

# Reasons for the Necessity of Revising Laws on Preventing of Juvenile Delinquency Based on the Application Multiple Streams Model

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## ABSTRACT

In recent years, the steady rise in juvenile Delinquency cases has raised concern in various social groups, prompting calls to amend the Law on the Prevention of Juvenile Delinquency. On October 21, 2019, the Law on the Prevention of Juvenile Delinquency(Draft) was submitted to the 14th meeting of Standing Committee of the 13th National People's Congress. This paper uses the multiple streams model to discuss the reasons why amendment of the Law on the Prevention of Juvenile Delinquency entered the policy agenda. The results show that the Law on the Prevention of Juvenile Delinquency (Draft) put on the policy agenda is the result of the convergence of problem stream, politics stream and policy stream. Under the synergistic influence of these three aspects, the window of opportunity opened. In addition, with the promotion of policy entrepreneurs, the Law on the Prevention of Juvenile Delinquency (Draft) was put on the policy agenda.

**Keywords:** *The Law on the Prevention of Juvenile Delinquency in China, the multiple streams model, policy agenda, policy entrepreneurs, policy window*

## 1. INTRODUCTION

The 1999 promulgated Law on the Prevention of Juvenile Delinquency has played a positive role in the prevention of juvenile delinquency and reduced the crime rate effectively[1]. However, with the rapid development of China's economy and society, juvenile delinquency is taking new forms. On October 21, 2019, the Law on the Prevention of Juvenile Delinquency(Draft) was submitted to the 14th meeting of Standing Committee of the 13th National People's Congress. On the morning of October 26, the 14th meeting of Standing Committee of the 13th National People's Congress held a group meeting to consider the revised draft. This amendment was the first big adjustment of the law since its promulgation in 1999. However, the social problems of juvenile delinquency have existed for a long time, and criminal incidents happen from time to time, so why is this Law considered for revision twenty years later? Why is this social issue put on the policy agenda and become a policy issue? This paper will analyze it from the perspective of the multiple streams model and attempt to explain why the revision of the Law of Prevention of Juvenile Delinquency to put on the policy agenda.

## 2. METHODOLOGY

### 2.1 Overview of multiple streams model

Kingdon (1984) made a scientific discussion on the core

link of the public policy process, agenda establishment and public policy formation, and put forward the analysis framework of "multiple streams", which is also the most comprehensive model that describes policy agenda establishment so far[2]. The multiple streams model is based on three kinds of information streams, namely problem stream, policy stream and political stream.

Problem stream is composed of objective problems existing in society. It explains why politicians focus on one social issue rather than another. If some social problems are particularly urgent and important, policy makers will pay attention to them[3]. Problems often attract the attention of politicians through a series of indicators, a series of major events or focus events, and feedback information obtained from current projects. Policy stream is a process in which experts put forward policy opinions and policy programs. It includes various suggestions on policy issues. But if these suggestions are to be preserved and accepted by policy makers, they must meet several conditions, such as technical feasibility, conformity with leading values, public acceptance, etc. Politics stream refers to the influence of some political factors on problem-solving solutions, including public sentiment, competition among pressure groups, change of administrative or legislature organs, etc. If the potential agenda is consistent with the general public sentiment, supported by interest groups, and in line with the awareness of the executive or legislative bodies, it will often gain a more advantageous position[4].

The three streams run independently according to their respective mechanisms. And the window of opportunity is opened by coupling of them. However, its opening time is relatively short, and politicians need to seize the

opportunity. It also can not success without the positive effect of policy entrepreneurs. Successful policy entrepreneurs will greatly increase the possibility of social issues entering the policy agenda.

Since its birth, the multiple streams model has become an indispensable tool for policy analysis because of its powerful explanatory power. It has been widely used in the policy analysis process of different countries at home and abroad. Tierman and Burke (2002) applied it to the Australian housing policy making process and analyzed the loose and complex elements of the policy agenda[5]. Zahariadis and Allen (1995) analyzed the privatization process of Britain and Germany with the help of the multiple streams model, and expanded its application scope[6]. There are also many applications of the model in China. They mainly focused on two major paths. One is the introduction and review of the model, the other is the practical use of the model and its local study in China. In terms of the introduction and review, Qian Zaijian (2007) introduced this model in his work *Modern Public Policy*. Zeng Lingfa (2007) also comprehensively evaluated it, and expounded its inspiration on China's policy-making[7]. In terms of the practical use of the multiple streams model and its local study in China, He Huabing (2010) introduced the applicability of the model in China[8]. Wen Hong and Cui Tie (2014) optimized and supplemented the model[9]. Scholars tend to study the practical application of model. Based on the multiple streams model, Bai Bicheng (2010) constructed the dynamic model of China's policy change[10]. Also, many scholars use the framework of the multiple streams model in policy analysis. Long Xiaomei (2015) interpreted two-child fertility policy[11]. Zhang Jian (2014) analyzed the mechanism of attending college entrance examination in other cities[12].

## ***2.2 Applicability analysis of multiple streams model***

From a theoretical point of view ,the multiple streams model has more explanatory power in the policy agenda setting process of this paper than agenda-setting theory, the garbage can model and the trigger mechanism model. Bernard Cohen's agenda-setting theory emphasizes the key role of the media in policy agenda setting. Problems have gone through media agenda and public agenda and then entered the government agenda. James March, Michael D. Cohen and Johan. G. Olsen put forward the garbage can model, which affirms the role of irrational factors and accidental factors in the decision-making process. And Larry N. Geston's trigger mechanism model emphasizes the triggering effect of focus events on agenda setting. However, the multiple streams model integrates three streams, accidental events and actors to analyze the setting of policy agenda. It emphasizes the diversity of influencing factors of agenda setting, rather than one-sided emphasis on the leading role of one factor.

Analyzing the policy agenda setting process of the Law on

the Prevention of Juvenile Delinquency (Draft) from a multiple streams perspective can clearly explain the impetus for the amendment of the law, factors affecting agenda setting, the performance that these factors influence the decision makers, and the process that the policy comes out. From the perspective of social environment, the degree of democratization in China has been significantly improved after the reform and opening up. The rapid development of the network and the popularity of new media have broadened the channels of citizens' political participation. China's public policy gradually let the public opinion participate in. What is more, one of the premises of the multiple streams model is the political system with certain openness and diversity. The current Chinese social environment provides suitable conditions for the application of the multiple streams model.

In terms of domestic research, the multiple streams model, which is a exotic product of policy research, has attracted extensive attention of scholars and has been used by them to analyze the policy agenda of public policy in various fields in China. The research mainly focuses on the revision of the multiple streams model itself, the analysis of policy issues by using the multiple streams model, and the application of the multiple streams model to study systems. The research content involves environmental governance, education, housing, college entrance examination, food safety, social security and other fields. And it focuses on the stages of policy agenda setting, policy formulation, policy change and policy termination. These research results prove that the multiple streams model has strong explanatory power in the study of policy in China.

Since the birth of the multiple streams model, it has gradually become an indispensable tool for policy analysis, and has been widely used in the policy analysis process of different countries at home and abroad. However, no scholars have applied it to the analysis of the policy agenda of the Law on the Prevention of Juvenile Delinquency (Draft). This paper will analyze it to supplement the practical application of the multiple streams model in China.

## **3. PROBLEM STREAM ANALYSIS**

In China, cases of juvenile delinquencies occur every year. Yet in recent years, a number of juvenile crimes have attracted public attention and become the focus events.

### 3.1 Index reflecting juvenile delinquency

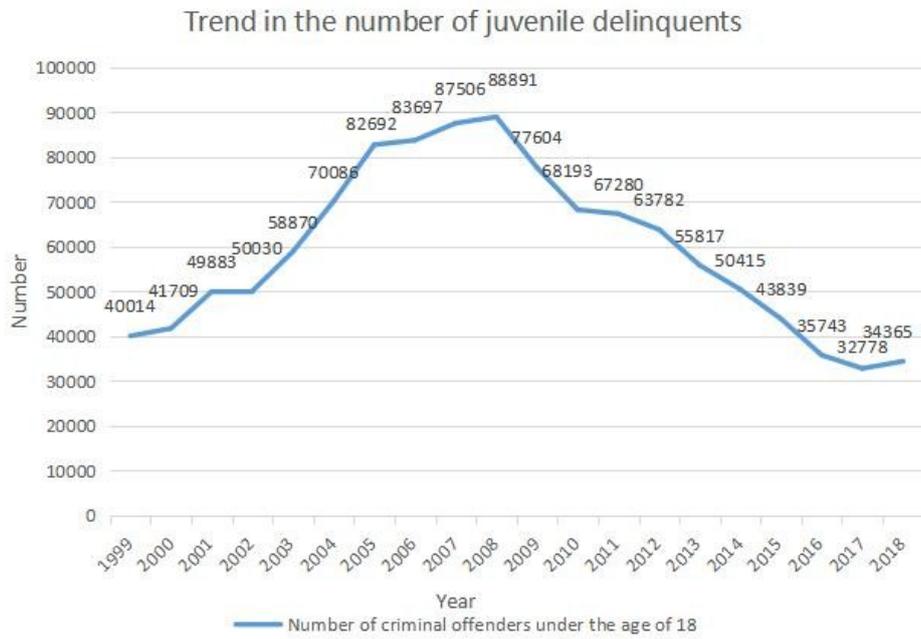


Figure 1. Trend in the number of juvenile delinquents from 1999 to 2018 [13].

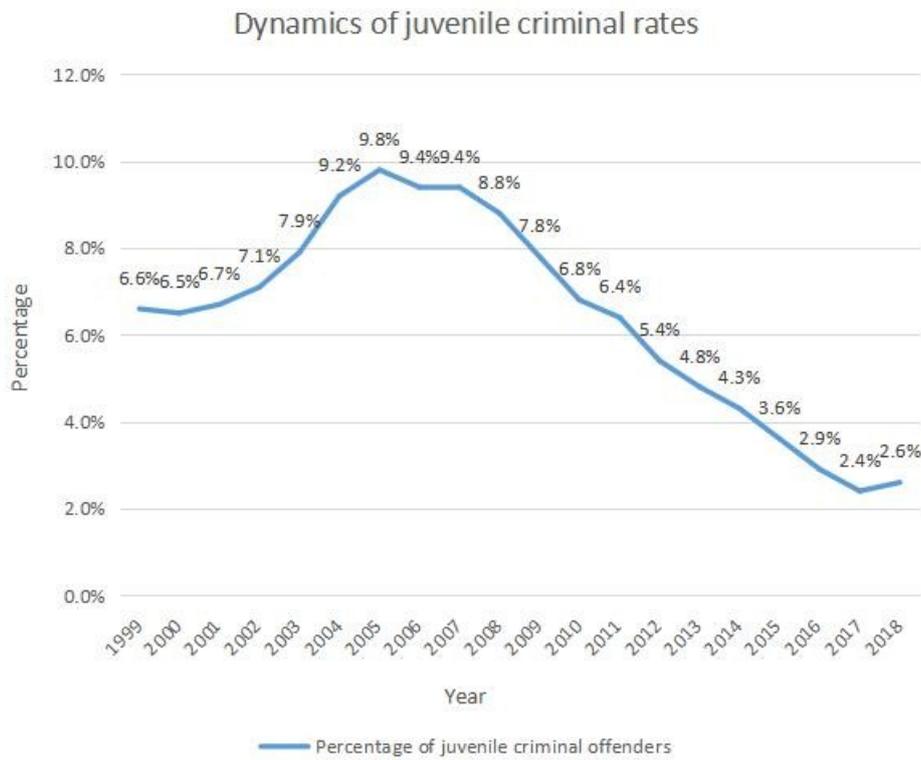


Figure 2. Proportion of minors in criminal offenders from 1999 to 2018 [13].

As Fig. 1 shows, the number of juvenile delinquency in China shows a trend of declining year by year after a rapid growth. At present, the growth momentum of the number of juvenile delinquency in China has been effectively curbed. According to the data published by the National Bureau of statistics, from 1999 to 2008, the number of juvenile delinquents increased rapidly. And from 2009, the number of juvenile delinquents decreased year by year. According to Fig. 2, the proportion of minors in criminal offenders has increased since 2000 and decreased since 2006. This is an important achievement of the continuous promotion of the rule of law in China, and it is a full embodiment of improving the prevention and relief of juvenile delinquency. However, it can not be considered that juvenile delinquency has been effectively

controlled in China. One of the reasons for the decline in the proportion of juvenile delinquents is the increase in the total number of criminal crimes[14]. At present, the number of juvenile delinquents each year is still roughly the same as that in the early 1990s. Considering the decrease of the total population of minors, the actual situation of criminal legislation and the change of criminal policy, the situation of juvenile delinquency is still not optimistic. For example, in recent years, China's criminal policy of juvenile delinquency emphasizes leniency, and many juvenile criminals are shunted before trial. Moreover, there is a big gap between the improvement of juvenile delinquency and the citizens' feelings of juvenile delinquency

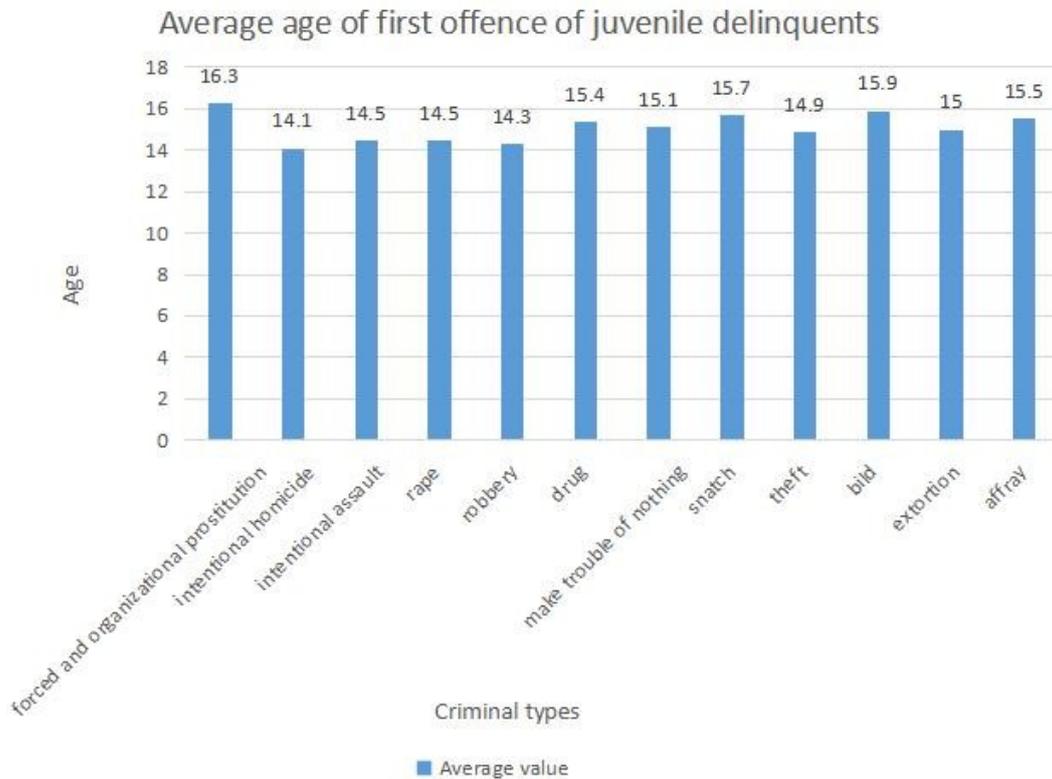


Figure 3. Average age of first offence of juvenile delinquents in 2017 [15].

In terms of the age structure, juvenile offenders are mainly aged between 14 and 16. According to the survey data in 2013, the average age of juvenile delinquency is 17 years old, while the survey data in 2017 shows that the average age of juvenile delinquency is 16.6 years old. It shows the trend of younger criminal age. As shown in Fig. 3, the average age of first offence of intentional homicide is

14.1 years old. The average age of the first offence of robbery is 14.3 years. Also, the average age of the first offence of intentional assault and rape is 14.5 years. The problem of juvenile delinquency in China is serious. The situation of juvenile crime has become serious with a continuous tendency of younger age.

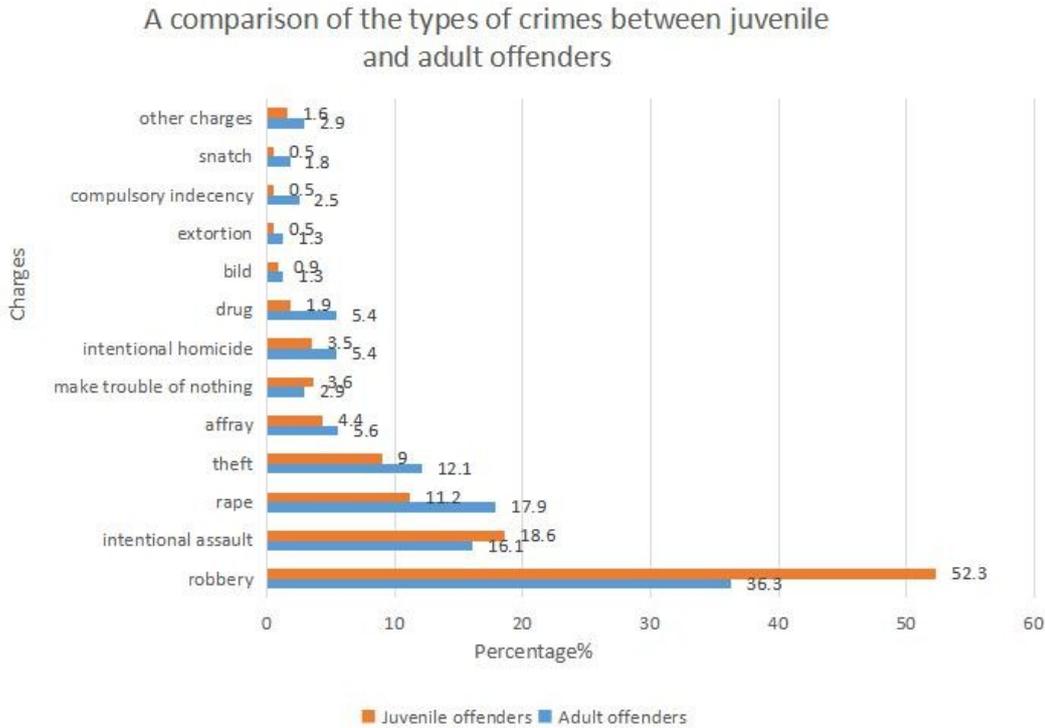


Figure 4. A comparison of the types of crime between juvenile and adult offenders in 2017 [15].

As shown in Fig. 4, in the juvenile crime cases, the proportion of robbery, intentional assault, rape, theft and affray ranked in the top five, which shows that the majority of juvenile crime cases are violent crimes. Compared with adult crimes, juvenile crimes are more serious in terms of violent crimes. Taking the data of 2017 as an example, the proportion of juvenile delinquents commit robbery is with 16 percentage points higher than that of adult delinquents. 18.6% of juvenile delinquents committed intentional assault, which is 2.5 percentage points higher than that of adult delinquents. According to the survey data, the types of juvenile crimes are concentrated, mainly the violent crimes and the property violation crimes. This is related to the physical and mental characteristics of juveniles. Juveniles are in the process of growing up physically and psychologically. They have weak judgment ability of right and wrong and low self-control ability. Their criminal behaviors show obvious impulse and violence.

According to the above analysis, due to the influence of objective factors such as social changes, the development of the network and the changes of minors' physical and mental maturity, juvenile delinquency shows new characteristics such as the trend of lower-aged and violence. The Law on the Prevention of Juvenile Delinquency plays an important role in the prevention of juvenile delinquency in China. With the continuous improvement of China's legal system, and in order to improve the prevention of juvenile delinquency, it is necessary to effectively improve the Law on the Prevention of Juvenile Delinquency and timely adjust some of its provisions.

### 3.2 Focus event

At about 9:00 p.m. on December 2, 2018, in Sihushan Town, Yuanjiang, Hunan Province, a 12-year-old boy named Wu killed his mother with a knife at home. Because he was dissatisfied with his mother's strict discipline and was struck by his mother. Afterwards, the boy did not feel any remorse or fear. Instead, he said, "I killed no one else. I just killed my mother." At about 18:40 on December 31 of the same year, Luo, a 13-year-old student in Hengnan County, Hunan Province, used a hammer to hit his parents and escaped the scene. After full rescue, his parents died due to the injury. Also, On October 20, 2019, a 10-year-old girl in Dalian was stabbed to death by a 13-year-old boy seven times in a row before being dumped in the greenbelt of the community. However, the juvenile did not reach the legal age of criminal responsibility, which is 14. Therefore, the judicial organs did not pursue his criminal responsibility, and he would have a detention.

The cases drove the rapid growth of public attention to juvenile delinquency, and how to prevent and avoid juvenile delinquency became a hot topic. A focus event undoubtedly plays an important role in the process of social issues being put in the policy agenda. Under the influence of the focus event, all the problems related in the society will be connected with this event in an instant, which makes the decision-makers realize the seriousness of the problem. The cases above are the focus events to promote the revision of the Law on the Prevention of Juvenile Delinquency to the policy agenda. In addition, there have been many cases of juvenile delinquency before

the occurrence of this case. At this time, the problem of preventing juvenile delinquency is presented in front of the government, which needs to be solved urgently.

#### **4. POLICY STREAM ANALYSIS**

To prevent juvenile delinquency, experts, scholars and the media have put forward many opinions and suggestions, which have provided policy makers with alternatives before the revision of the Law on the Prevention of Juvenile Delinquency comes into being.

##### ***4.1 Suggestions of experts and scholars***

Before the draft was submitted, many experts and scholars in the academic circle had put forward their own views and suggestions about revising the Law on the Prevention of Juvenile Delinquency. For example, director Tong Lihua of Beijing Youth Legal Aid and Research Center proposed that there were some problems in the Law on the Prevention of Juvenile Delinquency. She said that no effective methods could be found in this law to prevent the children from conducting serious crimes. And that is why the amendment of this law should be put on agenda as soon as possible[16].

Li Hong, Secretary of Anhui provincial Party committee of the Communist Youth League, pointed out that great changes had taken place in the current social environment for the growth of young people. Juvenile crimes were characterized by violence, gangs and lowering ages. The popularity of the Internet had brought more severe challenges to the prevention work. Therefore, it is an urgent and practical need to modify and improve the law to promote the prevention work[17].

##### ***4.2 Suggestions of media***

Many multimedia platforms also put forward suggestions for the prevention of juvenile delinquency. In recent years, the public opinion calls for increasing the guardianship responsibility. According to an article in Legal Daily, "It is the legal duty of parents to educate their children. If they do not educate or do not educate properly, then they should bear the corresponding legal responsibility." In addition, the website of Legal Daily pointed out that after the occurrence of juvenile malignant crimes, undoubtedly it is important to deal with the disposal and accountability at the case level, but people should also see the leaks and hidden dangers in the juvenile crime prevention work through the phenomenon, and move the prevention work forward from the perspective of risk prevention and control. For a long time, the lack of legal education in campus, the lack of family supervision, and the long-term distortion of juveniles' values were all the important reasons that might induce juvenile delinquency. In order to prevent and control such crimes, ideas should be seek from

the perspective of social multidisciplinary cooperation[18].

#### **5. POLITICS STREAM ANALYSIS**

Political factors are the key to the policy. In this study, politics stream is mainly composed of the national mood and governing philosophy of the Party and government.

##### ***5.1 National mood***

The case that a 12-year-old boy in Hunan Province killing his mother has aroused heated discussion among netizens after reported. According to Sina Weibo, the topic "A 12-year-old boy killed his mother" has been read 270 million times and discussed about 118,000 times. Netizens are extremely angry. At the same time, they also realize that there are thousands of left-behind children like this boy in backward rural areas. They are generally lack of life education, family education and community education. Some netizens put forward that it is urgent to strengthen the efforts of schools and families in preventing juvenile delinquency. establish a public education intervention mechanism, and strengthen the basic legal, life and moral education of minors. It is also important to establish the public education intervention mechanism and strengthen the basic legal education of minors. Also,once the murder of the 13-year-old boy in Dalian was exposed, it quickly aroused hot discussion among netizens. Lots of netizens were shocked by the bad circumstances of the killing and throwing corpses by the minor murderer. The topic "A 11-year-old girl was killed in Dalian" was in the trending topics of Weibo. According to incomplete statistics, in just a week or so, Sina Weibo had 16 topics with over 100 million readings related to the case from over 7.5 billion readers. It can be seen that the public is distressed and angry about juvenile delinquency. At the same time, the voice of strengthening the prevention of juvenile delinquency is getting higher and higher.

##### ***5.2 Governing philosophy of the Party and government***

In recent years, under the leadership of Party committees, the work system for preventing juvenile delinquency at the central, provincial, municipal and county levels has gradually improved. The Communist Youth League earnestly performs the responsibilities of the leader. A great deal of work has been done in the ideological and moral education of young people, including the optimization of their growth environment, the service and management of key groups of young people, and the judicial protection of minors and so on. Also, remarkable results have been achieved, and crime rate of minors and adolescents has decreased year by year[19]. In 2001, the Central Committee for comprehensive management established a leading group for the prevention of juvenile

delinquency, and in 2011, it was adjusted to a special group for the prevention of juvenile delinquency. In May 2016, according to the requirements of the new situation, the central office and the State Office issued opinions on deepening the prevention of juvenile delinquency, and made re-arrangements for the prevention of juvenile delinquency accordingly. In April 2017, the Central Committee and the State Council issued the medium and long term youth development plan (2016-2025). The plan puts forward the guiding ideology and overall goal of youth development, and formulates a series of goals and measures to promote youth development[20]. It can be seen that the Party and the government always attach great importance to the prevention of juvenile delinquency.

## 6. THE ANALYSIS ON THE OPPORTUNITY

Before the Law on the Prevention of Juvenile Delinquency (Draft) is submitted for deliberation, problem stream, politics stream and policy stream have changed significantly in recent years. However, the coupling of problem stream, politics stream and policy stream is not automatic, but need the promotion of appropriate opportunities and policy actors. The policy window is a specific time point, in which the stream of problems, policies and politics are met and relevant major issues enter in the policy agenda. The window of opportunity is

opened because of the urgent problems in problem stream or major events in the politics stream. The urgent problems in problem stream, such as some emergencies, is unpredictable. But most of the major events in the politics stream, such as regular meetings, are predictable. The 14th meeting of Standing Committee of the 13th National People's Congress represents the opening of the politics window. It promotes the convergence of the three streams and opens the policy window.

## 7. PROMOTION OF POLICY ENTREPRENEURS

In the multiple streams model, the convergence of three streams is very important to the formation of policy agenda. The three streams flow independently, and their convergence also has a great relationship with the emergence and softening effect of policy entrepreneurs when the window of opportunity is opened[21]. The formulation and revision of laws and regulations at the national level all need to go through the people's Congress, and the main body of the people's Congress is the deputy to the people's Congress of each province. Their opinions are helpful to promote the policy agenda setting of the Law on the Prevention of Juvenile Delinquency (Draft). Therefore, this paper collects the suggestions of NPC deputies on the amendment of the Law on the Prevention of Juvenile Delinquency in 2019.

Table1. NPC deputies' suggestions on the revision of the Law on the Prevention of Juvenile Delinquency

Name	Key recommendation
<b>Sun, Xiaomei</b>	The Law on the Prevention of Juvenile Delinquency should be revised to include the content of prevention of sexual assault
<b>Guo, Chengyu</b>	Prevention of juvenile delinquency requires the whole society to build a protective net
<b>Hong, Bo</b>	The working mechanism of supervision and guardianship order of prosecutorial organization should be included in the revised draft of the law on the protection of minors and the revised draft of the law on the prevention of juvenile delinquency
<b>Zha, Yuchun</b>	A special chapter on the prevention and correction of juvenile delinquency under the age for criminal responsibility should be added in the Law on the Prevention of Juvenile Delinquency.
<b>Fang, Yan</b>	The System of Detaining for Reeducation System should be retained and improved in the Law on the Prevention of Juvenile Delinquency. Make legislative interpretation to enable it to get legal basis.

## 8. CONCLUSION

By using the multiple streams model, the reasons why juvenile delinquency becoming a social problem and finally entering in the policy agenda are analyzed. At the time of the 14th session of the Standing Committee of the 13th National People's Congress, the three streams came together and the window of opportunity was opened. In addition, with the efforts of policy entrepreneurs, the Law on the Prevention of Juvenile Delinquency (Draft) was put on the policy agenda. The development of the policy agenda in this paper is consistent with the framework of the multiple streams model. It shows that the multiple streams model has certain applicability in the research of China's policy agenda.

However, through the policy agenda setting process of the Law on the Prevention of Juvenile Delinquency (Draft), it can be seen that the multiple streams model from the West has some characteristics of localization in China. The first issue is the independence of the three streams. The multiple streams model believes that the three streams are independent without any cross before coupling. However, in the process of the policy agenda setting of the Law on the Prevention of Juvenile Delinquency (Draft), the three streams are closely related to each other. The change of any one stream may cause the change of another, which will reduce the chance of their coupling. For example, the changes in national mood in the politics stream and the suggestions of the experts and scholars in the policy stream are closely related to the development of the problem stream. The severity of juvenile crimes has attracted the attention of people and made them feel the urgency of policy adjustment. It also reflects the three streams have obvious sequences instead of appearing at the same time, which is different from that in Western countries.

The second issue is the importance of the three streams. Because of the system of multiparty cooperation and political consultations under the leadership of the Communist Party in China, the Communist Party's ruling status is relatively stable. That weakens the importance of the problem stream and the national mood in the politics stream, because whether they have an effect depends on the ruling party's judgment. In addition, the situation of completely changing the direction of policy after the new political party comes to power will not appear in China. No matter how perfect the alternatives in the policy stream are, whether they are chosen or not depends on the governing concepts of the ruling party. So it weakens the importance of policy stream, too.

The last issue is some policy entrepreneurs have dual identities under the political system of China. They are not only scholars but also NPC deputies and CPPCC members. They have the right to submit bills, and they can be active in both policy and politics streams. So their activities in different streams play a role of coordination and integration to a large extent, which is different from the policy entrepreneurs in western countries.

The multiple streams model provides a new interpretation path for the policy agenda setting of the Law on the prevention of Juvenile Delinquency (Draft), which also shows that the multiple streams model has great value in China. However, it should be noted that none of the principles of public administration can be perfectly applied to the situations of different countries, and no theory can get rid of the influence of different social and cultural environments. The multiple streams model also faces the same problem when it is introduced into China. Attention should be taken not to copy the model blindly, and to make appropriate adjustments according to the national conditions. Based on China's national conditions, this study makes a localization adjustment to the theoretical framework of multiple streams model and analyzes the process of policy agenda setting. However, this study is just a preliminary exploration. More and more researches and explorations are needed on the test and localization of the multiple streams model. It needs scholars continue to strive for.

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