

# Research on the Narrow Application of the Crime of Illegal Hunting

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**Abstract:** In 2022, the Supreme People's Procuratorate and the Supreme People's Court issued the "Interpretation on the Application of Law in Handling Criminal Cases of Damaging Wild Animal Resources", which modified part of the conviction standards for the crime of illegal hunting. However, in judicial practice, the trend of over - expansion of the crime of illegal hunting still exists. First, the principle of modesty and restraint of criminal law should be considered to avoid evaluating administrative illegal acts as criminal acts. Second, attention should be paid to the review of the actor's subjective knowledge to avoid objective imputation. Finally, the judicial application should be restricted by balancing the protection of wild animals and the interests of people's livelihood.

**Keywords:** Crimes; Illegal Hunting; Citizen.

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## 1. Disputes and Impacts of the Judicial Expansion of the Crime of Illegal Hunting

Criminal law itself regulates criminal acts. A criminal act refers to an act that seriously endangers society; otherwise, it is not within the scope of criminal law punishment. Judicial expansion means that judicial organs evaluate certain acts that should not be regarded as crimes as crimes. The legislative purpose of the crime of illegal hunting is to protect wild animal resources. When the concept of protecting wild animals was not widely spread, the number of many wild animals dropped sharply or even faced extinction. In order to protect wild animal resources, criminal law stipulated crimes such as the crime of illegal hunting to severely punish acts that damage wild animal resources. However, overly strict legislation and judicature will lead to an increasing criminal risk for citizens when dealing with wild animals. Even a slight mistake may cause them to fall into the quagmire of crime.

### 1.1. Administrative Illegal Acts Being Identified as Crimes

The crime of illegal hunting belongs to an administrative crime, also known as a legal crime, which refers to an act that violates hunting administrative regulations and is regarded as a crime by criminal law due to its serious circumstances. To determine whether an act should be judged as the crime of illegal hunting, it is necessary to first determine whether it violates the provisions of the "Wild Animal Protection Law". However, in judicial practice, there is a situation where the announcements issued by people's governments at or above the county - level are used as the basis for criminal punishment. If the scope of criminal trial basis is expanded, it will directly lead to the expansion of the scope of criminal punishment.

In the case of Liu Xiaojun and Yao Xiuming's illegal hunting [2], Liu Xiaojun and Yao Xiuming found a pheasant in a paddy field by the roadside. The two discussed hunting and eating it. Liu Xiaojun shot and killed it with a slingshot he carried, and Yao Xiuming got out of the car to pick up the hit pheasant. They were discovered by local villagers and

reported to the police. The pheasant they hunted was a common pheasant, worth 300 yuan, and belonged to a "Three - Category Protected Animal" (animals with important ecological, scientific, and social value). The People's Court of Lichuan County, based on the provisions of the "Notice of the People's Government of Lichuan County on Designating Wildlife Hunting - Prohibited Areas and Hunting - Prohibited Periods" regarding prohibited tools and methods (the slingshot was clearly listed as a prohibited tool), and considering that the entire administrative region was a hunting - prohibited area and the whole year was a hunting - prohibited period, held that the defendants Liu Xiaojun and Yao Xiuming violated hunting regulations, hunted in a hunting - prohibited area and during a hunting - prohibited period using prohibited tools, damaged wild animal resources, and the circumstances were serious. Their acts constituted the crime of illegal hunting and were a joint crime. Each was sentenced to three months of criminal detention. The author consulted the list of prohibited hunting tools and methods in the "Wild Animal Protection Law", and the slingshot is not included in it. However, Article 24, Paragraph 3 of Chapter 3 stipulates that "Prohibited hunting tools and methods other than those specified in the preceding paragraph shall be specified and announced by local people's governments at or above the county - level". The announcements issued by county - level people's governments are regulatory documents. In this case, using the prohibited tools and methods specified by the county - level people's government as the basis for criminal trials, and considering that the value of the pheasant captured by the two was 300 yuan, although the two had illegal acts, evaluating their acts as "serious circumstances" of illegal hunting inevitably expanded the scope of criminal punishment. As the ultimate guarantee law, criminal law criminalizes hunting acts that have not yet reached the level of social harmfulness in current practice, which violates the principle of modesty and restraint of criminal law and blurs the boundary between administrative violations and criminal crimes.

## 1.2. Ignoring Subjective Elements and Conducting Objective Imputation

No crime exists without guilt. Modern criminal law has long bid farewell to the era of objective imputation. [3] However, the author searched 826 first - instance judgment documents with the title of "crime of illegal hunting" in Westlaw China in the past three years, and only 37 judgment documents were screened out using "knowingly" as the keyword. This shows that judicial organs rarely recognize the defense reasons based on subjective ignorance. In crimes related to the crime of illegal hunting, the situation of judicial organs ignoring the determination of the actor's subjective knowledge and thus conducting objective imputation is serious.

In the case of Xia Yuzhao's illegal hunting [4], Xia Yuzhao was born in 1969, illiterate, and unemployed. He obtained more than 80 eggs of whiskered terns and painted snipes by picking them up. Whiskered terns and painted snipes belong to terrestrial wild animals protected by the state with important ecological, scientific, and social value. The People's Court of Xuyi County, Jiangsu Province held that the defendant Xia Yuzhao violated hunting regulations, illegally hunted in a hunting - prohibited area by picking bird eggs with his hands, damaged wild animal resources, and the circumstances were serious. His act constituted the crime of illegal hunting. He was sentenced to six months of fixed - term imprisonment with a one - year probation. In this case, the bird eggs picked up by Xia Yuzhao were listed as "Three - Category Protected Animals". The author consulted the list of "Three - Category Protected Animals", which contains a total of 1,924 wild animals, including 91 mammals, 1,028 birds, 450 reptiles, 253 amphibians, 96 insects, 2 arachnids, and 4 oligochaetes. The "Wild Animal Protection Law" stipulates that wild animals include not only state - key - protected animals and "Three - Category Protected Animals" but also local - key - protected animals. The list of local - key - protected wild animals is formulated and announced by the people's government of a province, autonomous region, or municipality directly under the Central Government after organizing scientific demonstration and evaluation and soliciting the opinions of the wildlife protection department of the State Council. From the perspective of an illiterate farmer, it is almost impossible to check whether thousands of animals are protected wild animals. Moreover, the common names of wild animals in daily life may be completely different from their scientific names. Xia Yuzhao did not sell the bird eggs after picking them up, and subjectively, there was no possibility that he was aware that the eggs he picked up were from protected wild animals. However, in the judgment document, there is no record that Xia Yuzhao knew subjectively that the bird eggs he picked up were from "Three - Category Protected Animals". If an actor only causes a certain damage result objectively but has no intention or negligence subjectively, he cannot be identified as a criminal. The author believes that ignoring the role of subjective elements in the conviction of the crime of illegal hunting and evaluating this act as a crime may lead to excessive criminal punishment. Without considering subjective malignancy and motivation, it may lead to an imbalance between the penalty and the harmfulness of the act, easily causing cognitive biases among the public and weakening judicial authority.

## 1.3. Evaluating Self - Help Acts as Crimes

In practice, it is not uncommon for judicial organs to convict without further weighing the substantive legal interests. This leads to the situation where the acts of actors using defensive tools to protect their homesteads and crop harvests are identified as crimes because they cause the death of protected wild animals. Ignoring the determination of the legal interests protected by the crime of illegal hunting and lacking consideration of conflicting legal interests, determining self - help acts as crimes directly leads to the judicial expansion of the crime of illegal hunting.

In the case of Wu Qinglian's illegal hunting [5], Wu Qinglian was born in 1955, illiterate, and engaged in farming. To prevent wild boars from damaging his crops, the defendant Wu Qinglian purchased a "Hutou Brand" intelligent manor guard machine in March 2019, installed and connected it at home, and set up an electric fence around the edge of his contracted land near his residence. Wu Qinglian usually turned on the machine at night. By the time of the incident, Wu Qinglian had electrocuted and killed 3 wild boars. The People's Court of Bazhou District, Bazhong City, Sichuan Province held that the defendant Wu Qinglian violated hunting regulations, used an electric fence to hunt wild animals during the hunting - prohibited period, damaged the ecological environment, and the circumstances were serious. His act constituted the crime of illegal hunting and should be punished according to law. He was sentenced to three months of criminal detention with a six - month probation. In this case, there is a conflict between two legal interests. In similar cases, should human legal interests be regarded as greater than the environmental legal interests protected by the crime of illegal hunting, or vice versa? If judicial organs do not consider the legal interests, many self - defense acts will be classified as criminal acts. When farmers take preventive measures, they are likely to violate criminal law, which will intensify the contradiction between ecological protection and people's livelihood.

## 2. Analysis of the Causes of the Judicial Expansion of the Crime of Illegal Hunting

### 2.1. Overlapping of the Scope of Criminal Liability and Administrative Penalties

#### 2.1.1. Criminalization of Administrative Illegal Acts

China's criminal law stipulates that the establishment of a crime must meet both qualitative and quantitative requirements; otherwise, only administrative or civil means can be used to deal with it. In 2022, the Supreme People's Procuratorate and the Supreme People's Court issued the "Interpretation on the Application of Law in Handling Criminal Cases of Damaging Wild Animal Resources" (hereinafter referred to as the "2022 Interpretation"), which modified the standard of "serious circumstances". Whoever violates hunting regulations, hunts in a hunting - prohibited area, during a hunting - prohibited period, or uses prohibited tools or methods, and damages wild animal resources, and has one of the following circumstances shall be recognized as "serious circumstances" as stipulated in Paragraph 2, Article 341 of the Criminal Law and be convicted and punished for the crime of illegal hunting: (1) Illegally hunting wild animals with a value of more than 10,000 yuan; (2) Hunting in a hunting - prohibited area using prohibited tools or methods;

(3) Hunting during a hunting - prohibited period using prohibited tools or methods; (4) Other serious circumstances. The "2022 Interpretation" interprets the constitutive elements of the crime of illegal hunting as follows: 1. Hunting - prohibited area + using prohibited tools or methods + hunting behavior; 2. Hunting - prohibited period + using prohibited tools or methods + hunting behavior; 3. Illegally hunting wild animals with a value of more than 10,000 yuan. The crime of illegal hunting takes violating prohibitive regulations as a pre - illegal condition and stipulates serious circumstances as the condition for constituting a crime, establishing a conviction model. The "2022 Interpretation" still directly recognizes acts that violate two prohibitive regulations as the crimes of illegal fishing for aquatic products and illegal hunting, and there is still a trend of excessive criminalization. Secondly, regarding the determination of "serious circumstances", the author believes that it cannot be simply determined by referring to whether it is in a hunting - prohibited area, during a hunting - prohibited period, or what tools are used. Instead, it should be considered based on whether wild animal resources are damaged. If wild animal resources are not damaged, it cannot be convicted. Punishing minor illegal acts as crimes cannot achieve the effect of governing such acts and also wastes judicial resources. Whether based on legal interest protection or sanction effect, criminalizing minor illegal acts is not a necessary path to solve the crime of damaging wild animal resources. If the degree of damage to wild animal resources is not considered, and judicial organs directly apply criminal law to protect wild animals when the suspected criminal act has not exceeded the boundary of pre - administrative legal sanctions, it clearly does not comply with the basic legal order and exceeds the basic recognition of criminal law norms by citizens.

### **2.1.2. Unclear Standards for Criminal Trial Basis**

The crime of illegal hunting takes the relevant provisions of the "Wild Animal Protection Law" as the pre - law. The "Wild Animal Protection Law" stipulates the legal liability for illegal hunting acts and states in many articles that "if it constitutes a crime, criminal liability shall be investigated according to law". For the crime of illegal hunting, in addition to the explicit blank description of crime - violating hunting regulations, there are also a large number of implicit blank description of crime, such as concepts like hunting - prohibited areas, hunting - prohibited periods, or prohibited tools and methods, which are not clearly defined in the Criminal Law but are stipulated in the "Wild Animal Protection Law". However, the "Wild Animal Protection Law" authorizes people's governments at or above the provincial - level to delimit relevant nature reserves according to law. For areas where it is not possible to delimit relevant nature reserves, people's governments at or above the county - level are authorized to delimit specific hunting - prohibited (fishing - prohibited) areas and hunting - prohibited (fishing - prohibited) periods. The "Wild Animal Protection Law" lists some prohibited methods and tools and authorizes local people's governments at or above the county - level to stipulate other prohibited tools and methods. Using the regulatory documents stipulated by local people's governments at or above the county - level as the basis for conviction and sentencing in criminal law, the author believes, violates the principle of legality of crimes and punishments. In other words, the prohibited tools or methods stipulated by local people's governments at or above the county - level according to Paragraph 2, Article 24 are only administrative

guidance or suggestions. They cannot be used as the basis for administrative penalties, let alone the premise for criminal punishment. The "Wild Animal Protection Law" stipulates that it is prohibited to use poisons, explosives, electric shock devices or electronic trapping devices, as well as hunting traps, hunting clips, bird - catching nets, ground guns, volley guns, and other tools for hunting, and it is prohibited to use methods such as night - time lighting for hunting, annihilative encirclement hunting, destroying nests, fire attacks, smoke attacks, and net - catching for hunting, except for net - catching, electronic trapping for species protection, scientific research, and plant protection operations. In the case of Liu Xiaojun and Yao Xiuming's illegal hunting, the act of the actors shooting a pheasant passing by the roadside with a slingshot was identified as the crime of illegal hunting. The author consulted the announcements of Lichuan County, Jiangxi Province, regarding hunting - prohibited areas, hunting - prohibited periods, and prohibited tools and methods, and found that Lichuan County listed the slingshot as a prohibited tool and method. It is necessary to determine the constitutive elements for convicting the crime of illegal hunting. If the constitutive elements for conviction are not restricted and all can be stipulated by people's governments at or above the county - level, the scope of punishment for the crime of illegal hunting will expand infinitely.

### **2.2. Ignoring the Determination of the Actor's Subjective Knowledge**

"Knowing that one's act will cause harm to society" is the basic core of intentional crimes. Illegality awareness means "recognizing the content, social significance, and harm result of the act, and recognizing the specific facts stipulated by criminal law" [7]. Theoretically, the possibility of illegality awareness is an important part of the liability elements of the doctrine of liability. However, "the proof process of illegality awareness becomes extremely complex and cumbersome in the field of legal crimes, and even becomes an 'impossible task' for judicial organs, so it is deliberately avoided or even directly denied" [8]. When an actor uses defense reasons such as "ignorance" as a defense, it is rarely recognized. In judicial practice, an illiterate middle - aged person over 50 years old was convicted of the crime of illegal hunting for picking up bird eggs in a bird's nest. How could an illiterate person check the list of animals prohibited from hunting on the official website of the municipal government? The actor did not realize that picking up bird eggs with his hands was an illegal hunting act. Therefore, in this case, the actor's subjective understanding was almost completely ignored in the conviction and sentencing. The crime of illegal hunting is a typical legal crime, which does not have obvious anti - moral characteristics [9]. Legal crimes are not based on the traditional standards of good and bad in society. On the contrary, specific legal norms stipulated by the state may have obvious conflicts and substantial differences from the general public's perception, thus triggering a conflict between the traditional concepts of "ignorance of the law does not excuse" and "ignorance of the law is not a crime". The determination of the crime of illegal hunting depends on the provisions of the pre - administrative law regarding the "Four Prohibitions" and the scope of wild animal protection. Therefore, the understanding of the pre - administrative norms is consistent with the understanding of criminal illegality. Among them, the scope of protected objects of the crime of illegal hunting in China is constantly expanding, changing from the initial

rare birds, beasts, or other wild animal resources to local - key - protected wild animals and "Three - Category Protected Animals", and the types of "Three - Category Protected Animals" are increasing day by day. The newly adjusted list of "Three - Category Protected Wild Animals" in 2023 includes a total of 1,924 terrestrial wild animals, adding more than 700 wild animals to the protection scope on the basis of the original list in 2000 [10], achieving comprehensive protection of wild animals. The broad scope of protected objects further increases the difficulty of public awareness. For actors who have not completed the nine - year compulsory education, their subjective awareness of protected objects or relevant regulations such as hunting - prohibited areas and hunting - prohibited periods should not be easily presumed. In addition, hunting has a long history in China, and actors often live in mountainous areas with low educational levels and limited access to information. It is more in line with the requirements of the doctrine of liability to require them to have a certain awareness of social harmfulness.

### **2.3. Neglecting the Measurement of Substantive Legal Interests in Individual Cases**

Against the backdrop of the severe destruction of wildlife resources, China's criminal policy regarding crimes related to wildlife resources has always been "severe punishment." Under the guidance of such a stringent criminal policy, it is rather easy for crimes related to wildlife to be recognized as criminal offenses, which inevitably gives rise to the suspicion of formal conviction. In practice, the behavior of the perpetrator is very likely to be evaluated as "circumstances being serious," leading to conviction. Although at the conviction stage, in order to curb the expansion of the scope of criminal offenses to a certain extent, the judicial authorities often adopt a non-prosecution approach in two typical cases: the trading of artificially bred wild animals and defensive hunting of wild animals. [11] However, innocence and exemption from punishment are two completely different concepts. Designating an act that is not a crime as a crime while applying non-prosecution is not an effective way of crime governance. The criminal law usually employs a certain number of vague concepts, such as "circumstances being serious" and "especially serious consequences," to maintain the openness of legislation. [12] Professor Zhang Mingkai pointed out: "To understand the purpose of the legal provisions is to understand what the legal interests worthy of protection by the legal provisions are." [13] In the case of Wu Qinglian's illegal hunting, the party involved was an illiterate farmer whose entire livelihood depended on the income from the contracted land. If wild boars continuously invaded the farmer's contracted land and the farmer had no way to stop it, wouldn't it be extremely difficult to deal with the situation? Some scholars believe that in cases similar to this, the defense of "necessity" can be used to exonerate the perpetrator. These scholars regard the continuous invasion of the human living environment by wild animals as a continuous danger. However, the current theoretical circle generally believes that the defense of necessity can only be applied when personal safety is threatened, and it is not applicable when a citizen's property, etc., is invaded by wild animals. The author believes that it is more reasonable to take the determination of substantive legal interests as the core of conviction. However, in practice, substantive legal interests are rarely measured,

which is very likely to lead to an excessive protection tendency and the expansion of judicial power.

## **3. Approaches to the Restricted Application of the Crime of Illegal Hunting**

### **3.1. Differentiating and Identifying Administrative Illegal Acts and Criminal Offenses**

Criminal law is an independent discipline, and criminal acts are the objects that can only be regulated by criminal law, rather than the objects jointly regulated by criminal law and other laws. Criminal law does not directly impose criminal sanctions on acts that violate other laws but evaluates and judges whether a certain act requires criminal sanctions according to specific purposes. [14] Based on the particularity of criminal law, in the process of judicial trials, it is necessary to independently determine crimes according to the legal provisions and purposes of criminal law. The nature of administrative crimes determines that their illegality has both subordination and independence, and criminal illegality is not entirely determined by administrative illegality. The legislative value purposes of administrative law and criminal law are also different. The former focuses on the objective aspects of the act and the efficiency of administrative law enforcement, while the latter pays more attention to the subjective aspects of the act and focuses on maintaining justice and protecting rights. [15] Mere administrative disobedience is not sufficient to be recognized as a crime because pure "administrative disobedience" itself does not involve legal interests. [16] Therefore, if an act, apart from disobeying administrative management, does not show a sufficient connection with legal interests, this act can only constitute an act in violation of order and can only be an administrative violation within the framework of China's laws, rather than a crime. [17] Strictly review and restrict the constituent elements and identification standards of the crime of illegal hunting. In the above-mentioned cases of Liu Xiaojun and Yao Xiuming, the court held that the regulations of the people's government at or above the county level should be taken as the basis for conviction. However, as the pre-laws for identifying crimes, the judicial authorities should specifically determine which regulations can be used as the pre-laws for the crime of illegal hunting and which acts cannot be used as the pre-laws for the crime of illegal hunting. The author believes that in judicial practice, the people's court should not use the contents of the regulatory documents stipulated by the people's government at or above the county level other than the Wildlife Protection Law as the basis for conviction. As the pre-law for the crime of illegal hunting, the Wildlife Protection Law should be clear and accurate. The closed hunting seasons, closed hunting areas, prohibited tools and methods, and the list of wild protected animals authorized to be stipulated by the people's government at or above the county level should all be formulated and announced by the State Council. If the perpetrator uses tools such as a "slingshot" that are not on the list, it cannot be recognized as the crime of illegal hunting. The judicial authorities should conduct strict reviews of obviously unreasonable and "one-size-fits-all" regulatory documents and should not apply unqualified regulatory documents that seriously damage the interests of citizens. The judicial authorities should regard the

regulations on the tools, methods, closed hunting seasons, and closed hunting areas for illegal hunting stipulated by the people's government at or above the county level outside the scope of the Wildlife Protection Law as a kind of regulatory opinion, strictly judge whether the use of a certain method at that time and place will cause damage to wild animals, and reasonably control whether wildlife resources are damaged. If the circumstances are minor, administrative means can be used for punishment, and criticism and education can be carried out afterwards to avoid wasting judicial resources and achieve the educational effect.

### **3.2. The Judicial Authorities Should Attach Importance to the Review of the Perpetrator's Subjective**

Knowledge Currently, many laws and regulations do not conform to the traditional social cognition. For regulations that do not conform to the public's ideological concepts, the judicial authorities have the responsibility to carry out legal popularization education. While creating a good legal environment, in trials, they should not blindly follow the concept of "ignorance of the law does not excuse liability." The review of the perpetrator's subjective knowledge should be expounded in legal documents such as the judgment to avoid the situation of objective imputation of guilt. First of all, during the court investigation stage, the judicial authorities should inquire and investigate whether the perpetrator recognized or should have recognized that his behavior violated the "four prohibitions" provisions in the hunting regulations and the fact that the wild animals and their resources he destroyed were protected by law. In practice, the judicial authorities almost completely ignore the perpetrator's defense of "lack of awareness of illegality." The crime of illegal hunting is a statutory crime rather than a natural crime, and the judicial authorities should pay particular attention to the review of the perpetrator's subjective knowledge and reflect it in the judgment. Secondly, since the list of wild animals stipulated in the Wildlife Protection Law is extremely large in number, the local government has the obligation to popularize this knowledge among citizens. In many cases of this crime, the perpetrators are illiterate or farmers with a primary school education level from remote areas, and these citizens indeed have difficulty obtaining legal knowledge and cannot recognize the illegality of their own behavior. [18] When the government conducts popularization, it should consider whether citizens are aware of the scientific names of certain wild animals, comprehensively consider the local residents' educational level, geographical location, and daily living habits, etc., so that the local residents can truly obtain legal knowledge. If the local government has conclusive evidence to prove that it has fulfilled its obligation of legal popularization, it can be presumed that the perpetrator knew or should have known that his behavior violated the law. Applying the theory of awareness of illegality to cases of the crime of illegal hunting can alleviate the conflict between the public's simple values and the law in judicial practice. At the same time, guiding instead of punishing will play a better educational role. Including hunting wild animals knowing that they are key protected wild animals in the circumstances of "circumstances being serious."

### **3.3. Balancing the Conflict between Animal Protection and People's Livelihood**

When protected wild animals invade human territory and the local government has not taken effective measures to prevent the infringement on citizens, how should the right to life of human beings and the right to life of wild animals be weighed when citizens take some defensive measures that result in the injury or death of protected wild animals? First of all, determine whether the behavior of the perpetrator has violated the ecological interests. Conduct a substantive assessment of the ecological legal interests. According to scientific data such as the grades of national key protected animals, distinguish between endangered species (such as pangolins) and locally prevalent species (such as wild boars in some areas), and use a dynamic model to evaluate the degree of impact of the perpetrator on the local ecological chain. In the case of Wu Qinglian, the perpetrator used an electric grid around his homestead, resulting in the death of two wild boars. In 2023, wild boars were removed from the list of "terrestrial wild animals with important ecological, scientific, and social values." However, the list of "terrestrial wild animals with important ecological, scientific, and social values" has a certain lag. Before 2023, the number of wild boars had already increased. In such a situation, the death of two wild boars is not sufficient to indicate that the wild boar resources have been damaged, and it should not be evaluated as damaging wildlife resources, let alone damaging ecological interests. This article believes that when the judicial authorities determine the behavior of the perpetrator, they should focus on the damage to wildlife resources, compare the number of dead wild animals with the existing number, and then analyze whether the degree of damage to wildlife resources has been reached. If the degree of damage to wildlife resources has not been reached, the administrative authorities can use methods such as fines, confiscation of tools, and criticism and education for warning. Secondly, when the invasion of wild animals threatens the basic livelihood of citizens, more attention should be paid to the legal interests of people's livelihood. In the case of Wu Qinglian, the wild boars did not pose a threat to human life and physical safety. Seemingly, the behavior of the animals did not cause a continuous and urgent danger. However, from the perspective of farmers, whether the behavior of the animals has the characteristic of continuity is uncertain. And for farmers who have always been engaged in farming, if their crops are damaged and they have no harvest, they will lose their source of livelihood. The author believes that the interests of farmers whose sole source of livelihood is from crop yields are greater than the interests of individual wild animals. The judicial authorities can consider the balance of these two legal interests as a reason for exoneration. At the same time, establish a "minimum harm" standard, such as using sound waves first, and if it is ineffective, then use physical protection measures, and carry out education and publicity for citizens.

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