

Comparative Analysis of Juvenile Crime and Protection Policies Between China and the United States and Their Implications

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Abstract. Youth represent the future of the nation and are the beacon of hope for people. Their actions significantly impact the country's trajectory and destiny. Juvenile delinquency has always been a focal point of societal concern. In recent years, incidents of juvenile crime have proliferated, affecting not only the development of the youth but also the progress of the nation. This study aims to compare juvenile crime protection policies between China and the United States. Through this comparison, areas where China can draw references and insights to fill the gaps in its juvenile crime protection legal framework are identified. China proposes effective measures to foster holistic development of youth, enhance the government's comprehensive governance capacity, and effectively drive societal progress and development. This research employs analogy analysis and mixed scanning theory to study the laws and policies of China and the United States. Results indicate differences between the two countries in aspects such as the establishment of juvenile courts, educational guidance, and online privacy. China can strengthen the construction of juvenile courts in underdeveloped regions, intensify community education and guidance efforts, and focus on protecting the online privacy rights of adolescents.

Keywords: Juvenile crime policies, China-US comparison, minority.

1. Introduction

Traditional crimes like robbery, theft, and violent offenses continue, yet the digital age has ushered in a surge of new offenses, notably cybercrimes and illegal drug trafficking. Amid these changes, the issue of juvenile delinquency becomes even more pronounced.

Against the backdrop of the digital age, the issue of juvenile delinquency stands out prominently. The juvenile crime rate continues to rise, and the nature of these crimes is showing new complexities and diversities [1]. Although Chinese scholars have made some achievements in the field of juvenile crime and protection policies, China is currently undergoing a period of social transition. This period has brought about many new situations and challenges [2]. China should promptly adjust its policies in response to these changes and develop effective measures for juvenile crime protection, which is a significant issue. This paper compares juvenile crime and related protection policies between China and the United States using the mixed scanning theory. Based on the comparison results, the paper analyzed the reasons behind the data differences to derive insights. Given the disparities in legal systems, legal origins, and socio-cultural aspects between China and the United States, the paper must ensure that the comparison aligns with the realities of China.

The study will contrast the two countries in terms of their legal framework, educational guidance, and online perspectives. In the process of comparison, the aim is to find data with reference significance to fill the legal void in China's juvenile crime protection. The objective is to provide a more comprehensive perspective to understand the complexity and diversity of juvenile crime, further exploring effective juvenile crime protection measures. This will assist governments, educational institutions, and social organizations in formulating more precise policies and measures, promoting societal progress and the healthy growth of adolescents.

2. Introduction of Chinese Policies

2.1. Introduction to Chinese Laws

2.1.1. Law on the protection of minors

The Law on the Protection of Minors aims to comprehensively protect the legitimate rights and interests of minors. This law clearly stipulates a series of measures to protect minors' rights, including but not limited to education, living, physical and mental health [3]. It emphasizes the enhancement of moral education for minors, guarantees the privacy and personal information safety of minors, and ensures they receive ample legal protection and support during their growth.

2.1.2. Law on the prevention of juvenile delinquency

The Law on the Prevention of Juvenile Delinquency aims to clarify measures and procedures for preventing juvenile crime, as well as educational and rehabilitation policies for juvenile offenders. The law emphasizes the importance of collaboration among various societal sectors, including families, schools, and social institutions, to jointly prevent and address juvenile crime [4]. The purpose of this law is to help minors stay away from crime through comprehensive measures and help them better integrate into society.

2.2. Implementation and Execution

2.2.1. Educational guidance

China emphasizes educational guidance in preventing juvenile crime, which is manifested in the following aspects:

Schools not only impart academic knowledge but also focus on moral and legal education. Through specialized courses and campus activities, they help adolescents establish correct values and behavioral norms. This includes teaching them how to respect others, abide by laws, and handle moral and ethical issues.

The family is the first school for children. The values and behaviors of parents and other family members directly influence adolescents. Thus, parental education plays a crucial role in cultivating moral concepts and behavioral habits. Parents are encouraged to teach their children to respect others, understand societal rules and values, and provide emotional support and guidance to help them make the right choices and decisions.

2.3. Implementation Challenges

2.3.1. Evasion of enforcement

Despite the relevant policies, some teenagers still try to circumvent restrictions, such as using someone else's identity information to bypass online usage limits. This results in certain constraints on policy implementation, and law enforcement may face issues like insufficient evidence and inaccurate positioning, increasing the difficulty of enforcement. This situation requires law enforcement agencies to not only improve technical means but also strengthen cooperation and investigation to effectively combat evasive behaviors.

2.3.2. Lack of family education

In some families, due to busy parental work or a lack of educational awareness, children do not receive adequate care and education. This leads to children lacking correct values and behavioral norms. To address this issue, it is essential to strengthen societal education and support measures, provide parental education and family counseling services, and help families better fulfill their educational duties.

2.3.3. Complexity of the online environment

The current online environment is filled with various negative information. Some adolescents may be misled and tread the path of illegal activities. Online supervision faces challenges of vast

information and rapid changes, allowing some illegal activities to evade supervision for a time. Addressing this challenge requires continuous upgrades to online supervision technology and regulations, providing adolescents with a safer online environment while strengthening online literacy education to heighten their awareness of online safety.

2.4. Role of Families and Schools

Families and schools are regarded as the front line of adolescent education and crime prevention. Their education and guidance directly influence the growth of adolescents. Thus, it is imperative to continually strengthen the cooperation between families and schools, offering adolescents more comprehensive education and guidance to shape positive behaviors and values.

3. Introduction to U.S. Policies

3.1. Laws and Policy Implementation

3.1.1. Children's Online Privacy Protection Act (COPPA)

The Children's Online Privacy Protection Act is a significant U.S. law aimed at protecting the online privacy of children under 13. According to this law, any online service provider must obtain explicit consent from parents before collecting, using, or disclosing a child's personal information [5]. The main content of this law is to ensure that children's personal information on the internet is not abused, safeguarding their privacy and security.

3.1.2. Children's Internet Protection Act (CIPA)

The Children's Internet Protection Act requires public schools and libraries to use internet filtering software to prevent minors from accessing inappropriate or harmful online content [6]. The primary jurisdiction of this law is to ensure a safe online environment for minors in schools and libraries, preventing access to pornographic, harmful, or unsuitable online content.

3.1.3. Federal Youth Correctional Act (FYCA)

The Federal Youth Correctional Act is a U.S. law aimed at handling cases involving juvenile delinquency. The main jurisdiction of this law emphasizes rehabilitation and education to reduce juvenile criminal behaviors and help them better integrate into society [7]. This law achieves its jurisdiction by:

Establishing specialized juvenile courts that specifically handle juvenile crime cases. The goal of these courts is to ensure fair trials for minors and develop suitable rehabilitation plans based on their specific situations and needs.

The law stipulates a series of rehabilitation measures aimed at helping juveniles reintegrate into society and improve their future prospects. These measures can include psychological counseling, education, and vocational training, as well as social skill training. The objective of rehabilitation measures is to help juveniles overcome the root causes of criminal behaviors and reduce the chances of reoffending.

The Federal Youth Correctional Act encourages the provision of educational programs to ensure minors receive proper education. This includes providing academic education in prisons or correctional facilities and helping them acquire skills and knowledge to better integrate into society and find employment opportunities in the future.

3.2. Education and Rehabilitation

3.2.1. Educational programs

The U.S. has implemented multiple educational programs and activities aimed at enhancing the legal awareness and moral concepts of juveniles. These programs play a key educational role, with one example being the D.A.R.E. (Drug Abuse Resistance Education) program. D.A.R.E. not only educates adolescents about drug abuse but also instructs them on how to make correct moral

judgments. By participating in these programs, adolescents can understand societal rules and laws, cultivate good moral values, and thereby reduce the risk of crime.

3.2.2. Rehabilitation measures

The juvenile court system emphasizes rehabilitation and education, aiming to reduce the recidivism rate of juveniles and help them better integrate into society. Rehabilitation measures often include psychological counseling, assisting juveniles in understanding and overcoming potential issues they may face. Additionally, behavioral correction training helps foster positive life skills and behaviors to reduce the chances of reoffending. Social skill training aids adolescents in better adapting to social environments and establishing healthy interpersonal relationships.

3.3. Community and Family Participation

3.3.1. Community participation

Community organizations and volunteers play a crucial role in preventing juvenile delinquency. They organize various educational activities, provide psychological and societal support, and help adolescents establish positive values. Community activities can include rehabilitation and vocational training to help adolescents integrate into society and offer them more choices to stay away from crime.

3.3.2. Family education

Family education is a vital part of preventing juvenile delinquency. Parents need to educate their children on how to use the internet safely, legally, and morally, while also offering necessary guidance and supervision to ensure they establish the right values and behavioral norms. Parental participation and support play a key role in the growth and crime prevention of adolescents. Communication and understanding between parents and children help build intimate family relationships, making children more receptive to education and guidance.

3.4. Public Awareness

Government agencies, schools, media outlets, and community organizations need to collectively strive to raise public awareness about online safety and juvenile crime. This includes conducting extensive public campaigns, providing educational resources and training to enhance people's online safety awareness and self-protective capabilities. By conveying information about online crime to the public, individuals can better understand potential threats and take appropriate measures to protect themselves and their family members from unlawful harm. Elevating public awareness in this manner contributes to reducing the chances of juvenile crime, fostering societal safety and stability.

4. Comparison of Chinese and American Policies

Based on the aforementioned descriptions of public policies in China and the U.S., authors discern that in terms of legal provisions related to juvenile delinquency, China primarily relies on the "Minor Protection Law" and the "Law on Prevention of Juvenile Delinquency". Meanwhile, the U.S. adopts the "U.S. Minor Protection Act" and the "Prevention of Juvenile Crime Bill". Both nations emphasize prevention, rehabilitation, and education over punishment. They recognize the still-developing psychological and cognitive states of juveniles and focus on their future prospects, thus manifesting care and protection for minors.

In terms of judicial procedures, there are subtle differences between China and the U.S. In the U.S., juvenile offenses have a specific judicial procedure. When juveniles are charged with a crime, they are directed to a juvenile court aimed at rectifying their wrongdoing. Typically, these courts strive to educate rather than mete out punitive measures like incarceration. Only in cases involving grave crimes like murder, kidnapping, arson, and rape are juveniles treated as adults, which is contingent upon a judge's decision. For this, the U.S. has a specific law known as the "Juvenile Court Act". In China, the procedure for addressing juvenile delinquency varies based on the nature of the case.

Schools might provide warnings, or public security organs can offer admonishments. If necessary, a counseling group is formed to devise and implement correctional plans through mentoring. Public security agencies can mandate minors or their guardians to fulfill certain obligations. If guardians refuse, administrative punishments can be imposed based on established regulations. Severe cases might necessitate sending the offender to a correctional school. However, in China, juvenile courts are not universally adopted across all regions [2]. While China encourages local courts to establish juvenile courts, the first court specializing in juvenile criminal cases was set up in the Changning District of Shanghai as early as October 1984. However, due to a decline in the number of juveniles being tried in recent years and other factors, juvenile trial institutions face challenges. Some local courts have adjusted or abolished their juvenile court systems. The decline of juvenile courts may lead to a dispersion of juvenile trial forces and a lack of team collaboration. Furthermore, faced with challenging situations, there is an absence of professional strategies and top-level design lacks specialized technical guidance, leading to an uncertain future direction. All of these factors can adversely impact the in-depth development of judicial protection for minors.

The limitation of juvenile courts in China primarily stems from the mismatch of human and material resources across different regions. While the U.S. population distribution is somewhat similar to China's, with concentrations in the mid-eastern regions and along the western coastlines, the U.S. benefits from robust legal forces in developed cities. In contrast, China's populous nature means that many underdeveloped areas lack access to quality legal resources, despite these being the very regions with higher rates of juvenile crime and a pressing need for care and education for the youth.

In terms of educational guidance, the U.S. has the D.A.R.E. program, a comprehensive official educational initiative that emphasizes the perils of drug abuse, violence, and gang activities. China lacks such an official program, relying instead on the issuance of public policies and directives to regional areas. Local community committees, schools, and other institutions then independently carry out educational activities. Surprisingly, while both China and the U.S. emphasize the roles of families and schools, the U.S. additionally focuses on community involvement, aiming to cultivate a society that is more conducive to the well-being of its youth. In addressing young offenders, the U.S. maximizes the roles of communities, schools, and families, employing innovative judicial models to ensure that young lawbreakers receive appropriate training and correction [8].

The U.S. has a rich community culture. Although both countries use the term "community" to refer to a specific residential area's organization, U.S. communities are often organically formed by residents, unlike China where they are often managed by official organizations. Residents in the U.S. are deeply involved in community development and maintenance. The U.S. community culture flourished after the implementation of the "Economic Opportunity Act" in 1964, which mandated community-driven welfare initiatives [9]. This fostered community-based anti-poverty and welfare activities, enabling social forces to manifest in the form of communities [10]. Consequently, interpersonal interactions within U.S. communities are frequent, making them integral to the guidance of young individuals. In China, however, there is a significant disparity in the role of communities across different regions [11]. Due to China's high population mobility, many first-tier cities have a large number of migrant workers' children, leading to a weak sense of local belonging, frequent life changes for the youth, and making it impractical to use communities as a sole management point.

Lastly, in terms of online protection, China's current "Interim Measures for the Management of Online Games" which was suspended in 2019 imposes stringent restrictions on juvenile gaming behaviors, representing one of the world's strictest systems against online gaming addiction for minors [12]. In contrast, the U.S. does not explicitly restrict gaming hours for juveniles, relying instead on parental controls on smart devices. However, the U.S.' "Children's Online Privacy Protection Act" and "Child Internet Protection Act" focus on limiting external infringements on children, emphasizing the privacy rights of minors. The U.S.' emphasis on child privacy protection is still in its nascent stages in China, presenting an area ripe for learning.

To overcome these challenges, one potential direction for improvement is enhancing collaboration between various judicial departments. This can be achieved by establishing cross-departmental collaboration mechanisms that encompass judges, lawyers, social workers, and educational experts. Together, they can collectively formulate juvenile trial procedures and policies. Another direction is establishing a comprehensive top-level design. This entails formulating comprehensive policies and regulations with clear objectives and principles for juvenile courts, ensuring a unified and sustainable direction for their development. Additionally, there is a need to invest more in research and innovation to propel the development of judicial protection for minors. For instance, systems for juvenile crime data collection and analysis can be improved to better comprehend the root causes and trends of juvenile delinquency. By adopting these measures, people can promote the development and improvement of juvenile courts, thereby ensuring comprehensive judicial protection for minors and providing them with enhanced legal safeguards and opportunities to reintegrate into society.

5. Conclusion

It is evident that the U.S. has established a relatively comprehensive legal framework for the protection of minors, effectively safeguarding the rights and interests of young people at the judicial level. In contrast, China is still in the exploration and refinement phase, with many laws yet to undergo practical testing before full implementation. The differences in the legal systems of the two countries play a role in this contrast; China follows the civil law tradition, while the U.S. adopts the common law system. These systems differ significantly in execution and legal drafting, implying that U.S. laws cannot be directly copied and applied in China.

From the discussion above, it is evident that China should increase its financial investment in juvenile courts in underdeveloped regions in the future. There should be a proactive call for more professionals in relevant fields to provide support. Efforts should be made to enhance ideological education, formulate supportive policies, and adopt effective measures. This includes encouraging and guiding talent to work in underdeveloped areas of China, establishing quality legal resource platforms, and reducing juvenile crime rates.

China's journey in establishing laws for the protection of minors is ongoing. In many aspects, there are significant gaps in Chinese laws. Therefore, this study aims to compare Chinese and American policies, exploring potential areas of learning to fill the gaps in China's legal system. A significant highlight of this research is the comparison of online protection policies for minors. China's current "Interim Measures for the Management of Online Games" is the world's strictest system against online gaming addiction for minors. Meanwhile, the U.S.' "Children's Online Privacy Protection Act" and "Child Internet Protection Act" place more emphasis on the privacy rights of minors. China can learn from the U.S. measures that protect the privacy rights of minors. Protecting the online privacy rights of minor's touches upon their personal dignity, physical safety, and other issues, all of which are crucial to their physical and mental growth. China should establish measures to protect the online privacy rights of minors, ensuring their rights are fully safeguarded. This can reduce conflicts between minors and their parents, promoting healthy physical and mental growth and subsequently reducing juvenile crime.

However, this study has its limitations. The U.S. manages its citizens primarily at the community level, but China does not have a strong community culture. Therefore, directly transplanting laws is not feasible. This study did not delve deeply into the structure and distribution of communities in China. Additionally, the data collection for this research is not exhaustive. Comparative discussions regarding crime rates and economic levels across different regions are not thoroughly addressed.

Authors Contribution

All the authors contributed equally and their names were listed in alphabetical order.

References

- [1] Li, Jinghua. On the current situation and development Trend of Juvenile Delinquency. *Economic Research Guide*, 2012, 8: 211-212.
- [2] Ding, Ke, Tian Fei, and Han Fang. Research on types of Juvenile Delinquency and its prevention strategies. *Western Academic Journal*, 2023, 2: 69-72.
- [3] People's Republic of China. Minor Protection Law. The Standing Committee of the National People's Congress. 2006-12-29.
- [4] People's Republic of China. Law on the Prevention of Juvenile Delinquency. The Standing Committee of the National People's Congress of the People's Republic of China. 2021-6-1.
- [5] United States Congress. Children's Online Privacy Protection Act (COPPA). U.S. Code Title 15, Sec. 6501-6506.
- [6] United States Congress. Children's Internet Protection Act (CIPA). U.S. Code Title 47, Sec. 254.
- [7] United States Congress. Federal Youth Corrections Act (FYCA). U.S. Code Title 18, Sec. 5005-5024.
- [8] People's Court Newspaper. Create a new model of juvenile court in the new era. 2021-02-06, 2023-10-18. <https://www.chinacourt.org/article/detail/2021/02/id/5799235.shtml>.
- [9] United States. 1964. Economic Opportunity Act. Public Law 88-452, 78 Stat. 508.
- [10] Yang Ling, and Cai Xuan'na. The evolution and characteristics of the U.S. Juvenile Guardianship System. *Research on the Prevention of Juvenile Delinquency*, 2023, 4: 83-90.
- [11] Shen Jie. Viewing the development issues of Chinese community welfare from international experience. *Social Security Research (Beijing)*, 2007, 6: 53-75.
- [12] People's Republic of China. Interim Measures for Online Game Management. Ministry of Culture and Tourism, PRC. 2010-8-1.