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Judicial Proof of "Knowing" in the Crime of Assisting Information Network Criminal Activities

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As the subjective element of the crime of assisting information network criminal activities, "knowing" serves to limit the scope of punishment. However, there are significant theoretical and practical challenges, including unclear conceptual boundaries of "knowing", ambiguity in identifying proof objects, and the lack of a systemic framework for criminal presumption rules. Against the backdrop of a rapid increase in cases nationwide, the judicial proof of subjective "knowing" urgently needs improvement. First, in terms of the connotations of "knowing", from the perspective of proof methods, "knowing" can be categorized into two types: "knowing" proven through evidence and "knowing" proven through criminal presumptions. Second, regarding the proof objects of "knowing", from a semantic and contextual perspective, the proof objects include the actor's knowledge of the aided person, knowledge of the aided person's engagement in information network crimes, and knowledge of the illegality of the assistance. Furthermore, the interpretation of "knowing" regarding the aided person's engagement in crimes should align with behaviors that meet the criminal threshold as defined in the specific provisions of criminal law. Finally, in terms of improving criminal presumption rules, prerequisites for applying criminal presumption after exhausting direct evidence must be established, reasonable doubt standards for rebuttal evidence must be constructed, and abstract generalizations for the core content of catch-all provisions should be proposed.

Keywords: crime of assisting information network criminal activities, knowing, presumption

Introduction

Since its establishment in 2015, the crime of assisting information network criminal activities (hereinafter referred to as the "assisting crime") has been a subject of controversy. Before 2020, this offense remained relatively dormant. However, after the release and implementation of the *Interpretation on Several Issues Concerning the Application of Law in Handling Criminal Cases of Illegal Use of Information Networks and Assisting Information Network Criminal Activities* (hereinafter referred to as the *Assistance Crime Interpretation*) on November 1, 2019, prosecutorial agencies significantly expanded the criminalization of objective assistance behaviors, resulting in an explosive increase in related cases. In 2020, the number of first-instance cases involving

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assisting crime in China increased by 34 times compared to the previous year.[1]

The proliferation of the Internet and the rapid development of information technology have indeed led to an increase in behaviors that objectively assist network crimes. However, the rapid surge of such behaviors over such a short period seems illogical. Moreover, the synchronization of the sharp increase in cases with the implementation of the *Assistance Crime Interpretation* raises questions. From the perspective of criminal elements, aside from objective acts, "knowing" as the subjective element of the crime serves to limit the scope of punishment and is the primary criterion for determining whether an individual constitutes this offense (Shao, 2024). This suggests that the explosion of assisting crime cases is highly likely related to changes in the recognition of subjective "knowing".

The Supreme People's Court, the Supreme People's Procuratorate, and the Ministry of Public Security have also taken note of this issue. Attempts to judicially define "knowing" were made in the *Opinions on Several Issues Concerning the Application of Law in Handling Criminal Cases of Telecommunications Network Fraud (II)* (hereinafter referred to as the *Telecom Fraud Opinions (II)*) in 2021 and the *Minutes of the Meeting on Legal Issues in the "Card Breaking" Campaign* issued by the Third Criminal Division of the Supreme People's Court, the Fourth Procuratorial Division of the Supreme People's Procuratorate, and the Criminal Investigation Bureau of the Ministry of Public Security (hereinafter referred to as the *2022 Meeting Minutes*) in 2022 (Yu, 2022). Despite these efforts, data from 2022 to 2023 indicate that while the growth rate of prosecutions related to assisting crime has been curbed, the number of cases continues to rise (see Figure 1).[2] By 2023, assisting crime ranked third among all cases accepted for prosecution by national procuratorial agencies, accounting for 8% of the total number of cases.[3]

Currently, China primarily regulates the proof of "knowing" from the perspective of proof methods by introducing criminal presumption rules. A "specific enumeration + catch-all provision + exclusion clause" presumption model has been constructed. However, this approach has two shortcomings. First, it lacks discussions on the application rules for criminal presumption, catch-all provisions, and exclusion clauses. Second, it overly emphasizes the use of proof methods while neglecting the standardization and guidance for understanding the concept of "knowing". This has resulted in inconsistent connotations of "knowing" and generalized proof objects in practice. Consequently, judicial personnel often mechanically apply judicial interpretations, leading to simplified objective convictions and an expanded scope of "knowing".

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[1] See China Judicial Big Data Research Institute. Characteristics and trends of cybercrimes (2017.1-2021.12): Special report on judicial big data. Retrieved December 29, 2024, from https://www.chinacourt.org/article/detail/2022/08/id/6826831.shtml.

[2] See Ying Yong, Report on the work of the Supreme People's Procuratorate, People's Daily, March 16, 2024, p. 4. Zhang Jun, Report on the work of the Supreme People's Procuratorate—Delivered on March 7, 2023, at the First Session of the 14th National People's Congress, Gazette of the Supreme People's Procuratorate of the People's Republic of China, 2023, (2), 13-24. Zhang Jun, Report on the work of the Supreme People's Procuratorate—Delivered on March 8, 2022, at the Fifth Session of the 13th National People's Congress, Gazette of the Supreme People's Procuratorate of the People's Republic of China, 2022, (2), 1-11. Zhang Jun, Report on the work of the Supreme People's Procuratorate—Delivered on March 8, 2021, at the Fourth Session of the 13th National People's Congress, Gazette of the Supreme People's Procuratorate of the People's Republic of China, 2021, (2), 1-10. Zhang Jun, Report on the work of the Supreme People's Procuratorate—Delivered on May 25, 2020, at the Third Session of the 13th National People's Congress, Gazette of the Supreme People's Procuratorate of the People's Republic of China, 2020, (3), 1-9. Zhang Jun, Report on the work of the Supreme People's Procuratorate—Delivered on March 12, 2019, at the Second Session of the 13th National People's Congress, Gazette of the Supreme People's Procuratorate of the People's Republic of China, 2019, (2), 1-10.

[3] See Supreme People's Procuratorate of the People's Republic of China. White paper on criminal prosecution work (2023). Retrieved December 29, 2024, from https://www.spp.gov.cn/xwfbh/wsfbh/202403/t20240309_648173.shtml.

In the context of increasing assisting crime cases, it is imperative to reasonably limit the applicability of this offense and fully utilize the subjective "knowing" requirement to constrain the prosecutorial scope. To address the looseness in proving subjective "knowing", efforts should focus on clarifying its connotations, specifying its proof objects, and improving the rules for criminal presumption.

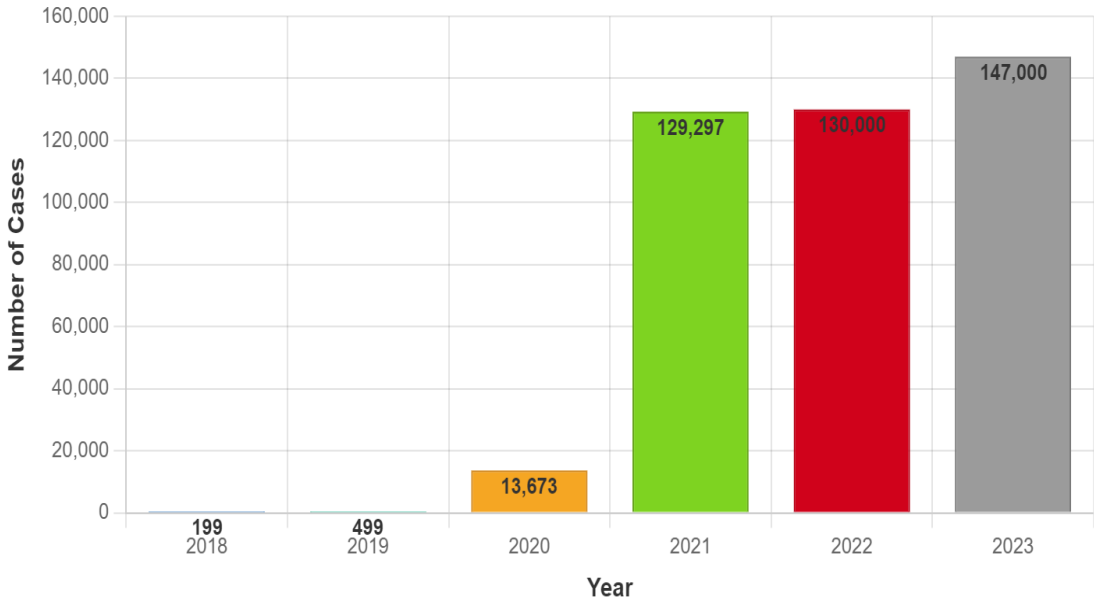

Figure 1. Number of individuals prosecuted for crime of assisting information network criminal activities nationwide, 2018-2023.

Clarifying and Systematizing the Conceptual Boundaries of "Knowing"

The connotations of "knowing" help delineate the scope of subjective "knowing" and thereby limit the punishment scope of assisting crime. However, the lack of relevant guidance has led to inconsistencies in understanding its meaning. On one hand, inconsistent judgments in similar cases have eroded judicial credibility and authority. On the other hand, the reasoning in judicial documents has become increasingly perfunctory, generalized, or even absent, undermining the transparency and fairness of judicial decisions (Jiang & Liu, 2024). Against the backdrop of the rapid increase in assisting crime cases and the expanding scope of their application, clarifying the connotations of "knowing" has become an urgent issue.

Shifting From Knowledge Levels to Proof Methods in Understanding "Knowing"

In criminal law, the determination of intent generally involves proving both cognitive and volitional factors (Zou, 2015). However, for conductbased crimes, cognitive factors alone can suffice to prove volitional factors. Assisting crime is a conductbased crime. According to Paragraph 2 of Article 287 of the *Criminal Law of the People's Republic of China* (hereinafter referred to as the *Criminal Law*), "knowing" is defined as "knowing that others use information networks to commit crimes." This provision explicitly emphasizes cognitive factors while excluding volitional factors. Consequently, academic analyses of the connotations of "knowing" primarily focus on cognitive factors, specifically the degree of knowledge, which can be categorized into narrow, moderate, and broad interpretations.

Scholarly analyses of "knowing" generally acknowledge that it includes "explicit knowledge", but debates persist about whether it should be limited to explicit knowledge. Questions arise about whether "knowing" encompasses possible knowledge, presumed knowledge, or other forms of awareness between knowledge and ignorance. Discussions have even extended to concepts like foreseeability or potential knowledge. However, such debates often lack practical applicability, devolving into endless categorizations and comparisons of terminology (Lin, 2020). Therefore, this article argues that understanding "knowing" from the perspective of proof methods aligns better with China's practical realities.

First, Chinese legislation has increasingly avoided terms like "possible knowledge" or "presumed knowledge" when defining "knowing". Since 2009, judicial interpretations such as the *Interpretation on Several Issues Concerning the Application of Law in Handling Money Laundering Cases*, the *Interpretation on Several Issues Concerning the Application of Law in Handling Criminal Cases of Harboring and Concealing*, and the *Telecom Fraud Opinions (II)* have shifted towards specifying proof methods for "knowing", avoiding terminology related to levels of knowledge.

Second, as assisting crime hinges on subjective "knowing", the determination of guilt in such cases solely involves distinguishing between "knowing" and "not knowing". Analyzing "knowing" from a proof perspective yields binary results: either knowledge exists, or it does not. This eliminates ambiguity in judgment and enhances operability.

Specific Analysis of "Knowing" From the Perspective of Proof Methods

There have long been precedents in academic circles for analyzing "knowing" from the perspective of proof. Scholars often begin by summarizing laws and judicial interpretations, concluding that "knowing" refers to either actual knowledge or constructive knowledge ("should have known"), and then proceed to analyze "actual or constructive knowledge" from the perspective of proof (Pi & Huang, 2012). However, this approach tends to focus excessively on the degree of awareness. Moreover, a review of judicial interpretations related to "knowing" reveals that, since 2009, judicial interpretations have ceased to define "actual or constructive knowledge". Thus, from a legislative trend perspective, the interpretative path of "should have known" is no longer suitable for analyzing the connotation of "knowing".

An analysis of judicial interpretations concerning subjective "knowing" in the crime of assisting information network criminal activities reveals that the current approach in China is to provide proof methods for "knowing" to reduce the difficulty of judicial proof and guide judicial authorities in accurately determining subjective states. Therefore, this paper argues that, in line with current trends, the proof methods for "knowing" outlined in judicial interpretations related to assisting crimes should be used as an entry point to analyze "knowing" from the perspective of proof methods.

In theory, there are two methods for proving "knowing": proof through evidence and presumption. Proof through evidence entails the direct and objective collection of relevant evidence to establish the fact to be proven. This process emphasizes constructing a robust evidentiary chain, ensuring the logical coherence and factual integrity of judicial reasoning. This is the most robust and reliable method of proof. The general rule of litigation proof, "he who asserts must prove", also requires parties to prioritize using evidencebased proof in litigation proceedings. Presumption, on the other hand, is a leapbased determination method that does not rely on a

complete evidentiary chain. It is based on the normal connection between foundational facts and presumed facts, using empirical rules and logical relationships as the link for presumption. Through the proof of a known, established fact (the foundational fact), presumption infers and determines the existence of another unknown fact (the fact to be proven) (Gu, 2017). Presumptions can be classified into factual presumption and legal presumption, depending on whether they have a legal basis. However, in the proof of facts for conviction and sentencing, factual presumption is not permitted. Therefore, in criminal proof, criminal presumption refers solely to legal presumption established by law (Jiang, 2023). Additionally, there is a middle ground between factual and legal presumptions, known as quasilegal presumption[4], which serves as a guide for criminal judicial work.

Proof through evidence is naturally the preferred method for proving "knowing". However, subjective "knowing" resides within the mind of the actor, making it inherently difficult to ascertain (Li & Dai, 2024). To address the abstract nature of determining subjective "knowing", the *Assistance Crime Interpretation* introduced criminal presumption methods. It listed six specific situations in which "knowing" could be presumed based on objective behavior and its harmful consequences to legal interests. Furthermore, Article 7 of the interpretation included a catch-all provision as the seventh presumption rule and established an exclusion clause stating, "unless there is contrary evidence" (Zeng, 2023). Subsequently, the *Telecom Fraud Opinions (II)* introduced Article 8, which provided a set of subjective and objective factors, requiring judicial authorities to comprehensively assess "knowing". It also added two specific situations, attempting to concretize the catch-all provision in the *Assistance Crime Interpretation*. In 2022, the *2022 Meeting Minutes* reiterated the principle of consistency between subjective and objective factors, emphasizing the fundamental role of subjective and objective evidence in the proof mechanism. It also reasonably limited the application of specific enumerative criminal presumption rules. As a normative document jointly issued by the Supreme People's Court and the Supreme People's Procuratorate, it further introduced seven new quasilegal presumptions (Mao, 2022).

In fact, whether it is the criminal presumption rules stipulated in Article 11 of the *Assistance Crime Interpretation*, the comprehensive assessment methods required by the *Telecom Fraud Opinions (II)*, or the *2022 Meeting Minutes*, all fall under the category of criminal presumption, albeit with different types. The presumption rules in the *Assistance Crime Interpretation* are based on objective behavior and enumerate "extremely obvious" single foundational facts as circumstances under which subjective culpability can be presumed. This approach, where the existence of a single foundational fact can lead to a presumption of "knowing", is a "single-factor" presumption (Du, 2022). In contrast, the *Telecom Fraud Opinions (II)* and the *2022 Meeting Minutes* adopt a "comprehensive" presumption approach. Upholding the principle of consistency between subjective and objective factors, this method introduces a series of subjectively and objectively relevant factors. Judicial authorities are required to comprehensively assess multiple foundational facts to determine whether the fact to be proven (i.e., "knowing") can be presumed. Thus, the "comprehensive assessment" model proposed by scholars in recent years still constitutes an application of presumption rules. However, compared to the earlier "single-factor" enumerative criminal presumption rules, it is more thorough and holistic. Therefore, comprehensive assessment merely expands the scope and nature of foundational facts for general criminal presumption. It no

[4] Quasi-legal presumption refers to presumptions stipulated in normative documents outside of laws and judicial interpretations. For example, it includes presumptions outlined in normative documents issued in the name of various departments of the Supreme People's Court, the Supreme People's Procuratorate, or provincial-level people's courts and procuratorates.

longer insists on using specific single behaviors as proof but instead calls for a comprehensive application of subjective and objective foundational facts. This involves considering all evidence in the case—both subjective and objective—along with judicial experience, empirical rules, and commonsense logic, to determine whether the foundational facts supported by evidence can lead to a presumption of the fact to be proven.

In summary, based on theoretical principles of proof and judicial practice in China, the methods for proving "knowing" in the crime of assisting information network criminal activities currently include proof through evidence and criminal presumption. Therefore, from the perspective of proof methods, the connotation of "knowing" in the crime of assisting information network criminal activities includes "knowing" proven through evidence and "knowing" proven through criminal presumption.

Clarifying the Proof Objects of "Knowing"

Defining the Proof Objects of "Knowing"

Paragraph 2 of Article 287 of the *Criminal Law* requires that the subjective element of assisting crime involves "knowing that others use information networks to commit crimes" as a prerequisite for the offense. Semantically, "knowing that others use information networks to commit crimes" includes the actor's knowledge of the aided person and knowledge of the aided person's act of committing information network crimes. Moreover, considering the overall meaning of the provision, the actor's "knowing" also includes knowledge of the illegality of their own assistance behavior, as the actor knowingly provides assistance despite being aware of the criminal nature of the aided person's act (Song, Yu, & Li, 2023). Therefore, the proof objects of "knowing" include: the actor's knowledge of the aided person, the actor's knowledge of the aided person's engagement in information network crimes, and the actor's knowledge of the illegality of their own assistance behavior.

Interpreting the Proof Objects of "Knowing"

In judicial practice, the meanings of the actor's "knowledge of the aided person" and "knowledge of the illegality of their own assistance behavior" are relatively clear: The actor's knowledge of the aided person refers to their awareness of the identity of the person they are assisting. The actor's knowledge of the illegality of their own assistance behavior refers to their awareness of the unlawful nature of their actions. However, with regard to the actor's knowledge of the aided person's engagement in information network crimes, judicial authorities have encountered interpretative discrepancies concerning the meaning of "crimes". Some authorities interpret "crimes" as "unlawful or criminal acts". For instance, in the second-instance criminal case of Shen Mou charged with assisting information network criminal activities, the court interpreted "crimes" as "unlawful or criminal acts" and considered "Shen Mou should have recognized that the funds used by Xiao He for transactions might be related to unlawful or criminal activities" as the proof object.[5] In other cases, authorities have even equated "crimes" with "unlawful acts". For example, in the second-instance criminal case of Cheng MouTan and Shi MouRu, the court expanded the definition of "crimes" to include mere "unlawful acts" and used "knowing that providing bank cards to others is an unlawful act" as the proof object (Liu, 2023). These interpretations effectively elevate the recognition of general unlawful behavior to an awareness of criminal behavior, thereby broadening the scope of "knowing" in assisting crime cases and exacerbating the offense's expansion (Luo & Zuo, 2024).

[5] See Hunan Changsha Intermediate People's Court, Criminal Judgment (2021) Xiang 01 Xing Zhong No. 1251.

This article argues that "crimes" in "knowledge of the aided person's engagement in information network crimes" should be defined as criminal behaviors that meet the threshold of crimes as stipulated in the specific provisions of criminal law. First, from a literal interpretation, the term "crimes" excludes administrative violations, requiring acts to reach the criminal threshold as regulated by law. Second, considering the nature of the assisting crime, the aided person's subjective intent to commit a crime predates the assistance provided by the actor. Therefore, the actor does not assist the aided person's subjective criminal intent but rather aids the aided person's objective criminal behavior. Thus, interpreting "crimes" as objective criminal acts is more appropriate (Hua, 2016). Third, from a systematic interpretation, within Article 287 of the *Criminal Law*, the offense of illegal use of information networks explicitly includes "unlawful or criminal acts", while assisting crime uses the term "crimes". This deliberate distinction indicates that the legislature intended to differentiate between "unlawful or criminal acts" and "crimes". Additionally, Article 7 of the *Assistance Crime Interpretation* defines "unlawful or criminal acts" as "criminal behaviors and behaviors stipulated in the provisions of criminal law that fall short of the criminal threshold." Correspondingly, "crimes" should be interpreted as "criminal behaviors". Lastly, analyzing related judicial interpretations reveals that Article 12-2 of the *Assistance Crime Interpretation* provides criminal presumption rules based on specific behavioral standards, presuming that the aided person's actions meet the criminal threshold and constitute criminal behavior. Article 13 of the same interpretation also explicitly states that the determination of assisting crime depends on the criminal behavior of the aided person.

Improving Criminal Presumption in the Proof of "Knowing"

To effectively reduce the difficulty of proof, expedite litigation efficiency, and address the challenges of proving subjective elements, China has introduced criminal presumption methods in the proof of "knowing" for assisting crime. A "specific enumeration + catch-all provision + exclusion clause" presumption model has been constructed.

Currently, efforts to improve presumption rules focus primarily on the specific enumerations section. However, the direct application of presumption rules in criminal cases significantly impacts evidentiary principles. Issues such as unclear prerequisites for applying criminal presumption, inconsistent standards for rebuttal evidence, and ambiguous content in catch-all provisions have led to inconsistent judicial outcomes and an expansion of judicial discretion.

As criminal presumption involves a leap of logic and relies on high probability, its application should be handled with caution. Given the inherent logical leaps and high probability reliance of presumption rules, their application in criminal cases warrants careful scrutiny. To refine their judicial utility and mitigate risks of over-expansion, this article proposes improvements in three critical areas: First, establishing stringent prerequisites for presumption application. Second, constructing robust rebuttal standards under exclusion clauses based on the principle of "in dubio pro reo". Third, systematically abstracting and standardizing the content of catch-all provisions to reduce judicial discretion.

Prerequisites for Applying Criminal Presumption: Exhausting Evidence-Based Proof

Historically, presumption rules were primarily applied in civil law, while criminal law prioritized evidence-based proof due to its higher accuracy. To resolve the challenges of proof in criminal litigation and prevent

litigation stagnation, China introduced criminal presumption rules. However, the application of presumption rules should require the inability to prove facts through evidence-based methods as a prerequisite.

From a proof principle perspective, evidence-based proof relies on legal principles to establish a closed evidentiary chain, forming a continuous and logical inference process with high accuracy (Li, 2023). In contrast, presumption relies on probabilistic empirical rules, involving a leap in reasoning due to incomplete evidentiary chains. As such, presumption lacks determinacy and carries only high probability (Liu, 2015). Given that criminal litigation is a state-authorized act that often imposes significant restrictions on individuals' rights, such as liberty, property, or even life, presumption should be applied cautiously. To prevent its misuse, presumption should only serve as a last resort.

Therefore, in proving "knowing" in assisting crime cases, the principle of evidence-based proof should be upheld, and criminal presumption should be applied sparingly, only after exhausting evidence-based methods.

Improving Exclusion Clauses: Establishing a "Reasonable Doubt" Standard for Rebuttal

In the structure of presumption, defendants may rebut either the foundational facts or the presumed facts. Both forms of rebuttal should adhere to the same standard: if the defendant's rebuttal raises reasonable doubt about the foundational or presumed facts, the rebuttal should be deemed valid under the principle of "in dubio pro reo" (benefit of the doubt to the defendant).

First, Article 55 of the *Criminal Procedure Law of the People's Republic of China* requires that evidence must be true and sufficient to establish guilt. If the defendant's rebuttal raises reasonable doubt about the prosecution's evidence, the prosecution's case fails to meet the legal standard, rendering the rebuttal effective.

Second, from the perspective of presumption principles, criminal presumption operates on high probability. Denying a presumption equates to denying its high probability, which inherently aligns with raising reasonable doubt.

Finally, in criminal litigation, defendants are inherently disadvantaged in evidence collection and presentation compared to the prosecution. Imposing the burden of disproving presumed facts on defendants not only exacerbates the imbalance between prosecution and defense but also risks undermining the fundamental principles of fairness and equality in criminal justice proceedings (Li & He, 2024). To safeguard defendants' rights and ensure procedural fairness, the rebuttal standard should be lowered to "raising reasonable doubt".

Improving Catch-All Provisions: Abstract Generalization of Core Content

Catch-all clauses inherently aim to bridge gaps in legislative frameworks and provide flexibility in adapting to evolving social and technological developments. However, their vague and open-ended nature often leads to inconsistencies in judicial application, amplifying risks of over-expansion and arbitrary discretion. However, in the context of the presumption rules for "knowing" under the crime of assisting information network criminal activities, the catch-all clause is based solely on "other circumstances sufficient to determine that the actor had knowledge" as the foundational fact for presumption. This lack of practical application standards leads to ambiguity in the clause's connotation and results in an overexpansion of its judicial application in practice. To ensure the catch-all clause fulfills its comprehensive governance function for the crime of assisting information

network criminal activities, while also limiting judicial discretion, an approach can be adopted that abstracts and generalizes its core content. This method allows for a certain degree of judicial discretion while simultaneously standardizing that discretion to guide judges in its application and prevent overexpansion.

Before abstractly generalizing the content of the catch-all clause, two key points must be considered. First, the process of abstraction and generalization must be based on a certain level of understanding of objective laws, and the resulting content must conform to those laws, align with social development, and possess both realism and feasibility. Second, the uniformity of the law must be maintained. Currently, the proof of "knowing" is established through a presumption rule model of "specific enumeration + catch-all clause + exclusion clause". Therefore, the content abstracted and generalized from the catch-all clause must logically and empirically align with the core content reflected in the "specific enumerations".

During the process of abstractly generalizing the catch-all clause, from the perspective of the principles of criminal presumption, the foundational facts used in presumption must have a connection or normative relationship with the fact to be proven. Thus, the process of abstractly generalizing the catch-all clause is essentially a process of specifically defining the normative relationship between the foundational facts and the presumed facts. For example, if the "specific enumerations" require the normative relationship between the foundational facts and the presumed facts to reach a degree of probability, then the catch-all clause should meet the same standard (Chen & He, 2017).

Furthermore, the interplay between specific enumerations and catch-all clauses should be further systematized. While specific enumerations provide clarity and predictability in identifying foundational facts, their rigidity often fails to accommodate novel scenarios. Conversely, catch-all clauses offer flexibility but risk overreach. A balanced approach should be adopted, wherein the core principles underlying specific enumerations are abstracted and integrated into the interpretative framework of catch-all clauses. This ensures that catch-all clauses remain flexible without deviating from established legislative intent and empirical norms

Conclusion

Emerging network technologies have provided more convenient means for communication, interaction, and transactions, transforming modern lifestyles and driving changes in modes of social production. However, these advancements have also posed significant challenges to criminal justice. Against this backdrop, China has established a firm stance on combating cybercrime and its related upstream and downstream offenses. To address the issue of criminal liability for aiding cybercrimes, the crime of assisting information network criminal activities was introduced. The primary goal of combating cybercrime in China is to protect the legitimate rights and interests of the public and to ensure the healthy development of the digital economy. However, the rapid increase in cases involving the crime of assisting information network criminal activities has exposed issues of its expanding application, which may pose risks to individual freedoms.

In this context, restricting the scope of the crime of assisting information network criminal activities has become urgent. Compared to the objective elements of the offense, the subjective element of "knowing" resides in the actor's mind, making it more difficult to prove and inherently more flexible. As a result, proving the subjective "knowing" requirement in such cases has become a widely recognized challenge in judicial practice.

This paper advocates for a multidimensional approach to improving the proof system for "knowing" in the crime of assisting information network criminal activities. By clarifying its conceptual boundaries, specifying its proof objects, and refining its evidentiary frameworks, this study aims to enhance the theoretical rigor and practical operability of proving subjective elements in criminal cases. These efforts not only contribute to more accurate and equitable adjudication but also align judicial practices with the broader goals of safeguarding legal certainty and protecting citizens' fundamental rights. By doing so, this paper seeks to ensure that the crime of assisting information network criminal activities effectively combats cybercrime and improves litigation efficiency while protecting citizens' lawful rights and interests. It also aims to safeguard the innovation and development of information network technologies, contributing to strengthened cyberspace governance and promoting the rule of law, standardization, and systematization in Internet governance.

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