



On the Restricted Application of Collateral Consequences of Petty Offenses In China

-Based on the Research into the Crime of Dangerous Driving under the Influence of Alcohol

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Abstract. In recent years, under the dominance of a positive criminal law view of criminal legislation, petty offenses have also reached more offenders and their families, and the circle of crime is increasingly expanding. Among the eight current petty offenses, the most controversial is the crime of driving under the influence of alcohol. This crime is minor in nature and involves a large number of criminally punished persons, who bear the double pain of the penalty and its collateral consequences. In order to better play the role of collateral consequences, it is necessary to restrict and regulate the collateral consequences of petty offenses. This paper is divided into three parts, the first part clarifies the connotation of incidental consequences of crime, introduces the specific content of incidental consequences of petty offenses and explains the problems of incidental consequences of petty offenses. The second part elaborates the necessity of limiting the collateral consequences of petty offenses from two aspects, and analyzes the existing collateral consequences of petty offenses collateral consequences such as imbalance in the ratio of behavior to punishment and improper connection in occupation and object. In the last part, taking drunken dangerous driving as an example, the author will propose a solution on how to limit and remedy petty offenses with attendant consequences and form a structure of a righteous and innovative system.

Keywords: Drunk Driving; Petty Offenses; Crime of Dangerous Driving; Collateral Consequences.

1 Introduction

With the eleven amendments of the "Criminal Law of the People's Republic of China" (hereinafter referred to as the "Criminal Law") since 1997, many acts with less social harm have been included in the scope of punishment of the Criminal Law, and multiple crimes with a statutory maximum sentence of less than one year imprisonment have been established. These crimes reflect that our criminal legislation is forming a petty offenses system different from the traditional misdemeanor system

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[1]. The function of criminal law is gradually transforming from crime punishment to crime prevention, which can undoubtedly better prevent and control social risks and strengthen the deterrent effect on conduct with social detriment. However, the expansion of the circle of punishment may also lead to the phenomenon of infringement of the offender's individual legal interests because the offender, in addition to criminal responsibility, has to bear the collateral consequences of the crime. Take the crime of driving under the influence of alcohol as an example, since the penalty for drunk driving in 2011, the number of drunken driving cases has remained high, and the crime of dangerous driving has become the most punishable offence under criminal law, with over 1.3 million people being labeled as "criminals" as a result [2]. Certain provisions derived from the crime of driving under the influence of alcohol endanger drunk drivers and their children beyond the penalty itself, and even restrict citizens' constitutional rights to property, education, labour, etc. Behind the huge number of cases is not only the difficulty of criminal socialization, but also the plight of countless families. In the long run, this will certainly reduce the credibility of the judiciary, endanger the stability of the social order and undermine the national governance system and the effectiveness of governance.

In this case, the restrictive consideration of the collateral consequences of petty offenses is particularly important. Only by dismantling the unwarranted link between penalties and the infringement of certain rights and upholding the spirit of the rule of law, which is based on the protection of human rights, can penalties and their collateral consequences be more effective in terms of the rule of law.

2 Overview of the collateral consequences of petty offenses

2.1 The Connotation of Criminal Collateral Consequences

Chinese scholars on the study of the incidental consequences of crime started late. At present, scholars have divergent understanding of it, and no standard understanding has been formed. Some of them believe that the collateral consequences of crime refers to the additional and restrictive consequences that laws and regulations, departmental regulations and industry regulations produce for the offender, in addition to the penalties [3]. In addition, a smaller number of scholars believe that the incidental consequences of crime refer to the disqualification of the offender from certain qualifications outside the penal punishment system, emphasising that it is essentially a qualification penalty.

The concept of collateral consequences of crime is widespread in the study and practice of criminal law worldwide. In the German Textbook of Criminal Law, Jacek and Weigandt cover the term "collateral consequences" within the criminal code, which refers to legal consequences other than penalties and security sanctions, including disqualification from holding public office and the right to vote, to be elected, to vote, etc [4]. In the United States, the National List of Consequences of Conviction states: "legal and regulatory sanctions and restrictions that limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities [5]." Provisions on the collateral conse-

quences of crime are common in countries such as the United Kingdom, France, Finland.

In the author's view, the concept of "collateral consequences of crime" can be defined in three aspects. Firstly, it is related to "crime". In other words, the violation of criminal law is the precondition and basis for these adverse consequences, while the violation of civil law, administrative law, etc. does not have such a collateral consequence. It is not the penalty that triggers the adverse consequences, but the commission of a criminal act. In practice, there are ways of applying the conditions for the triggering of collateral consequences in a general way, i.e. an offender who has been convicted and exonerated may still have his or her rights or qualifications restricted. Secondly, this consequence is "collateral" and not in the form of a penalty, nor is it a direct adverse consequence of the offence. Finally, these "consequences" are negative, negative and unhelpful. They are both legally and socially detrimental. They deprive or restrict the criminal offender of certain benefits and even basic civil rights, undermine and violate his or her human rights and cause great inconvenience to the offender's social life.

2.2 Content of the Collateral Consequences of petty offenses

In China, there are a wide range of consequences attached to crimes, and the number of negative consequences such as occupational restrictions and deprivation of honour due to crimes is uncountable in judicial and social practice. This paper therefore systematises the different types and forms of collateral consequences and examines the damage they do to the human rights of those involved in petty offenses and to the spirit of the rule of law.

2.2.1 Power-related collateral consequences.

Power-related collateral consequences refer to the restriction, deprivation and prohibition of specific rights and abilities in state organs, party and government organs, enterprises, institutions and people's groups due to criminal antecedents. The main common types are: first, prohibition from holding public positions in state organs, state-owned enterprises and public institutions. For example, China's Civil Servants Law, Judges Law, Prosecutors Law, Police Law, and Teachers Law all clearly stipulate that persons who have received criminal punishment for crimes are not allowed to be employed as civil servants. Secondly, they are not allowed to hold specific politically related positions in other non-state social organisations with restricted qualifications. For example, the qualifications for appointment or employment in important "politically related" positions in village (neighbourhood) committees, public service (public interest) social organisations, etc. Third, political punishment. The political punishment included here refers to the punishment imposed by the state supervisory organs in response to the illegal acts of public officials, which is a kind of legal responsibility. Law of the People's Republic of China on Administrative Discipline for Public Officials specifies a number of provisions under which public officials bear adverse consequences for violating the law or committing crimes. Dismissal may also

have a number of negative effects, such as ineligibility for re-employment and reduction in treatment.

2.2.2 Interest-related collateral consequences.

Interest-related collateral consequences refer to restrictions and deprivations on the reputation, social welfare, social security and other aspects of the perpetrator, involving a variety of material and spiritual things to meet their survival and development. The common types are: First, the ex-convict's "model worker", "advanced worker", "XX pacesetter" and other kinds of technical, academic and professional honours or awards will be cancelled. There are various forms of sanctions, such as the publication of the facts of the offence, the inclusion in the list of defaulters, and other restrictions on qualifications resulting from the lowering of social evaluation or credit-worthiness [6]. In addition, there is the revocation of state decorations or honours and their announcement, as specified in Article 18 of " Law of the People's Republic of China on State Decorations and State Honours. Secondly, there are restrictions on rights and qualifications of an economic nature. These include, for example, the exclusion of insurance claims for driving a vehicle after drinking alcohol, restrictions on settling and changing domicile, restrictions on public service entitlements and minimum subsistence guarantees, and the autonomy of associations and "penalties" within them.

2.2.3 Qualification-related collateral consequences.

Qualification-related collateral consequences are the adverse consequences that restrict or disqualify an ex-offender from a particular capacity or qualification. The main aspects include the following: first, disqualification from practicing a particular profession. For example, China 's Lawyers Law, Notarization Law, Certified Public Accountants Law, Asset Evaluation Law and Auction Law stipulate that persons who have received criminal penalties are not allowed to practise for a certain period of time or even for life. Secondly, the penalties are imposed for specific offences. For example, for the offence of dangerous driving while intoxicated, according to the relevant provisions of Article 91 of China's Road Traffic Safety Law, a person who drives a motor vehicle while intoxicated shall have his motor vehicle driving licence revoked and shall not be allowed to obtain a motor vehicle driving licence for five years, ten years or even for life. Third, criminal records and related publicity and reporting provide targets for the application of other collateral consequences. For example, in 2019, the Implementation Opinions on Strengthening and Standardising the Management of the List of Subjects Subject to Joint Discipline for Loss of Trust in the Transport and Logistics Industry (Draft for Comments) explicitly included drink driving in the "blacklist". Once drink driving behaviour is brought under this joint punishment, countless drunk drivers are subject to serious deprivation and restrictions on their political, civil and social rights, which are improperly linked.

In addition, qualification-related collateral consequences include the deprivation, restriction and prohibition of qualifications and specific powers for relatives or family members of the perpetrator. For example, the children of the perpetrator are affected

in their application to civil service, military and police academies and party membership. Most provinces and municipalities have rules on this for applications to the police, for example, requiring that spouses, immediate family members and collateral family members who have significant influence on the person not be allowed to apply if they are serving a prison sentence. In some cities, there are restrictions on the admission of children of people with criminal records [7]. In all these cases, innocent people who are relatives of the offender, their basic political, employment and educational rights are improperly linked to the criminal offences of the drunk driver, and this unwarranted involvement is undoubtedly a kind of "guilt by association".

The above classification of the consequences attached to the offence of dangerous driving while intoxicated is only a general classification based on the specific content of the adverse consequences. In the author's opinion, some of the accompanying consequences are reasonable, but the ban on the practice of other professions has many theoretical and practical problems and lacks reasonableness. The specific justifications for the consequences of existing petty offenses will be discussed in more detail in a later paper.

2.3 Sorting out the Current Situation of Collateral Consequences of Petty Offenses

2.3.1 Consequences of petty offenses are incompatible with the principle of proportionality.

With the establishment and perfection of the petty offenses system, the types of crimes it accommodates are small in number, but the amount of application in criminal cases is large. Among them, the number of dangerous driving cases has climbed year by year over the past ten years since the criminalisation of drink driving, and judicial big data shows that drink driving cases account for 99% of dangerous driving cases, with only the other 1% of cases being chasing and driving, overloading, speeding, etc [8]. A search of the Chinese Judicial Documents website shows that the number of "criminal cases", "grassroots courts", "judgments" and "the crime of dangerous driving" judgments in force since May 11, 2011, when drink driving was criminalized, until February 6, 2023, a total of 14,868,813 cases were filed, accounting for a total of 23.32% of the number of criminal judgments in force in the same period (6,374,436 cases) [9]. From this perspective, the crime of driving under the influence of alcohol has been at the top of the list of penalties in terms of the number of penalties.

As can be seen, the number of cases of petty offenses in China is extremely large, striking a wide range of people and involving the rights and interests of many parties and their families. It is therefore particularly important to have proportionate collateral consequences for petty offenses, and the normative and orderly nature of collateral consequences needs to be given great importance. However, the current collateral consequences are flawed and confusing in terms of carrier rank, which makes it difficult for them to play a binding and regulating role in the higher law and is contrary to the principle of proportionality. Many of them still have a weak awareness of the rule of law, poor rationality, lack of science, etc. In practice, the boundaries of the collat-

eral consequences are often recklessly expanded, so that the "layers and layers" have greatly reduced the effect of the law in practice, and even defeated the original purpose of the legislation. For example, Article 14 of the Teachers ' Law of the People 's Republic of China stipulates that a person who has been deprived of political rights or who has received a criminal punishment of imprisonment for a fixed term or more for an intentional crime cannot obtain a teaching qualification; if he or she has already obtained a teaching qualification, he or she will lose it [10]. In practice, however, the recruitment conditions of many schools blatantly state that "those who have received criminal punishment will not be accepted". Combined with the fact that micro-crimes are socially dangerous, the current level and scope of sanctions clearly do not meet the requirements of the principle of proportionality.

2.3.2 Improper connection of collateral consequences of petty offenses.

The principle of the prohibition of improper connection, which originated in judicial review and was based on the protection of civil rights, was later extended to principles of constitutional, public and administrative law. It is based on the requirement of substantial association, which prevents a subject of public power from making an unwarranted connection between an unrelated subject and an unrelated element of conduct when the subject of public power makes an act of public power, thus causing an unwarranted subject to suffer the adverse consequences of another subject, or causing a subject to suffer multiple adverse consequences of an act excessively. In China, the principle of prohibition of improper connection has been reflected to varying degrees in the Administrative License Law, the Administrative Punishment Law and the Administrative Compulsory Law. In particular, "irrelevant consideration" has been included as a manifestation of "abuse of power" and is controlled by administrative law and administrative procedure law. Our criminal law also reflects the notion of fairness in the area of imputation. See in particular Article 59(2) of the Criminal Code. This not only affirms the principle of self-accountability, but is also a reflection of the principle of prohibition of improper connection in the limitation of the object of implication. However, by combing through the collateral consequences of petty offenses, we find that there is a lack of professional specificity in the existing adverse consequences and implication of relatives or family members of the perpetrator, which do not have a causal link in terms of content and object. Therefore, the collateral consequences of micro-crimes are improperly linked.

3 The Necessity of Limiting the Consequences of Petty Offenses

3.1 Imbalance Between the Proportion of Conduct and Punishment as a Consequence of Petty Offenses

3.1.1 The boundary of the role of petty offense consequence

As a way to maintain social order, the effect of the use of petty offenses consequence instruments is more consistent with the Yerkes-Dodson law in psychology.

The analysis of the boundaries of its action gives a glimpse of its tendency to extend to the negative.

The Yerkes-Dodson law, first proposed by American psychologists through experimental research. In the case of work, for example, the effectiveness of psychological stress increases when we feel relaxed; but when we are nearly saturated with stress, if we continue to increase the psychological stress, the effectiveness of the stress goes in the opposite direction. In short, the relationship between psychological stress and productivity is not simply proportional, but has an inverted U-shape. When the intensity of stress is too high, exceeding the stress value corresponding to the apex of job performance, the employee's motivation begins to decline and job performance decreases, and may even develop somatization symptoms, causing functional impairment [11].

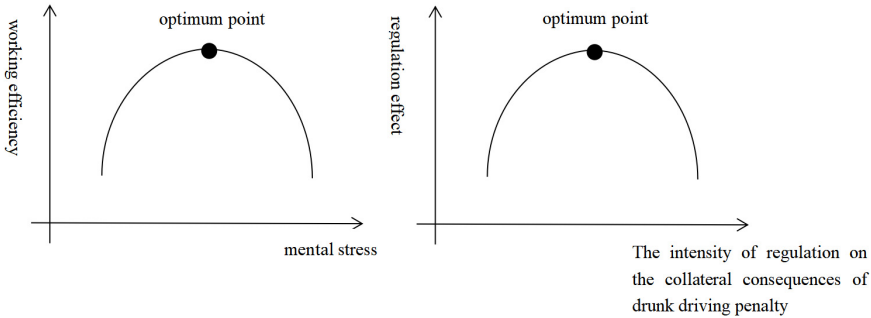


Fig. 1. The model of Yerkes-Dodson Law & The effect model of drunk driving penalty collateral consequences

In a sense, the deterrent and regulatory effect of collateral consequences is like the efficiency of employees at work. When the severity of collateral consequences continues to increase and reaches an inflection point, their regulatory effect rapidly decreases and the preventive and punitive stimulus for criminal behaviour gradually diminishes. If the consequence has a negative effect, it may even cause psychological resistance among the population, which in turn may hinder the stability of the social order. As shown in the figure1, the boundary of the effect of collateral consequences is represented as a functional model: the intensity of psychological stress (collateral consequences) is the independent variable, the corresponding job performance (regulatory effect) is the dependent variable, and the apex of the curve represents the point at which the optimum has been reached. Initially, at the beginning of drunk driving criminalisation, the penalties for petty offenses offenders and their attendant consequences did go a long way towards protecting the public's legal interests and safety. However, as the content and number of collateral consequences have expanded over the years, the positive effects of their regulation have peaked and even tended to tilt towards the negative. If left unchecked and unrestricted, it will not only weaken the effect of traffic safety governance, but will also have a negative impact on the construction of national legal systems.

3.1.2 Existing collateral consequences are incompatible with the principle of proportionality.

The principle of proportionality originated in the field of German public law and radiates into many areas of law because it is based on the principle of the rule of law and constitutional fundamental rights. The principle of proportionality in our Criminal Code is a direct manifestation of proportionality. To determine whether the existing collateral consequences comply with the principle of proportionality, the following three aspects can be analysed [12]. The first is propriety, i.e. the means and measures taken to achieve the end sought; the second is necessity, i.e. there are no other minor means to achieve the same end and the measures taken are the least harmful to the interests of society; and the third is interest measurement (i.e. the principle of proportionality in the narrow sense), i.e. the harm caused by the use of such means is balanced against the benefit gained by the public. The existing collateral consequences meet the proportionality principle of propriety and can serve their preventive purpose. However, it runs counter to necessity and interest measurement. Starting from these two points, and taking the most typical example of the crime of dangerous driving, we can see how the existing collateral consequences are at odds with the principle of proportionality.

3.1.2.1 Contrary to necessity.

In practice, there are numerous collateral consequences, an ever-expanding exploitation of rights, which do not meet the requirement of minimal damage to interests. Micro-crimes such as drunken driving are less socially dangerous, less subjective and have less severe penal sanctions, with statutory maximum sentences limited to custodial sentences and fines. In the case of the crime of dangerous driving, the offence itself occurs because the person's drinking behaviour exceeds the limit, thus bringing about criminal penalties beyond the scope of the administrative law assessment. The special nature of petty offenses is one of the main reasons for the controversy that has arisen at the time of their criminalisation. However, the accompanying consequences of petty offenses bring with them excessive severity of punishment. In terms of the scope of sanctions, the various ancillary consequences of drunk driving sentences have been extended to the fundamental rights of those who have been sentenced, involving the obstruction and restriction of their right to work and education. In terms of the severity of the sanctions, the infinite increase in the severity of the accompanying consequences can lead to a vicious circle of criminal offenders who are restricted in their basic social life, such as loss of professional qualifications, lowering of social credit ratings, housing and settlement, and even increase the possibility of retaliation against society. This undoubtedly greatly increases the burden on the offender to return to society and diminishes his or her hope and enthusiasm for a normal life, and even his or her basic human rights are at risk of being compromised. It is clearly inappropriate to treat petty offenses, such as the crime of driving under the influence of alcohol, in the same way as some felonies and apply the same adverse consequences.

3.1.2.2 *Contrary to interest measurement.*

Interest measurement is concerned with the comparison between the cost of the collateral consequences and the public benefit gained.

From the perspective of cost, ex-convicts still have to pay many costs in terms of professional qualifications, social welfare and reputation for petty offense behaviour in addition to the penalties. Combined with psychological research, we can see that ex-convicts suffer from both external and internal identity stigmas. Stigma refers to an individual's possession of derogatory social identity traits in a particular social context that create a negative image of the individual in social interactions [13]. First, extrinsic identity stigma, i.e. the public stereotype of the stigmatised person, includes public perceptions of the person as stigmatised, institutional exclusion, and interpersonal alienation and employment discrimination against ex-offenders. This social discrimination exists not only in terms of institutional restrictions, but also in terms of the difficulties that ex-prisoners have in connecting with their old social relationships, building networks, and accessing information and financial support provided by their circle of contacts. Secondly, there is the internal stigma of identity, i.e. the self-depreciation of the stigmatised person following the creation of an external stigma. As a result of the internalised negative perception of their identity, ex-offenders are then more likely to develop a propensity to commit crimes, or even to experience an escalation of crime.

In addition to this, the widening circle of crime has also resulted in more costly social costs. In the case of the crime of driving under the influence of alcohol, for example, the number of drunken driving cases has increased rather than decreased due to the severe penalties and accompanying consequences. The reasons behind this are of course the increase in the number of roads and the significant increase in motor vehicle ownership. However, we need to note that hundreds of thousands of people are criminally punished every year for drink driving, which leads to a succession of adverse consequences for their power, interests and qualifications, and also costs their families dearly, and is a great drain on society and individuals.

From a benefit perspective, the core value of collateral consequences is the prevention of recidivism, the avoidance of uncertain risks and the preservation of the fundamental interests of society. However, when the person leaves prison, he or she is labelled as a "criminal", isolated and rejected by society, and may not be able to engage in the work that previously earned him or her an economic income, which increases the obstacles to his or her return to society and, in turn, carries a high risk of recidivism, making it difficult to achieve the originally intended preventive effect. In addition, more antagonism is created in society, and the resulting risks to the social order are difficult to ignore and the benefits of avoiding uncertain risks are greatly reduced. In other words, the consequences of petty offenses, at such a high cost to the individual and society, do not really safeguard the public interest of equal value and achieve the effects for which they were created.

3.2 Improper Connection in the Content and the Object of Collateral Consequences of Petty Offenses

Improper connection refers to a consequence of a petty offense that is not reasonably relevant and can be analyzed in terms of both the content and the object of the consequence.

3.2.1 Improper connection in the content of the consequence.

Special prevention is one of the purposes of the consequences of petty offenses, namely to reduce the likelihood of recidivism by limiting or depriving the offender of certain rights. When setting a prohibition on criminal offenders from engaging in a certain occupation, the judgement is supposed to be based on the nature or circumstances of the criminal act committed by them characterising the subsequent availability of the relevant occupation to commit the offence, the previous record of the relevant occupational offence [3] or the specificity of the moral character required of the person in that occupation. However, there are currently many qualification restrictions in China that lack reasonable relevance; for example, just because a perpetrator drives drunk does not mean that he or she will commit an occupation-related crime in another field, but rather more consideration should be given to occupations that are closely related to the dangers arising from drink driving, such as school bus, bus and taxi drivers, drivers of dangerous chemicals, transporters of dangerous goods, etc.

3.2.2 Improper connection in the object of collateral consequences.

Improper connection in the object of collateral consequences is also known as collateral sanctioning of unrelated persons. Sanctions against specific social subjects are subject to certain conditions of use, i.e. the preconditions are directly and logically linked to the outcome of the sanction. However, the negative effects borne by petty criminal ex-offenders can even spill over to their close relatives, affecting the personality and reputation rights of their children, and such a sanction lacking a logical connection is clearly not in line with the original intent of the law's provisions, as well as the general requirements of social governance. Children have an independent personality, and in a crime of minor subjective evil such as drunk driving, the actions of the parents do not reflect the deficiencies of their children's education, let alone the deficiencies of their children's moral character. This phenomenon of implication in collateral consequences not only loses relevance and rationality in the object of punishment, but also violates the principle of adaptation of crime and punishment and self-accountability.

4 The Path to Limiting the Collateral Consequences of Petty Offenses

We are aware of the necessity of limiting the consequences of petty offenses after understanding their unreasonableness and the realistic needs, and will proceed to systematically limit and improve them in terms of setting, managing and supervising them, with a view to achieving a human-centred and clear-cut rule of law.

4.1 Introduction of a System of Stratification of Offences and Classification of Collateral Consequences

Given that petty offenses such as drunken and dangerous driving are subject to the same collateral consequences as felony misdemeanours, this means that once the criminal law is touched, the penal consequences, whether custodial sentence or thirty years' imprisonment, will apply without distinction. This is clearly contrary to the principle of proportionality. Therefore, a system of legal responsibility in accordance with the principle of proportionality can be set up by dividing felonies, misdemeanours and petty offenses into three classes, corresponding to different categories and numbers of accompanying consequences, starting from the severity of the penalties. In the discussion of the criteria for determining felonies, misdemeanours and micro-crimes by domestic scholars, a sentence of fixed-term imprisonment of more than three years (excluding three years) is a "felony", a fixed-term imprisonment of less than three years is a "misdemeanour", and a fixed-term imprisonment of less than one year is a "petty offense" [1]. On the basis of this standard classification, it is possible to set the corresponding consequences for the different levels of crime in terms of adverse consequences. Specifically, felonies, which are serious in nature, should have the highest number of collateral consequences, including power-related, interest-related and qualification-related collateral consequences, but the system of implication of their children and close relatives should be applied with caution. Misdemeanours, where the offence is of a more serious nature, should provide for the application of the enfranchising and qualifying collateral consequences, as well as the revocation of established honours and the restriction of honourable status in the interest-related collateral consequences. Petty offenses, which are minor or minor in nature, should be subject to a small number of minor deprivations of competence and qualifications explicitly listed by law and regulation, including, for example, restrictions on the exercise of a specific profession and restrictions on qualifications arising from a reduction in reputation.

4.2 Prohibition of Inappropriate Connections with Collateral Consequences

4.2.1 Focus on connection with occupation.

As mentioned above, most of the consequences attached to the prohibition of employment after release from prison are not rationally related to the professions they are prohibited from working in, and there is a lack of correlation in terms of facts,

laws, principles and causality, which makes special prevention and social governance less precise. Therefore, when the state authorities issue relevant laws and regulations, they should not simply base the prohibition of employment on "having received a criminal penalty", but should be more focused to ensure that the offence committed is effectively related to the occupational position regulated by the law. In the case of the crime of driving under the influence of alcohol, the prohibition on practising the profession is aimed at employees of state organs, persons whose profession includes a specific business and persons whose drink driving is reasonably related to their profession, in order to achieve the purpose of special prevention. When setting this up, the possibility of recidivism of the offender should be fully considered, and only if the offender's drunk driving behaviour can characterise his or her occupation and then has the potential to use the occupation to commit serious offences again, can the relevant restrictions on practice be applied as an incidental consequence in addition to the penalty. Examples include school bus transport operations, passenger transport operations, transport of dangerous chemicals, etc. In this way, the person's right to equal employment and his or her legitimate political, economic, civil and social rights will not be affected by the unrelated act of drink driving.

4.2.2 Breaking down the cumulative sanctions for unrelated persons.

The adverse consequences that extend to close relatives of criminal offenders should be more strictly regulated. In the case of political trials, for example, the intention is to avoid special risks of a political nature or involving political purposes, and they should be strictly scrutinised to avoid arbitrary expansion. In the future, laws and regulations at all levels should clearly stipulate that the previous criminal record of a person who has committed a minor offence cannot be used as a restrictive condition in the recruitment, enrolment, employment or political examination of his or her children, so as to prevent "implication", exclude improper association and safeguard the fundamental rights of citizens. In addition, the rules and provisions that deduct points from children's schooling and settlement points because of their parents' criminal records are not justified and should be cleaned up in a comprehensive manner.

5 Conclusions

The inclusion of petty offenses, such as drunken and dangerous driving, in the process of positive and mitigated criminal law in China not only promotes a steady improvement in traffic management, but also promotes the construction of a legal system in China. However, the adverse consequences attached to the penalties cannot be ignored. Millions of offenders sentenced for drink driving face endless suffering from power, interest and qualification-related collateral consequences, which are out of order and disorderly and urgently need to be limited and remedied. The legislative intent of collateral consequences is good, so in the face of the existing unreasonable, more sensible approach, not blindly all collateral consequences will be discontinued and abolished, but the need for the relevant state departments and academic theory of further attention and discussion, so that it is more qualitative norms, perfect details,

the formation of a system. On the basis of a clear definition of the boundaries of the role of the subsidiary consequences of petty offenses, the proportionality of the act and the punishment should be made to prohibit the improper association of the subsidiary consequences. This will enable them to better fulfil their role of preventing recidivism, avoiding the risk of uncertainty and safeguarding the fundamental interests of society.

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