

Analysis of the Objective Elements of the Crime of Collecting Illegal Debts

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Abstract: In order to effectively regulate the repeated violent and soft-violence collection of loansharks, gambling debts and other illegal debts in social life, Amendment (XI) to the Criminal Law establishes the crime of collecting illegal debts. The establishment of this crime not only makes up for the legislative gap of "soft violence" debt collection in the field of criminal law, but also provides a solid legal support for actively combating the violent collection of illegal debts in future judicial practice, and reasonably differentiating the application of the crime. In this paper, in the context of the legislation of the crime of collecting illegal debts, combined with the judgment published on the China Judgement and Documentation Network which has been applied to the crime of collecting illegal debts, the crime of collecting illegal debts in the judicial practice of the problems and theoretical controversial part of the problem is studied. It mainly analyzes the terms "illegal debt" and "act of collection" in the crime of collecting illegal debts.

Keywords: Crime of collecting illegal debts, Unlawful collection practices, Illegal debts, Aggravating circumstances.

1. Introduction

On 26 December 2020, the Standing Committee of the National People's Congress (NPC) considered and adopted the Amendment (XI) to the Criminal Law of the People's Republic of China (hereinafter referred to as Amendment (XI) to the Criminal Law), which, in article 34, added the crime of collection of unlawful debts as one of the crimes under article 293 of the Criminal Law of the People's Republic of China. The offence of collecting illegal debts requires the use of violence or coercion, restricting the personal freedom of another person or intruding into another person's home, intimidating, stalking or harassing another person, and so on. Ways to collect the object of criminal law to give an example of loan sharks. In order to maintain the social security management order, in provocation after the establishment of illegal debt collection offence, loan sharks is the object of collection of illegal debt an example, but the specific connotation of illegal debt is not clear. Therefore, in conjunction with the position of the offence of collecting illegal debts in the sub-principles of the Criminal Law, the connotation of the constituent element of illegal debts should be analysed, so as to accurately determine the connotation of "illegal debts" and the "act of collection", and to avoid expanding the determination of the offence, as well as how to accurately differentiate between illegal debts and acts in the context of protection of legal interests and behavioural patterns. The precise identification of the meaning of "illegal debt" and "collection behaviour", the avoidance of an expanded identification of this offence, and how to accurately differentiate the boundaries between this offence and other offences from the perspective of the protection of lawful interests and the manner in which they are carried out have become important issues in criminal law theory and judicial practice.

2. Meaning of "Illegitimate Debt" and Interpretation of Its Types

Illegal debts, as one of the objective elements of the crime

of collecting illegal debts, are very important for the precise and correct determination of illegal debts. Although there are various kinds of debts arising from illegal behaviors in real life, not all debts arising from illegal behaviors are included in the scope of illegal debts stipulated in the crime of collecting illegal debts. In order to more accurately determine the judicial practice of collecting illegal debts under the crime of illegal debt, the author firstly analyzes the meaning of the debt in the sense of civil law and the debt protected by the criminal law, and on the basis of this, the criminal law provisions of the word "etc." for the interpretation of the investigation.

2.1. Interpretation of the Meaning of "Illegitimate Debt"

First of all, the unlawful debt provided for in this offence consists of two concepts in substance, one of which is the concept of "unlawfulness" and the other the concept of "debt". The former indicates that the debt is not protected and recognized by the legal order and that the law holds a negative evaluation of such a debt; the latter indicates that, although the debt is not recognized by the law, it still belongs to a kind of debt under civil law. This means that illegal debts and legal debts should be the same on the basis of debt formation. Accordingly, the author is of the view that the following two conditions should be met in order to recognize illegal debts in the crime of collecting illegal debts: On the one hand, an illegitimate debt is founded on the basis that the parties' expressions of intent regarding the formation of the debt are true and that their will was free at the time of the expression of intent. Although an illegitimate debt is not a legal debt, there is no dispute between the parties as to the expression of their rights and obligations, the debtor has an accurate understanding of the conditions for the formation of the debt and other aspects of the debt, and the creditor has not engaged in fabrication or concealment of the facts against the debtor. [1] The reason for this is that if both parties have committed fraud in the process of debt formation, or, if one party's will is not free when making the expression of meaning of the debt, the debt may be recognized as a revocable civil law due to the

lack of the necessary conditions for the formation of the debt, i.e., truthfulness of the expression of meaning. behavior. China's civil law provides for four kinds of revocable civil legal acts, namely, material misunderstanding, duress, fraud, and manifest injustice, and the above two cases are included in these four kinds of revocable civil legal acts. Since the revocation of civil legal relations will lead to the non-existence of the debt relationship formed by the two parties before, naturally, there is also the question of whether the debt belongs to the unlawful debt stipulated in the crime.

On the other hand, illegitimate debts are formed because the acts committed by the parties concerned violate the provisions of the law. For example, the reason why the payment for prostitution is recognized as an illegal debt is because the perpetrator violated the provisions of China's Public Security Administration Punishment Law by engaging in prostitution activities. From the author's analysis of "The Interpretation on the Criminalization of Unlawful Detention for the Purpose of Soliciting Debts Not Protected by Law" ("The Interpretation on the Criminalization of Unlawful Detention for the Purpose of Soliciting Debts Not Protected by Law" stipulates that any person who unlawfully seizes or detains another person for the purpose of soliciting debts not protected by law, such as loan-sharking or gambling debts, shall be punished for the crime of unlawful detention.), we can clearly see that the debts arising from the above-mentioned acts fall within the scope of the crime of illegal debt. Therefore, when determining illegitimate debt in judicial practice, judicial officers should consider whether the debt was formed for the same reasons as those set forth above. If the reason for the formation of the debt is only because the behavior of the perpetrator violates the public order and morals of the Chinese society but not the mandatory provisions of the Chinese law, the debt formed cannot be recognized as the illegal debt stipulated in the crime of collecting illegal debt. To sum up, the author analyzes that the illegal debt in the crime of collecting illegal debt is based on the two parties to the debt formation of the meaning of the true expression and freedom of expression of the meaning of the two parties to the violation of the prohibited provisions of the law, and thus the debt. And for those behaviors only violate the social order and morals and so on and generate the debt, can not be included in the illegal debt.

2.2. Types of "illegitimate debt"

Criminal Law Amendment (XI) of this crime is expressed as follows: one of the following circumstances, collection of illegal debts arising from loan sharking, etc. The composition of the illegal debt, in addition to usury, also includes other illegal debt, illegal debt belongs to the debt is not protected by law, from the theory of debt, the debt can be divided into financial debt and labor debt, financial debt not only refers to the debt of money, but also includes intellectual achievements. The object to which it refers can be either legal or illegal, the financial debt can be enforced through the people's court, but the debt of labor can not be enforced through the court, [2]Therefore, the illegal debt does not include the debt of labor and is limited to the debt of payment.

With regard to the main types of illegal debts, some scholars have provided a brief overview when commenting on the Criminal Law Amendment (XI), and Prof. Zhao Bingzhi believes that the illegal debts in this crime mainly include loansharking, gambling debts and other debts that are not protected by the law. [3] On this basis, Professor Liu

Yanhong believes that debts arising from being forced to write a loan note are also illegal debts. [4] In the author's view, illegal debts include, in addition to loan-sharking, gambling debts, i.e. debts owed as a result of gambling. Gambling as a kind of shotgun behavior, in our country due to the violation of laws and regulations as well as public order and morals is considered to be an invalid legal act. China's supreme people's court in 2000 made "On the debt for the solicitation of legal protection, illegal detention of others how to criminalize the problem of interpretation", the judicial interpretation of usury, will be recognized as a legal protection of gambling debt, "China's public security administration punishment law" in the clear gambling belongs to the illegal behavior, the "civil code" stipulates that violation of public order and good morals of the civil behavior is invalid, according to the above law According to the above laws, since gambling is a kind of behavior prohibited by law, then gambling debt becomes illegal debt is based on the illegality of gambling behavior. However, not all debts arising from gambling and entertainment behavior are illegal debts. According to the Circular on Several Issues Concerning the Application of Law in Handling Cases of Gambling Violations, gambling behavior does not include entertainment activities with a small amount of property, therefore, debts arising from behaviors that comply with this provision do not belong to illegal debts. However, for the debt arising from the forced writing of debit notes, the author believes that it does not belong to illegal debt. Although the debt in illegal debt has the nature of illegal, the essence is still belongs to the debt, so it should have the same attribute with the legal debt, that is, the two sides agree to be true and free. Debts arising from prostitution, the sale of drugs, the sale of contraband, etc., are unlawful debts, and their creation is based on the true and free expression of the two parties' intentions; "debts" arising from the lack of freedom of will are not unlawful debts within the meaning of this crime.

3. Analysis of "Acts of Collection of Illegal Debts"

3.1. Recognition of "violence, coercion"

"Violence" in the sense of criminal law, usually refers to the intentional beating, injury to the body of another person, so that the victim can not resist. For the connotation of the word violence, domestic scholars have different views, (1) violence is directed to the object of both personal and property, is a kind of double damage to the person and property.[5] (2) The object of violence should not include property, limited to the physical as well as mental injury. In accordance with the degree of violence of the perpetrator, the term violence and there are different divisions, such as in the injury identification standards, the use of violence to cause minor injuries, at this time the violence should belong to the minor violence, generally by the law of public security management punishment regulation, the violence of the light and the conviction of a close relationship between the slightest violence caused by the minor injuries is a sine qua non of certain crimes, such as the crime of violence to obtain evidence. China's criminal law sub-principle of the degree of violence in many crimes belong to the general violence, such as in the illegal detention crime, beating the detained person from the heavy punishment, the violence should be limited to the general violence, if caused serious injury or death, obviously the use of violence has exceeded the scope of the

general violence, should be punished with intentional homicide. Violence that causes serious injury or death should be considered serious violence; such acts are subjectively bad and socially dangerous, and are generally characterized by direct conviction or legal fiction. In the author's view, the violent behavior in the crime of collecting illegal debts is not limited to the use of violence against persons, but also includes the use of violence against objects, and the degree of violence should be based on the bottom line of minor violence. Some scholars in the division of the type of violence, violence is divided into "hard violence" and "soft violence", hard violence refers to directly imposed on the victim's body or property, through the force of physical force on the person and property to implement the violent and tangible force coercion. [6] And soft violence is relative to it, not embodied in the direct suppression of the body or property by force, but more of a long-term suppression of the spirit and psychology. China's legislation on "soft violence" has had a long process of development, and in 2009, the two high courts and the Ministry of Public Security adopted a summary of some of the nuisance means recognized as nonviolent means, although the term "soft violence" was not proposed, but the means of behavior on soft violence has begun to take shape. In 2015, the Supreme People's Court once again recognized psychological deterrence, such as intimidation, as a nonviolent means in the form of a summary. 2019 saw the first introduction of the term "soft violence" in the Opinions on Several Issues Concerning the Handling of Criminal Cases Involving "Soft Violence", which was jointly issued by the two high courts and two ministries. The term "soft violence" was first introduced in the Opinions on Several Issues Concerning the Handling of Criminal Cases Involving "Soft Violence" issued jointly by the two high courts and two ministries in 2019, specifically including nuisance and pestering. Regarding the specific performance of soft violence, it can be roughly divided into the following categories, (1) long-term psychological or mental suppression of the victim, such as through the pulling of banners, audio playback equipment or long-term occupation of the victim's workplace, etc. to the victim's psychological pressure, so that the victim can not live a normal life. (2) the victim's property damage, such as plugging locks and eyes, splashing paint, etc. so that their items lose merit (4) the victim's personal detention. Such as blocking them at home or detaining them in a fixed location. (5) Insulting the victim's personality or damaging his or her reputation so as to lower his or her social evaluation.

The concept of "coercion" usually refers to the threatening of the victim or the mental oppression of the victim, which results in the victim being mentally coerced into not resisting. For example, threatening the victim by revealing his or her privacy. But some scholars believe that "coercion" is the same as "threat", through the implementation of violence and other blackmail behavior to make the victim into a disadvantageous situation. [7] Different from the violent coercion in the Anglo-American countries, the coercion in the usual sense in China's criminal law does not contain the element of violence, but the intensity of coercion determines whether the coercive behavior is established or not, i.e., the establishment of coercion in the sense of criminal law must cause the victim to be fearful. For the understanding of coercion in this crime, it should be understood in a broader sense, that is, the victim generates fear to achieve the situation of not daring to resist, regardless of the victim's understanding of the nature and

content of coercion.

3.2. Determination of "restriction of personal freedom and intrusion into the home of another person"

For the protection of citizens' personal freedom, China's Constitution has long had corresponding provisions, in its provisions clearly pointed out: the People's Republic of China citizens' personal freedom is inviolable. The meaning of "restricting another person's personal freedom" in the crime of collecting illegal debts is fundamentally different from that of "depriving another person of his personal freedom" in the crime of illegal detention. From the literal meaning, deprivation is more serious than restriction, the "control" of the victim is stronger. The author believes that the restriction of the personal freedom of others is generally characterized by "restriction", and will not be completely deprived of the personal freedom of others, the victim still enjoys a certain degree of freedom of movement, only to a certain degree of restriction of personal freedom, quantitative changes caused by qualitative changes, can be attributed to the deprivation of personal freedom of others this level. Trespassing on other people's homes is one of the means to collect illegal debt, the author believes that in order to understand what is a trespassing on other people's homes, need to grasp the connotation of residential and trespassing. In the author's view, the residence needs to meet the following conditions: first of all, the residence must be able to provide daily life for the occupants. For the real life on the street can be used for overnight corner or corner, due to the lack of residential function, so it can not be recognized as a residence. However, tents and fishing boats used by herdsmen or fishermen can be considered dwellings, as their daily lives are carried out in these objects. Secondly, the residence should also be used for permanent residence. A common example in judicial practice is hotels. Since everyone resides in hotels for a certain period of time, although the rooms are used for residential purposes and are private, the occupants of the rooms are mobile rather than fixed, i.e., the owner of the right to reside there is uncertain. Therefore, it lacks the conditions for long-term residence and should not be recognized as a residence. Once again, the home should be a private space separated from the outside environment and have a private character. Lastly, ownership of a house is not a necessary condition for a residence, and whether or not one has ownership of a house does not affect the right to a residence, which is protected under the law for individuals who meet the conditions. Such as through the rental of the residence to enjoy the legal right to live in the case of its daily life in the house and the owner of the house to live in the same legal level, the reason is that although the tenant does not have the ownership of the house he lives in, but due to the existence of the lease contract, the tenant of the house enjoys the right to live in the sense of the law. In summary, the author believes that a residence is a place that can provide the functions required for daily living, has a certain amount of private space, has a clear boundary with the outside environment, and is used by the occupants for long-term living.

For the crime of trespassing on the invasion of the home, our existing law does not have a clear explanation, the author analyzes that, the illegal invasion of the manifestation of the home by two kinds of forms, one for the invasion of the object, which is manifested in the residence of the person who is being called to install monitoring facilities and listening

devices in order to monitor the behavior of the person who is being called to supervise the liquidation of the illegal debt, and the person who is being called to cause psychological oppression. This kind of behavior, although it did not have a substantial impact on the collector's family peace, but caused psychological oppression and fear to the collector, and caused substantial damage to the privacy of his family, is a kind of unlawful intrusion into the home. Another kind of human trespass, the human trespass of the way of behavior and then divided into action and inaction, as the way of trespass refers to the illegal debt collection behavior for the purpose of creating urgency and fear of the psychology of the person who is being collected, the use of violence or the threat of violence to forcibly enter the person's personal residence, forcing the person who is being collected to pay the debt as soon as possible, because it does not have the purpose of burglary and home invasion and robbery, and can not be found For burglary or robbery; inaction trespassing refers to the behavior of the perpetrator who, after being allowed to enter the residence of the person to be collected, does not leave even after being reminded by the person to be collected, and even lives for a long period of time in the home of the person to be collected, which is known as inaction trespassing.

3.3. Determination of "intimidation, stalking, harassment"

Intimidation, stalking, and harassment are common collection tactics used by collectors in practice. The Opinions on Several Issues Concerning the Handling of Criminal Cases Involving the Execution of "Soft Violence" (hereinafter: "Soft Violence" Opinions), which were implemented in April 2019, define these three types of The Opinions on Certain Issues Concerning the Handling of Criminal Cases Involving "Soft Violence" (hereinafter referred to as the "Soft Violence" Opinions), define these three types of behaviors as "soft violence". In a modern society governed by the rule of law, violent crimes directly targeting the bodies of citizens are given priority attention and severely combated by the judicial authorities because of their harmfulness and social impact. The use of "soft violence" refers to the perpetrator in order to seek illegal benefits or illegal influence, to others or in the relevant places to carry out nuisance, pestering, cajoling, mobbing, etc. enough to cause others to fear, panic, and thus the formation of psychological coercion behavior. Such behavior is long-term, hidden and other characteristics, often resulting in psychological fear and mental coercion of citizens, causing a greater impact on social stability. We must accurately grasp the specific connotations of intimidation, stalking and harassment. There are two places in the Criminal Code where the act of "intimidation" is expressly provided for, one in the crime of provoking trouble and the other in this crime. Intimidation in the crime of picking quarrels and provoking trouble refers to the act of frightening another person with threatening words or actions; the perpetrator consciously displays a weapon to the victim, surrounds the victim and poses as if he or she is going to beat the victim, and so on. The crime of collecting illegal debts is stipulated after the crime of picking quarrels and provoking trouble, and as one of the provisions of article 293 of the Criminal Law, the connotation of "intimidation" in this crime should be interpreted synonymously in terms of the mode of conduct, in addition to the different subjective purposes. [8] Therefore, in the author's view, the act of "intimidation" in this crime is the perpetrator's notification of evil harm, causing the victim to

develop a sense of fear, or then taking advantage of that fear to require the victim to act in accordance with his or her own requirements or intentions. On the "stalking, harassment" behavior analysis, the legal sense of stalking, harassment should be regarded as an imported product, refers to a specific person and the implementation of a long period of time abnormal, repeated intrusive behavior. In the author's view, stalking, harassment behavior should have the following characteristics: First, the behavior of repeated. Behavior of stalking, harassment behavior is not a time to reach, in the time of recurrence, continuity. Second, the subjective intent of the perpetrator, that is, in order to collect debt intentionally implement tracking, harassment behavior, and requires that they can recognize the harmful consequences of their own behavior may cause. It should be emphasized that the cognitive intent does not necessarily indicate that the purpose is out of malice, whether the perpetrator subjectively with the purpose of intentionally affecting the lives of others to carry out stalking and harassment does not affect the determination of the behavior, as long as its behavior can cause the victim's fear or serious impact on the victim's life, the social order, are likely to be identified as stalking, harassment behavior. Third, the behavior of the perpetrator also does affect the victim. This impact includes not only psychological impact, but also the impact on life and work.

4. Analysis of the "Aggravating Circumstances" of the Collection of Illegitimate Debts

4.1. "Aggravating circumstances" of "violence, coercion"

Judgment of aggravating circumstances shall be made on the basis of the degree of harm done to the object, the object of the act, the frequency of the act, and the harmfulness of the means. [9] The author believes that, for the violent coercion "serious circumstances" determination, can refer to the "provocation interpretation" in the force to take hard to provoke trouble crime on the determination of serious circumstances standard. [10] The reason is that in the force to take hard to find provocative nuisance crime, the same is the use of violence, coercion and other ways of behavior to implement the crime, the two in the means of similarity, and in the collection of illegal debts before the establishment of the crime, for the use of "violence, coercion" means of collection of illegal debts, more to provocative nuisance to determine the behavior. Article 4 of the Provocation and Nuisance Interpretation provides for the amount of money involved in the case, whether the living conditions of the person to whom the act is directed are in a difficult situation, the frequency with which the act is carried out, and the degree of harm that the act may cause. On the whole, the "aggravating circumstances" of violent coercion should take into account the following: (1) whether the perpetrator had an obvious intent to harm when committing the act, whether the act was carried out with a weapon of violence, and whether it resulted in more than one person being slightly injured or more than two persons being slightly injured. (2) Whether the perpetrator has repeatedly resorted to violence, gathered a large number of people to cause panic, etc. (3) The perpetrator has targeted the elderly, minors, pregnant women, the disabled and other people with difficulties in life among the close relatives of the debtor to carry out violence and coercion

as a means of debt collection, resulting in a bad influence. (4) Violence, coercion to the extent that it disrupts public order and affects the daily life and work of the person and his/her surroundings; (5) Whether it causes significant property damage; (6) Causes psychological torture to the victim, leading to self-harm, suicide, and so on. Personnel to carry out violence, coercion as a means of debt collection, resulting in adverse effects.

4.2. "Aggravating Circumstances" For "Restraining Another Person's Personal Freedom, Intruding into Another Person's Home"

For the restriction of the personal freedom of other people's collection behavior, "the determination of the seriousness of the circumstances, should have the following content: First, restriction of the personal freedom of the debtor's close family members, such as the elderly, minors, pregnant women, mentally ill, disabled people and other people in need of personal freedom. Second, the restriction of personal freedom leads to the debtor or co-habitants can not work, life, can not get medical treatment. Third, a single restriction of personal freedom does not exceed 12 hours but is carried out repeatedly and repeatedly. Fourth, the restriction of personal freedom is not allowed to eat, drink water and other behaviors that lead to the victim's disease. The determination of "aggravating circumstances" of home invasion should be based on the means of invasion, the number of times and other comprehensive consideration . [11] Specifically, it includes: firstly, gathering many people to invade other people's residence to collect debts, causing panic among the surrounding neighbors and obstructing the social order; secondly, repeatedly invading the residence, affecting the daily life of the right holder of the residence, causing the victim and his/her family members to have psychological obstacles, etc.; thirdly, invading the residence, destroying the windows and doors or other household articles, causing the loss of more than 2,000 yuan of belongings; fourthly, invading the residence with a control knife, etc. Fourthly, trespassing on a residence with a controlled knife, etc.

4.3. "Aggravating Circumstances" of "Intimidation, Stalking, Harassment"

With reference to the relevant provisions of the Opinion on "Soft Violence", we can see that the criteria for determining the degree of harm should be that it has had a great negative impact on the victim, to the extent that the victim does not dare to report it in a legitimate and lawful manner, so that the victim is to a certain extent fearful of it. [12] And the Opinions on whether some of the behavior to reach the "aggravating circumstances" standard, not only considered whether the normal work and life of others has brought difficulties, but also combined with whether the physical and mental health of others as well as the reputation of the serious impact. In the case of "aggravated circumstances" of intimidation, it is necessary to take into account the frequency with which the perpetrator commits acts of intimidation, the means of intimidation, the object of intimidation, and whether or not it causes serious consequences to others or to the social order. In the case of stalking and harassment, factors such as the number of times the act was committed and the duration of the act should be taken into account. In general, the "seriousness of the situation" should include: first, to the

social order, the surrounding neighbors caused serious impact, disrupting the normal social order. Secondly, it seriously affects the victim's work, daily life and social evaluation. Third, caused the victim mental, psychological disease, self-harm, suicide and other serious consequences. Fourthly, gathering many people, repeatedly and regularly committing acts of intimidation, stalking and harassment, not listening to the law enforcement authorities' stops and warnings, and still committing such acts repeatedly, of which "many people" shall mean more than three people, without distinguishing between simultaneous or separate acts. Fifth, against the victim's family members other than the elderly, minors, pregnant women, the mentally ill and other groups in need, or against a number of interested parties to commit the aforementioned acts. Sixthly, other cases with the same degree of seriousness as the aforementioned five cases. In addition, if one of the above means alone does not meet the "aggravating circumstances", but later adopts other means, a variety of behaviors are superimposed, can also be recognized as "multiple, repeated", and to reach the "aggravating circumstances" standard of conviction. Aggravating circumstances". However, if the "aggravating circumstances" limit is exceeded and the conviction standard of other related crimes is reached, the crime of collecting illegal debts should not be convicted and punished, but transformed into other crimes.

5. Conclusion

The addition of the crime of unlawful collection of illegal debts to the Criminal Law is a legislative summary of some of the results of the experience gained in the special struggle against blackness and evil, and is of great significance in curbing the forces of blackness and evil and maintaining social order. The criminalization of the act of collecting illegal debts is the embodiment of the criminal law view of positive prevention in judicial practice. The criminalization of the means of collecting illegal debts, such as minor violence and "soft violence", which infringes on the debtor's personal peace of mind in judicial practice, is intended to prevent the act of collecting illegal debts from further evolving into a serious personal crime that infringes on the legal benefits of the person. Since the implementation of Amendment (XI) to the Criminal Law, many illegal debt collection acts in judicial practice have been criminalized and punished as crimes of collecting illegal debts. This may seem to have increased the criminal regulation of such illegal acts, but in fact it has also avoided, to a certain extent, the people's court's "misdemeanor and heavy sentence", i.e., the creation of additional misdemeanor crimes to achieve the crime-penalty reciprocal regulation of illegal debt collection (e.g., the creation of additional illegal debt collection crimes). According to the principle of appropriateness of crime and punishment in Chinese criminal law. The protection of illegal debt collection should be the peace of the debtor's personal life, and only when the illegal debt collection behavior reaches the degree of seriously disturbing the peace of the debtor's personal life will it constitute this crime. In order to avoid generalization, the constituent elements of this offence should be regulated and interpreted restrictively at the level of criminal law theory, so that the scope of application of this offence can be reasonably defined.

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