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Research on Legal Risks and Governance Paths of Legal Online Public Opinion

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Abstract. The development of internet platforms has led to the fragmentation, multi-platform linkage, and emotional diffusion of legal information dissemination. This not only broadens the channels for public participation and supervision but may also result in legal norms losing their context, distorted case facts, and the spread of violent and inflammatory expressions. This paper takes the legal discourse alienation and violent expressions in legal online public opinion as the entry point, and based on existing research, analyzes their manifestations, generation mechanisms, and legal risks. The study holds that legal discourse alienation mainly manifests as context-cutting, fact omission, re-narration concatenation, and analogy abuse, and its formation is related to the fragmentation of online dissemination, the tension between public moral judgment and legal professional logic, and the information distribution mechanism of the platform; violent and inflammatory expressions may increase the risk of transformation from online expression to offline behavior under the influence of factors such as group polarization, but whether they enter legal evaluation, especially criminal law evaluation, should be judged on a case-by-case basis by considering subjective intent, expression content, communication targets, real danger, and their correlation with specific crimes. Therefore, in order to achieve a balance between social protection and freedom of speech, it is necessary to ensure normal criticism and public opinion supervision, and through strengthening authoritative legal information supply, improving platform information governance, improving risk monitoring and early warning, and exercising caution in connecting criminal law regulation, it is possible to achieve a balance between social protection and legal regulation in online legal public opinion governance.

Keywords: legal online, public opinion, legal discourse alienation, violent expressions, legal governance

1. Introduction

1.1. Research background and problem formulation

The development of internet technology has profoundly changed the structure of the public space in society, and the online space has become an important field for the public to obtain information, express opinions, and participate in public affairs. Online public opinion not only expands the channels for public information acquisition, participation, and supervision, but also, due to its

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anonymity, immediacy, and emotional nature, may amplify the risks of information distortion and group polarization. Especially in legal disputes, online expressions often involve legal rules, case facts, and value judgments, and how to prevent inappropriate impacts on legal order while ensuring normal supervision has become an important issue in online public opinion governance.

The term "legal discourse alienation" referred to in this paper mainly refers to the meaning shift of legal information during online dissemination due to context cutting, fact omission, analogy abuse, emotionalized rewriting, or re-narration concatenation, causing the public to misunderstand legal rules or law enforcement and judicial activities. For example, extracting legal provisions as the "legal basis" for a specific stance, or mechanically applying a specific crime to disputes of different natures. It should be noted that raising reasonable doubts, criticism, or different interpretations of law enforcement and judicial activities based on facts and law does not fall under the category of legal discourse alienation as defined in this paper.

Concurrently, violent and inflammatory expressions may also appear in online discussions of legal events, posing certain impacts on legal principles such as legal defense rights, presumption of innocence, and procedural justice. Whether such expressions enter legal evaluation, especially criminal law evaluation, still needs to be judged on a case-by-case basis by considering the specific content, communication targets, real danger, and their correlation with specific criminal offenses. Based on this, this paper intends to discuss the specific forms, generation mechanisms, and legal impacts of legal discourse alienation, and further examine the risks of violent and inflammatory online expressions and the boundaries between freedom of speech and legal regulation in the governance of legal online public opinion.

1.2. Research significance

The theoretical significance of this study lies in observing online public opinion governance from the perspective of legal discourse analysis, exploring the transmission mechanism of online dissemination, public cognition, and legal professional logic, and further analyzing how violent and inflammatory online expressions provide cognitive, emotional, and communication conditions for the formation of criminal and illegal risks. Practically, this paper attempts to distinguish between normal legal supervision and false, misleading, and polarizing expressions, and explores ways to reduce risks through authoritative legal interpretation, public opinion guidance, and hierarchical governance, providing reference for the standardized governance of legal online public opinion.

2. Legal discourse alienation in online public opinion

2.1. Alienation of discourse

In this article, the alienation of legal discourse is used to cover the phenomenon where legal information undergoes a shift in meaning during its dissemination on the internet due to its departure from the original context, omission of key facts, abuse of analogies or re-narration concatenation. The channels through which legal public opinions are generated have become increasingly diverse, and the multi-platform collaboration has made the dissemination of public opinions more rapid. In terms of the generation mechanism, they exhibit a strong group-oriented characteristic. Groups that were originally unrelated to the case may also be involved based on common social emotions and exhibit a trend of group polarization under the effect of empathy [1].

The alienation of legal discourse can be roughly classified into the following four types: First, meaning reversal due to context cutting. Legal provisions highly rely on the context of the

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surrounding chapters and the legislative purpose and case facts applicable to them. However, during the dissemination process on the internet, the disseminators often separate a specific provision from the complete context and only extract the segments that are favorable to their own position, referring to them as "legal basis".

Second, misleading interpretation caused by the omission of key facts. The dissemination of legal-related events often involves selective presentation of case facts, which is related to the low threshold, high freedom, and strong interactivity of internet information dissemination. The disseminators may emphasize the facts that are beneficial to a specific narrative and omit the details that affect the narrative, causing the public to form judgments based on incomplete information and thereby generating doubts about law enforcement and judicial activities that deviate from the factual basis. In the online rumors of the "Li Qian Illegal Medical Practice Case", the web posts fabricated the relevant judgments made by the courts at both levels in Nanjing and spread rapidly. Later, the courts confirmed through verification that there was no such case [2, 3]. This indicates that once the factual premise of the legal discussion undergoes significant distortion, the legal evaluation based on it is also likely to shift.

Third, suggestive accusations formed by re-narration concatenation. In the dissemination of some legal disputes, information fragments from different sources, different times, and different natures are re-combined to form a narrative structure with strong suggestive nature. Even if the accused party is not legally held responsible, they have already suffered substantial reputational damage, moral condemnation, and social death in the public opinion level due to the narrative.

Fourth, normative misalignment caused by analogy abuse. In the dissemination of some legal disputes, there are situations where a certain legal concept or crime is mechanically applied to completely different social disputes. For example, the breach of contract in civil disputes is analogized to criminal fraud, or administrative violations are equated with criminal crimes. This analogy blurs the case facts and also affects the public's understanding of the hierarchical system and application conditions of legal norms.

Nowadays, public supervision has become increasingly normalized, and public opinion supervision is becoming a regular phenomenon. The online public opinion itself helps expand the channels of social supervision and promotes the openness of law enforcement and judicial activities. The focus of this article is on the potential real-world problems caused by false, misleading, polarizing or violent expressions, rather than the normal criticism and supervision based on facts and law by the public.

2.2. Logic of alienation generation

The emergence and spread of the phenomenon of alienation of legal discourse in the online space can be understood from three levels: the communication structure, cognitive logic, and technical mechanism.

In terms of communication structure, legal language has precision and procedural nature, and its meaning depends on the complete normative context and strict fact determination. In the dissemination ecology of internet information produced and consumed in fragments, when legal discourse enters the online space, its normative context and fact determination process are more likely to be compressed or cut, thereby increasing the possibility of meaning deviation.

In terms of cognitive logic, there is often a certain tension between the simple moral judgment of the public and the legal professional logic. In legal disputes, the public usually focuses on substantive justice and is also prone to be influenced by emotional factors. Meng Wei pointed out that the public attitudes in legal-related public opinions are closely related to psychological demands

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such as seeking knowledge, participation, and supervision. The empathy in the group environment may also strengthen the dissemination and solidification of existing attitudes [4]. Therefore, when legal discourse is disseminated to the public, it may undergo a translation from formal language to everyday language and emotional language. The information loss and meaning deviation during this translation process constitute an important source of legal discourse alienation.

In terms of technical mechanisms, the information distribution and recommendation mechanisms of social platforms may objectively increase the visibility of content with strong emotional tension. Emotional and extreme content is more likely to attract interaction, while relatively complex legal analysis may be at a disadvantage in the competition of dissemination. Under this mechanism, legal discourse that has undergone contextual cutting, fact omission, or re-narration concatenation may gain wider dissemination, thereby further amplifying the deviation of meaning.

2.3. Legal dilemma

The impact of legal discourse alienation on the legal order is not limited to the distortion of information at the case level. It may also further affect legal authority, judicial credibility, and public legal cognition.

Firstly, legal authority and judicial credibility may be affected. The establishment of legal authority relies on the public's trust and respect for legal rules. When the large-scale questioning of law enforcement and judicial activities is mainly based on false information, one-sided facts, or incorrect legal interpretations, it may weaken the public's trust in legal rules and judicial activities. Secondly, improper public opinion pressure may interfere with independent legal adjudication. One prominent feature of current court public opinion crises is that procedural justice becomes an important trigger, while substantive justice becomes the main issue [3]. When the large-scale public opinion wave formed by a specific legal event is based on false information, judicial authorities need to make independent legal judgments while also bearing additional social public opinion pressure. Even if the public opinion does not affect the final judgment result, it may increase the cost of communication, clarification, and maintaining public credibility. Finally, repeated factual distortion and legal misinterpretation will increase the institutional cost of public opinion governance and legal ecological restoration, and require judicial authorities and regulatory departments to continuously invest resources for clarification, guidance, and restoration.

3. Violent and inciting expressions in legal network public opinions

3.1. Main forms and characteristics of violent and inciting expressions

The violent and inciting expressions discussed in this article mainly refer to expressions that explicitly call for, encourage, or otherwise strengthen the legitimacy of resolving disputes through violence. Such expressions need to be distinguished from general emotional venting, intense debate of viewpoints, and legal protest appeals. Their main risk lies in providing cognitive, emotional, or moral support for real violent acts.

From the perspective of communication forms, such expressions can roughly be classified into three types: First, the explicit call type, which directly calls for or encourages others to use violence or harassment against a specific target; second, the violent justification type, which transmits the information that "violence is justifiable" through metaphor, analogy, and labeling; third, the situational incitement type, which continuously exaggerates injustice or emergency situations to intensify the impulse of the audience to solve problems through violence. The above classification is

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only used to describe the communication forms of the network and does not equate to the behavioral types in criminal law.

Its characteristics can be summarized as follows: First, the communication target is open. The related expressions may be directed at the unspecified network public, or specific groups or individuals, with differences in the scope of audience and the degree of identifiability. Second, the content of the expression usually has strong emotional incitement and de-responsibilization tendencies. Common ways include exaggerating the degree of victimization, intensifying moral indignation, and weakening the path of legal resolution. When such content forms a certain dissemination scale, phenomena such as the herd effect, the spiral of silence, and group polarization may further amplify extreme opinions [4].

3.2. Risk transformation from network expression to real behavior

The risks of violent and inflammatory expressions not only manifest in the amplification of online emotions, but also lie in the fact that under certain conditions, they may increase the likelihood of offline illegal acts. Whether online expressions truly translate into real behaviors still depends on multiple factors such as the behaviorist's state, the content of the expression, group interaction, and specific circumstances.

During this process, continuous emotional incitement may initially reduce the psychological resistance of some audiences towards violent behavior. When expressions such as "how should certain individuals be dealt with" or "the law doesn't apply; it should be handled privately" keep recurring in the online space, some of the audience may develop a wrong perception of justifying violent behavior and weaken their attention to the legal consequences.

Subsequently, the group polarization effect may further strengthen the violent identity. In anonymous or weakly identifiable online environments, some netizens are more likely to vent social pressure and dissatisfaction through extreme remarks. Similar viewpoints continuously converge during interactions, which may also push the attitudes of the participants towards extremism. When violent justification gradually becomes the dominant opinion in a specific discussion space, the psychological resistance for individuals to commit illegal acts may decrease. The anonymity and dispersion of group responsibility may also weaken the sense of responsibility of some participants, allowing violent expressions to spread further during dissemination.

3.3. Criminal legal evaluation and legal regulation boundaries of violent and inciting expressions

Whether violent and inciting expressions fall within the scope of criminal legal evaluation and under what conditions they do so requires a case-by-case judgment. In criminal law, an accomplice is characterized by the intentional instigation of others to commit a crime. However, whether general inciting expressions in the open network space have reached the level that causes others to form and carry out specific criminal intentions cannot be judged merely based on the intensity of the words.

For this, the following factors can be comprehensively examined: whether the actor has the subjective intention to prompt others to commit a specific crime; whether the content of the speech clearly points to a specific violent act or crime type; the scope of the dissemination and its degree of identifiability; whether the expression objectively significantly increases the reality of danger; whether the content of the incitement has a substantive connection with the specific elements of the crime; whether the related expression has a substantive impact on the formation of the criminal intent of subsequent actors. The stage of behavior development is also a difficult point for judgment.

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Criminal premeditation emphasizes objective preparatory acts for the implementation of a crime, and emotional venting or value expression alone is not sufficient to be recognized as criminal premeditation. Only when the expression content is specific, clearly targeted, and closely related to the reality of danger, is there a possibility of further entering the criminal legal evaluation.

From the perspective of legal regulation, there are three main difficulties for such expressions: Firstly, the boundary between violent and inciting expressions and normal speech is not always clear. It is necessary to prevent direct equating of intense criticism with illegal activities; Secondly, the influence of online expressions and offline behaviors is affected by multiple factors, and the causal relationship and normative connection are often difficult to prove at the evidence level; Thirdly, for expressions that have not caused actual harm and have not reached the elements of a specific crime, how to make connections between administrative management, platform governance, and criminal regulation while considering specific norms and the degree of behavioral danger requires careful judgment based on specific circumstances.

3.4. Boundary between freedom of speech and legal regulation

There is a continuous tension between legal regulation and freedom of speech in online discourse, and this tension is particularly prominent in the governance of legal-related public opinions.

The "chill effect", that is, individuals conduct self-censorship and reduce the scope of expression due to concerns about legal risks, is a negative effect of excessive regulation. When the regulatory standards are ambiguous or the regulatory intensity is too high, normal criticism, questioning, and discussion may also be improperly compressed. On the other hand, the response to public opinions may also have deficiencies. Meng Wei pointed out that in the response to cases involving prosecution, there may be problems such as slow response to public psychological demands, insufficient risk awareness, or voicing without thorough verification, and improper handling may even exacerbate public negative emotions [4]. Therefore, public opinion governance should avoid simple suppression and also attach importance to information verification, timely response, and public communication.

Therefore, the key to governance lies in seeking a dynamic balance between social protection and freedom of speech. This balance is not simply finding a fixed midpoint, but should be made differently in different situations, at different stages, and for different levels of harm. For reasonable doubts and criticisms based on facts, sufficient protection space should be given; for obviously untrue and misleading content, it can be corrected through fact verification and authoritative clarification; For violent and inflammatory expressions that pose real dangers and meet the conditions for specific legal responsibilities, corresponding measures should be taken in accordance with the law.

4. Optimization of the path for legal governance of online public opinion

The previous text examined the specific forms, generation mechanisms and legal impacts of legal discourse alienation, analyzed the risks of the transformation of violent and inflammatory expressions from online dissemination to offline actions, as well as the boundaries of criminal legal evaluation, and sorted out the tension between freedom of speech and legal regulation. In summary, the following text proposes optimized paths for legal governance of online public opinion from two aspects.

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4.1. Regarding legal discourse alienation: strengthening legal interpretation and public law dissemination

The essence of legal discourse alienation lies in the fact that when legal-related events enter the public discussion space, legal norms fail to promptly and effectively sink into the online discourse system, and thus inappropriate dissemination content gains the right to define the nature of the event.

Establish a rapid legal interpretation mechanism for controversial incidents. The rapid spread of legal discourse alienation in cyberspace is partly due to the time lag in authoritative legal information supply. When legal incidents attract widespread attention, the public's demand for understanding legal rules is immediate, while systematic responses from judicial authorities and legal professionals often take time. During this lag, information processed through contextual fragmentation, fact omission, or narrative reconstruction can gain an early advantage in dissemination. Zhao Yanze's analysis of the Yao Jiaxin case reveals that misinformation about the defendant's identity persisted for a long time without timely clarification, heightening public expectations for the verdict [5]. Therefore, it is essential to enhance rapid assessment and authoritative clarification in major legal public opinion incidents, while ensuring factual and legal judgments remain accurate. This approach can shorten the information supply delay. Additionally, popularizing law efforts should be improved by adopting popular forms such as infographics, short videos, and Q&A sessions to explain the conditions for applying legal provisions and the legal relationships in cases, thereby reducing the gap between professional legal language and public comprehension.

Secondly, platform-level information governance should be strengthened. Legal discourse alienation's dissemination relies on the carrying and diffusion of online platforms, and the content governance of platforms faces problems such as unclear boundaries of rights and responsibilities and insufficiently clear judgment standards. For content that has been verified to have obvious factual distortion, taking out-of-context quotations, and has a wide dissemination range, platforms can intervene through risk warnings, linking authoritative information, and restricting abnormal dissemination; however, it is not advisable to require platforms to conduct "correctness reviews" of general legal viewpoints, as this may compress the normal legal discussion space. The platform governance standards should focus on verifiable factual distortion, obvious misguidance, and real-world harm, and gradually improve specific judgment rules in practice.

4.2. Regarding violent and inflammatory expressions: connecting monitoring and early warning with legal regulation

The difficulty in governing violent and inflammatory expressions lies in the fact that there is usually a time chain and multiple intermediate variables between their online dissemination and real-world harm, and the causal relationship is highly uncertain. Only relying on end-stage disposal after the occurrence of harmful results is difficult to respond promptly to risks, so it is necessary to move some governance measures forward within the legal and necessary range.

The public opinion monitoring mechanism can enhance the identification and semantic analysis of content with obvious violent orientation and inflammatory characteristics. Factors such as emotional indicators, content orientation, dissemination scope, and the degree of association with offline events can be used as important references for risk classification. In practice, the application of big data and artificial intelligence technologies to assist in identification and early warning can be explored, but the technical means can only serve as a risk assessment tool and cannot directly

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replace legal judgment; its application should also be based on clear standards to avoid inappropriate interference with normal speech. Network platforms are important carriers for the dissemination of related content and should legally fulfill corresponding information content management obligations. The "Regulations on the Governance of Network Information Content Ecology" has stipulated the governance of illegal and harmful information and the platform's main responsibilities. For content that clearly has the characteristics of inflammatory violence and encouraging violent retaliation and conforms to the relevant regulatory disposal conditions, the platform should take necessary measures in accordance with the regulations; if the platform fails to legally fulfill corresponding management obligations, it should bear corresponding responsibilities based on the nature of the behavior, consequences, and specific legal basis, and only when it meets the constitutive conditions of the crime of illegally utilizing information networks can it enter the criminal responsibility evaluation. At the same time, it is also necessary to carefully grasp the scope of application of criminal regulation. As mentioned earlier, violent and inflammatory expressions and criminal law's incitement and preparatory crime cannot be simply equated. Within the current legal framework, only behaviors that meet the types of specific illegal activities carried out through information networks and the release of related illegal activities information, and reach the "serious circumstances" standard, can be considered for application of the crime of illegally utilizing information networks, and this crime cannot be used as a blanket provision for violent and inflammatory expressions. For acts of organizing, planning, and inciting the implementation of online violence, it should be judged based on the constituent elements of specific crimes. Criminal regulation should maintain necessary restraint. As the ultimate measure, criminal law should only intervene when the behavior has already met the specific requirements of the crime. This is to avoid the improper suppression of freedom of speech due to the excessive use of criminal means.

5. Conclusion

In legal-related online public opinions, the alienation of legal language may affect the public's understanding of legal rules and law enforcement and judicial activities through means such as context segmentation, fact omission, abuse of analogy, and re-narration concatenation; violent and inflammatory expressions may increase the possibility of online risks transforming into offline behaviors by leveraging emotional mobilization and group polarization. In this regard, while ensuring the normal space for public supervision and expression, it is necessary to strengthen the supply of authoritative legal information and popularize legal education, improve platform information governance and risk monitoring, and strictly adhere to the specific legal norms to determine the boundaries of criminal intervention. The basic position of this article is not to reduce the online discussion space, but to make necessary distinctions between normal criticism and supervision and false, misleading, and expressions with real dangers, and through hierarchical and prudent governance methods, maintain the professional rationality and procedural order of the rule of law.

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