

The Impact of Law of the People's Republic of China on the Protection of Juvenile on the Policy of Preventing and Resolving School Bullying Taking the Primary and Secondary Schools in Xi'an, Shaanxi Province as an Example

Xiaochan Diao

*Business School, University of Strathclyde, Glasgow, G1 1XQ, United Kingdom
xiaochan.diao.2019@uni.strath.ac.uk*

ABSTRACT

This is a study of how schools have changed their policies on bullying after the law of the People's Republic of China on the Protection of Juveniles was introduced. There are two main forms of school bullying: psychological and physical. Based on the study of new and old laws and interviews with the administrators of four primary and middle schools in Xi 'an, this paper provides an in-depth study of Chinese educators' attitudes towards bullying and their efforts to protect young people in their care. This paper interviewed five administrators from four schools in Xi 'an, Shaanxi Province and the interview questions were mainly about three themes of school bullying. Surveys and studies show the changes schools have made to prevent bullying since the new law was introduced. An increasing number of rules to prevent and control bullying have been implemented and teachers are placing growing emphasis on the protection of minors' physical and mental health. China's education system places great emphasis on exam success and therefore this is more than just a governmental-level initiative, it represents a recognition of the significance of the detrimental effects of bullying and that exam success on its own is not sufficient.

Keywords: *School bullying, Preventing school bullying, Resolving school bullying, Law, Primary and Secondary Schools*

1. INTRODUCTION

School bullying is pervasive and it has been shown that unfortunately most children will probably experience it as some stage. Large-scale surveys show that bullying occurs all over the world [1]. In October 2020, the law of the People's Republic of China on the Protection of Juveniles was revised for the second time with article 39 detailing provisions against school bullying. This was the first time such detail had been included and was intended to protect the mental and physical health of children in Chinese schools. This paper will first summarise what is currently known about the types and specific behaviours of school bullying, analyse how to define school bullying and discuss the harm it can cause. It will then use data to demonstrate the current situation of school bullying in Shaanxi Province and the wider country. This paper will

use as background the second revision of the Law of the People's Republic of China on the Protection of Juveniles to study the prevention and treatment measures of school bullying in primary and secondary schools in Xi 'an, Shaanxi province, through qualitative research and interviews with principals, vice principals, directors of moral education departments and head teachers. As of August 5, 2021, there were 4,275 articles related to school bullying in Chinese and 9 in English on the China national knowledge infrastructure. This is less than the literature available on Google Scholar. According to the amount of literature on China national knowledge infrastructure and Google Scholar these two websites, it can be found that China has less research on school bullying than other countries. Due to the short time since the second revision of the Protection Law of the People's Republic of China on the Protection of Juveniles, it is difficult to compare the data related to cases of school violence after the release,

with that of before. However, it is intended that this paper will provide readers with theoretical help through policy research.

2. SCHOOL BULLYING

2.1. Analysis of school bullying

In order for the government and education authorities to prevent and resolve the difficult problem of school bullying, it is vital that it is accurately defined. In order to do this it is necessary to delineate its scope, how it is characterised, the different categories of behaviours within in and the harm that it causes. In addition, these issues need to be understood by policymakers. Bradshaw et al. [1] [2] defined bullying as proactive, recurring aggression by the aggressor on the victim that involves an imbalance of power and capacity between the aggressor and the victim. There are five essential components of bullying, include intention to harm, harmful outcome, direct or indirect acts, repetition, and unequal power. Bullying is a deliberate act that is performed directly or indirectly towards one or more people, such as directly attacking someone or attacking them indirectly through spreading rumours. School bullying can take various forms, both physical and mental, can occur in or out of school and can cause significant harm to vulnerable young people. Bullying cannot be ignored as victims often report physical and mental health problems as a result of the abuse they have suffered. There can also be adverse future outcomes for those that carrying out the bullying; it has been shown that such people may become abusers in adulthood [3].

2.2. The current situation of school violence in China

According to the report *School Violence and Bullying: Global Status and Trends, Drivers and Consequences*, published by UNESCO, approximately 32% students have been bullied by a classmate at school, with physical and sexual violence being the most common forms of bullying [4]. In China, the picture of violence within schools appears to be equally pessimistic and in recent years there have been many reports about school bullying in China. Some of the bullying is so cruel that it has attracted great public attention [5]. According to data collected by the China Society of Juvenile Crime, crimes committed by juveniles account for more than 69 percent of all crimes, and crimes committed by those aged 15 to 16 account for more than 71 percent of total crimes committed by juveniles. Violence in primary and secondary schools has become increasingly acute. Other data showed that only 16 percent of the 200 high school students surveyed had never seen school violence, and approximately 50 percent had personally been involved

in school violence. 31 percent of the students had been verbally attacked and called names by others, and 20 percent had been physically hurt. This shows that school violence has become a common phenomenon in schools. Violence was also found among minors, with 4.8 percent saying they felt revenge, 6.7 percent saying they hurt themselves after being attacked, and 1.4 percent saying they brought weapons into school [6]. These statistics show that bullying is not a small occurrence, it occurs in the majority of students. Hence, it can be concluded that campus violence is a significant threat to the health and welfare of students. Addressing this needs to be a high priority for governments, researchers and policymakers.

2.3. Analysis of the Law of the People's Republic of China on the Protection of Juveniles

In the new article 39 of The Law of the People's Republic of China on the Protection of Juveniles, it states that, according to the nature and extent of the bullying, schools must strengthen discipline for the juvenile offenders in accordance with the law. In addition, the school should not conceal the serious bullying and should report it to the public security organ or the education administrative department in time and cooperate with relevant departments to deal with it according to the law [10]. With the implementation of the most recent law, most primary and secondary schools in China are well established.

3. METHODOLOGY

3.1. Analysis of the interview

Qualitative research can guide the research process and clarify the findings of researchers [9]. The purpose of qualitative research is to determine the characteristics and structure of phenomena and events investigated in the natural environment [7]. To this end, unstructured interviews have been selected as the most effective method to collect the honest narratives and data required by the qualitative research in this paper. Unstructured interviews involve complex interactions between researchers and interviewees to collect data related to cognitive processes, social worlds and experiences [8]. To better understand the impact of the new law on schools the author of this paper interviewed five teaching staff from four schools in Xi'an. This elicited vital research data.

3.2. Design of the interview

The unstructured interview used for this paper sets up four main questions in order to allow interviewees to fully express their views. The first question was: did you have any preventive measures and solutions for

school bullying before October 2020? If yes, could you give us a brief introduction? Five staff members from four schools all said that their school policies, which are emphasised in meetings at the beginning of each semester, all include provisions against bullying. In addition, Haifeng (a pseudonym), director of the Moral Education Department of a school in Gaoxin, Xi'an, said the school would also undertake legal lectures and training for teachers. For example, every year in May and November, the school would invite legal workers (such as lawyers and police officers) to give a talk to the senior students. In addition, the school has seven security guards and the superior department sends a dedicated police officer to the school to assist in all aspects of security work. Within the classrooms, it is the school Headteacher who takes the leading role in educating the students on this topic. The Head would also utilise the class team meeting or the Taoist course to conduct case analysis, so as to find and solve the contradictions among the students in time. When bullying occurs, the school administration (Moral Education Department, Education Affairs Department) usually intervenes and negotiates with the parents. The second question on the questionnaire was: before October 2020, have there been any minor or serious incidents of bullying in your school? If so, may I ask how your school resolved this? Of the five school administrators interviewed for this interview, only one said bullying had occurred at their school. The reason, she said, was the physical conflict between students caused by interpersonal conflicts, which had a very bad impact on students. In view of this incident, the school management department cooperated with the school police to reprimand and educate the students who participated in the fight, with the result that the students reflected on their actions in a piece of writing. In addition, the parents of the children involved were requested to attend the school for discussion with school authorities and campus police. In these conversations parents were reminded that a lack of discipline for the children could lead to greater social problems as they grew older. Lastly, the school took the decision to suspend the students for three days. The third question of the questionnaire was: after October 2020, has your school issued, or issued a new, policy on school bullying? If it is released for the first time, can

you briefly introduce it? If it has been amended, can you brief us on the difference between the old and new policies? Five school administrators said in interviews that the issue of school bullying reached a new level when it was included in the Law on the Protection of Minors, which was revised in October 2020. Yueliang (a pseudonym), the principal of a school in Gaoxin, Xi'an, stated that their school was improving the management of bullying as a result of the revised draft. The biggest difference to be seen in the new policies is in the handling of the original incident and the establishment of student bullying prevention and control work system, in order that the whole process for prevention is made more scientific and rigorous. In this revision of the system, the specific requirements for the family guardianship system have been identified and an additional category of the internet protection of minors has been added. Fengling (a pseudonym) the principal of a school in Gaoxin, Xi'an, said that after the second revision of the Law on the Protection of Minors, their school has further clarified the specific responsibilities of each department in preventing and controlling bullying. For example, the Moral Education Department is responsible for providing targeted legal education to enhance students' legal knowledge, strengthening moral education in schools, observing students' standard of behaviour and therefore promoting students' ethical development and physical and mental health. It is also responsible for strengthening the management of students' safety, implementing the responsibility for the protection of minors, conducting investigations into conflicts and disputes among students and handling incidents of bullying. The General Affairs Office is responsible for the investigation and maintenance of hidden dangers in key parts of the school and ensuring security facilities are fit for purpose and that the logistics of security is supported. The Psychological Consultation room exists to provide psychological counselling for students. The Headteacher is responsible for setting up the class safety committee and ensuring that the committee members are fully engaged with its work, for having a comprehensive understanding of the students' studies and other aspects of their lives that might affect these, and for investigating and resolving the conflicts and disputes among the students in the class.

4. FINDINGS

Table 1. A summary of the interview results

	Did schools have policies on school bullying by October 2020?	Did schools have any cases of school bullying before October 2020?	Have new policies on school bullying been released after October 2020?
School 1	Yes	Yes (Director of moral education section) No (Principal)	Yes
School 2	Yes	No	Yes
School 3	Yes	No	Yes
School 4	Yes	No	Yes

Table 1 represents four schools interviewed about bullying before and after the new law was enacted. According to the interview and the table, it can be seen that before the Law of the People’s Republic of China on the Protection of Juveniles specifically proposed the provisions on school bullying, each school had a policy on school violence. However, these policies were not necessarily complete. According to the interview’s first question (did schools have policies on school bullying by October 2020) and its answer, they had identified ways to prevent violence in schools, but did not provide any solutions for when it occurred. This shows that in the early stage of school education there has been vigilance against school bullying, but that this is very much focused on prevention rather than mitigation. However, only one of the five staff members interviewed believed there had been bullying at her school before October 2020. The data referred to in the previous paper showed that only 16 percent of the 200 high school students surveyed had never seen school violence, and half had been personally involved in school bullying [6]. This shows that staff in Chinese schools need to pay more attention to school bullying, and the definition of school bullying needs to be broader than just serious violence. As school administrators and teachers, they may not be able to detect some non-physical school bullying in time, such as verbal violence. Victims of bullying may be shy or reticent and therefore it can be more effective for them to know how to use the law to protect themselves at the time the incident occurs rather than to wait for the teacher to find out and to punish the abuser. Based on the answer to “Have new policies on school bullying been released after October 2020?” This study found it is a positive outcome that schools are now better prepared to deal with bullying after it has been clarified by the new law. In the interview, one principal said that her school has asked the Moral Education Department to carry out targeted legal education to enhance students’ knowledge of the law. Finally, the school intended to focus on educating students on ethics and standard of behaviour in order to equip them for optimal

mental and physical health. After the new law was enacted, all the schools interviewed were increasingly vigilant about bullying incidents. Young people may lack the experience and critical thinking to deal with problems and so it is obviously more effective for teachers to mediate when conflicts occur. It can be seen that greater levels of supervision in schools can make a major contribution towards preventing both conflict and serious violence between students.

5. CONCLUSION

This element of the research suggested that after the law of the People’s Republic of China on the Protection of Juveniles was enacted, opinions about school bullying changed across China. It is clear from the survey and interviews that the attitudes and views of Chinese education workers on school bullying were significantly behind those of Western countries. However, as the country has taken the issue more seriously and enacted new laws, more and more schools have taken the problem seriously and initiated new measures. It can be seen that, in China, the educational philosophy has always taken exam scores as the only benchmark to measure students’ achievement, while ignoring the cultivation of students’ mental health and the establishment of correct values. This is a serious drawback of China’s exam-oriented education. In addition, in the past, China’s “the law of the People’s Republic of China on the Protection of Juveniles” was to protect the healthy growth of minors as the purpose, showing a legislative tendency of heavy protection and light punishment. This creates a form of evasion that can make it difficult for schools to obtain real and reliable information.

However now, with new laws and new school initiatives, the problem has improved. In order to protect young people who are in an important stage of their development, the government and schools still need to respond to the problem of school bullying. This approach needs to be two-fold: the judicial agencies should continue to improve the relevant laws, increase

the punishments for school bullying and improve the legal protection of the victims. In addition, the education authorities need to pay attention not only to campus safety, but also to providing a quality education that equips students with the tools to establish correct values. School bullying can cause not only physical harm, but also irreversible psychological harm. The primary purpose of school education should be to produce a socially responsible and law-abiding citizen, not, as has been the case until now, simply one who performs well in tests.

ACKNOWLEDGMENTS

Here, I would like to especially thank my mother and administrators from four primary and middle schools in Xi'an city for their support and help.

REFERENCES

- [1] Bradshaw, C.P., Hanish, L.D., Espelage, D.L., Rodkin, P.C., Swearer, S.M., & Horne, A. Looking toward the future of bullying research: recommendations for research and funding priorities. *Journal of School Violence*, 2013, 12(3), 283–295. doi:10.1080/15388220.2013.788449.
- [2] Bradshaw, C.P., Waasdorp, T.E., & O'Brennan, L. M. A latent class approach to examining forms of peer victimization. *Journal of Educational Psychology*, 2013, 105(3), 839–849. doi:10.1037/a0032091.
- [3] Venter, E., Plessis, E. Bullying in schools—The educator's role. *Koers : Bulletin for Christian Scholarship=Koers: Bulletin vir Christelike Wetenskap*, 2012.
- [4] School violence and bullying: global status and trends, drivers and consequences, 2019 /08 02/.
- [5] Li, M. Research on the Current Situation and Legal Regulation of Campus Bullying. *Legal System and Society*, 2020, (8), 133.
- [6] Yu, W. Causes and Countermeasures of School Violence in Primary and Secondary schools in China. *Law and Society*, 2021(16):174-175
- [7] Jonker, J., and Pennink, B.W. *Qualitative Research*. Springer Books, 2010.
- [8] Sanchez, C. *Unstructured Interviews*. Springer Netherlands, 2014.
- [9] Reeves, S., et al. Why use theories in qualitative research? *Bmj* 337, 2008.
- [10] The National People's Congress of the People's Republic of China. 2020.