

# Research on Juvenile Delinquency Intervention

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**Abstract:** At present, the minors in our country usual commit illegal acts, such as stealing, fighting, picking quarrels and provoking trouble. Timely intervention on the "Bad behavior" of juvenile delinquents can effectively avoid the occurrence of criminal acts and consequences. At present, there is still a lack of specific provisions in our legislation on the timely intervention of juvenile delinquency and the division of responsibility. In this paper, we propose the idea of a juvenile delinquency intervention mechanism based on available data.

**Keywords:** Juvenile Delinquent; Illegal Crime; Criminal Intervention.

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## 1. Introduction

The minors are mentally precocious, but the correct concept of right and wrong has not been established. The laws relating to minors promulgated in our country include the law of the People's Republic of China on the protection of minors (hereinafter referred to as the law of the People's Republic of China on the protection of minors), the criminal law of the People's Republic of China (hereinafter referred to as the criminal law), the law of the People's Republic of China on the prevention of juvenile delinquency crimes (hereinafter referred to as the law of the People's Republic of China on the prevention of child discipline crimes) and the law of the People's Republic of China on the promotion of family education (hereinafter referred to as the law of the People's Republic of China on the promotion of family education). Relevant data show that in the past decade, juvenile delinquency is more common in theft, beating others, picking quarrels and provoking trouble, prostitution and other illegal crimes, the age distribution between 15-17 years old. Most of these minors drop out of school or out of school, do not have a job, gathered in a place to commit crimes. Therefore, it is urgent to intervene in time when juvenile delinquents commit crimes to prevent them from juvenile delinquency harm to society.

## 2. Overview of Juvenile Delinquency Intervention

### 2.1. The Current Situation of Juvenile Delinquency

Crime wrong minors is the Supreme People's Procuratorate, the communist youth league central used to summarize the implementation of deviant behavior, the concept of minors, mainly includes two categories: one is the implementation of deviant minors, the second is the implementation of the requirements of criminal law, but because of criminal responsibility age and not bear criminal responsibility or exempted from criminal punishment. [1] With the deepening of the protection of minors in China, in the study of the psychological changes of minors and the current situation of judicial application, through the screening of a large number of juvenile crimes found that juvenile crimes show sudden, aggregation, violent, invasion of property, frequency and other distinctive characteristics.

First, the sudden nature. Minors usual mixed in Internet cafes, billiards room and other places of entertainment, meet people mixed up, easily affected by the words around action, think oneself mature enough, can make independent decisions, coupled with the lack of communication between parents guardians, accumulation since think difficult to resolve the contradiction, plus parents mood, minors are in a period of "face", often for the so-called "friend" and participate in fighting and other illegal and criminal behavior, and regard it as a symbol of "loyalty". Their implementation of the behavior of simple motivation, temporary intention, sudden strong, reckless consequences, its harm to society is uncertain.

Second, the aggregation is obvious. Most of the minors who commit crimes are difficult to integrate into campus life and are prone to quarrel with family members. Such minors do not want to stay at home for long, and lack the right criteria for choosing friends. They expand their social circle through so-called friends, and appear in clusters. Carrying out illegal and criminal acts in the form of team is the most common way of juvenile crime. Such groups have a clear division of labor, such as burglary, someone is responsible for the door, someone is responsible for indoor property, someone is responsible for loading luggage and other clear division of labor. At the present stage, the juvenile team works smoothly, and the internal adult members impart criminal experience to the minor members, so as to absorb younger to join. This kind of teamwork is unstable, minors are difficult to control their emotions, they are easy to quarrel and quarrel against each other, and will soon reconcile and continue to carry out illegal and criminal acts.

Third, the violence is obvious. Minors are vigorous, limited social experience, lack of rational judgment, frequently choose to fist, external forces and other violent ways to solve the problem. These kinds of minors are easy to be controlled emotionally, work regardless of the consequences, do not realize the weight, regularly with the surrounding items such as bottles, sticks and other hit the victim, advocating "fight clothing". In the process of stealing or robbery and other illegal and criminal acts, they also take more violent ways to solve the difficulties encountered, violent destruction of goods.

Fourth, the invasion is obvious. With the improvement of material living standards, the consumption concept of minors, drop out of school unemployed although they have parents to give to the cost of living, but difficult to meet their bar, Internet cafe, shopping malls and other places of consumption

demand. Thus, they will choose others means, such as theft, robbery, bullying, other minors, a lot of violent crime is also because owe money is not also cause. In addition, minors can skillfully use the Internet, will also seek this way to make money.. It is easy to be seduced to participate in cyber crimes.

Fifth, with the rapid development of our country, the minors contact with people and things and consumption concept analogy last generation had obvious changes, this leads to many things with indifferent attitude, such as frequent change male / girlfriend, friends, parents for the example, will make them become frequent police station, can reflect on their behavior mistakes but still afterwards, let them wearing a "minors", unscrupulous illegal and criminal behavior.

## **2.2. Analysis of the Status Situation of Juvenile Crime in China**

Our country promulgated the prevention of juvenile crime chapter provisions of the intervention of bad behavior and legal responsibility, but in real life, for the implementation of the bad behavior of minors, the public security organs mostly take critical education, copying law, writing reviews, and to notify the parents take away way of juvenile crime intervention. But the effect is very little. Such parents of minors are slow to perform their duties of guardianship, and the public security organs cannot take compulsory measures and later track observation on the minors themselves and their guardians. If the situation goes on, it is not conducive to the establishment of the correct view of minors, and it is likely to embark on the road of crime, irreparable. The establishment of relevant laws and regulations needs to be combined with judicial practice to exert the maximum effect.

In this regard, some public security organs have set up an intervention system to prevent juvenile delinquency, which records the data and criminal records into the system, and conducts dangerous classification management based on this. When the system faces recognition to a database of minors into the entertainment place or gather appear, the relevant person in charge of the public security organ can receive a prompt, and timely intervention in the subsequent development, to avoid the occurrence of illegal and criminal acts. For minors meet certain conditions in the database, the superior public security organ will according to the minors residence, the school location distribution of relevant personnel to follow-up tracking feedback, through regular investigation conversation, grasp the mentality of minors and trajectory, can effectively prevent crime wrong minors implement illegal and criminal behavior again. Of course, the problems with the system are also obvious.

First, the system lacks sufficient reserve data to support it. The efficient operation of the system requires a large number of accurate minors data to support, but in practice, need to rely on grassroots law enforcement personnel in the case in the process of timely input data, by the human input data far less than the requirements, this will not only lead to the data efficiency and accuracy is low, difficult to become can rely on system, will increase the investigators in the process of complicated cases, reduce the case efficiency.

Second, it does not include the first crime. The minors who can be stored into the system are those who have committed crimes conforming to relevant laws. For minors who have not yet committed a crime but have started to commit it, the system cannot detect it, let alone provide timely intervention. For these minors, we can only rely on the timely feedback of our relatives or the enthusiastic alarm of passers-by to achieve

timely intervention in crime, but this kind of good thing is a probabilistic event, not an inevitable thing.

Third, the effect is not well. Crime wrong minors as many times in and out of the police station, the police identity has lost a deterrent to them, the police can intervene on the upcoming illegal and criminal behavior, but cannot completely disperse minors, or cannot always with minors, this will lead to, once the law enforcement personnel leave the scene, minors can gather or implement illegal behavior, it will not only cause the waste of judicial resources, also not reach the purpose of intervention in juvenile crime. In addition, the public security organs cannot accurately grasp the trend of minors, can not achieve effective and timely intervention.

Fourth, the normal operation of the criminal intervention mechanism requires the cooperation of various personnel, involving the cooperation of public security organs, schools, community institutions and family members, especially the minors who are prone to psychological problems in time. We will implement the Law on the Protection of Minors, and integrate judicial protection into the protection of families, schools, society, the Internet and the government, and form synergy to make the "1 + 5 > 6" policy and work together to make the protection of minors more practical.[2] But in real life, schools, families, especially guardians, mostly do not perform or partially perform their duties, do not pay attention to the psychological changes and trends of students, and even after minors on the road of illegal crime, schools and families do not think that it is related to them, just blindly blame the fault of the minors.

## **3. The Problems Existing in the Criminal Intervention of the Wrong Minors in China**

The effective role of a system cannot be separated from the joint role of legislation and justice, but through the study of the legislative and judicial status quo in China, it is not difficult to find some problems in the research of the intervention mechanism of juvenile delinquency in China.

### **3.1. The Legislative Problems of Juvenile Delinquency Intervention**

There are many laws and regulations related to minors in China. For example, the third and sixth chapters of the Law on the Prevention of Juvenile Crime respectively stipulate the intervention and legal responsibility for the bad behavior of minors. For example, Article 29 of the Law on the Prevention of Juvenile Crime stipulates that "if the parents or other guardians of minors find that minors have bad behavior, they shall stop them in time and strengthen discipline. "Family education promotion law "article 14" parents or other guardians shall set up family are the first classroom, the parents are the first teacher's responsibility consciousness, undertake the subject responsibility of family education for minors, with the correct ideas, methods and behavior education minors develop good thought, character and habits. "Both clearly stipulate the role and obligations of parents and other guardians in the process of absorbing knowledge of minors.[3] However, it does not specify the consequences that parents or other guardians fail to perform or do not fully perform their duties, which leads to in real life, minor parents and other guardians who perform bad behavior will not take the initiative to exercise their duties without being bound by law. The "family education order" is only a favorable judicial

means to restrain and punish the behavior of "raising and supervising ignoring" in family education according to law. But in essence, the issuance of "family education order" only restricts parents and other guardians to perform the duty of guardianship and assume the responsibility of parenting, but still does not stipulate strict consequences to restrain the behavior of parents and other guardians. Another example is the provisions of Article 32 of the Juvenile Crime Prevention Law that "Schools and families should strengthen communication and establish a home-school cooperation mechanism. If the school decides to take measures for administrative education for the minor students, it shall promptly inform its parents or other guardians; the parents or other guardians of the minor students shall support and cooperate with the school in administrative education." [4] School is a place where minors learn knowledge and receive education. Schools and families jointly shoulder the responsibility for the healthy growth and education of minors. But law and related judicial interpretation is a broad provision of the school and family should do, to "how" leave a lot of space. This will lead to the school in the process of education duties hard to avoid perfunctory, not timely discover minors change, timely persuade, contact parents necessary steps to perform their duties. At the same time, the consequences of incorrect schools or simply failure to perform their duties are not clearly defined. China's law is a measure with national coercive force, which has the function of restraining and punishing the behavior of criminals. Appropriate consequence constraints can improve the enthusiasm of schools or families to perform their duties. The effective and timely performance of duties can timely intervene in the behavior of minors and achieve the purpose of crime prevention.

### **3.2. The Problems in the Judiciary of Juvenile Criminal Interference**

Negative attitude of relevant law enforcement personnel. In view of the bad behavior of minors, the author has the most contact with the grass-roots police station organs to undertake the practice of taking minors away from entertainment places and informing their parents and other guardians. The vast majority of minors in and out of the police station is like routine, and law enforcement officers even laugh, relevant law enforcement officers to deal with minor incidents already numb, normal, they will automatically put the minors as "bad children", confiscate mobile phones, copy the measures are not enough to regulate the behavior of minors. The workload of grass roots law enforcement personnel is heavy, and they do not have much experience to track and reporting the behavior of the wrong minors and their guardians after dealing with the cases of the minors with their mistakes. The effective operation of the complete prevention and intervention mechanism of juvenile delinquency requires the coordination of the public security organs, the communities, schools and families where minors live, and the lack of any link cannot guarantee the efficiency of its operation. However, in judicial practice, due to the limited police resources and judicial resources, we often can not spend a lot of manpower and material resources on the illegal and criminal intervention of the wrong minors. The most common is the oral education of the guardians of the wrong minors to discipline their children well.

Lack of follow-up evaluation of whether the guardian performs the guardianship duty. Crime wrong minor parents

mostly busy career, sin wrong minors is in a rebellious, proud period, there are long-term contradiction between their parents, often mixed in bars, hotels and other places of entertainment, spending money, parents give living expenses is not enough to support its long spending, until the public security organ personnel back to police station contact parents guardian, the parents and other guardian also more busy, distance, etc. as an excuse not to go to the police station to claim their children. Even if they do not succeed, either the parents and the minor part ways, or the parents use violence, worsening the conflict between the two. In addition, most minors take their parents as an example to learn from, and parents and other guardians do not realize that their behavior will provide negative lessons for minors to smoothly integrate into society, so that the final deterioration of minors' behavior will cause serious social harm. Many parents are talkative in front of law enforcement officers, and when they get out of sight, they are harsh. Even if minors have become frequent police stations, their parents often use the words "they do not fulfill their children" and "disobedient" to cover up the fact that they have not performed their guardianship duties. The subsequent behavior of the guardian of the wrong minor is also unknown. The intervention of the police station and the residence committee will only worsen the relationship. Parents' emotional instability will also make minors form a distorted view.

The role of law enforcement officers is not pleasing. In the aspect of criminal justice, China shows a trend of non-imprisonment detention of minors, so as to actively practice restorative judicial measures and save the deviation phenomenon of minors. [5] But because the wrong minors have not yet established a correct view of right and wrong, they often believe that law enforcement officers play a role in deteriorating the relationship between them and their parents. For example, the wrong minors think they are only alone in hotels with female friends, but what the law enforcement officials say to their parents and other guardians are "your children and girls open a room" and other words that mislead their parents to think they do bad things. In their limited cognition, they believe that this expression is undoubtedly driving a wedge between them and their parents. Therefore, minors will be bored with law enforcement personnel and even law enforcement agencies, which leads to their loss of confidence in society, schools and families.

## **4. The Idea of Perfecting the Intervention Mechanism of Juvenile Crime**

The healthy growth of minors cannot leave the country, society, school and family collaboration, law provides the favorable safeguard effect, on the basis of the problems in the current law and judicial practice, seek to perfect the wrong juvenile crime intervention mechanism is the key, the author proposed from two aspects of legislation and judicial development.

### **4.1. Improve the Idea of Perfecting the Criminal Intervention Mechanism in Legislation**

Improve relevant laws and regulations. From the existing legal and judicial interpretations, it is not difficult to find that the healthy development of minors involves many aspects, such as society, school and family. How to make the three

operate orderly and perform their own duties, which may lead to the phenomenon that all parties shirk their responsibilities. The solution to this problem is to specify the specific roles and responsibilities played by all parties in the physical and mental growth of minors, as well as the legal consequences of failure to perform their duties. For example, the law enforcement authorities should establish hierarchical tracking of the responsible persons at all levels; focus on the emotional changes of minors with major changes, regularly understand the study life and family atmosphere of the students; and require the family to pay attention to the growth needs of children and the role of family members' words and deeds. In this regard, the law applies specific laws to stipulate the responsibilities of the parties and the legal consequences of violating the provisions.

Strengthen the tracking and reporting obligations of relevant personnel. The juvenile delinquency intervention mechanism not only includes the preliminary work such as admonishment and instruction, but also needs to include follow-up tracking and reporting to ensure that the purpose of preventing juvenile delinquency is achieved. However, China's legislation focuses on educational responsibilities that the society, schools and families should undertake, while ignoring the clear tracking and reporting obligations of relevant personnel. There is no compulsory reporting obligation for the school or family to be negligent in performing the duty of guardianship or serious dereliction of duty. Especially for the intervention of clustered violent crimes, law enforcement agencies can only play a temporary intervention. Once out of the sight of law enforcement agencies, minors may gather at anytime and serious crimes occur. This requires the law to give every citizen the obligation to take the initiative to report criminal crimes. Let every citizen no longer be a "bystander" of crime, turn the passivity of law enforcement personnel into initiative, regularly and actively track the follow-up development of minors, such as getting along with their parents, academic status, so as to timely intervene in the role of minors' mistakes and physical and mental health development. Family members, especially parents and other guardians, should not only give minors sufficient material conditions, but also pay attention to the mental health of minors and seek help from relevant personnel when they find the situation. All these need to be the cooperation of all parties under the regulation of law.

Include serious dereliction of duty into the scope of legal regulation. China's laws comprehensively stipulate the duties that society, schools and families should perform. In order to make these duties no longer be irrelevant words, we should include the serious dereliction of duty personnel who have the educational duty to minors into the scope of legal punishment. Legal sanctions can greatly restrain people's behavior and urge people to actively fulfill their obligations. The law is not a crime, society, school or family inaction does not violate the relevant provisions of Chinese laws, and because of this, they are unscrupulous, do not reflect on their mistakes, and only through the implementation of the state force, can effectively supervise them to perform their duties. The scope for adjustment by law is limited. Improper expansion of the scope of legal adjustment will not only lead to the waste of judicial resources, but also promote the emergence of people's reverse psychology, which will lead to more serious criminal behavior.

## **4.2. Improve the Idea of the Juvenile Criminal Intervention Mechanism in the Judicial Aspect**

Establish a real-time and dynamic basic information database for minors. Timely grasp of the action track of minors can effectively interfere with the implementation of crimes. China should take measures according to local conditions. The supervision authorities should establish their own characteristics of minors, in order not to violate the privacy, in order to better track the trend of minors. Of course, the establishment of the real-time dynamic basic information database for minors cannot be separated from the public security organs, community institutions, schools, families and so on. The real-time update is an important guarantee for the efficient operation of the database. By consulting within the scope of the regional authority similar mechanism setting, the common problem is the database content is limited, not timely input and output minors basic information, etc., which requires us in the early stage of the applicable process, and the community institutions, schools, division of responsibility, increase minors real-time dynamic information database base, really reach once minors prepare or is about to implement bad behavior, supervision authority can find intervention in time.

Strengthen the supervisory role of supervision personnel. The supervisory role of the supervisors plays an extremely important role in the criminal detection and intervention of the wrong minors. In the process of dealing with minors bad behavior, supervisors should set a good example, improve their own requirements, give full play to the education of minors supervision responsibilities, play good coordination between minors and parents guardians middleman, to perform supervision duties, malicious attack wrong minors behavior, shall formulate adverse legal consequences, avoid weakening the supervision of supervisors. At the same time, with the assistance of schools and communities, we should timely track the action track of minors, for example, through the face recognition of minors into the system to timely detect minors gathering people, scope of activities, in and out of places, etc., a reasonable prediction of their behavior.

Strengthen the role of "family education order" and "supervision and guardianship order". We will implement the principle that it is most beneficial to minors, implement systems and mechanisms such as round-table trials, sealing of minor crime records, attendance of appropriate adults, return visits, assistance and education, and improve the socialist juvenile justice system with Chinese characteristics. We implemented the Law on Promoting Family Education, and issued 10,308 family education orders, urging parents to leave their hands to fulfill their family education responsibilities in accordance with the law.[6] In 2021, the procuratorates issued a total of 19,000 guardianship orders for serious dereliction of duty. From the number of the two orders, it is not difficult to see that China is determined to protect the healthy growth of minors and urge the guardians to perform their duties of guardianship. In the author's opinion, instead of painless supervision, it is better to strengthen the legal force of the two orders, add a layer of protective film to the process of the guardian performing their duties, and let the guardian feel the sense of urgency to bear the severe consequences is an effective means.

## **5. Conclusion**

Juvenile crime has always been a topic of high concern to

the state and society. Effective prevention and intervention in the illegal and criminal behavior of the wrong minors is the direction of our joint efforts. In the source of minors to the crime, establishing efficient crime wrong juvenile crime intervention mechanism is a realistic feasible strategy, although in the current legislation and justice and so on various aspects are not enough to support the operation of the mechanism, but we can be based on the existing practice and data, continuous research and try out, may have a lot of harvest. In this paper, from the present situation and characteristics of juvenile crime, explore the social, school and family various aspects of organic connection, combined with the problems existing in the process of legislation and justice and put forward the feasible solution. The purpose is to improve the juvenile crime intervention mechanism, in the practice of regulating juvenile behavior to avoid crime as far as possible.

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