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Article

Critiquing Tsinghua University Professor Lao Dongyan's Support for Peking University Professor Zhao Hong on Drug Record Sealing: Based on Marxist Legal Principles and Xi Jinping Thought on the Rule of Law

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Abstract

This paper conducts a systematic critical analysis of Professor Lao Dongyan of Tsinghua University's public discourse advocating for Zhao Hong of Peking University and supporting the 'sealing system for public order offences such as drug use'. The analysis is grounded within the normative framework constituted by Marxist legal principles and Xi Jinping Thought on the Rule of Law. The research aims to examine the consistency and tensions between her argumentative system and the Marxist legal stance, as well as the overall national security outlook. Methodologically, this study first abstractly reconstructs Professor Lao's core argumentative chains concerning record sealing, cyberspace governance, and criminal law restraint, delineating her premises, problem definitions, and reasoning pathways. Subsequently, employing a multi-level logical diagnostic approach, we conduct a dual examination of both form and substance at the levels of semantic premises, problem structures, and rules of inference. This analysis is normatively contrasted with Marxist jurisprudence's 'people-centred approach,' 'class analysis,' and 'historical and structural perspectives,' as well as Xi Jinping Thought on the Rule of Law's comprehensive national security outlook and its tripartite framework of 'security-development-rights.' The findings indicate that while the argument offers valuable insights in clarifying the boundaries between public order offences and criminal acts, resisting over-criminalisation, and countering 'public opinion trials,' it exhibits several structural biases. These include: narrowing the concept of 'the people' to a specific rights-bearing group; simplifying the security-development-rights triad into a unidimensional opposition between 'state power and individual rights'; overemphasising risks to rights, confounding factual and value judgements, and flattening heterogeneous critiques into a homogeneous discursive object. The conclusion posits that this logic system centred on 'rights-risk-technological governance' is only partially compatible with Marxist jurisprudence. Overall, it has yet to genuinely address the value hierarchy demanding 'people's security as the purpose, political security as the foundation, and national interests as paramount.' Therefore, in institutional debates concerning drug governance and internet governance, it is necessary to conduct substantive calibration and reconstruction of relevant theoretical discourses and institutional designs, while upholding the people's stance and the overall national security outlook.

Keywords: Lao Dongyan; sealing of drug-related criminal records; Marxist jurisprudence; Xi Jinping Thought on the Rule of Law

I. Issues and Factual Background

(I) Institutional Context of the Controversy

During the 2025 revision of the Public Security Administration Punishment Law, the ‘sealing system for public security violation records’ was enshrined in legislation. This includes sealing records of drug-related public security violations under specified conditions, with such records retained internally by public security organs for dynamic oversight and restricted public access (Beijing News, 2025). The legislative intent behind this system was twofold: to retain essential law enforcement and regulatory information while preventing minor offences from inflicting long-term systemic discrimination and ‘lifelong stigmatisation’ upon individuals (Beijing News, 2025).

Proponents such as Zhao Hong, a researcher at Peking University Law School, contend that excessive disclosure of public security offence records leads to ‘systemic discrimination’ in employment, education, and social evaluation. Public security penalty records and the specialised drug supervision system constitute two distinct frameworks; sealing the former does not imply relaxed oversight. For cases involving public figures or individuals ‘with significant social influence,’ disclosure of penalty decisions remains permissible under law (Beijing News, 2025; Beijing Daily Client, 2025).

These arguments swiftly ignited fierce online debate. A segment of the public interpreted them as ‘giving drug users a free pass’ or ‘condoning illegal acts,’ forcibly linking the ‘sealing system’ to specific scholars’ personal drug use issues. This generated intense emotional reactions in the public discourse, compounded by the national trauma associated with drug issues in modern Chinese history (Beijing Daily Client, 2025; People’s Daily Online Theory Channel, 2016).

(II) Professor Lao Dongyan’s Fundamental Position in Defending Zhao Hong

According to public reports and cross-referenced media accounts, Professor Lao Dongyan of Tsinghua University Law School posted on Weibo on 30 November 2025, voicing indignation over the public backlash faced by scholars including Zhao Hong regarding the ‘sealing of drug use records.’ Her core arguments included (as cited by Wanwei Reader Network, 2025):

- (1) Interpreting the ‘sealing of public security penalty records’ as a ‘privilege bill tailored for a specific professor’ constitutes a grave misreading;
- (2) Personifying and witch-hunting institutional issues, while attacking specific scholars with labels like ‘drug history,’ obscures discussions on legislative techniques and institutional design itself;
- (3) Expert participation in legislative amendments is a standard pathway for advancing institutional modernisation and should not be forced to withdraw due to online violence;
- (4) Academic support for the amendment is grounded in legal principles such as the restraint of criminal law, rehabilitation of criminal records, and prevention of systemic discrimination, not ‘condoning drug use.’

The comment section of this Weibo post subsequently flooded with criticism and abuse, described by some media as a ‘comment section collapse,’ reflecting how institutional debates in cyberspace are easily hijacked by emotion and labelling narratives (Wanwei Reader Network, 2025). Against this backdrop, structurally deconstructing the academic logic underpinning Lao Dongyan’s robust defence of Zhao Hong, while systematically comparing it with Marxist legal principles and Xi Jinping’s thought on the rule of law, holds significant theoretical and practical relevance.

II. Dissecting and Assessing the Logic of Lao Dongyan’s “Defence of Zhao Hong”

This section refines and dissects the defence from the perspective of a ‘multi-layered logical structure’: first reconstructing her chain of reasoning, then conducting an in-depth diagnosis across three levels (semantic premises, structural trade-offs, and rules of inference).

(1) *Abstract Formulation of the Core Chain of Reasoning*

Under the premise of a 'best-case interpretation', Lao Dongyan's reasoning structure for defending Zhao Hong can be summarised in four steps:

1. Defining the System Itself

Premise P1: This system pertains to the 'sealing of public security penalty records,' not the 'complete deletion of all drug-related records.' Sealing primarily restricts public access channels (Beijing News, 2025);

Premise P2: Sealing does not affect the internal access and dynamic control of relevant information by public security organs and anti-drug systems; law enforcement agencies retain complete records (Beijing News, 2025; Beijing Daily Client, 2025).

2. Confirming the System's Purpose

Premise P3: Long-term public disclosure of public security violation records causes severe social stigma and systemic discrimination, hindering the reintegration of offenders into society (Beijing News, 2025);

Premise P4: Modern rule of law should prevent 'excessive punishment' and 'lifelong stigmatisation', preserving opportunities for minor offenders to reform and reintegrate into society.

3. Rebutting Accusations of 'Privilege' and 'Condoning Offences'

Premise P5: The sealing system applies universally to public order offenders meeting statutory criteria, not as a bespoke arrangement for any specific professor;

Premise P6: Existing anti-drug legislation, administrative enforcement, and criminal law continue to impose severe penalties for drug-related offences. Therefore, from an overall institutional perspective, it is difficult to equate this sealing system simplistically with 'condoning drug use' (Beijing News, 2025; Beijing Daily Client, 2025).

4. Critique of Public Attack Tactics

Premise P7: Reducing complex institutional issues to moralistic attacks on 'a professor's drug history' constitutes 'witch-hunt style' public discourse. This practice of personalising and emotionalising institutional debates undermines rational legislative discussion (Wanwei Reader Network, 2025).

Conclusion C:

The sealing system for public security penalty records possesses legal legitimacy and exerts limited impact on public safety. The current public attacks on Zhao Hong stem more from misunderstandings about the system and the role of experts, coupled with emotional venting, rather than informed, rational criticism.

(II) *Logical Strengths: Conceptual Clarification and Emphasis on Procedural Rationality*

At the levels of formal logic and normative jurisprudence, this argumentation exhibits several distinct advantages:

1. Conceptual Clarification and Countering Conceptual Substitution

By distinguishing between 'public security penalty records' and the 'specialised drug supervision system,' she avoids the conceptual substitution of interpreting 'sealing a category of publicly accessible information' as 'completely eliminating all records.' This plays a crucial role in correcting crude assertions that equate sealing with deletion or condoning (Beijing News, 2025).

2. Proportionality Framework Between Means and Ends

By anchoring the sealing system within the objectives of ‘preventing systemic discrimination and promoting resocialisation,’ she emphasises mitigating stigmatisation through restricted public access without compromising internal oversight. This approach of framing means and ends within a proportionality principle is both commonplace and persuasive in contemporary criminal law and human rights jurisprudence (Hu Yunteng, 2021).

3. Procedural Rationality and Opposition to ‘Public Opinion Trials’

She seeks to redirect attention towards ‘institutional design and legislative legitimacy’ rather than engaging in moral judgements against individual scholars. This emphasis on procedural rationality and ‘focusing on the matter at hand’ helps counter cyberbullying and ‘public opinion trials,’ thereby safeguarding the fundamental order of academic discourse and legislative consultation (Wanwei Reader Network, 2025).

(3) Logical Weakness (1): Semantic Premise Level – Contraction of ‘People–Individual’

From the perspective of “semantic premises”, her defence exhibits a structural bias:

1. The Concept of “the People” is Replaced in Practice by “Specific Groups”

In her specific arguments, the “subjects deserving protection” are primarily portrayed as: Individuals with criminal records facing risks of employment and social discrimination; “Vulnerable individuals” on the margins of stigmatisation and social exclusion.

Meanwhile, the legitimate demands of the law-abiding majority—particularly ordinary residents, employers, and grassroots communities—regarding ‘the right to know, a sense of security, and protection from drug-related harm’ are only sporadically mentioned or largely absent (Beijing News, 2025; Beijing Daily Client, 2025).

2. Deviation from Marxist Jurisprudence’s Requirement for ‘Collective Representation of the People’

Marxist jurisprudence emphasises the ‘unity of the people’s nature and class character,’ demanding that institutional design holistically consider the collective interests of the broad masses rather than reducing ‘the people’ to the rights claims of a particular subgroup (Chen Peiyong, 2022). From this perspective, Lao Dongyan’s semantic premise effectively narrows the concept of ‘the people’ to encompass only ‘rights holders with prior criminal records.’ This inherently biases subsequent reasoning towards the interests and sentiments of this sub-group, while undervaluing the security concerns of the law-abiding majority and the broader interests of the nation.

This semantic contraction lays the groundwork for subsequent inferences prioritising rights over security, creating structural tension with the holistic ‘people-centred’ orientation of Xi Jinping’s Thought on the Rule of Law (Xu Xianming, 2022; Li Lin, 2025).

(4) Logical Weakness (II): ‘Security-Rights Unidimensionality’ in Problem Representation

The second category of issues arises at the level of ‘how the problem is modelled,’ specifically the problem structure adopted in her argumentation:

1. Compressing a Three-Dimensional Problem into a Single-Axis Structure of ‘State Power vs. Individual Rights’

In discussions of the account suspension system and the ‘online ID verification’ policy, the problem is often framed as:

On one end: individual privacy rights, personal dignity, and anti-stigmatisation;

On the other end lies the potential abuse of information by the state or law enforcement agencies, leading to a 'surveillance society'.

The 'triple structure' emphasised in the overall national security concept—

People's sense of security and social public safety;

Political security and institutional security;

The long-term developmental interests of the nation—

Fails to form an equally significant analytical dimension within her argumentative framework (Communist Party of China Website, 2023; People's Daily Online Theory Channel, 2016).

2. Unidimensional Characterisation Directly Leads to Unidimensional Trade-offs

When the issue is compressed into a single axis, the purported 'trade-off' naturally manifests as a confrontational structure of 'state power versus individual rights'. Within this framework, any tool reinforcing security and surveillance is readily categorised as belonging to the negative pole of 'power expansion', while any measure restricting disclosure and oversight is automatically viewed as belonging to the positive pole of 'rights protection'.

This leads her subsequent arguments to systematically amplify the risks of 'rights infringement' while significantly underestimating the risks of 'security deficits': within the sealing system, the former entails stigma and discrimination, while the latter concerns community safety, drug proliferation risks, and the public's overall sense of security. Logically, this constitutes a stable pattern of 'unilateral risk amplification and counter-side risk underestimation'.

(V) Weaknesses in Logic (III): 'Unilateral Risk Amplification' and 'Fact-Value Confusion' at the Level of Inference Rules

1. Unilateral Risk Amplification

On the issue of the sealing system, her central argument unfolds as follows:

Public records → Institutional discrimination and stigmatisation → Failure of resocialisation → Contradiction of modern rule of law and civilisation.

This chain of reasoning comprehensively illustrates the adverse consequences of 'public records' (Beijing News, 2025). However, a corresponding alternative chain—

Record sealing → Loss of essential risk information for grassroots communities and employers → Threat to the security of law-abiding majorities and vulnerable groups → Erosion of public safety and social trust,

remains largely unexplored in her argumentation. This asymmetry creates a formally 'balanced' appearance in her argumentation, yet logically manifests a pronounced bias: within the same reasoning framework, risks on one side receive highly detailed elaboration, while those on the other are treated with abstract descriptions or even silence.

2. Fact-Value Confusion

In criticising the 'online ID verification system,' she employs the potent metaphor of 'installing surveillance cameras on every netizen.' This reduces a complex system—which could be deconstructed into multiple technical parameters (authentication methods, scope of use, access controls, regulatory procedures)—to a single, highly negative value label: 'surveillance cameras' (China Digital Times, 2024).

This approach yields two logical consequences:

Firstly, it substitutes verifiable factual parameter analysis with emotive symbols, rendering the argument more intuitive than grounded in testable evidence;

Secondly, in the absence of concrete data, it prioritises value judgements over factual assessments, subordinating the latter and constituting a factual-value amalgamation or even inversion.

Given Xi Jinping's rule of law ideology emphasises 'scientifically assessing security situations and coordinating development with security within the rule of law framework,' this mode of argumentation undermines both the testability of academic perspectives and the operational feasibility of policy (Xu Xianming, 2022; Li Lin, 2025).

(6) Logical Weakness (IV): 'Flattening' of Criticism Targets

When confronting public scepticism towards the sealing system, she summarised extensive opposition as 'witch-hunts' and 'personal attacks' without conceptually distinguishing between:

- Personal attacks stemming from misinterpretation of the system and emotional venting;
- Institutional critiques grounded in self-security concerns and public interest (Beijing News, 2025; Beijing Daily Client, 2025; Wanwei Reader Network, 2025).

This practice of 'unreasonably categorising fundamentally different criticisms as one' logically constitutes a fallacy of 'flattening the typology of criticism targets':

It lumps heterogeneous criticisms into a single negative category, thereby discursively undermining their overall legitimacy.

From the perspective of Marxist jurisprudence and the mass line, such flattening treatment risks undermining, at the discursive level, the legitimacy of the people's institutional suggestions grounded in their own sense of security and immediate interests. This stands in clear contradiction to the rule of law principle centred on the people (Chen Peiyong, 2022; Xu Xianming, 2022).

III. Systematic Comparative Interpretation with Marxist Legal Principles

(I) Fundamental Requirements and Analytical Perspectives of Marxist Jurisprudence

Marxist jurisprudence encompasses at least the following fundamental requirements highly pertinent to this topic:

1. The unity of people-centredness and class character: Law must both embody the fundamental interests of the broad masses and safeguard the security and stability of the socialist system amidst class struggle and social contradictions (Chen Peiyong, 2022);
2. The Unity of Historicity and Practicality: Institutional evaluation must be situated within specific historical phases, national security contexts, and social conflict structures;
3. Structural Analysis: Phenomena such as narcotics, cyberspace, and data capital must be examined to reveal their intrinsic connections with domestic and international class forces, imperialist penetration, and capitalist logic.

(II) Deviations from the Aforementioned Requirements in Lao Dongyan's Criminal Law Theoretical Orientation

As evident in works such as *Criminal Law in a Risk Society*, Lao Dongyan predominantly adopts a 'risk society-functionalism' analytical framework, emphasising criminal law restraint, preventing over-criminalisation, and focusing on institutional risk governance (Lao Dongyan, 2015). While this orientation facilitates detailed technical analysis of specific institutional tools, it diverges significantly from several tenets of Marxist jurisprudence:

1. Relative Weakening of Class Analysis

When addressing issues such as drug governance, 'online identity verification systems,' and cyberbullying, she predominantly employs terminology like 'privacy rights—personal dignity—structural risk governance,' while rarely analysing these from a structural perspective—namely, 'how capital and imperialism exploit drugs and the internet to deepen control over workers and the state.' This results in her discourse adopting a 'neutral technocratic' stance towards risk governance (China Digital Times, 2024; Chen Peiyong, 2022).

2. Inadequate Addressing of ‘Conflicts Among Different Groups Within the People’

Regarding the sealing system, her focus centres on the resocialisation and anti-discrimination of those with criminal records, while insufficiently addressing the legitimate anxieties of the law-abiding majority concerning occupational safety, residential security, and family protection (Beijing News, 2025; Beijing Daily Client, 2025). This ‘flattened’ conception of the people fails to meet Marxist jurisprudence’s requirements for ‘distinguishing contradictions among the people from contradictions between the people and their enemies’ and ‘coordinating interests and resolving contradictions within the people.’

(3) *The Overlap of Logical Structural Deviations and Theoretical Orientation Shifts*

The semantic contraction, unidimensional representation, one-sided risk amplification, conflation of fact and value, and suppression of criticism revealed in the preceding section, when contrasted with the aforementioned theoretical requirements, demonstrate that:

It is precisely these deviations at the level of logical structure that render her argument theoretically closer to the discourse universe of ‘risk governance—rights protection—technological rule of law,’ making it difficult to integrate naturally into the Marxist legal tradition centred on class analysis, the interests of the people as a whole, and a historical-practical perspective.

IV. Critique within the Framework of Xi Jinping Thought on the Rule of Law and the Overall National Security Outlook

(I) *Key Propositions of Xi Jinping Thought on the Rule of Law*

Scholars such as Xu Xianming and Hu Yunteng summarise the core tenets of Xi Jinping Thought on the Rule of Law as follows: upholding the Party’s leadership over the comprehensive advancement of the rule of law; adhering to a people-centred approach; coordinating development and security; and advancing the modernisation of the national governance system and governance capacity within the framework of the rule of law (Xu Xianming, 2022; Hu Yunteng, 2021).

The overall national security outlook emphasises: the safety of the people is the fundamental purpose, political security is the foundation, national interests are paramount, traditional and non-traditional security must be integrated, and national security work should be incorporated throughout the entire process of economic and social development (Communist Party of China Website, 2023; People’s Daily Online Theory Channel, 2016).

(II) *The Tension Between Defending the Sealing System and the ‘People-Centred Approach’*

Regarding the sealing system, Lao Dongyan primarily articulates the ‘people-centred’ approach through the dimensions of ‘resocialisation of offenders’ and ‘preventing institutional discrimination.’ However, she fails to give equal consideration to the concerns of law-abiding majorities regarding public safety and security, the practical needs of grassroots communities in preventing drug risks, and the long-term impacts on family and child safety (Beijing News, 2025; Beijing Daily Client, 2025).

This fosters a ‘selective conception of the people’: in practice, the people are narrowly interpreted as ‘stigmatised individuals with criminal records’ rather than ‘the entire populace encompassing both the law-abiding majority and society as a whole’. From the perspective of Xi Jinping’s rule of law ideology, which emphasises ‘the collective sense of fulfilment, happiness, and security among the people’, this approach is clearly inadequate (Li Lin, 2025).

(3) *Neglect of the Historical-Political and Cyberspace Security Dimensions of Drugs*

Under the comprehensive national security outlook, drug issues bear deep historical connections to national security and national rejuvenation, intertwined with modern humiliations (People’s Daily

Online Theory Channel, 2016). Cyberspace has become the frontline battleground for ideological and sovereign security (Communist Party Member Network, 2023).

On these two fronts, Lao Dongyan's argumentation conspicuously adopts a 'dehistoricised, depoliticised' technical governance perspective:

- Framing the sealing of drug use records primarily within a stigma repair and anti-discrimination framework;
- Interpreting the 'online ID and ID verification' system chiefly as a conflict between 'personal privacy and surveillance', while inadequately exploring its functions in counter-terrorism, counter-infiltration, and safeguarding national security (China Digital Times, 2024).

Within the overarching framework of the comprehensive national security outlook, which calls for 'balancing security and development, and integrating traditional and non-traditional security,' this approach inevitably appears deficient in security sensitivity.

V. Academic Criticism of Other Relevant Research

In 'The Fundamental Stance on Criminal Law Governance of Online Violence,' Lao Dongyan advocates for restraint in criminal law application, arguing that general public opinion disputes should not be criminalised. Instead, she proposes addressing online violence primarily through platform accountability and social governance mechanisms (Lao Dongyan, 2024). While this position holds positive significance in preventing the 'criminalisation of speech' and safeguarding appropriate public discourse space, it also presents logical and theoretical shortcomings:

1. Insufficient Threshold Analysis of 'Cyber Violence Escalating into Political and Security Issues'

Within the framework of the overall national security outlook, cyber violence and online public opinion manipulation may be exploited by hostile forces, evolving into severe political and social risks. Her discussion primarily remains at the level of personality rights and psychological harm, with inadequate elaboration on its potential role in intensifying class antagonism, social fragmentation, and political mobilisation (Communist Party of China Website, 2023).

2. Insufficient Depth in Analysing Capital Logic and Public Opinion Structures

While noting the amplifying effect of platform algorithms and traffic mechanisms on cyber violence, she rarely reveals the deeper structural issues from the perspectives of capital's profit-seeking logic, platform companies' power structures, and the global capitalist communication system (China Digital Times, 2024; Chen Peiyong, 2022). From a Marxist legal perspective, this 'technological-governance' interpretation remains insufficiently 'grounded in the fundamentals'.

VI. Conclusion: A Critical Assessment Grounded in Marxist Jurisprudence and Xi Jinping Thought on the Rule of Law

In summary, guided by the principles of Marxist jurisprudence and Xi Jinping Thought on the Rule of Law, the following systematic critical assessment may be made of Professor Lao Dongyan of Tsinghua University's representative views concerning her 'strong support for Zhao Hong of Peking University,' the 'sealing of drug use records,' and cyberspace governance:

1. In terms of formal logic and rights protection, her arguments demonstrate proficiency in conceptual clarification, emphasising procedural rationality and the principle of restraint in criminal law. This holds positive significance for preventing online 'trial by public opinion' and excessive criminalisation (Beijing News, 2025; Wanwei Reader Network, 2025).

2. However, at the logical level—encompassing semantic premises, problem characterisation, and rules of inference—a series of structural biases exist: 'the contraction of the people as a whole into specific sub-groups'; 'the reduction of the three-dimensional security-development-rights issue to a unidimensional structure of state power versus individual rights'; 'unilateral risk amplification

and counterpart risk underestimation'; 'fact-value conflation'; and 'the flattening of heterogeneous criticism'.

3. Within the Marxist legal framework, these deviations manifest as weakened class analysis, insufficient conception of the people as a collective whole, and the absence of historical and practical dimensions. This fails to meet the theory's fundamental requirements for people-centredness, class consciousness, and structural analysis (Chen Peiyong, 2022).

4. Within the normative framework of Xi Jinping Thought on the Rule of Law and the overall national security outlook, her arguments insufficiently emphasise the collective sense of security among the people, the historical-political dimensions of drug issues, and the national security aspects of cyberspace. Consequently, they fail to adequately reflect the value hierarchy of 'people's security as the purpose, political security as the foundation, and national interests as paramount' (Xu Xianming, 2022; Hu Yunteng, 2021; Li Lin, 2025; Communist Party of China Website, 2023; People's Daily Online Theory Channel, 2016).

Therefore, it may be concluded that: Professor Lao Dongyan of Tsinghua University's stance in 'vigorously supporting Zhao Hong' and related rule-of-law issues, while exhibiting a degree of coherence within rights discourse and formal logic, presents a 'rights-risk-technological governance' oriented logical system under the shared normative benchmarks of Marxist jurisprudence and Xi Jinping Thought on the Rule of Law. This system exhibits a profound misalignment with the normative universe of 'overall people's security-class analysis-overall national security,' necessitating serious engagement and systematic revision. Conducting open, rational, fact-based and theoretically grounded critiques of these issues will contribute to the continuous refinement and development of the theory of socialist rule of law with Chinese characteristics within the context of the new security landscape and the digital age.

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