



Criminal Law Challenges and Response Strategies under the Trend of Juvenile Crime in China

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Abstract

The present study explores the issue of juvenile delinquency, a problem that has become increasingly evident in contemporary society. The causes of this phenomenon are multifaceted, including social changes, the development of modern science and technology, and the lack of legal knowledge among minors. The resulting increase in juvenile involvement in crime has led to significant challenges in the field of prevention. In China, the trend of juvenile delinquency is particularly pronounced, and the existing legal policies and penal measures have proven ineffective in addressing the issue.

The purpose of this paper is threefold: firstly, to discuss the current situation and reasons for the aging of juvenile delinquency in China; secondly, to explore the application of juvenile delinquency in criminal law and the challenge to the existing criminal law system; and thirdly, to point out the inadequacy of the existing laws on juvenile delinquency in our country. It will also elaborate on how to build a better criminal law system to effectively deal with juvenile delinquency.

In the first chapter, the paper provides a comprehensive overview of China's current laws on juvenile delinquency, with a comparative analysis of both domestic and international legislation. It also delves into the evolution of juvenile delinquency criminal punishment measures in China.

The subsequent chapter will address the trend of underage crime, the current state of juvenile delinquency in the country, and the characteristics of juvenile delinquency. Additionally, it will highlight the deficiencies in the criminal law that pertain to underage juvenile delinquency. The rationality of lowering the age of criminal responsibility will also be discussed.

The third chapter will synthesise a case with the countermeasures in China to analyse the response to juvenile delinquency. The discussion will span from the social and legal levels, proposing ways to prevent and stop juvenile delinquency and the process of aging.

Keywords: juvenile delinquency; underage trend; age of criminal responsibility; correctional treatment of minors.

Introduction

(I). Background of the selected topic



The issue of juvenile crime is a profoundly intricate problem in contemporary society. Juvenile crime is characterized by a gradual shift towards individuals being below the legal age, a diversification of both the types of crimes perpetrated and the methods employed, and a lack of legal provisions that can adequately address these changes. Consequently, there is an urgent need for a reform of the criminal law applicable to juveniles.

(II). Literature Review

The challenge of juvenile delinquency to the criminal law has been widely discussed in academic and legal literature in foreign countries. In China, the Criminal Law Amendment (XI) has been enacted in response to the escalating prevalence of juvenile delinquency, particularly among underage individuals. This amendment has lowered the age of criminal responsibility to twelve years old. It is evident that countries worldwide have divergent standards for the minimum age of criminal responsibility. For instance, the Juvenile Act of Singapore stipulates that the minimum age of criminal responsibility for juveniles is seven years, and that children under the age of seven may not be sentenced to imprisonment.

In the context of Singapore, the Juvenile Act stipulates a minimum age of 7 years for criminal responsibility for juveniles, and the initiation of criminal proceedings against children under the age of 7 is prohibited. In the 2017 publication "Juvenile Delinquency" (Justice Series) by Clemens, a law professor at the University of Northern Iowa, a comprehensive account is provided of the optimisation of the minimum age of criminal responsibility for juveniles and the enhancement of penal measures to address juvenile delinquency. In recent years, this issue has been the subject of detailed discussion among scholars in China. Professor Wang Zhongwei of Jishou University has provided a comprehensive analysis in his paper 'Problems and Improvements of the Lowering of the Age of Criminal Responsibility', in which he proposes measures to further refine the age of criminal responsibility and address the downward trend in the age at which minors are held accountable for criminal acts. In the field of criminal law, Professor Xu Ke has proposed a series of improvements to the existing penal measures. In his seminal work, Reconstruction of China's Minor Crime and Error Grading System and Optimisation of the Treatment System, Professor Ke puts forward the concept of utilising the dual function of education in addressing juvenile delinquency, a crucial issue in contemporary society.

(III). Pose the pertinent questions.

The challenges associated with juvenile delinquency, particularly in terms of its ageing demographic, are multifaceted and pervasive at both the social and legal levels. Obstacles abound in the realms of criminal responsibility, penal measures, juvenile legislation and social support. This paper seeks to address these challenges and obstacles by proposing specific initiatives.

(IV). Main Research Methods



1. The author conducted a comprehensive review of domestic and foreign criminal legislation on minors, as well as the treatment of juvenile delinquency by relevant literature. This was undertaken to summarise the background of the viewpoints, and to elaborate on them based on their own views.

2. Comparative analysis method: By comparing the relevant laws and penalties on juvenile delinquency at home and abroad, the author analyses the shortcomings of our country in this aspect and the areas that can be improved.

3. Empirical research method: Combining the author's own public security work experience, as well as the actual experience of interrogating criminal suspects and making statements to minors, to analyse the reasons for the trend of underage juvenile delinquency in our country and the strategies to cope with it.

(V). Research Significance This paper analyses the trend of underage juvenile delinquency, explores the challenges faced by the criminal law in this regard, and then, through the author's collection of information and literature and work experience, puts forward suggestions on the criminal law response and social response to the trend of underage juvenile delinquency.

Chapter I. Legal Regulation of Minors' Offences

(I) Existing laws on juvenile delinquency in China

In consideration of China's contemporary national circumstances, the legal framework for juvenile delinquency in China has undergone a gradual development. In addition to the fundamental provisions of the Criminal Law, China's Criminal Law Amendment (XI) in 2020 also reduced the age of criminal responsibility, setting the minimum age at twelve years. A significant change was made to the institutionalisation of reeducation, transitioning to specialised correctional education. Concurrently, the Law on the Prevention of Juvenile Delinquency, which will come into force in 2021 following the aforementioned amendment, provides further clarification regarding the role of parents, guardians and schools in providing specialised correctional education for juvenile delinquency. This development represents a convergence of amendments to the Criminal Law. In conjunction with China's Law on the Protection of Minors, this legislative development signifies the establishment of a more comprehensive system of laws that address juvenile delinquency in China.

(II) Criminal law provisions on juvenile delinquency in other countries

1. Criminal law provisions of the common law system

In the British criminal law system, the age of criminal responsibility is 10 years. Britain has a special procedure for hearing cases involving minors. These cases are heard in juvenile courts, and the courts will pass judgement on the case on the premise of respecting basic human rights. Penalties for juveniles in the United Kingdom are primarily educational in nature, with incarceration being regarded as an exceptionally grave sanction.



In the United States, the age of criminal responsibility varies from state to state, reflecting the country's commitment to democratic principles and self-government. Juvenile courts are also employed in the United States, as in the United Kingdom, to adjudicate cases involving minors and to impose educational sanctions.

2. Criminal law provisions of the civil law system

In Japan, the minimum age of criminal responsibility is not subject to regulation. In a manner similar to that observed in the United Kingdom and the United States, the procedures of the juvenile court are emphasised, with particular attention being directed towards the special protection of minors by the juvenile court. Japan also places significant emphasis on the role of education, and rarely employs criminal law such as prison sentences. The provisions of France and Germany are comparable to those of Japan, but the age of criminal responsibility is clearly defined.

In summary, other countries outside the region place greater emphasis on juvenile court procedures, establishing dedicated courts to deal with juvenile cases, and imposing appropriate penalties with a focus on the protection of minors.

(III) The development of penal measures for juvenile delinquency in China

China's policy on juvenile delinquency has undergone different developments at different stages. Historically, the primary emphasis has been on the retribution of criminal actions, with conventional criminal law enforcement mechanisms employed to address juvenile delinquency. However, as society progresses and public thinking advances, China's focus has shifted towards the protection and education of minors.

In the early years of reform and opening up, as the concept of the socialist rule of law in China became more widespread and deepened, the concepts of 'harmonious justice', 'mitigating punishment' and 'humanitarianism' spread rapidly, and the country advocated an 'education-based, punishment-supplementary' approach to punishment, attempting to rehabilitate minors by providing them with more educational opportunities.¹ The Law on the Protection of Minors and the Law on the Prevention and Punishment of Juvenile Delinquency are now in place.

The establishment of the Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency was instrumental in the establishment of a system of punishment for minors that emphasised education as the primary aspect, with punishment serving as a supplementary measure.

As social concepts have evolved, the focus in our country has shifted towards education and correction, as evidenced by the establishment of juvenile courts and procuratorates in other countries that specialise in juvenile delinquency. The establishment of a scientific juvenile offence grading intervention system has the potential to effectively moderate the relationship



between punishment and education, while ensuring the integration of the principle of the best interests of the child and accountability.

The two principles of the best interests of the child and that of accountability are combined organically.² In China's case, the non-penal measures for minors, which include the protection and discipline system, are comprised of three levels of content, i.e. parental discipline, institutionalisation and work-study education. The arrival of specialised correctional education in place of institutionalisation in the form of Criminal Law Amendments (XI) represented a significant turning point in the history of the field.

Chapter II. Challenges faced by minors' offences in criminal law

(I) Overview of the underage juvenile delinquency in China

1. The current situation of underage juvenile delinquency in China

The differing family and educational environments, the development of modern science and technology, and the limited legal literacy of minors have contributed to an increase in juvenile delinquency in China. According to the White Paper on Procuratorial Work with Minors, issued by the Supreme People's Procuratorate on 1 June 2022, the number of juveniles prosecuted by procuratorial organisations in 2017 exceeded the number of juveniles prosecuted.

The procuratorate accepted a 30.6% increase in arrests and prosecutions of juveniles, while the number of such arrests and prosecutions increased by 24.2%.³ The most prevalent categories of juvenile offenders were those who committed theft, bullying, and rape. However, there was a decline in the number of juveniles suspected of serious violent crimes and bullying in schools. This suggests that, due to societal changes and other factors, the types of crimes committed by juveniles have become more complex and diversified.

The ageing of minors is a trend that cannot be ignored, and although it is an inevitable result of social development, the consequences it triggers should not be underestimated. Statistical data indicates a rise in criminal activity among juveniles aged between 13 and 17, as well as a rise in the number of crimes committed by juveniles under the age of 13. Furthermore, the nature of these crimes is becoming more varied and sophisticated.

2. Characteristics of Underage Minors' Crimes in China

This paper will elucidate the characteristics of crimes perpetrated by underage minors from the perspective of age groups, the characteristics of types of crimes committed by underage minors, and other pertinent aspects.

The characteristics of crimes committed by minors of various age groups will be examined.



(1). Those under twelve years of age primarily manifest their criminal tendencies due to impulsiveness, a lack of legal knowledge and a sense of social responsibility. In this age group, family and school education have the greatest impact. The main behaviours observed are theft and crimes arising from mischief.

(2). Twelve to fourteen years old: firstly, this stage is the stage of male and female sexual enlightenment, with sexual assault and other crimes beginning to emerge in the group of minors. Concurrently, due to the influence of surrounding peers and exposure to changes in things, school bullying and other crimes also begin to develop in this stage.

(3). Between the ages of 14 and 16, the nature of crime undergoes a marked transition, encompassing theft, robbery, sexual assault and other forms of criminal activity. The complexity of these crimes increases, and there is an escalation in the likelihood of group involvement. A significant proportion of individuals do not attend high school, resulting in a lack of formal education that could otherwise serve as a deterrent to criminal behaviour.

(4). Finally, between the ages of sixteen and eighteen, these individuals typically reach a stage in life where they are committing the most crimes. This is due to the fact that their cognitive abilities are evolving towards independence and proximity to adulthood. During this period, they are increasingly exposed to new experiences and ideas, often with an immature perspective, which can lead to more complex criminal behaviour. Notably, cybercrimes and technological crimes are increasing at an unprecedented rate during this stage.

The following characteristics are indicative of the nature of the offence:

Firstly, of all the types of offences committed by minors, theft ranks first and foremost, most notably involving minor thefts. This is due to the fact that minors have not yet achieved economic freedom, reflecting their desire for material things at this age. The next most prevalent offence is that of intentional injury, with an increasing number of cases involving bullying in educational institutions. This phenomenon is predominantly associated with the family environment, the school environment, and social interactions with peers.

This is primarily attributable to the family environment, the school environment, and social interaction with peers, which can also lead to bullying in schools. Furthermore, the crime of rape is also of concern. The advent of modern network technology and the influence of the stage of sexual enlightenment have resulted in a gradual increase in the probability of minors committing rape. The involvement of minors in high-tech crime cases has become increasingly prevalent, with instances of juveniles assuming primary or secondary offender roles within organised crime groups.⁴ Additionally, there has been an observed increase in the number of violent crimes and intentional homicides committed by juveniles. While these crimes are rare, they do occur, as evidenced by a case in Dalian in 2019, where a 13-year-old boy fatally stabbed a 10-year-old girl, sustaining seven wounds himself. This incident prompted a debate on crucial issues, including the minimum age for criminal responsibility, the system of institutionalisation and correctional rehabilitation, and the legal age for criminal



responsibility. The case has given rise to discourse on the legal minimum age of criminal responsibility, the system of institutionalisation, and the prevention of juvenile delinquency.

As society evolves, there has been a noted diversification and complexity of criminal activities perpetrated by minors, with a gradual shift toward violent crimes, along with an increase in less serious offences, including driving without a license and drug-related crimes, which pose a considerable risk to society.

(II) The loopholes in the criminal law under the trend of underage crime

Despite the fact that China's legislation pertaining to juvenile delinquency is characterised by a relatively comprehensive system, certain aspects of these provisions and their implementation remain deficient. Controversies persist regarding the definition of criminal responsibility at various stages of adolescence and the principle of safeguarding minors. Some contend that, in accordance with the experiences of Singapore, Switzerland and other nations, China should align its legislation with the international norm of seven years as the age of criminal responsibility. China's current legislation on minors is codified in a fragmented manner in relevant laws and regulations, and some of the legal provisions are either self-contradictory or ambiguous.⁶ Secondly, there are a number of controversial points in the various provisions of the law, for example, in the provisions on specialised corrective education, whereby minor defendants shall be subjected to specialised corrective education according to the law, when necessary. The question arises as to how the term 'necessary' should be understood and determined in such cases.

1. Loopholes in criminal legislation on juvenile delinquency

These loopholes represent the most fundamental factor contributing to the frequent occurrence of juvenile delinquency and the spread of the trend towards under-age delinquency. The absence of a dedicated independent legal framework for minors, coupled with the complexity and ambiguity of the legislative system, further exacerbates the issue. The criminal legislation applicable to minors encompasses a wide range of areas, including the Criminal Law and the Law on the Protection of Minors, resulting in a fragmented regulatory landscape. There is a conspicuous absence of seamless integration between the various legislative instruments, and conflicts between different legal provisions remain unresolved in a timely manner. The coordination between the various departments is inadequate, and the fragmented nature of criminal legislation hinders law enforcement agencies in effectively handling cases of juvenile delinquency, thereby leading to a lack of clarity regarding their respective powers and responsibilities.

2. The limited efficacy of current non-criminal sanctions.

The efficacy of prevailing non-punitive measures in addressing juvenile delinquency in its totality is negligible, for the reasons outlined below. Primarily, there is an absence of deterrent effect; certain non-punitive penalties fail to serve as a cautionary signal to minors, who remain unaware of the gravity of the situation due to the nature of the penalties imposed.



Secondly, there is an insufficiency of social support. Many non-criminal penalties require the support of society as a whole, starting with the family, and the support and participation of various departments in non-criminal penalties for minors is far from adequate.

In the context of the general trend towards underage crime, the existing criminal law and other regulations are unable to meet the current situation. It is imperative to recognise that the problem of juvenile delinquency must not be confused with other criminal problems. Instead, it should be taken out and made independent, with its own special operating system. This will help to avoid the problem of the inapplicability of other laws, and to formulate effective penal measures in order to control juvenile delinquency and the trend towards underage crime.

(III). Reasonableness Analysis of Lowering the Age of Criminal Responsibility.

As the trend of juvenile delinquency becomes increasingly evident, China has explicitly stipulated in Amendment (XI) to the Criminal Law that the minimum age of criminal responsibility will be lowered to 12 years old. This change has prompted a range of debates within society. Some commentators advocate for a further reduction to 7 years old, citing the example of Singapore, which has already lowered its age of criminal responsibility to that level. In contrast, others argue that the current age of 14 years old is sufficient and that any further reduction would be unnecessary. This article will analyse the reasonableness of the lowering of the age of criminal responsibility in China.

Firstly, it is important to note that China's lowering of the age is not applicable to all crimes. Minors between the ages of 12 and 14 are held criminally liable for intentional homicide and other crimes. Furthermore, the scope of criminal liability is subject to certain limitations. These limitations pertain to the gravity of the crime, the nature of the victim, and the use of extreme violence. The prosecution of minors under the age of 14 requires the approval of the Supreme People's Procuratorate. In China, individuals between the ages of 12 and 14 who are convicted of a crime are indicative of the protection afforded to minors. It is acknowledged that individuals between the ages of childhood and criminal adulthood are not yet considered adults under the jurisdiction of criminal law. This is due to the fact that their capacity for discernment and control is not yet fully developed. However, it cannot be ruled out that some juveniles may in fact be as fully capable of discernment and control as criminal adults.

Secondly, the lowering of the age of criminal responsibility should be in line with the actual national conditions of the country. The People's Republic of China is a large country with a large population, and there is still an imbalance between the development of rural and urban areas. It is therefore not possible to simply imitate the Western developed countries in lowering the minimum age of criminal responsibility to below the age of 10 years. The development of the country and the thinking of the people have not reached the level of the developed countries. It is imperative that the lowering of the age of criminal responsibility be thoroughly informed by the prevailing national conditions of our country.

The contemporary context, characterised by rapid societal transformation and an escalating trend in juvenile delinquency, underscores the necessity for such a reform. The adjustment to



the age of criminal responsibility for minors is a response to the prevailing conditions, ensuring that the legal framework aligns with the evolving societal landscape.

Chapter III: Response Strategies to the Trend of Underage Crimes by Minors

-Analysing a Minor Sexual Offence Case as an Object

(I) Overview of the case

In October 2022, a woman accompanied by her 14-year-and-4-month-old daughter presented themselves at the police station in M County, Shandong Province, China, to report a case of sexual abuse by the proprietor of the shop located on the ground floor. As a consequence of this incident, the young girl was found to be more than 8 months pregnant. The local public security police then proceeded to apprehend the suspect, identified as Gongmou, and conveyed him to the police station for interrogation by the local criminal police brigade. However, during the subsequent interrogation, Gongmou confessed to only touching, hugging and other acts of indecent assault, but not to having sexual intercourse with a minor girl. He insisted that the other mother and daughter had made false accusations against him and strongly requested a DNA identification. The minor victim's statement asserted that Gongmou had raped her and threatened to disclose this information to others if she did not comply. Furthermore, her parents corroborated her allegations against Gongmou. Consequently, the girl's family contemplated inducing the birth of the child, and the public security authorities subsequently conducted a DNA test, which demonstrated that the infant was not related to Gongmou. Consequently, the public security authorities initiated an immediate investigation and inquiry into the minor and her family. During the investigation, the minor confessed to the police that, following her failure to secure a place at high school after the midterm exams, she had enrolled in a secondary school and developed romantic feelings for a male classmate (a 16-year-old minor). She also admitted to having engaged in sexual intercourse without the use of contraception.

(II) The case triggers thoughts on the loopholes of the trend of underage crime

First of all, in this case, from the girl herself, the girl's parents and the girl's partner to the suspect who committed the indecent assault, all have different responsibilities.

In this case, the girl herself, the girl's parents and the girl's partner, as well as the suspect who committed the indecent assault, and even society as a whole, all have different responsibilities in this small case. From this case, we can see the negligence and loopholes that exist in our country regarding juvenile delinquency and the spreading trend of the younger age group. The girl's behaviour can be analysed from the following perspectives.

The girl's family neglected the girl's growth and family education, the parents were still unaware of the 8-month pregnancy, and the girl's family education was relatively general, the girl's own education quality was low, family education was also imperfect, and the parents didn't play a positive and active role in the girl's growth, which led to the girl's lack of sex



education, and the lack of legal education led to the girl's having a relationship with other boys, and then falsely accusing other people afterwards.

It is imperative that girls' schools and secondary vocational schools place a greater emphasis on campus management and legal education. The People's Republic of China is a nation that suffers from a severe lack of sex education, and there is an increasing probability of minors committing sexual offences at an early age. Schools, particularly those with a low level of education, should accord greater importance to the dissemination of sex knowledge and the enhancement of school management.

Society as a whole must recognise that the protection of minors is inadequate to address the current situation. The implementation of the Law on the Protection of Minors is deficient in practice, and the education sector has not issued documents on sex education to prevent sexual offences committed by minors and the trend of sexual offences at an early age. The government's efforts to disseminate knowledge of the law remain inadequate, and the various departments have been unsuccessful in adopting effective cooperation in preventing juvenile delinquency.

In contemporary society, where the information network is widespread and minors, including pre-school children, can access a wide variety of information through the media, the trend towards underage crime will become more apparent if government departments do not enhance their supervision and do not improve the level of legal literacy for the age group.

(III). Social Prevention of the Trend of Underage Crime

A comprehensive analysis of the aforementioned factors reveals the urgent need to address the issue of juvenile delinquency. This phenomenon is not merely a response to contemporary challenges; rather, it is a product of the prevailing socio-economic and cultural environment. The mitigation of juvenile delinquency cannot be achieved solely by reducing the age of criminal responsibility. Instead, a multifaceted approach is necessary, encompassing the collaboration of various societal sectors, including families, educational institutions, the government, and other stakeholders. This paper will analyse how to organise the spread of this trend through multiple levels.

1. Improving family protection mechanisms

The family, as the primary defender against juvenile delinquency, plays a pivotal role in the prevention of such behaviour and the curtailment of the trend towards under-ageing. The family's protective mechanisms encompass two distinct domains: the family environment and the impact of family education on minors.

The cultivation of a positive family atmosphere is paramount, with parents encouraged to minimise conflict in the presence of their children and to refrain from internalising negative marital emotions in the nurturing of their offspring. The enhancement of relationships between parents and children is paramount to ensure that children receive adequate care and



love from their family. Secondly, the family education system should facilitate the cultivation of children's early development, instilling the correct three views, promoting fundamental legal knowledge and moral standards, abandoning archaic educational practices, prioritising children's mental health, and enhancing their psychological well-being. Parents should also be attentive to their children's social circles and lifestyles, so as to avoid the influence of low-quality peers on their development.

2. The role of school education should be given full play.

Schools have been identified as playing a pivotal role in the prevention of juvenile delinquency, with the objective of arresting the trend of juvenile delinquency at an early age. In order to fulfil this function, schools should adopt a more proactive approach in lowering the grades of all kinds of education, and pay greater attention to the following points of education.

(1). Moral education: schools should strengthen the moral concept of minors, focusing on cultivating students' correct values and sense of social responsibility. The establishment of a robust code of conduct among students is also paramount.

(2). Legal education: this module in school education is still imperfect, and mainly focuses on the legal preaching for senior students, for the propaganda of legal knowledge for junior students is still very lacking, the school should introduce an appropriate amount of legal courses to improve students' legal concepts and legal awareness.

(3). Sex education: China is still a relatively conservative country, and the publicity of sex education is still insufficient. Schools should abandon the conservative concept, take the initiative to promote sex knowledge, and enable minors to protect themselves, thus further preventing the occurrence of crime. Furthermore, educational institutions must play a proactive role in deterring juvenile delinquency by cultivating robust teacher-student relationships, enhancing campus surveillance, prioritising psychological counselling, and fostering collaborative efforts between schools and families.

3. Establishing a collaborative preventive mechanism among departments.

Firstly, the establishment of a specialised unit to address juvenile delinquency and halt the progression of juvenile offenders into adulthood is recommended. Secondly, the enhancement of interdepartmental cooperation is advised. Secondly, there should be cooperation between the various sectors. The necessity for home-school cooperation, collaboration between schools and the legislature, cooperation between schools and the government propaganda department, and the importance of combining the forces of society to prevent the trend of underage juvenile delinquency more effectively, are all fundamental to this approach.

(IV) Criminal Law Response to the Trend of Juvenile Delinquency

1. The age of criminal responsibility should be reconfirmed.



In China, the minimum age of criminal responsibility has been reduced to 12 years of age, and the minimum age of civil responsibility to 8 years of age. The lowering of the age of criminal responsibility may be further developed. The author of this study is of the opinion that the current situation, and the general situation of the country as a whole, should not be further reduced with regard to the age of criminal responsibility. However, the author believes that the United States of America's model of freedom of legislation in developed areas of the country can be referred to. This is because minors in these areas are more open to new things, and underage crime is a serious problem. Less developed areas can choose to retain the original age of criminal responsibility standards. In addressing criminal activities perpetrated by underage individuals, the fundamental principle of crime prevention should take precedence over the pursuit of retribution. This approach entails not only the continuation of the special protection of minors as previously established, but also the enhancement of measures aimed at the prevention of crimes committed by underage individuals. Furthermore, the enforcement of penalties for underage offenders should be optimised.

2. The criminal legislation on juvenile delinquency should be made independent.

The absence of specialisation in criminal legislation pertaining to juvenile delinquency signifies an inability to liberate itself from the constraints imposed by adult law. Consequently, the establishment of legislation specifically tailored to minors remains unattainable. The enhancement of the efficacy of criminal legislation in safeguarding minors, providing them with a more substantial educational foundation, and unifying societal resources in the endeavour to prevent juvenile delinquency is contingent upon the autonomy of such legislation.

3. The age of malice should be introduced as a complementary element to the age of criminal responsibility.

The 'malicious full age' system originated in the United Kingdom, and comparable developments have been implemented in Europe and the United States. While these systems do not set a minimum age for criminal responsibility, judges can take into account the nature of the criminal acts committed and the individual's capacity to comply with and bear criminal responsibility. It is submitted that the present nation has the capacity to introduce and modify this system in a manner consistent with its own national conditions, thereby enriching the legal system dealing with juvenile delinquency and the trend of juvenile delinquency at a younger age. A novel model for the joint prevention and treatment of juvenile delinquency is currently under active exploration, in conjunction with the rule of the 'age of malice'. This is premised on the implementation of the Criminal Law Amendment (XI) Act.

4. The specialised correctional education system should be improved.

The implementation of this system since its establishment has fallen short of the legislator's objectives. This is primarily due to the lack of a clearly defined system and the ambiguity in many aspects of its implementation. It is imperative to enhance the theoretical underpinnings of this system and to further solidify the framework for sealing the records of correctional



education for juveniles. The role of community correctional treatment is also to be exploited to prevent the tendency of underage juvenile delinquency at all levels. Specialised correctional education programmes should be reviewed to ascertain their appropriateness, and adapted correctional education methods should be adopted for juvenile offenders of varying degrees of seriousness.

5. Penal measures for minors should be optimised.

The existing criminal law measures for juveniles have been demonstrated to be ineffective in preventing juvenile delinquency and in halting the progression of juvenile offenders towards more serious crimes. It is therefore recommended that greater emphasis be placed on the involvement of the community and the family, with a particular focus on synergistic cooperation between these two entities in the prevention and control of juvenile delinquency.

Concurrently, penalties should be appropriately reduced or increased according to the gravity of the offence committed by the minor.

6. Individual laws should be integrated.

Within the domain of criminal law, the Law on the Protection of Minors, the Law on the Prevention of Juvenile Delinquency, and other pertinent legislation pertaining to juvenile delinquency must be integrated to ensure their effective collaboration. It is imperative that these diverse legal instruments address conflicting provisions in a timely manner to address the escalating trend of juvenile delinquency manifesting at an early stage of life.

Conclusion

In the discussion of the trend of preventing juvenile delinquency at an early age, it has been demonstrated that the influence and role of the family, school and society on juvenile delinquency is a multifaceted issue. It is evident that juvenile delinquency at an early age is a product of the development of today's society, and that it is a difficult problem that needs to be urgently solved.

The present study has sought to address this knowledge gap by offering a comprehensive overview of the status quo, causes and prevention countermeasures of juvenile delinquency. In addition, it has provided an analysis of the prevention model of other countries and put forward suggestions for reference. However, it is acknowledged that there are still some loopholes in China's criminal law and other laws regarding the ageing of juvenile delinquency, which are facing various challenges. Suggestions have been put forward accordingly for these loopholes.

It is equally important to acknowledge the challenges in establishing a rule-of-law framework in China, and the necessity to redouble efforts to achieve this objective by the year 2025. It is imperative to recognise the significance of this group of minors in this context. The



enhancement of the legal system and the provision of specialised correctional education represent a pivotal component in the prevention of juvenile delinquency.

In conclusion, it is asserted that, in a period of rapid social transformation, the legal framework of our nation can undergo continuous enhancement, thereby ensuring a more comprehensive protection of juveniles. The sheer size and diversity of China, encompassing 56 distinct nationalities, renders the prospect of formulating a universally recognised and universally applicable law somewhat unrealistic.

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