

Research on the Improvement and Perfection of the Mechanism for Protecting Personal Interests in Public Interest Litigation

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Abstract: This study aims to explore the improvement and perfection of the mechanism for protecting personal interests through public interest litigation. Firstly, the definition and characteristics of public interest litigation were introduced, as well as its role in protecting personal interests. Next, the current situation of personality interest protection mechanisms was analyzed, including the concept and connotation of personality interest, the construction and implementation of personality interest protection mechanisms, as well as the problems and shortcomings of existing mechanisms. On this basis, the improvement of the mechanism for protecting personal interests through public interest litigation was discussed, including the legal basis and scope of application of public interest litigation, the procedures and practical experience of public interest litigation, and the promoting effect of public interest litigation on the mechanism for protecting personal interests. Finally, suggestions were put forward to improve the mechanism for protecting personal interests, including strengthening the formulation and revision of relevant laws and regulations, improving the organization and operation mechanism of the mechanism for protecting personal interests, and strengthening public participation and social supervision.

1. Introduction

With the continuous development of society and the gradual enhancement of legal awareness, the reasonable protection of personal interests is crucial for building a harmonious society and strengthening the spirit of the rule of law. The protection of personal interests has gradually become one of the focuses of legal construction. Personality interests, as a manifestation of an individual's basic rights and dignity in society, encompass multiple aspects such as freedom, privacy, and reputation. In order to more effectively protect personal interests, public interest litigation, as a judicial means, has gradually become an important component of the rule of law practice. However, the traditional mechanism for protecting personal interests appears to be relatively lagging behind in addressing emerging issues and challenges. Therefore, it is necessary to introduce innovative means such as public interest litigation to provide more comprehensive and powerful legal protection for personal interests. This study aims to provide theoretical and practical guidance for improving existing mechanisms by deeply analyzing the impact of public interest litigation on the protection of

personal interests.

2. Overview of Public Interest Litigation

2.1. Definition and characteristics of public interest litigation

As a legal means, the definition of public interest litigation reflects its unique legal attributes and social governance tools. The definition of public interest litigation covers the maintenance of social public interests, not only focusing on individual private rights, but also on the maintenance of the overall interests of society^[1]. Its characteristic lies in emphasizing a sense of social responsibility, usually initiated by organizations or individuals with certain qualifications, and its procedures are more complex, aiming to ensure that its initiators have professional competence in the legal field. The initiation of public interest litigation is usually accompanied by concerns about social issues, and through legal means, it promotes the maximization of social benefits, reflecting a form of social supervision and stimulating social attention to issues.

2.2. The role of public interest litigation in protecting personal interests

2.2.1. Safeguarding social public interests

Public interest litigation in court not only focuses on individual rights, but also involves the overall rights and interests of society, including consumer rights, public property, etc^[2]. The role of public interest litigation is to safeguard the overall moral level and public order of society through legal means, and to achieve comprehensive protection of social public interests.

2.2.2. Synergy between social benefits and personal interests

The mechanism of public interest litigation emphasizes the role of social supervision, which helps to combine the maximization of public interests with the protection of personal interests. By revealing a certain social problem, public interest litigation stimulates widespread social attention to the problem, promotes social collaborative participation in problem-solving, and achieves a positive interaction between social benefits and individual rights.

2.2.3. Promoting Legal Responsibility and Maintaining the Rule of Law

Public interest litigation, through its unique legal attributes, promotes a more comprehensive and in-depth protection of personality rights by law. When balancing personal interests, public interest litigation requires individuals to pay more attention to legal responsibility in social activities and maintain social stability and order. This balance makes public interest litigation not only a tool for safeguarding rights, but also an effective executor of social norms, providing strong support for the maintenance of harmonious rule of law.

3. Analysis of the current situation of the mechanism for protecting personal interests

3.1. Concept and connotation of personal interests

Personality interests refer to a series of basic rights and dignity that individuals possess in society based on their unique individual nature, covering multiple aspects such as freedom, privacy, reputation, etc. The concept of personal interests emphasizes the uniqueness of individuals in society and highlights the comprehensive protection they should receive within the legal framework^[3].

The connotation of personal interests is rich, including the autonomy to control one's own body,

mind, and reputation, as well as the basic right not to be violated in social interaction. With the development of society, personality interests have gradually covered emerging fields such as digital privacy and information autonomy. Protecting personal interests is not only a respect for individual dignity, but also a necessary requirement for social and legal construction.

3.2. Construction and implementation of a mechanism for protecting personal interests

3.2.1 Construction of laws and regulations

The cornerstone of protecting personal interests is the construction of laws and regulations. Currently, China has a series of regulations such as the Tort Liability Law and the Personal Information Protection Law that clearly stipulate the protection of personal interests. However, with the changes in society, the updating and improvement of laws and regulations still urgently need to be strengthened, especially in the protection of personal interests in emerging fields. The construction of regulations needs to be more timely and precise^[4].

3.2.2 Status of judicial practice

In judicial practice, the protection of personal interests is often achieved through litigation. Although Chinese courts have made certain achievements in personality rights cases, some problems still exist, such as ineffective enforcement of judgments and insufficient compensation standards. Judicial practice needs to pay more attention to the specific situational analysis of individual cases, and improve the sensitivity and professionalism of personality interest cases.

3.2.3 Social supervision and public participation

In the mechanism of protecting personal interests, social supervision and public participation are indispensable links. Through the supervision of various sectors of society, the problem of infringement of personal interests can be better discovered and resolved^[5]. At the same time, strengthening public participation also helps to more fully consider diverse personality interests in legislative and judicial practice.

3.2.4 Application of technical means

With the advancement of technology, the mechanism for protecting personal interests needs to better integrate technological means, especially in terms of information security and privacy protection. Building a sound digital privacy protection framework and strengthening network security supervision are currently urgent directions that need to be strengthened. The application of technological means can not only better safeguard personal interests, but also help improve protection efficiency and accuracy.

Overall, the mechanism for protecting personal interests has been initially established in China, but it still faces challenges such as insufficient regulatory construction, judicial practice issues, and insufficient social supervision. The future development needs to further improve laws and regulations, enhance judicial efficiency, and strengthen social supervision and the use of technological means to comprehensively enhance the level of protection of personal interests.

3.3. The necessity of improving and perfecting the mechanism for protecting personal interests

Protecting personal interests is one of the important directions in the construction of the rule of law in modern society^[6]. With the development of society and the advancement of technology, it is particularly urgent to improve the mechanism for protecting personal interests. Although China has

established a series of laws and regulations to protect personal interests, the follow-up speed and coverage of regulations are still insufficient in emerging fields, especially in the digital society. In order to adapt to technological development and social changes, it is necessary to update regulations in a timely manner and build a more comprehensive and detailed legal framework for protecting personal interests, in order to better respond to new challenges. In judicial practice, although personality interest cases have received certain attention, enforcement issues and insufficient compensation standards are still urgent issues to be solved. In order to improve judicial efficiency and fairness, it is necessary to establish a more professional mechanism for handling personality interest cases, ensuring detailed analysis and fair judgments of cases, in order to better protect the personal rights and interests of individuals.

Social supervision is an indispensable part of the mechanism for protecting personal interests. Currently, the social supervision force is relatively dispersed, resulting in some issues of personality interests being violated not being exposed and resolved in a timely manner. By strengthening the supervision of various sectors of society on issues of personal interests, problems can be discovered more timely, promoting the improvement and perfection of relevant laws and regulations. With the continuous development of information technology, digital privacy and personal information security have become new challenges in protecting personal interests. Therefore, it is necessary to better integrate and apply technological means, and establish a sound digital privacy protection mechanism. This includes the development of relevant technical standards, strengthening network security supervision, and improving the level of information security rule of law.

The protection of personal interests requires diverse participation, including government, enterprises, social organizations, and individuals. Establish a mechanism for diverse subject participation, and through collaborative cooperation, form a more powerful network for protecting personal interests. This includes both the legal responsibilities of relevant parties and the need to cultivate social morality to create a better social atmosphere. The issue of protecting personal interests often crosses national borders and requires international cooperation to address global challenges. China should strengthen exchanges and cooperation with other countries and international organizations, jointly formulate and improve international standards for the protection of personality rights, and form a global mechanism for the protection of personality interests. In order to enhance public awareness of the protection of personal interests, it is necessary to strengthen relevant education and publicity. By carrying out promotional activities and promoting the popularization of relevant courses, we aim to raise public awareness of the protection of personal interests, and create an atmosphere for the whole society to jointly safeguard personal rights and interests.

4. Improvement of the mechanism for protecting personal interests through public interest litigation

4.1. Legal Basis and Scope of Application of Public Interest Litigation

The legal basis of public interest litigation in China is mainly reflected in laws and regulations such as the Civil Procedure Law of the People's Republic of China and the Administrative Litigation Law of the People's Republic of China. These regulations clearly stipulate the procedures and conditions for public interest litigation, providing a clear legal basis for public interest litigation. Especially in the revised Environmental Protection Law of the People's Republic of China in 2017, provisions were made for environmental public interest litigation for the first time, further strengthening the legal basis of public interest litigation^[7].

The scope of application of public interest litigation is very broad, including environmental protection, consumer rights, labor rights, intellectual property rights, social welfare and other fields. In terms of protecting personal interests, public interest litigation can involve issues such as

infringement of individual privacy and damage to reputation. The wide applicability of public interest litigation makes it a powerful legal tool that can safeguard social public interests and individual rights. Not everyone can file a public interest lawsuit, and usually certain conditions need to be met. Firstly, the subject of public interest litigation is usually legitimate public interest organizations, administrative agencies, citizens, etc., rather than individual private interests. Secondly, certain legal conditions need to exist, such as environmental public interest litigation meeting the environmental damage behaviors stipulated in the Environmental Protection Law of the People's Republic of China, as well as certain evidentiary requirements.

4.2. Procedure and practical experience of public interest litigation

The procedure of public interest litigation is relatively independent and complex, usually including multiple stages such as pre litigation preparation, prosecution, trial, and judgment. In the pre litigation preparation stage, public interest litigation organizations need to collect evidence and investigate facts to ensure the adequacy and legality of the lawsuit. This includes a careful analysis of the facts involved in the case, clarifying the illegal behavior, and collecting relevant evidence to build a solid foundation for the case. In the prosecution stage, public interest litigation organizations need to submit their complaint to the court in accordance with legal procedures. At this stage, it is necessary to clearly state the facts and legal basis of the case, and clearly request the court to take what legal measures against the defendant to achieve effective protection of personal interests. During the trial process, public interest litigation organizations need to be able to make strong statements and defend themselves, respond to court questions, and engage in debates with the defendant^[8]. The court procedure is crucial for the success of public interest litigation, and it is necessary to ensure the fairness and transparency of the trial to safeguard personal interests. After the judgment, the public interest litigation organization needs to supervise the execution of the judgment to ensure the fulfillment of legal responsibilities. This may include interpretation of the judgment result, announcement, and legal accountability for the defendant. During the supervision and execution process, public interest litigation organizations need to maintain a high level of attention to ensure that judgments are not just empty words, but can effectively protect personal interests.

In the practice of public interest litigation, some experiences can have a positive impact on the improvement of the mechanism for protecting personal interests. Firstly, public interest litigation organizations need to possess certain professional qualities, including legal knowledge and investigation and evidence collection capabilities. Secondly, establish an information disclosure mechanism for public interest litigation, so that society can have a more comprehensive understanding of the truth and progress of the case, thereby forming a more extensive social supervision. In addition, strengthen cooperation with relevant departments and form a more effective network for protecting personal interests through joint efforts.

4.3. The promoting effect of public interest litigation on the mechanism of protecting personal interests

4.3.1 Protection of group personality interests

Public interest litigation can protect the personal interests of a wide range of people, especially in large-scale infringement. Through public interest litigation, social organizations or citizens can file lawsuits on behalf of the victim group, effectively defending the collective's personal rights and interests, promoting legal protection of collective personality interests, and strengthening social justice and equality^[9].

4.3.2 Improvement at the institutional level

The practice of public interest litigation has promoted the continuous improvement of the institutional level of the mechanism for protecting personal interests. With the formulation and revision of relevant regulations on public interest litigation, the legal framework has gradually become more sound, making the legal protection system for personality rights more complete and helpful in dealing with diverse situations of personality infringement.

4.3.3 Strengthening of social supervision mechanism

Public interest litigation has strengthened social supervision of the mechanism for protecting personal interests through information disclosure, fair trial, and other means. Public interest litigation cases usually receive widespread attention, and the supervision of public opinion can promote judicial organs to handle cases more fairly and transparently, improve the credibility of the judiciary, and thus enhance the effectiveness of protecting personal interests.

4.3.4 Cultivation of Legal Awareness

The promotion of public interest litigation helps to cultivate citizens' awareness of the rule of law and make society pay more attention to the protection of personal rights and interests. The public reporting and discussion of public interest litigation cases can attract widespread attention from society to personality rights, encourage citizens to participate more rationally and actively in the protection of personality rights, and form a consensus on the rule of law in the whole society.

5. Suggestions for improving the mechanism for protecting personal interests

5.1. Strengthen the formulation and revision of relevant laws and regulations

The primary task in improving the mechanism for protecting personal interests is to strengthen the formulation and revision of relevant laws and regulations. When formulating and revising laws and regulations, attention should be paid to the following aspects: first, more specific and clear laws and regulations need to be formulated to ensure that the protection scope and boundaries of different personality rights are clearly defined. For example, in terms of privacy and reputation rights, detailed legal provisions should be formulated to clearly regulate the scope of personal privacy protection, rules for information processing, and mechanisms for protecting reputation rights^[10]. This can better adapt to the complexity of social development and interpersonal relationships, and provide clear guidance for the protection of personality rights. Secondly, personality rights issues arising from emerging technologies and social changes should be promptly introduced. With the development of the digital age and artificial intelligence, many new personality rights issues have emerged, such as digital privacy and facial recognition. For these new issues, laws and regulations should be revised and improved in a timely manner to ensure that the legal framework can effectively respond to emerging challenges and protect the legitimate rights and interests of individuals in the digital age. Cross disciplinary coordination mechanisms should also be established. The protection of personality rights involves multiple fields and laws and regulations, so it is very important to establish a cross disciplinary coordination mechanism. This can ensure that laws and regulations in different fields can work together, avoiding legal conflicts and gaps. Through coordination mechanisms, the integrity and operability of the legal system can be improved, creating a favorable legal environment for the comprehensive protection of personality rights. Widely participate and discuss in the formulation and revision of laws and regulations, actively listen to opinions and suggestions from all aspects of society. Through multi-party cooperation and joint efforts, more scientific and reasonable laws and

regulations can be formulated to better safeguard the comprehensive protection of personal rights and interests.

5.2. Organizational and operational mechanisms for protecting the interests of a sound personality

To establish a sound organizational and operational mechanism for protecting personal interests, a specialized institution for protecting personal rights and interests should be established first. The role of this institution is crucial, requiring independence and professionalism to ensure that it can effectively supervise and promote the protection of personality rights. The institution should become a responder to social concerns, be able to promptly handle various personality rights disputes, and provide professional support to victims. Through the establishment of specialized institutions, society will be able to more effectively address complex and ever-changing issues of personality rights, providing citizens with more comprehensive protection. Secondly, it is necessary to establish a collaborative mechanism among various levels of government, judicial institutions, social organizations, and enterprises, forming an integrated network for protecting personal rights and interests. Strengthening information sharing and case collaboration is a key step in ensuring the synergy and efficiency of this mechanism. By establishing efficient channels for information transmission, all parties can quickly and accurately understand the situation of personality rights cases, and work together to promote the resolution of cases. This helps to reduce problems caused by decentralized management and improve the operational efficiency of the entire personality rights protection mechanism. In addition, in order to enhance the awareness and response ability of judges and law enforcement personnel in the protection of personal rights and interests, it is necessary to provide training and education. Practitioners in the judicial system need to handle personality rights cases more sensitively to ensure the fairness of judgments and the level of rule of law. The training course should cover the legal basis of personality rights, typical case analysis, and practical skills in dealing with complex situations, so that judges and law enforcement personnel can more professionally respond to the constantly emerging challenges of personality rights.

5.3. Strengthen public participation and social supervision

To strengthen public participation and social supervision, it is necessary to enhance the legal awareness and rule of law awareness of the public regarding the protection of personality rights through comprehensive education and publicity. It is crucial to promote legal knowledge through various channels, such as holding lectures, producing promotional materials, and using social media to disseminate relevant regulations and knowledge on rights protection to the public, in order to improve their awareness of personality rights. This helps to cultivate citizens' awareness of protecting their own rights and interests, making them more capable of taking action in the face of infringement. Establishing a public participation mechanism is an effective means of achieving broad social participation. Establishing hotlines and online platforms as channels for reporting and feedback will help the public more directly participate in activities related to the protection of personality rights. This mechanism can promote the rapid transmission of information, enabling issues that infringe on personal rights to be dealt with more promptly, while increasing social participation and supervision. In addition, social organizations are encouraged to actively participate in the protection of personality rights and interests, and to supervise the implementation of relevant laws and regulations through holding seminars, issuing reports, and other means, playing an independent supervisory role. Social organizations can serve as bridges to encourage governments, enterprises, and other parties to pay more attention to the protection of personal rights and interests. Through the active participation of social organizations, a joint attention and supervision force of the whole society on the protection of

personality rights and interests is formed, and related work is promoted to be more transparent and fair. Through education and publicity, establishing public participation mechanisms, and encouraging social organizations to participate in supervision, public participation and social supervision can be effectively strengthened, providing strong support for the improvement of the mechanism for protecting personal interests. This series of measures will enable the entire society to actively participate in the protection of personality rights and interests, and achieve common concern and joint efforts of the whole society.

6. Conclusion

In the practice of public interest litigation, a series of experiences have been accumulated, which have played a positive role in improving and perfecting the mechanism for protecting personal interests. Firstly, the professional competence of public interest litigation organizations is a key factor in ensuring effective protection of personal rights and interests. Secondly, establishing an information disclosure mechanism can enhance the supervision and trust of society in protecting personal rights and interests. Meanwhile, close cooperation with relevant departments helps to form a more efficient network for protecting personal rights and interests.

In the future, we can further deepen our research on the experience of public interest litigation to better guide the improvement of the mechanism for protecting personal interests. In terms of professional competence, training can be strengthened and the legal level of public welfare organizations can be improved to better adapt to complex and ever-changing personality rights cases. In terms of information disclosure, more advanced communication technologies and social media platforms can be borrowed to expand the scope of information transmission and enable more people to participate in the protection of personal rights and interests. In cooperation with relevant departments, more flexible cooperation mechanisms can be established to promote resource sharing, information exchange, and improve the efficiency of collaborative problem-solving. In addition, in the future, further research can be conducted on the operational mechanism of public interest litigation in specific cases, summarizing the experience of successful cases, as well as strategies for responding to different types of personality rights disputes. This will provide more specific and practical guidance for the continuous optimization of the mechanism for protecting personal interests.

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