

Prevention and Regulation of Violent Crimes by Minors

-- The Case of the Murder of a Middle School Student in Handan, Hebei, as an Example

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Abstract

Minors are the hope and future of a country. Still, in recent years the problem of extremely violent crimes committed by underage minors in China has become more prominent. It needs to be addressed urgently. In terms of legislation, it is important to adhere to social correction as a means of social rehabilitation. Revitalize the social correction system and accelerate the construction of a graded prevention mechanism for juvenile delinquency. On the family side, it is necessary to implement the educational responsibilities of guardians; on the school side, it is necessary to implement the management responsibilities of schools, to change erroneous teaching concepts and to enhance students' concept of the rule of law; and on the social side, it is necessary to improve the underpinning measures to prevent and control students from dropping out of school. The law, the family, the school, and society should do a good job of ensuring that the crime rate of underage minors is lowered and that minors who have committed crimes are reintegrated into society as soon as possible.

Keywords

Juvenile Delinquency; Under-Ageing; Regulation; Prevention; Comprehensive Treatment.

1. Introductory

China has always attached great importance to the care and love of minors. General Secretary Xi Jinping has pointed out that nurturing children and young people is a strategic task with a long-term perspective. However, in recent years, reports of extreme violence against minors have never ceased. Subjective malignancy, cruel means, serious harmful consequences, and the under-aging of the subject of the crime have become the trend and characteristics of juvenile delinquency in China. For the minors who have reached the age of twelve and less than fourteen years of age in the occurrence of vicious violent crimes should be applied to what penalty, in Hebei Handan, a 13-year-old junior high school student was killed after triggered people's attention again. Violent crimes against minors have this high incidence of social phenomena, the criminal law should be involved to what extent has become a social problem. China should explore a feasible way to balance punishment and education for juvenile crime and to realize the fairness and justice of the rule of law based on safeguarding human rights.

2. Brief Facts of the Case

In March 2024, a murder case of a minor in Handan City, Hebei Province, sparked widespread social concern. In this case, three underage middle school students brutally murdered their classmate, a 13-year-old junior high school student called Wang Mou. On the afternoon of March

10, Wang Mou was murdered by his three classmates and then buried in a vegetable shed. Wang's head and back have obvious wounds, a face which is severely damaged, obviously by the shovel on the body of the heavy trauma. The day after the crime, the local public security bureau to investigate. On the same day, the three suspects involved in the case (all minors over the age of thirteen) were arrested, and criminal coercive measures were taken according to law. Four days later, local police criminally detained three suspects for intentional homicide. After investigation, it was initially concluded that this was a case of premeditated crime. It is understood that the victim is suspected of long-term school violence. 2024 April 8, the Supreme People's Procuratorate by the law involved in the case of the three minor criminal suspects approved the pursuit of prosecution[1].

3. Analysis of Key Points

3.1. The Lack of family Education Leads to a Higher Risk of Juvenile Delinquency.

According to Judicial Big Data, from 2021 to 2023, of the violent crimes against minors adjudicated by the national trial authorities, 1,835 cases, or 22.94%, had defendants who were left-behind children; 556 cases, or 6.95%, had defendants from single-parent families; 223 cases, or 2.79%, had defendants from remarried families; and 19 cases had defendants who were orphans, or 0.24%. Many underage defendants lacked the necessary family education and care before committing their crimes[2]. Some studies have pointed out that there is a negative correlation between the level of parental care for children and the risk of minors committing crimes: the lower the level of parental care for children, the higher the risk of minors committing crimes[3]. It has also been pointed out that, in the early stages of a child's development, parent-child interaction between parents and children leads to the acquisition of daily skills and a preliminary sense of self. Conversely, serious neglect by parents of accompanying their children in their early development is likely to result in a distortion of the child's cognition, which leads to the inability of the child to form a healthy personality.

The lack of family education leads to the fact that during childhood, young people do not form a correct attachment with their families. They are resulting in their inability to form correct values under the guidance of their parents, and their low self-control ability, which can easily lead to criminal behavior. In this case, the suspects involved are all left-behind children, living with their grandparents for a long time. The lag in family education led to their low self-control ability, in which they could not get along with classmates correctly. From the early stage of the victim Wang Mou's confinement type of school bullying, they were gradually converted to punching and kicking, which led to the evil consequences of his brutal murder[4].

Looking back at the criminal history of the three minor offenders, the gap in family education cannot be ignored. Behind the extremely violent behavior is the parents' not raising them. The lack of proper guidance from family education during the juvenile period, when they should be accompanied by their parents the most, leads to their unsound personalities, poor empathy, indifference to other people's lives, and radical behaviors.

3.2. Lack of School Management as a Cause of juvenile Delinquency

School management is not strong enough, improper education methods are mainly reflected in the following points: Firstly, the lack of benign teaching methods and education, teachers failed to form a correct education concept. Resulting in their only focus on student performance, resulting in poor students who are neglected for a long period, can only give up, anorexia, dropout, and other undesirable phenomena. Secondly, the rule of law education is ignored, the school did not set up a special youth rule of law education system, many students have no concept of illegal and criminal behavior, and the rule of law literacy is extremely low. Thirdly,

there are loopholes in school safety management, the division of safety responsibilities between schools and relevant teachers is unclear, and the loopholes in school management cannot be detected promptly, leaving room for campus violence to flourish. Fourthly, little attention has been paid to the cultivation of moral education, with most schools blindly competing for advancement rates and achievement lines, seriously neglecting the cultivation of students' comprehensive qualities. Leading to the emergence of the phenomenon of emphasizing intellect over moral education, and moral education being reduced to a mere formality[5].

In this case, the victim Wang Mou has repeatedly been three suspects in the classroom in the labor room cabin near the toilet, once undetected extenuating circumstances, but many times undetected whether there is a school dereliction of duty suspected? School violence occurs in the school. If the school can not stop timely, who can help the victimized students to get rid of bullying?

In this case for the three minors behind the extreme cruelty and violence is its serious disregard for the rule of law, reflecting the lack of school rule of law education. A normal minor who has reached the age of thirteen should understand the serious consequences of intentional homicide and other serious crimes of violence. Under the deterrent of the law will not dare and not commit such crimes. However, in this case, the three suspects have no fear of committing murder and even dug a pit in advance to carry out a premeditated crime. The evil of the crime exceeds the general public's perception of the bottom line of the youth but also reflects the serious inadequacy of the rule of law and moral education in schools.

Finally, the victim's lack of access to help after being subjected to school violence is also incredibly distressing. If schools could set up a special department to prevent school violence or a platform to collect clues, do a good job of preventing and publicizing anti-school violence, and provide a way to help students who are troubled, then this tragedy may not have happened.

3.3. How Violent Crimes Committed by Minors Should Be Regulated

Regarding the occurrence of vicious crimes committed by minors at an early age, judicial practice in China emphasizes that leniency and severity should be combined and that leniency should be tolerated but not condoned. For malignant crimes committed by minors with deep subjective malice, cruel means, and repeated offenses, they cannot be educated but also punished by the law. The punishment is also a kind of necessary and special education.

3.3.1. Setting Strict Criteria for Filing, Reviewing, and Approving Cases

The filing, review, and approval of cases of serious violent crimes committed by underage minors should be based on solid evidence, factual foundations, and accurate legal evaluations[6]. In the case of extremely violent criminal acts committed by underage minors, the administration of justice in China should always adhere to the application of the most serious crimes, the most stringent standards of proof, and the most prudent approval and prosecution procedures.

In this regard, a four-step test-by-test procedure should be adopted. Step 1 is to test whether the perpetrator meets the age requirement and has unlawfully caused the death of a person or seriously injured a person by particularly cruel means, resulting in serious disability. In this case, the three underage suspects have all reached the age of thirteen, which meets the age stipulated in the law for the Supreme People's Procuratorate to authorize recourse to prosecution. Step 2: a comprehensive test of the alleged crime of the perpetrator, the behavior meets the elements of intentional homicide or intentional injury. In this case, the three minors met the constituent elements of intentional homicide when they killed the victim by brutal and violent means and then buried him in a pit. Step 3: Test whether the case meets the aggravating circumstances based on the circumstances before, during, and after the incident. In this case, the three suspects committed the act of intentional homicide involving a high degree of risk and

dug the pit twice to bury the body, which is a premeditated crime, and the harmful consequences caused by the act of intentional homicide were particularly serious. It should be considered an aggravating circumstance. Step 4: The judicial authorities, within the framework of the authorized recourse procedure and based on strict criminal policy orientation, test whether the case as a whole fully meets the substantive conditions[7].

In this case, the local Public Security Bureau followed up this case throughout. The three minors, suspected of intentional homicide, were transferred to the procuratorial authorities for authorization to file a public indictment based on sufficient evidence. The procuratorial organs strictly declared the case on a test-by-test basis, and the case was reported and approved by the procedure, effectively applying the provisions of Article 17, paragraph 3, of the Criminal Law of the People's Republic of China.

3.3.2. Setting a Reasonable Range of Criminal Penalties

Supreme People's Court issued a report that: Since the implementation of the Criminal Law of the People's Republic of China amendment (11) in March 2021, for minors who have reached the age of 12 and are not yet 14 years of age to kill and seriously injure, the court concluded a total of 4 cases of this type of 4 people. The perpetrator's age is between 12 and 13 years old, and the applicable penalty ranges from 10 to 15 years of fixed-term imprisonment[8]. It can be seen that, at present, in Chinese judicial practice, for minors who have reached the age of twelve but are not yet fourteen years old, the penalty range for sentencing is 10 to 15 years of fixed-term imprisonment. In this case, three minor suspects as a premeditated joint crime, gang murder of classmates behavior subjective malignant deep, cruel means of crime, social harm is very great. Whether the three can be sentenced to break through 10 to 15 years of imprisonment penalty is not known. However, according to the provisions of the relevant judicial interpretations, it is known that minors between the ages of 12 and 14 will not be sentenced to life imprisonment. Certainly, the three suspects will not be sentenced to more than a fixed term of imprisonment in this case.

In terms of the severity of criminal law penalties for violent crimes committed by minors in the various countries and regions concerned: In Germany, sentences for minors generally range from a minimum of six months to a maximum of five years, with a maximum of 10 years for minors who have committed a serious crime and who are liable to a sentence of at least 10 years' imprisonment under criminal law[9]. Under the Russian criminal code, minors can be deprived of their liberty for up to 10 years. In France, deprivation of liberty is the main penalty imposed on minors who have committed serious crimes. The penalty is divided into four levels depending on the gravity of the crime committed, with the highest level being life imprisonment and the lowest level being 10 years imprisonment. Japan's Juvenile Law stipulates that for juveniles under the age of 18, the maximum imprisonment is limited to life imprisonment. Meanwhile, for indeterminate sentences, the sentencing limit is 15 years[10]. In Taiwan, a province of China, the law stipulates that juveniles may not be sentenced to death, life imprisonment, or deprivation of public power, but may only be sentenced to fines, detention, probation, and fixed-term imprisonment, and juveniles may not be made to serve hard labor (i.e., mandatory work) to offset fines that cannot be paid[11].

On the whole, China's sentencing of minors to fixed-term imprisonment for serious violent crimes has stabilized at 10 to 15 years, which is basically in line with the mainstream international practice of applying penalties to juvenile offenders. The practice has shown that excessively heavy penalties do not serve as a good corrective measure for minors. For example, Japan's Juvenile Law provides that juvenile criminals can be sentenced to a maximum of life imprisonment. However according to statistics, under strict punishment, Japan's juvenile non-executive behavior, although the absolute number declined, the recidivism rate has always maintained an upward trend, in 2016 is still as high as 37.1 percent[12]. Therefore, China

should scientifically and reasonably set up a penalty range for violent crimes against minors based on fully grasping the actual development of juvenile crime, rather than blindly raising the existing penalties.

3.4. What Should Be Done to Prevent Violent Crimes Committed by Minors that Have Not Yet Occurred

3.4.1. Accelerating the Promotion of the Establishment of a Graded Intervention Mechanism for Minors at Fault for Crimes

Minors who commit criminal acts are often guilty of delinquent or seriously delinquent behavior before committing them. They gradually develop into criminals because they do not receive timely and effective intervention[13]. Therefore, it is necessary to activate our social correction system effectively. In the case of minors, we need flexible regulations to address their bad behavior, and serious crimes, and the setting of preventive measures. At the same time, it is necessary to tailor the training to the needs of the adolescent and to develop individualized training programs, to better adapt them to the needs of the adolescent in his or her studies and return to society[14].

3.4.2. Effectively Activating the Application of Big Data Technology in Juvenile Delinquency

China can make use of big data technology to analyze the laws and characteristics of juvenile crimes, formulating corresponding measures and strategies in time to combat juvenile crimes. The application can also be used to predict crimes in time, monitor minors in real-time, and realize accurate crime prevention. The advantage of applying big data technology lies in collecting all database resources for data mining and analysis. With the help of data mining technology, different powerful data models can be combined and used to predict future crimes for crime prevention. Judicial departments with the capacity to do so can make use of existing judicial databases to collect, analyze, and evaluate data on juvenile delinquency and build data models to effectively predict juvenile delinquency to prevent juvenile delinquency[15]. Advanced technologies such as cloud computing and artificial intelligence can also be actively utilized to achieve accurate prediction and prevention of juvenile crime[16].

4. Policy Recommendations and Solutions

Behind the violent crimes committed by minors, there are often a series of serious social problems. Such as families not raising them, schools not supervising them effectively, social security being insufficient, and the judicial system is not sound, which cannot be solved by lowering the minimum age of criminal responsibility again and again. The real solution to the problem requires the establishment of an all-around system framework suitable for the current situation of our country from the aspects of society, family, law, and the establishment of a long-term safeguard mechanism mainly based on education and punishment, supplemented by a safeguard system.

4.1. Legislation: Social Correction as a Means, Social Reintegration as a Goal

In dealing with minors with thinking and behavioral problems, legislators should consider whether to adopt punitive education or educational punishment. In other words, which is more important, education or punishment? This is the relationship between education for punishment and education for correction. By extension, which should take precedence, education or punishment? Which one should always be followed in the long-term future of justice, rather than being forced to adopt temporary means in response to a pressing need? From the general public's psychological point of view, showing off for a while can calm social anger and appease the victim's family. But from the legal point of view, what is called a more

stable criminal policy and criminal law needs. For the regulation and prevention of violent crimes committed by underage minors, lawmakers should maintain rationality and restraint, standing in the long-term perspective to consider the legislation of the forward-looking, developmental, protective, and punitive requirements. A legal governance system should be established, with the Criminal Law and the Criminal Procedure Law as its safeguards, and the Prevention of Juvenile Delinquency Law as its starting point. The victims of individual cases are certainly heartbreaking, but the punishment of violent crimes committed by minors can only be a means to an end, never the ultimate goal. How to let them return to society, rather than going back to crime again is the long-term problem that the law should consider. We should, based on criminal law and criminal policy considerations, establish and improve the early warning and graded intervention mechanism for minors with bad behavior, and form a system for the prevention of felonies by underage minors and collaborative governance. It is the direction and focus of future legislative efforts[17].

4.1.1. Revitalizing the Social Correction System for Minors

In China, when dealing with juvenile delinquency or minor violations of the law, there are two extremes: either no punishment or direct criminal punishment. In this regard, some scholars have pointed out that as far as juvenile justice in China is concerned, the biggest problem is not how to specify the age of criminal responsibility, but rather how to implement the issue of institutionalization or specialized education, and how to effectively implement non-custodial sentences[18]. The solution to truly preventing juvenile delinquency is to improve the graded prevention mechanism for juvenile delinquency, optimize corrective measures for juvenile delinquent behavior, enhance the self-control of minors, and ensure their effective integration into society.

4.1.2. Strengthening the Articulation of the Graded Prevention Mechanism for Juvenile Delinquency

The graded prevention of juvenile delinquency requires the cooperation and articulation of all aspects of society and should be based on practice, incorporating into the governance system promptly the mature systems that have been explored and feasible around the world, as well as the extra-territorial programs that can be drawn upon, to create a synergy of governance. On the one hand, the prevention and correction of juvenile delinquency is not a simple one-way flow but requires the closed-loop management of the entire process of family, school, society, and the judicial authorities. It needs to establish a joint prevention and control mechanism for juvenile delinquency to prevent the phenomenon of juvenile delinquency from occurring. For example, after a juvenile in trouble has received social correction, the relevant unit or community should take timely and effective measures to help him or her return to school or employment as soon as possible, return to normal life as soon as possible, and actively integrate into society. On the other hand, it is necessary to strengthen the synergy and consistency of the various aspects of governance; given the complexity of the causes of juvenile delinquency. The prevention and governance of such delinquency must ensure that the functions of the various aspects of governance are coordinated and mutually supportive. For example, in the process of social correction, the minor's performance should be reported promptly to his or her parents and the relevant authorities, while the visiting rights of the minor's parents or other guardians should be safeguarded. Enhance the flexibility of correction and the participation of all parties in society, and jointly help the minor to return to normal life as soon as possible[19].

4.2. Families: Implementing the Responsibility for Family Education and Effectively Guaranteeing Adolescents the Right to Education for the First Time.

Parents are their children's first teachers, and the transition from infancy to adolescence is an important period in the development of a child's personality. During this period, parents should

fulfill their guardianship duties and correctly guide their children to form a good outlook on life and values. From most of the cases mentioned above, it can be seen that many juvenile delinquent behaviors are inseparable from their long absence from parental supervision or serious errors in parental education. Parents do not raise their minor children, raise them without teaching them, and teach them improperly, which greatly enhances the possibility of such minors committing crimes. China should formulate relevant implementing regulations to give effect to the responsibilities of guardians outlined in the Law on the Protection of Minors and hold parents who fail to supervise their children, or who are unfavorable in their parenting, accountable for their corresponding legal responsibilities[20]. For example, the addition of the crime of a guardian's refusal to fulfill the duty of guardianship or negligence in fulfilling the duty of guardianship. As a result, if a minor has lost control of his or her guardianship and commits a felony, he or she shall be subjected to a criminal penalty[17].

4.3. Schools: Implementing School Management Responsibilities

4.3.1. Implementing Educational Responsibilities and Paying Attention to Students' Mental Health

The traditional old thinking of achievement-oriented schools should be abandoned. Schools should pay more attention to the cultivation of students' moral education, and strive to cultivate normal students with correct outlooks, morality, and law-abidingness. At the same time, schools should focus on the establishment of a perfect mental health guidance system, each school should be equipped with specialized psychological counseling teachers. If a student's mood is poor or behavioral abnormalities, schools should provide timely guidance measures to prevent students from finding the wrong outlet, resulting in bad consequences. At the same time, it should pay attention to the confidentiality of students undergoing psychological counseling, to avoid discrimination against students with psychological abnormalities and greater harm.

4.3.2. Enhancing the Construction of the Rule of Law on Campus

China should actively promote the accelerated implementation of the system of vice-principals of the rule of law in the area of preventing violent crimes committed by minors. It is recommended that the staff of the procuratorial organs at all levels serve as deputy principals of the rule of law in schools where minors are growing up, to facilitate the first-time solution of all kinds of problems in the schools. It is advantageous to understand in-depth the growing environment, living conditions, and state of mind of minors, to adjust the working methods of juvenile procuratorial work in a targeted manner. Correct minors within the precincts promptly, thus effectively enhancing the construction of the rule of law in schools[21].

4.4. Social Aspects: Improving Mechanisms for Controlling Dropouts

Relevant studies in China have shown that: The pre-crime delinquent behavior of juvenile offenders is significantly higher than that of ordinary students. Junior high school is a stage of high incidence of delinquent behavior among minors, with a positive correlation between delinquent behavior and criminal behavior[22]. The more education received during adolescence, the more noble the personal ambition, and the less likely the crime committed during this period[23]. For the nine years of compulsory education in China, schools are responsible for completing the education of students according to the regulations. If a student drops out of school, the school and the community unit are obliged to follow up until the student returns to school, and can contact the public security organs if necessary, to ensure that the student's right to education is effectively safeguarded. The likelihood of a student committing a crime is reduced when he or she receives an adequate cultural education and has a high level of literacy.

5. Conclusion

Violent crimes committed by minors occur from time to time and behind is the result of the combined effect of a series of social problems. To regulate juvenile delinquency, we must adhere to the policy that education is more important than punishment. Help these young people to return to the right path through the joint efforts of the judiciary, families, schools, and society. At the same time, we must do a good job of publicizing the rule of law for minors in society as a whole. Forming a good social atmosphere for the prevention of juvenile delinquency. Working together to ensure the healthy growth of minors.

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