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Risk Society and Symbolization of the Modern Criminal Law

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Abstract

The modern criminal law under risk society is made to reduce risks and be sure of social security. In addition, mode of rule is purely symbolic and is applied specifically to the area of environmental pollution, financial market, drugs, food sanitation, tax evasion, computer system invasion and terrorism etc. As well, symbolization of criminal law results to abstraction of legal interests makes a great amount of abstract strict liability tort, and targets on risk prevention. However, to prevent criminal law from being a method of flexible social domination, its structural development shall insists on state under the rule of law and principle of rational risks. Further, punishment as policy discourses in positive crime prevention to the publics, the legislation of criminal law shall be based on theory of legal personal assets and balance of injustice and guilt.

Keywords: Risk Society, Modern Criminal Law, Symbolization of Criminal Law, Legal Assets, Ultima Ratio, Abstract Strict Liability Tort

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