

# **Creating a New Pattern of Education and Management for Juvenile Delinquents in the Trinity of Punishment, Correction and Prevention**

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**Abstract:** The concern of juvenile delinquency is a special subject when studying juvenile education. Juvenile delinquency prevention and education management are not only related to the healthy development of teenagers, but also related to the long-term social stability. For juvenile delinquency, it is necessary to take the trinity of punishment, correction and prevention. The particularity of juvenile delinquency means that the particularity of juvenile group must be considered in punishment, correction and prevention. This work mainly discussed how to construct a new pattern of education and management for juvenile delinquents in the trinity of punishment, correction and prevention. Based on the clear concept, characteristics and complex causes of juvenile delinquency, it is divided into three dimensions of punishment, correction and prevention to conduct in-depth discussion on education and management. Consequently, the group particularity of teenagers runs through the research. It is hoped that establishing a new pattern of education and management for juvenile delinquents can bring new reference for legal construction, and effectively avoid the risk of juvenile delinquency and recidivism.

Teenagers are the future of the motherland and the hope of the nation. The education and research of teenagers have attracted much attention, and the research on juvenile delinquency education is a relatively special and heavy topic. The acceleration of social transformation and network construction and the continuous adjustment of various interest distribution patterns have also led to some social contradictions [1]. On the other hand, diversified cultural and ideological impact will inevitably lead to psychological confusion and cognitive confusion among teenagers, which will lead to abnormal development of teenagers and accompanied by various criminal behaviors. Therefore, we have to pay attention to it. From "Chongqing girl's infanticide case" to "Dalian boy's homicide case", all of them ring the alarm of juvenile delinquency education. It is urgent to study the prevention and management of juvenile delinquency [2].

## **1. Juvenile Delinquency**

### **1.1. Definition of juvenile delinquency**

Juvenile delinquency is not a concept in strict legal sense, but a concept often used in criminology research and real life. In China, juvenile delinquency generally refers to the crimes committed by juveniles and adults over 14 years old and under 25 years old. According to the statistics of juvenile delinquency in criminal cases, the number of juvenile delinquency in China has declined steadily for many years, and has risen again in recent years since 2000. The types and means of crime are more complex and diverse.

### **1.2. Characteristics of juvenile delinquency**

#### **1.2.1. The subject of crime is younger**

Article 17 of China's "Criminal Law" stipulates that a person who has reached the age of 16 shall bear criminal responsibility for a crime. If a person who has reached the age of 14 but not the age of 16 commits intentional homicide, intentional injury causing serious injury or death, rape, robbery, drug trafficking, arson, explosion or poisoning, he shall bear criminal responsibility. A number of cases in recent years show that juvenile delinquency shows the characteristics of younger age. The

"matricide of a sixth-grade boy" in Hunan province in 2018, involving a 12-year-old boy, and the "murder of a 10-year-old girl by 13-year-old boy" in Dalian in 2019, were all juveniles under the age of 14.

### **1.2.2. Criminal psychology becomes adult**

Throughout the juvenile delinquency cases, there is a more prominent feature is "young mature". They are characterized by premeditation before the crime and calm after the crime, and even have a certain anti-detection ability. Accordingly, the 13-year-old boy in Dalian did not panic after committing the crime. Instead, he watched the police solve the case in front of his own window, and even went to the scene to watch after the girl's body was found. Although they are young, their criminal psychology is obviously "adult".

### **1.2.3. Socialization of family problems**

In the cases of juvenile delinquency, another obvious feature is the socialization of family problems. In other words, the process of juvenile delinquency is the process of accumulation and outbreak from family problems. The problem family does not necessarily educate the problem children, and yet the problem children must come from the problem family. The 13-year-old boy in Hunan killed his parents due to his parents overindulged him. The matricide of a 12-year-old boy in Hunan was due to his lack of discipline [3]. The father of "Chongqing girl's baby fall incident" claimed that he and his wife usually beat and scold their daughter, which had an impact on her character.

### **1.2.4. Repetition of juvenile delinquency**

Young people are in the active period of thought formation. They have strong plasticity in thought and are easy to be interfered by the outside world. As the old saying goes, "if the grass grows in hemp, it will be straight without help, and the white sand will be black in the black soil". The formation of young people's bad views will be very fast, and the same will change quickly. Many young people feel that this is their first and last crime when they commit a crime for the first time. However, they are constantly wandering on the road of crime due to this idea, leading to the road of repeated crimes.

## **2. Analysis on the Causes of Juvenile Delinquency**

### **2.1. Adolescent's physical and mental development is immature and unbalanced**

Some teenagers are poor in their own quality and have poor ability to resist bad influences or temptations. Under the influence of incorrect outlook on life and values, they are unwilling to engage in labor within their ability, and become idle people or jobless vagabonds. These young people are relatively naive in psychology, have no legal concept, and even some have personality defects. When their daily life needs are not met and their personal dignity is not respected, they are easy to make mistakes and commit criminal acts if provoked by others or stimulated by words. The imbalance of physical and mental development is more obvious in the youth group. Some teenagers' physical conditions, such as height, weight, sexual function, etc., have basically reached the standards of adults [4]. However, their intelligence level, personality characteristics, self-consciousness, etc., are still in a relatively naive stage. This imbalance leads to the increase of the crime probability at the whole youth level.

### **2.2. Imbalance of parents' concept**

The deviation or defect from family education concept is the basis of forming children's bad personality. There are mainly several situations: first, some parents have limited educational level, do not master some methods and skills of educating their children, and they are not willing to learn at ordinary times. If they find problems with their children in their life, they will not guide them correctly, and they will only hit them. Second, children unconsciously develop bad habits in their daily lives. Parents do not have time to educate their children when they are young and do not start

from early education. When parents find out, they want to manage but find that they cannot manage it. Third, some parents lose their confidence in their children, do not care about their children's study and life, do not conduct regular ideological communication, are unwilling to manage their children, and choose to follow their own way of management. Fourth, some parents have a bad relationship or even divorced. After divorce, parents can't take care of their children for their own life, resulting in no one in charge of the children. Some children even run away from home and wander in the society. Fifthly, some parents' own misconduct makes their children imitate and often do some petty things. Some parents even often fight with each other, which directly affects their children [5].

### **2.3. Deviation in school education**

In fact, China has already established the education policy of "morality, intelligence, physique, beauty and labor" in an all-round way. However, there are still many schools which pursue the enrollment rate unilaterally. Under the enormous study pressure, teenagers are lagging behind the physiological psychological maturity, which is even more crisis. Schools still attach great importance to intellectual education and neglect moral education. In order to pursue the enrollment rate, some schools put aside the legal and moral education. Although legal knowledge and ideological morality courses have been set up in the curriculum, they are often diverted to cultural tutorial courses because teachers do not pay attention to them. Even if they are given once in a while, they are lack of innovation and attraction, leading to the situation that teachers do not want to teach and students are not willing to learn. On the other hand, some young people's views on right and wrong, honor and disgrace are not strong due to the limitations of knowledge and values. The concept of good and evil is not grasped accurately, and the boundary between right and evil, good and evil is not clear.

### **2.4. Affected by social growth environment**

The rapid development of market economy has promoted the overall progress of China's economy and society, and China's material civilization has been greatly improved. However, there have been some unhealthy tendencies with regard to spiritual civilization, such as hedonism, extravagance, money worship, etc. Social unhealthy phenomena, such as forgetting justice for profit, cheating, etc., have occurred from time to time, forming a lot of bad social ethos. Teenagers are at a critical stage in the formation of outlook on life, values and world outlook. If the guidance is not good, it is easy to take the road of illegal crime. For example, the "yellow pollution" in the cultural market affects the healthy growth of teenagers [6]. Another example is the "black pollution" of violent crimes with underworld nature, which disturbs the social atmosphere. Even if the positive legal education is too specific and detailed picture description or crime means analysis, it is easy for some teenagers to learn to imitate and even repeat the old tricks, which will harm the society again.

### **2.5. Judicial constraints**

There are still some issues in China's criminal procedure system and its implementation. For example, there will inevitably be some "extorting confessions by torture" in the process of implementing the criminal procedure law. Also, there is no effective way to avoid the phenomenon of "difficult to meet lawyers" and "extended detention". It may cause some juvenile delinquents or suspects to be treated unfairly, produce rebellious psychology, and finally produce resistance or even hostility to the society, leading to their crime again. Another example is the risk of "cross infection" in the reform process in prison. As a place for reform and re-education, the "cross infection" effect of prison on juvenile delinquents is more obvious. Teenagers are less resistant to outside influences and more imitative, and thus they are more susceptible.

### **3. Constructing a New Pattern of Education and Management for Juvenile Delinquents in the Trinity of "Punishment, Correction and Prevention"**

#### **3.1. Punishment of juvenile delinquents**

On the one hand, juvenile delinquents should be tried properly. In the trial, it should pay attention to the use of inspiration and persuasion, and select the "probation point". Some juvenile delinquents are cold shouldered in family, school and society, and they are isolated and have low self-evaluation. They think they are "abandoned people". They are cold, suspicious, disgusted and antagonistic to everyone except their accomplices. For a long time, some juvenile delinquents have been living in a relatively favorable living environment, and they are spoiled and spoiled by their parents. They are the "little sun" at home and the "little bully" outside, and are willful, arbitrary and reckless. After being arrested, especially after receiving a copy of the indictment, many juvenile delinquents are afraid of a heavier sentence, lose confidence in their future, and are pessimistic and disappointed. During the interrogation, some of them turned pale, or they spoke incoherently and did not answer the questions. Others refused to answer the questions because of emotional opposition. In view of these psychological obstacles, "juvenile court" organically combines trial and pre-trial education on the premise of not violating the criminal procedure law basic principles. In the trial, the "proximity law" is adopted (i.e., judges and juvenile delinquents face to face to talk, to shorten their psychological distance with the judges) [7]. It should pay attention to the "accessibility" and "acceptability" in the educational methods and contents, and pay attention to the gentle tone of questioning, and pay attention to the inspiration and persuasion, thus urging them to consciously account for the criminal facts and accept the trial. In the trial, it is necessary to select the "probation point" (i.e., avoiding the most sensitive, taboo and disgusting topics, choosing the most effective way to stimulate their memories of the important events, and arousing their emotional resonance, thus educating and influencing them in a way that is more acceptable to them). For example, sympathy for the unfortunate experience of juvenile delinquents (broken families, parental discrimination, school dropouts from childhood, lack of warmth) is taken as the starting point of educational reform. First, it should communicate with them and then enlighten them to master their own life path. Pessimism, disappointment and self abandonment are unambiguous performances, thus arousing their self-esteem and sense of responsibility to their families and society. For juvenile delinquents who are deeply concerned by their families, their father's love or mother's love is regarded as the "probation point" to urge them to review their parents' upbringing, thereby arousing their sense of guilt. Juvenile delinquents should also be educated on their psychological endurance to accept punishment and put into reform through labor. Some young criminals think that they can be released to go home if the crime facts are made clear. They even naively propose "let me go back for the Spring Festival". Some of them think that they are juvenile delinquents in any case, and the government will deal with them lightly. They are not prepared for the possibility of heavy punishment. "Juvenile court" analyzes the crime according to the different situations of each juvenile delinquent, so that they can understand the harm of their behavior to the country, society and victims. Starting from legal education, it guides them to compare their behavior with the criminal law and understand the truth that they should be punished accordingly.

On the other hand, it should correctly grasp the principle of lighter punishment and mitigated punishment according to law, and do a good job in punishing juvenile delinquents. The reason of juvenile delinquency has certain particularity, and it is easier for adult criminals to accept reform. In the trial practice, the "juvenile court" should strictly follow the "Criminal Law" and the central government's policies, and adhere to the principle of combining punishment with education. It is necessary to prevent the phenomenon that the sentencing of juvenile delinquents is not different from that of adult delinquents, or that all juvenile delinquents are punished lightly. Based on the severity of juvenile delinquency, subjective malignant size and reform needs, it should be strict and lenient, and pay attention to the social effect of punishment. Heavier punishment shall be given to those who have committed serious crimes, bad circumstances, poor attitude to plead guilty, as well as the first and principal criminals of criminal groups [8]. For a small number of first, occasional or

accomplice criminals who surrender themselves to the police, have performed meritorious service in the prosecution, and have committed ordinary crimes with relatively minor circumstances and a good attitude of confession, they shall be given mitigated punishment according to law. Those who meet the conditions of public control, suspension of criminal detention or suspension of imprisonment, and have favorable social and family environment for transformation, shall be sentenced to public surveillance, probation of criminal detention or suspension of imprisonment according to law, and reform shall be carried out by relying on social forces.

### **3.2. Correction of juvenile delinquents**

Youth correction is mainly community correction, which is also called "prison without walls". The juvenile delinquents who meet the correction conditions should be placed in the community of their own family life to accept punishment and correction, and their smooth return to society should be promoted. On the one hand, the concept of people-oriented law enforcement should be highlighted. Socialism with Chinese characteristics has entered a new era, and the ruling concept of "people-oriented" has been constantly infiltrated. The implementation of community correction system itself is the transformation result of human penalty concept. "People-oriented" shows the value of community correction. Through all-round social support network, it should always put "people" in the first place to create a good human environment for community correction. Apart from the intervention of specialized correctional workers, improving the participation of the society is of great help to juvenile correction (i.e., it should fully mobilize all possible resources, including families, schools, communities, units and organizations, and help juvenile delinquents better adapt to the society). For example, it should combine the characteristics of teenagers in the new era, adopt the way that they are more willing to participate and the content that they are more interested in to carry out the correction work when communicating with juvenile delinquents. For instance, it is necessary to enhance the awareness and participation of the masses, let the people understand the community correction through various channels, and gradually support and cooperate, thus creating a good atmosphere for community correction for teenagers. The different correction objectives, programs and plans should be adopted according to different people and different crimes, and the targeted community correction project suitable for the special needs of individual cases should be established. In addition, it should pay attention to the process of psychological counseling for juvenile delinquents, and guide their personality and life psychology to develop in a healthy direction through professional psychological counselors. On the other hand, the correction methods should be innovated. The correction ways should keep pace with the times, and the various activities in a targeted way should be carried out according to the new characteristics of the youth in the new period. Based on various factors such as the growth experience, family background, family relations, personality characteristics, etc., differentiated and individualized correction cases are formulated to enable them to return to the society and serve the society as soon as possible. In particular, psychological counseling and correction should be strengthened to reshape healthy psychology. They are helped to establish a correct world outlook, outlook on life and values, return to society as soon as possible and reshape their beautiful life. Also, carrying out vocational and technical training, encouraging self-employment or recommending correction is a very important part of psychological correction, thus helping adolescents with correction establish confidence and courage in life, which is exactly what we lack most in the correction system.

### **3.3. Prevention of juvenile delinquents**

The first is family prevention. The original family plays a decisive role in the formation of one's habits, character and personality. Good family education is particularly important for the healthy growth of teenagers. Therefore, parents should be the first teachers for their children. First, the "threshold" of parents' access needs to be raised. In order to prevent juvenile delinquency, it is suggested that relevant government departments should carry out education and training for couples of child-bearing age, invite relevant experts to impart parenting knowledge to them, improve their skills and skills in raising children, and enhance their sense of responsibility in educating children. At the same time, the corresponding assessment is carried out, and the "birth permit" is issued after

the assessment is up to standard. Second, it should do the best to fulfill the duty of guardianship. As a guardian, he shall perform the duties and obligations of the guardian, protect the personal safety of the guardian, and fulfill the obligations of raising and educating the minor children. Children should not be allowed to develop freely. Third, a correct educational concept should be established. Parents should always put "moral education" in the first place, pay attention to the all-round development of children's "morality, intelligence, physique, beauty and labor", and should not unilaterally pursue academic achievements and neglect children's physical and mental health. Fourth, it should pay attention to correct education methods. It is the normal psychology of parents to expect their children to be successful. Parents tend to adopt wrong educational methods under the driving of this psychology, which eventually leads to educational failure. Therefore, the education method is very important, which is a compulsory course for every parent.

The second is school prevention. Active and effective school education plays an important role in developing teenagers' personality and psychology. School education should not only impart basic cultural knowledge, but also carry out comprehensive quality education for students. First, it should adjust the educational concept. Guided by the Party's educational policy in the new era, it should fully fulfill the fundamental task of "cultivating people with moral integrity". Establishing a correct education concept can promote the reform of education system and reverse the current situation of attaching importance to teaching and neglecting education. Second, the rule of law education should be strengthened. Due to the fierce competition in higher education, schools pay more attention to knowledge education and ignore legal education, which leads to the one-sided and utilitarian situation of school education. Accordingly, schools should pay more attention to the rule of law education [9]. The rule of law education should be regarded as one of the important contents in school education, and law popularization courses and related lectures should be set up in an all-round and multi-level way. Consequently, teenagers have a certain legal consciousness, know the seriousness of illegal crimes, and consciously abide by the laws and regulations. Third, physical training should be strengthened. Teenagers are the peak period of a person's body shape and physiological function development. Teenagers need to carry out reasonable physical exercise regularly, which can not only obtain healthy physique, but also obtain psychological satisfaction and improvement of social adaptability, thus promoting their physical and mental health development.

The last is social prevention. The third article of the "Law on the Prevention of Juvenile Delinquency" stipulates that the prevention of juvenile delinquency shall be carried out under the leadership of the people's governments at all levels. Relevant government departments, judicial organs, people's organizations, relevant social organizations, schools, families, urban residents' committees, rural villagers' committees, etc., shall participate in the joint efforts to prevent juvenile delinquency, and create a good social environment for their physical and mental development. First, the implementation of responsibilities should be strengthened. The prevention of juvenile delinquency is a long-term and arduous task that needs to face the whole society, which is the common responsibility of the whole society. Governments at all levels should ensure that all measures for the comprehensive management of social security are implemented in an all-round way both organizationally and institutionally, thus shouldering the responsibility in preventing juvenile delinquency. Second, it should vigorously promote the rule of law. With the continuous development of the country's rule of law construction, government propaganda departments, including all kinds of news media, have made full use of various propaganda tools under the guidance of the five-year law popularization plan [10]. It should take various forms and channels to publicize all kinds of legal knowledge, constantly improve the legal literacy of the whole people, and offer a good legal environment for the growth of teenagers. Third, it should purify the environment of entertainment places. In adolescence, the individual thought is relatively simple, and the will is also relatively weak. Similarly, the ability to distinguish right from wrong is poor, and it is easy to be affected by the bad external environment. Therefore, the environment of entertainment places is closely related to the healthy growth of teenagers. Relevant government departments should focus on rectifying entertainment places and cultural markets, purify the

atmosphere of entertainment places, jointly supervise and maintain good order of entertainment places, and strictly prevent the "pornography, gambling and drugs" from corrupting young people.

#### **4. Summary**

There are many reasons for teenagers to commit crimes. There are internal factors for their own physical and mental growth, as well as external factors such as living environment, which are the result of combining internal and external reasons. Juvenile delinquents are only a small part of the majority of young people, and thereby it is necessary to punish, educate and save them. Every family, every school and the whole society should mobilize to form a strong joint force, and attach great importance to juvenile delinquency. Also, they should take active and effective actions to deal with juvenile delinquency comprehensively. More importantly, it is necessary to find the right direction in the process of formulating countermeasures to prevent juvenile delinquency, improving the effectiveness of juvenile delinquency re-education and reducing the rate of juvenile delinquency. Consequently, the theoretical system and practical methods of preventing and reducing juvenile delinquency should be established.

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