



graph 5-4

According to the results of the first question mentioned above, 44% of the surveyed criminals believed that it would impact their decision whether to burglarize when burglaries were easier to be larcenies and 1% of them said they would not commit burglary again. The two items accounted for 45%. According to the results of the first question mentioned above, 13% of the surveyed criminals believed that it would have no difference on their decisions whether to burglarize when burglaries were easier to be larcenies than before, and 42% of the surveyed criminals did not know whether this change in the criminal law had an impact on their decision whether to burglarize. The two items accounted for 55%. According to the results of the second question above, 39% of the surveyed criminals believed that it had an impact on their decision to commit pickpocketing when pickpocketing was more likely to be a larceny and 33% of the criminals surveyed said they would not commit pickpocketing again. The two items together accounted for 72%. According to the results of the second question above, 11% of the surveyed criminals believed that it would have no difference on their decisions whether to commit pickpocketing when pickpocketing was more likely to be a larceny, and 17% of the surveyed criminals did not know whether this change in the criminal law had an impact on their decision whether to commit pickpocketing. The two items together accounted for 28%. According to the results of the answers of the surveyed criminals to the above two questions, when it is easier for burglary and pickpocketing to be larcenies, the changes in criminal law respectively have 45% and 72% influence on their decisions of burglars and pickpockets to decide whether to carry out the act of burglary and pickpocketing.

6. Conclusion

From the above investigation, some interesting results can be concluded. 1) After <The Criminal Law Amendment (8)> which cancelled the quantities of the burglary and the pickpocketing to be a larceny was implemented, the number of burglaries and pickpocketing acts significantly reduced in H province. 2) <The Criminal Law Amendment (8)> which modified the conditions for the establishment of a larceny has a direct positive effect on controlling the amount of burglaries and pickpocketing acts. 3) The most important reason for the reduction in the number of burglaries is the widespread use of

surveillance cameras. 4) The most important reason for the reduction in the number of pickpocketing acts is the use of electronic money technologies such as Alipay and wechat. 5) With the increase in the number of larceny t cases filed by the police, there has been no significant increase in the number of thieves in 4 prison in H province.

With the revision of the conditions for the establishment of a larceny in <The Criminal Law Amendment (8)>, the number of larceny cases filed by police increased in H Province, which did not significantly increase the number of thieves in prison in H Province. After the implementation of <The Criminal Law(1997)>, China has not amended the conditions for the establishment of a fraud crime which requires a certain amount of property to be swindled. With the increase in the number of fraud cases filed by police in H province, the number of fraudsters in prisons significantly increased too. The author speculated that it is the revision of the conditions for the establishment of a larceny in <The Criminal Law Amendment (8)>, which makes burglars, thieves with weapons and pickpockets to know that their acts are easily punished by penalties, and the revised provision of larceny in <The Criminal Law Amendment (8)> has played a role in controlling related thefts. The crime of fraud only relies on the policemen to develop the detective technologies and increase the intensity of the attack, which reduce the number of hidden fraud crimes, and the provisions of fraud in the criminal law in China do not play a full role in controlling fraud acts. The hypotheses need to be further confirmed by other studies.

With the criminalization of some minor harmful acts in Chinese criminal law, many Chinese criminal law scholars have proposed to pay attention to the modesty of the criminal law and oppose the expansion of criminal circles. Some scholars believe that if administrative punishment can be used to control the harmful behavior, they should not use penalties. But the author believes that the use of administrative punishments to control harmful social behaviors has two major drawbacks when administrative punishments are only decided by an administration. Firstly, because of the lack of other powers to check and balance, administrations are prone to passive inaction. Secondly, in the absence of other powers, administrations are prone to corruption. Some harmful behaviors, which are believed to be controlled by

administrative punishments, are often not well controlled. The author believes that it should be proved by empirical researches whether China should expand the criminal circle.

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