

Research on the Perfection of Reward Notice System in China

Pengyang Ma^{1,*}

¹School of Law, People's Public Security University of China, Beijing, China

*Corresponding author

Abstract

The reward notice is an important measure to promote the linkage between the police and the people and activate the masses' strength by economic means. The case of offering a reward to Fujian Oujin Zhong has once again triggered a heated discussion on this system. At present, it lacks the support of the Criminal Procedure Law, and there are some specific problems, such as unclear legal nature, diversified reward subjects, chaotic application standards, ineffective reward payment, and obstacles to the protection of the legitimate rights and interests of actors. In this regard, it is suggested that it should be characterized as a non-mandatory beneficial administrative act; Adopt the starting mode of "combining ex officio with application" and redefine the qualifications of several special subjects; Incorporate the degree of difficulty, harmfulness, severity and public opinion in the applicable standards according to the weight ratio; Broaden the source of reward, reasonably determine the amount of reward and establish the rules of reward payment; Give the recipients relief channels and other rights protection.

Keywords

Reward notice, Legal nature, Applicable standards, Reward payment, Protection of the rights and interests.

1. Introduction

In 2021, the "10.10 Putian Pinghai Major Homicide Case" killed two people and injured three others. After the incident, Pinghai Town Government immediately issued a reward notice to the suspect Ou Jinzhong, but it caused a heated discussion on the Internet for two reasons. First, whether Pinghai Town Government has the main qualification to issue a reward notice; The second is about the payment rules of the reward. The reward notice mentions that the reward for finding the body of the suspect is 50,000, while the reward for providing clues that are of great help to solve the case is only 20,000. With this major criminal case, the reward notice system has once again attracted widespread attention. As a concrete innovative measure of the basic policy of "combining specialized organs with the masses" in public security work, the reward notice is helpful to fully mobilize the enthusiasm of the people to provide clues to solve crimes and participate in maintaining social order, and to maintain the trend of cracking down on illegal crimes. The police force is limited, the people's strength is endless, and the huge people's resources give the police a "clairvoyance".[1] In the past 40 years, the public security organs have carried out a lot of reward notice practice in order to detect cases as soon as possible, deter and punish crimes, and in fact, they have achieved a lot of results. Received a lot of clues about the accumulated murders, and even the masses directly helped to arrest the suspects. The detection of a series of major criminal cases, such as the "11.12" case in Bengbu, the "7.2" murder case in Changyuan, Henan, and the "5.13" intentional homicide case in Feixi County, benefited from this. The reward notice has become an auxiliary means widely used in the investigation process at home and abroad.

Combing the relevant legislation in China, Article 279 of the Procedural Provisions for Handling Criminal Cases by Public Security Organs (hereinafter referred to as the Procedural Provisions) stipulates the reward notice: firstly, its purpose is to "find major criminal clues, recover the property and evidence involved, and seize criminal suspects"; Second, its scope of application is "when necessary"; Third, the procedure must meet the conditions of "approved by the person in charge of the public security organ at or above the county level"; Fourth, it is necessary to "specify the basic situation of the reward object and the specific amount of the reward".

In addition, what is specifically aimed at this system at present is the Working Regulations of Jiangsu Public Security Organs' reward notice issued by Jiangsu Provincial Public Security Bureau in 2004, which further refines the criminal reward that only with the general principle in the Procedural Provisions, and makes corresponding regulations on the scope of criminal reward cases and the standard of reward amount.[2] The rest are incentives for citizens to provide case clues in various regions, which are all criminal rewards for non-specific cases. Because the research on the reward notice system in China started relatively late, the system is not involved in the Criminal Procedure Law at present, and the other relevant provisions are still sketchy, which leads to the confusion in the application of this system and sometimes even leads to reward disputes. Therefore, it is necessary to carry out necessary and powerful norms again.

2. Define the Legal Nature of Reward Notice

Defining the nature of the reward notice is the cornerstone of studying and perfecting this system. There are different theories about it in China, and different courts have different opinions in individual cases. For example, in the case of Jiang Zhoumin v. Shanghai Public Security Bureau, the Supreme Court held that the dispute did not fall within the scope of civil litigation accepted by the people's court. However, in the cases of Lu Ruigeng's appeal to Donggang Public Security Bureau, Liu Qiuxi's appeal to Xinhua County Public Security Bureau, and Ni Yanqing's dispute with Wuchang city Public Security Bureau, the Court of Final Appeal held that the reward notice was regulated by civil legal norms.

2.1. Different Theories

First, the theory of civil behavior holds that the reward notice is similar to the advertisement of reward in civil law, and both of them are regulated by civil legal norms. As an equal civil subject, the investigation organ issues a reward to the society, encouraging people who know the information of the case to actively provide clues and assist the police in solving the case. The release behavior is not compulsory by the state, and the public can choose whether to report or not. According to whether it is necessary for the reward issuer to reach an agreement with the actor, it is divided into contract theory and individual behavior theory. The biggest difference between them lies in whether the person without or with limited capacity for civil conduct and the person who doesn't know the reward matters have the right to claim creditor's rights. Second, the theory of criminal judicial behavior holds that although the reward notice is similar to the civil reward advertisement in appearance, the civil reward advertisement requires autonomy of private law because it involves the field of private law, and its issuing subject is limited to natural persons, legal persons or other organizations,[3] while the issuing subject of the reward notice is the public security organ, with the purpose of assisting in solving cases and maintaining social security management order, rather than protecting a specific private interest. At the same time, from the logical point of view of the law, the reward notice system is stipulated under the investigation in Chapter 8 of the Procedural Provisions, which is the embodiment of the exercise of the public power of investigation right. Thirdly, the theory of administrative behavior holds that people should consider the multiple identities of public

security organs in China, which are not only investigation organs, but also organs with administrative duties of public security management. Based on the meaning of the subject of public security organs, once announced, the reward notice will have direct and external legal effect, which is an administrative act with disciplinary, unilateral and externality.[4] Under the subdivision, there are two qualitative types: administrative reward and administrative contract. The former thinks that the reward is not consideration for information transaction.[5] The latter thinks that the reward notice is an administrative contract concluded between the administrative organ and the actor.

2.2. Foreign Experience for Reference

The Japanese Civil Code stipulates the reward advertisement in the general provisions of the debt law, and articles 529-532 stipulate the concept of reward advertisement, the specific operation of withdrawal, the subject scope of receiving the reward, and the specific content of the first-class reward advertisement. On the basis of the above provisions, the Japanese police department has established a reasonable and perfect criminal reward system, that is, the reward notice is regarded as a civil act equivalent to the reward advertisement. Among them, it is divided into public rewards initiated and paid by the police department (public reward system) and private rewards (private reward events) whose subject of responsibility are civil temporary organizations such as the case assistance investigation Committee. The former is aimed at vicious criminal cases with great social influence, while the latter covers the scope of general cases and the former. Disputes between the two types of rewards must be resolved through civil remedies. In the United States, the official reward issued by the police and other government departments is closely related to the public interest. "First, it is stipulated by law. Second, the reward offered by such government is a reward for rights and obligations without consideration, similar to a separate act of continental law." [6] That is to say, official reward is a separate act implemented by public authorities according to laws and functions; There are also advertisements for offering rewards issued by private individuals to safeguard private interests, which are regarded as a unique "unilateral contract", that is, a contract can be established when the issuer makes a unilateral expression of the reward and the other party knows it. The issuer can foresee that the actor will need to pay time and financial resources to complete the specific reward, and is willing to exchange the reward, but the actor needs to know the existence of private reward advertisements in advance to have the right to ask for the reward.

2.3. Identification of the Legal Nature

First of all, the author thinks that the reward notice issued by the public security organ does not belong to the general reward advertisement, and there is only superficial consistency between the two. The public security organs set a reward to collect clues, not out of private interests, but out of the need to solve criminal cases and safeguard public interests. Secondly, it can't be regarded as a criminal investigation, because according to the Legislation Law, the criminal procedure system is clearly stipulated in the Criminal Procedure Law, but its provisions only contain compulsory investigation measures such as interrogation, inquiry, identification, wanted and technical investigation, and do not involve reward notice. Moreover, the rights and obligations of the reward notice occur between the public security organ and the actor who completed the task. They are not in line with the legal relationship of criminal procedure. In addition, the investigation begins after the case was filed, and in practice, some public security organs also issued a reward notice without filing a case.

The author believes that it is more appropriate to characterize it as a non-mandatory beneficial administrative act. On the one hand, the scope of accepting cases in administrative litigation does not include the investigation behavior stipulated in the Criminal Procedure Law. According to this logic, issuing a reward notice is an administrative act. On the other hand, this

is the exercise of public power for the public interest, which does not restrict or affect citizens' personal and property rights. It is non-mandatory, and citizens can get a reward when they meet certain conditions, which reflects the granting nature.

3. Clarify the Relevant Subjects of the Reward Notice

Clarifying the subject scope of the legal relationship of reward notice is of great benefit to correct the phenomenon of random release of reward notice and confusion of the subject receiving reward in practice.

3.1. Issuing Subject

The "Procedural Provisions" clearly states that the public security organ is the subject that has the right to issue a reward, but the subject offering a reward to Ou Jinzhong in Putian, Fujian Province is Pinghai Town Government, which is obviously not a qualified subject. This also proves that there is confusion in the issuing subject of reward in practice. In addition, private rewards posted on the Internet or on the street also occur from time to time, which embodies a different way of relief. The former is public relief that relies on the public security organs to exercise their functions and powers, and the latter relies on victims who can afford the rewards when their interests are damaged. To a certain extent, private rewards can make up for the vacuum of public relief and optimize the allocation of resources for handling cases by public security organs, but in recent years, private rewards have been chaotic. First of all, it is difficult to guarantee the credibility by setting a reward in private to encourage actors to provide clues. Some people may illegally obtain clues by any means to achieve their goals. What's more, they may forge false clues to deceive private issuers, and at the same time increase the burden on public security organs. On the other hand, issuers may release information indiscriminately, leading to the disclosure of key information in case handling or the untrue and inaccurate information released, misleading the public and even infringing on the rights of reputation and portrait of innocent third parties. In addition, it is impossible for individuals to provide necessary personal and property protection, and there is a lack of corresponding confidentiality constraints.[7]

As mentioned earlier, there are public rewards and private rewards in Japan. The former is issued by the Tokyo Metropolitan Police Department and local police headquarters, while the latter is issued by some temporary non-governmental organizations such as the Committee for Assisting in Case Investigation. In the United States, there are also official rewards and private rewards issued by citizens and non-governmental organizations (such as the famous "crime hotline"-Crime Stoppers). It can be seen that many foreign countries recognize the legality of private rewards.

At present, the issue of reward notice in China is a single "start by authority" mode, which is easily influenced by the will of unit leaders and public opinion. The author suggests adopting the mode of "combining ex officio with application", that is, giving the victims, their close relatives and other interested parties the right to apply to the public security organs at or above the county level for issuing a reward notice, which will be issued by the public security organs that accept the case after approval. This combined model will not only eliminate the above external influences, but also take care of their eagerness and give them more relief channels. In addition, when the public security organ refuses to approve the right application, the applicant has the right to apply for administrative reconsideration or bring an administrative lawsuit, and the public security organ should also be liable for compensation.[8]

3.2. Receiving Subject

Japanese public rewards do not pay rewards to police officers, suspects themselves, accomplices and those who illegally obtain information. The "Justice Reward Plan" in the United

States also failed to grant the police officers the qualification to receive the reward. At present, the design of reward notice system in China does not restrict the recipients, which leads to differences in determining the qualifications of several special subjects in practice. First of all, criminals can't get a reward if they provide clues about themselves or accomplices in a joint crime, because this violates the principle that "no criminal can benefit from crime", and at the same time, this behavior can be recognized as surrender, which is a statutory sentencing circumstance. However, if they actively provide clues about other people or accomplices' other crimes, it is in line with the legal provisions of meritorious service and they can receive extra rewards. The two are not in conflict. Secondly, the close relatives of criminals should be excluded from the qualified recipients. Otherwise, on the one hand, it violates the traditional culture of "relatives hide from each other", on the other hand, it will also lead some extreme criminals to commit serious and complicated crimes to increase the reward amount of public security organs and benefit their close relatives, which will defeat the purpose of the reward notice system. The third is the investigators of public security organs, and the behavior of these public officials in performing their statutory duties cannot be regarded as the reason for receiving the reward. They are obliged to complete the work of obtaining clues within the scope of their duties. In addition, because of their convenient position, they are more likely to obtain clues to solve crimes through experience accumulation and technical means. It is unfair to the general public to give them the qualification to receive a reward. Fourth, people who use illegal means such as voyeurism to obtain and improperly use the information involved (such as extortion, malicious threats to criminals and close relatives) cannot become the subject of receiving the reward.

4. Standardize the Applicable Standards of Reward Notice

Article 279 of "Procedural Provisions" makes vague and broad provisions on the scope of application of reward notice: "when necessary". Whether the judicial organ applies the criminal reward measure depends to a great extent on the "chief will" of the person in charge of the judicial organ.[9] Different leaders may have different degrees of understanding of this provision, which may lead to different conclusions on whether to apply this measure in criminal cases with basically similar nature and circumstances. In Japan, the public reward system can be applied to two types of cases, one is the special wanted object designated by the Japanese police department, and the other is the criminal case with great social impact, including cases that seriously damage citizens' life and health and property safety, cases that seriously hinder the police from performing their duties, and special cases selected by the local police headquarters. Lawmakers in Bavaria, Germany, set the conditions for issuing the reward order as "when the investigation organ has no hope to solve the case on its own". The criminal reward in the United States is quite common, and the government departments and police agencies in various States, cities and counties can issue rewards for general criminal cases. In order to crack down on terrorist activities, the State Council has formulated a special anti-terrorism reward plan, such as the "Justice Reward Plan" authorized by the US government to the the State Council Diplomatic Security Bureau to provide "informants" with important anti-terrorism information. The above-mentioned reward plans, together with others such as the FBI's reward for "the top ten most wanted criminals in the world", have established the criminal reward system in the United States. Generally speaking, the reward notices we usually see are aimed at some cases that are difficult to detect and harmful or cause great social repercussions in the local area, and the targets are mostly fugitives involved in black organizations, murders and drugs. For example, in April this year, the police in Lingshui Li Autonomous County of Hainan issued a reward notice with a maximum amount of 100,000 yuan for two long-term and difficult-to-detect intentional homicide cases, and in February this year, Hengyang County Public Security Bureau issued a reward notice with a total amount of 50,000 yuan for two

people suspected of selling and transporting drugs to crack down on drug-related crimes. For the first time, the Working Regulations of Jiangsu Public Security Organs defined four situations of issuing reward notices, taking the social impact, harmful consequences and severity of the case as considerations, and explicitly prohibited the use of reward notices as an alternative means of criminal investigation, so as to avoid the problem of excessive reward notices caused by police evading investigation duties, which provided an example for public security organs throughout the country. Incentives issued by various regions are aimed at collecting clues about one or several major crimes. In view of the above reasons, the reward notice is not for all cases. It is suggested that the factors such as the difficulty of case detection, the harmfulness of the case, the severity of the case and the size of public opinion should be considered comprehensively, and an evaluation score with a total score of 100 points can be set, with the above factors accounting for 40%, 30%, 20% and 10% respectively. After evaluation, if the total score of the case is not less than 70 points, the reward notice can be issued.

5. Clear Payment Matters of Reward Notice

The important clues grasped by insiders are public goods, and their private benefits are less than social benefits. Without subsidies, there will inevitably be a situation of insufficient supply.[10] Reward payment is the most concerned thing for the unspecified public to provide clues to solve the case. However, at present, China's high-level legal documents do not make uniform and clear provisions on the specific content of reward payment, including the source, amount and payment rules of reward, so the following analysis is made.

5.1. Broaden the Sources of Reward

Ensuring the source of reward is the material premise to ensure the realization of the receiving right of the receiving subject. Under the effect of "comparative effect", the investigation organs in various places have formed a trend that the reward amount is gradually increasing.[11] At present, the reward is allocated from the funds of public security organs, and there is no special fund plan provided by the financial department as a support, which may lead to the situation that the source is unstable or the reward cannot be cashed when the funds for handling cases are tight. At present, the reward issued by private individuals in China is provided by individuals. When investigating abroad, the reward money mainly consists of three channels: social welfare organization fund, government financial fund and the victim himself and his family. When investigating abroad, the reward money mainly comes from social welfare organization funds, government financial funds, the victims themselves and their families. For example, the Japanese public rewards, the American "Organized Transnational Criminal Group Reward Plan", "Justice Reward Plan" and the reward order of Bavaria, Germany are all included in the government budget; The "Crime Stoppers Hotline", a non-profit organization, has a foundation dedicated to raising funds from the society. The reward fund in Hong Kong is provided by the Commissioner of Hong Kong Police Department, citizens or citizens.[12] At present, the source of reward in China is relatively single. Combined with the above-mentioned starting mode of reward notice "combining ex officio with application", it is suggested that China should broaden the source channels of reward. First, set up a social organization to collect rewards for public security organs or apply for funds from the Samaritan Foundation in various places. In this way, the combination of government forces and social forces can ensure the relatively stable source of reward, and at the same time, it can form a positive heterodyne effect, thus saving the transaction cost of criminal reward as a whole.[13] Second, the financial department of the government should make overall plans in advance, so that the public security organs can have some funds as special rewards when they encounter some difficult and complicated cases. Third, for a reward notice that is applied by an individual and approved by the public security organ at or above the county level, in principle, the individual will bear the

reward money, which will be kept by the public security organ on his behalf, but if his family is financially difficult to bear, it will be borne by the public security organ. In this way, a regular reward library based on social organizations, state organs and individual citizens can be formed.

5.2. Determine the Reasonable Amount of the Reward

Reasonable reward amount is the key factor that affects the implementation effect of reward notice. If the amount is too high, the public security organ will be under great pressure when paying the reward. If the reward cannot be paid, it will damage the credibility of the public security organ and discourage the masses from reporting illegal and criminal clues. If the amount is too low, it can't match the risks faced by the public because of providing clues to solve the case, and it is difficult to attract them effectively. Foreign standards of reward amount can provide us with some reference. The Japanese public's reward is aimed at criminal cases with great social impact. The reward is valid for one year, and the amount generally does not exceed 3 million yen, and it will reach 10 million yen when there is special need. The reward amount in Bavaria, Germany, does not exceed 10,000 euros, and the subordinate organs of the public security department make specific delineation according to the nature, harmfulness and social influence of the crime. The "Justice Reward Plan" in the United States usually considers the geographical scope of terrorist activities, the number of people involved, the severity of activities and so on when determining the reward amount. However, due to the differences in the level of economic development between different regions in China, especially between the east and the west, the economic support received by public security organs is also different, and the amount of rewards issued cannot be completely unified. The author suggests that when making a decision, the nature of the case, the degree of harm, the scope of regional influence, the public's concentration, the source of the reward and the local economic development level should all be considered comprehensively, which can not only promote the handling process of the case, but also save the reward cost.

5.3. Establish the rules of reward payment

First, the role of the actor's specific behavior in case detection can be divided into direct role and important role. The former means that the clues provided by the perpetrator can help the public security organs directly obtain strong evidence, solve cases or directly capture criminal suspects and fugitives; The latter means that the clues provided by the actor play an important role in police investigation and evidence collection, so that the police can crack the case through further work. The rewards for these two functions are different, and the rewards for the direct functions are higher. For example, in 2019, Xuanhan County Public Security Bureau issued a reward notice for the criminal suspect Li Yongping, which mentioned that the reward for people who provide valuable clues is 20,000 yuan, and the reward for people who provide important clues and directly arrest them is 50,000 yuan. Looking back on the case of offering a reward to Ou jinzhong, it can be seen that clues that are of great help to solve the case, such as traces of entering the house, stolen clothes and food, can be regarded as important functions, while finding the body can hardly be regarded as these two functions, but obviously it plays a worse role than these two, so its excessive amount is not appropriate.

Second, when there are several actors, it will involve the distribution of the reward, and corresponding distribution rules need to be formulated. Article 531 of the Japanese Civil Code responds to this problem, which stipulates that if several actors complete specific matters at different times, they will be rewarded in chronological order; If specific matters are completed at the same time, they shall be distributed equally; There are special circumstances such as the difficulty in dividing the remuneration, and lots will be drawn. However, the consideration of this provision omits the role played by the actors, and the public security organ should make a judgment on this aspect and draw a conclusion. Combined with the implementation methods of reward reporting clues in various places in China, the suggestions on the reward distribution

of several actors are as follows: (1) Only one actor completes the reward alone, and the actor is rewarded in full; (2) there are several actors who have provided the same clue, and the first provider will be rewarded in full; (3) If there are several actors who provide the same clues at the same time or jointly arrest the reward target, the reward will be distributed equally; (4) there are several actors who provide different clues, and the reward is distributed in proportion according to the role of providing clues.

Thirdly, regarding how to pay the reward in a timely and confidential manner, since the implementation of the "Justice Reward Plan" in the United States, the identity of the perpetrator has been kept strictly confidential, and the specific clues reported by the perpetrator will not be revealed in limited reports, and the recipients will be allowed to wear black hoods at the scene. In addition to on-site acceptance and personal delivery by staff, the plan mostly adopts electronic payment. In China's reward practice, in most cases, the actor himself or others entrusted went to the public security organ to receive cash or accept bank transfer. There are also reward methods such as recharging the telephone bill and refueling card for the recipient. The author suggests cashing the reward for the recipient by bank transfer as much as possible. Even if it is necessary to receive the reward at the scene, necessary confidentiality measures should be taken for the identity information of the recipient. In addition, the provisions of Articles 14 and 25 of the Measures for Rewarding Citizens for Providing and Reporting Cases and Fugitives (Trial) promulgated by Chongqing at the end of 2002 are quite worth learning. Citizens can use Arabic numerals with less than 6 digits to make their own code for anonymous reporting, and the corresponding reward work is also carried out in secret. This way of anonymous reporting and reward by using code gives consideration to cracking the crime and effectively protecting the information security of the recipient.

6. Strengthen the Protection of the Rights and Interests of the Receiving Subjects

In addition to the above-mentioned reward payment, the ultimate realization of the purpose of the reward notice is also inseparable from the protection of the rights and interests of the actors. Only in this way can we fully mobilize the enthusiasm of the masses, eliminate their fear and distrust of the public security organs, and let them complete the specific matters in the reward notice without worries. Of course, this is also the obligation that the public security organs should undertake. However, there are several kinds of phenomena in the long-term reward practice in China, which seriously infringe on the legitimate rights and interests of the actors and damage the public image of the public security organs.

First, the public security organ may not pay the reward adequately and properly or delay to pay the reward for the actor who provided clues to solve the case for various reasons, such as Wuchang city Public Security Bureau failed to pay the reward of 30,000 yuan to Ni Yanqing who provided clues about the suspect Guo Xiaoguang, a county public security bureau in Yunnan Province failed to pay the reward of 400,000 yuan to a citizen in Jiujiang who provided clues about suspect Lin and others, and Luoyang Public Security Bureau failed to pay the reward of 50,000 yuan to Chen Yan who arrested criminals. When the phenomenon of "dishonesty" occurs in the public security organs, the recipients lack legal channels to seek relief, and because of the unclear legal nature of the reward notice, there are doubts about which substantive law and procedural law should be applied to remedy it. The author suggests that in view of the fact that the reward notice has been regarded as a non-mandatory beneficial administrative act, it is more appropriate to adopt the relief channels and time limit stipulated in the administrative law, that is, if the receiving subject who applies for receiving it thinks that the behavior of the public security organ infringes on his legitimate rights and interests, he can apply for administrative reconsideration to the public security organ at the next higher level or the

people's government at the same level within 60 days from the date of knowing the behavior, and if he is dissatisfied with the reconsideration decision, he can bring an administrative lawsuit to the court within 15 days from the date of receiving the reconsideration decision. In addition, the Provisions of the Supreme People's Court on Several Issues Concerning Evidence in Administrative Litigation should also be applied to the distribution of burden of proof. Because of the gap between the receiving subject and the public security organ in terms of responsibility and ability to provide evidence, the public security organ bears the main burden of proof, that is, to prove the legality of the administrative act; The recipient proves that he has applied to the public security organ. For example, when the public security organ is unwilling to pay the reward, the receiving subject proves that he has completed the reward, and the public security organ proves that his performance has not played an effective role and does not meet the reward requirements.

Second, the reporting behavior is similar to the witness's testimony, and the reward notice is more common in criminal cases with relatively bad nature and greater harm. Sometimes the public security organs do not keep the information of the actor confidential, so vicious incidents often occur in which criminals or their associates and their families retaliate against the actor himself and his family. For example, the Longde County Public Security Bureau leaked the actor's information and the actor was beaten. Paragraph 3 of Article 111 of China's Criminal Procedure Law stipulates in principle that public security organs should ensure the safety of informants and their close relatives. However, objectively speaking, China's legislation on reporting is still quite weak, lacking specific and universally applicable explicit norms, failing to formulate relevant judicial interpretations in time. All localities are still in the stage of creating their own experience and self-exploration, and have not formed a systematic protection mechanism for citizens' right to report.[14] In this regard, first of all, we can learn from the anonymous way of information coding or the way of bank transfer, and strictly keep the information of the recipients and their close relatives confidential; Secondly, special protection agencies can be set up in administrative divisions at or above the county level, and the recipients and their close relatives can apply for protection measures or the public security organs can entrust them to implement protection measures. Specific measures can learn from the protection measures for witnesses in the Criminal Procedure Law, such as prohibiting specific people from contacting them or taking special protection for their personal and residence, or adopting some flexible measures, such as changing their address information, to reduce the probability of their identity information being exposed. In practice, in order to complete the reward, the recipient will inevitably face some personal or property losses, such as the injury by criminals at the scene, the postage for reporting clues, etc. This part of the loss also involves the protection of the rights and interests of the recipient, and there is great controversy about whether the expenses will be compensated by the public security organs. The author thinks that it should be discussed separately, that is, some necessary expenses to complete the reward, such as postage and accommodation, do not need additional compensation, and their costs should be included in the reward; In principle, medical expenses, lost time and other property losses corresponding to personal injuries caused by criminals or their associates or close relatives should be compensated by the infringer, who should bear corresponding civil or criminal liabilities. However, if the infringer's whereabouts are unknown or unable to pay, the public security organ can give appropriate compensation for humanitarian reasons, or draw funds from local charitable foundations such as the Courageous Foundation to give appropriate rewards; The above-mentioned "the whereabouts of the infringer is unknown or unable to pay" can be applied to the major losses caused by the accident.

7. Conclusion

In today's society, where new criminal methods are emerging one after another and criminals are becoming more and more cunning, a reward notice system that encourages the public to provide clues about criminal suspects, property involved and evidence to be recovered to help the police solve the case by economic means can, on the one hand, give full play to the strength of the masses, effectively crack down on criminals and effectively promote international criminal cooperation; On the other hand, the market economy has gradually promoted the position of benefit value in legal value. On the basis of ensuring the quality of handling cases, reducing litigation costs and maximizing litigation benefits are one of the goals pursued by criminal investigation today.[15] The reward notice can effectively assist the process of case investigation and save the cost of solving cases. From the long-term reward practice, we can see its important role, but there are also many reward disputes between public security organs and actors. Rational analysis can reflect the fundamental reasons, that is, the controversy in theoretical understanding and the related provisions are too rough and the hierarchical effect is not high. This paper starts with specific cases, and then makes an in-depth analysis of the nature, relevant subjects, applicable standards, reward payment and other aspects of the reward notice, and points out the shortcomings of the system in many aspects at present. Based on China's specific practice, combined with the relevant practices of Japan, Bavaria, Germany and the United States, this paper puts forward targeted improvement suggestions and their supporting reasons. However, the legalization process of the reward notice system has a long way to go, and it needs to continue to learn from foreign excellent experience, and at the same time, it should further combine the work status of public security organs in China and constantly reflect the characteristics of China.

References

- [1] Wang Shijun. Current situation of criminal reward in public security departments and its system construction [J]. Journal of Jiangsu Police College, 2010,25(06):150-154.
- [2] Chen Yujia. Research on the initiation system of criminal reward in China [D]. Lanzhou University, 2016.
- [3] Lin Xinglong. On the characteristics of criminal reward advertisements [J]. Journal of Harbin University, 2019,40(03):53-57.
- [4] Fang Xiaomin, Huang Lihua. Determination of the legal nature of criminal reward-with comments on the sectors of civil reward [J]. Academic circles, 2014(03):183-189+311.
- [5] Zhao Xiaohui, Tang Xiaohui. On the legal nature of criminal reward [J]. Xiang Chao (second half), 2012(09):36-37.
- [6] He Jingang. Reflection and reconstruction of China's reward notice system [D]. Northwest University, 2019.
- [7] Liu Jun, Li Li. On the conflict between individual reward and criminal investigation power [J]. Journal of Chinese People's Public Security University, 2003(06):122-126.
- [8] Bin Yuan. Zhaoan "civil criminal reward", integrating the criminal reward system [J]. Journal of Guizhou Police Vocational College, 2005(03):22-24.
- [9] Cheng Wei. Conception and reality of legislation of criminal reward system in China [J]. Journal of Three Gorges University (Humanities and Social Sciences Edition), 2012,34(01):97-100.
- [10] Liu Tinghua. Legal and Economic Analysis of Criminal Reward [J]. Journal of Shanghai Public Security College, 2012,22(03):76-79.

- [11] Tian Bin. Summary of the research on the reward notice system in China [J]. Journal of Shanghai Public Security College, 2011,21(04):82-85.
- [12] Jie Ping. On criminal reward [J]. Journal of Political Science and Law, 2004(01):30-32.
- [13] Yan Zhaohua. Criminal reward from the perspective of institutional economics [J]. Jiangsu Social Sciences, 2005 (2): 117-121.
- [14] Ji Zhiyuan. Analysis on the legal protection of informers in criminal reward [J]. Journal of Hubei University of Economics (Humanities and Social Sciences Edition), 2014,11(10):89-90.
- [15] Dong Yan. Reward payment for criminal suspects and criminals [J]. Journal of Hubei Police Officer College, 2013,26(09):86-88.