



Research on the Perfection of Juvenile Delinquency Community Correction System in China

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Abstract. The youth community correction is in line with the conditions of community correction of juvenile criminal in community, by the judicial administrative organ and its dispatched institutions in the related departments and with the help of social forces, in the judgment or written order or decision within the time limit, for sure, JiaoZhengQi criminal psychology and behavior habits, through thought and hard labor, promote the non-confinement penalty action of return to society smoothly. China's community correction has accumulated a lot of experience since the pilot, but there are also many theoretical and practical problems. By drawing lessons from overseas experience, the community correction system of juvenile delinquency in China is improved in view of the construction of community correction system, personnel construction, protection of rights of community prisoners and community correction of minors.

Keywords: adolescents · Crime · Community correction

1 Introduction

1.1 Juvenile Delinquency

In recent years, juvenile delinquency cases have increased rapidly. Under the great attention of contemporary media, juvenile crime has also become a main concern of society. Generally speaking, crime could be referred to as behavior that violates criminal law and criminals should be punished. But in the case of a juvenile, who is mainly classified according to human physiological age, the scope of the concept of "crime" has changed. In relevant legal documents in China, the concept of "juveniles" has not been clearly defined. In terms of its meaning, "youth" refers to the combination of youth and juveniles. "Youth" refers to the age from fifteen to thirty years old, and "youth" refers to the age from ten to fifteen. Generally speaking, juvenile delinquency refers to criminal behavior, illegal behavior against public security administration, and bad behavior against moral norms carried out by people aged 6–25. This definition, from the perspective of crime prevention, will be correct behavior to expand to illegal behavior and bad behavior. The treatment of juvenile delinquency should focus on prevention, education, and punishment, with school education and home-schooling teachers as the

first line of defense. Teachers should improve teaching methods, set up legal courses, and strengthen legal training and education for primary and secondary school students and teachers. By going out (listening to trials and reflections of young offenders) and inviting them in (holding legal lectures and mock courts) to raise students' awareness of the legal system, the whole society should take various measures to ensure an external environment for the healthy growth of young people.

1.2 Community Correction

Community correction can assume as the criminal will be eligible to place within the community, by the specialized state organs under the related social groups and non-governmental organizations, and social volunteers to assist, in the judgment or written order or decision within the time limit, for sure, JiaoZhengQi criminal psychology and behavior habits, and promote the smooth return to society non-confinement penalty enforcement activities. The idea of this system comes from the reflection on the negative effects of imprisonment. [1] It emphasizes the resocialization of community correction objects into society, contains a more advanced concept of criminal execution, which is conducive to crime prevention and social contradiction alleviation. It is a kind of execution mode opposite to correctional imprisonment, and also a rational choice made by human beings to overcome the limitation of cross-infection and heavy punishment of prisoners executed in prison [2]. In the field of juvenile delinquency prevention, community correction is helpful to help minors correct their mentality and turn over a new life.

Different from criminal punishment and laissez-faire, the state's community correction of juveniles is gentler. First of all, compared with normal prison correction, community correction for adolescents is gentler and more conducive to their physical and mental health. In the process of correction, the government no longer bears community correction, organization, and the leadership of the leader, on parole, probation, and other light criminal people to like, mainly for the law, psychology, life, skills, and employment, etc. to help the community inmates, through community service, public welfare labor, etc., to restore their general citizen's social life, execution of punishment. Secondly, compared with prison correction, community correction will gradually develop with the development of social work practice and theory. As a profession that grew out of helping people in need, social work has long focused more on people. It takes problems as the core. When social workers use their professional knowledge to help clients, they focus on the problems and difficulties faced by clients. Therefore, compared with the uniform education and correction of ordinary offenders, community correction is a way to develop a unique education program according to each different "problem youth" (i.e., juvenile offenders), so it will cost more resources to invest. As the effect of community correction is obvious, the state is also vigorously supporting and actively participating in the development of community correction.

2 History and Current Situation of Chinese Youth Community Correction

The criminal policy of balancing justice with mercy was first proposed at the Central Political and Legal Work Conference in 2004. This policy is generally in criminal justice to severely crack down on serious crimes that seriously endanger society and infringe on citizens' rights and property rights. At the same time, punishment and leniency should be combined. When leniency is lenient, that is criminal regulations for different crimes and criminal acts adopt different degrees of punishment means. At the fourth session of the Tenth National People's Congress in 2006, the Two reports of the Supreme People's Court and the Supreme People's Procuratorate simultaneously put forward the criminal policy of tempering punishment with leniency. At this point, the criminal policy of tempering justice with mercy was formally established in the context of criminal justice in China. Therefore, around 2005, the concept of community correction began to emerge and attract attention in China. The development of the community correction system in China is generally phased. As the previous pilot areas have achieved good social effects and accumulated rich experience, the community correction system has been tried out nationwide since 2009. In some cases, community correction policies also play a certain role in helping and making decisions. On December 28, 2019, by the "the community correction law of the People's Republic of China," in the community correction is mainly suitable for the following four criminals, there is serious illness need to such release, women pregnant or is breast-feeding her baby, the life cannot provide for oneself, for temporary execution outside prison does not harm the social persons will be the execution of community correction, The decision has helped China become more humane in its half-way approach to dealing with criminals, giving different treatment to some vulnerable or special groups of people.

The main agency responsible for community correction is the judicial administration department of The State Council, which is in charge of judicial and administrative affairs in fields such as prisons and law firms and exercises judicial power and legal supervision. The judicial administration department of the people's government will also guide the community correction work within its administrative region. Community correction decision organ sentence system, sentence probation, ruling parole. The community correction institution in the place where the law should be executed shall transfer the legal documents to the local people's procuratorate and public security organ for approval. Community correction will also accept the objects of correction by the law, check legal documents, verify identity, handle acceptance registration, establish archives, and announce the criminal facts, correction period and regulations to be observed of the objects of correction. The work and implementation of community correction also have the role of educational guidance, rather than criminal punishment. Community correction workers will also implement local community correction plans according to the relevant requirements of their superiors, carry out one-to-one social help and education activities, and make full use of the positive energy of the society to influence the correction objects.

The essential feature of juvenile community correction is social support. Relevant investigations show that the total number of juvenile crimes has accounted for more than 70% of the total number of criminal crimes in China. Because our country is under

the principle of protecting juvenile delinquency first, the socialization of the age range of criminal law and other factors, promote China's juvenile delinquency punishment method to turn to community correction. Community correction policies are also needed to make up for the loopholes in the corresponding penalties and rules for juvenile delinquency. From the perspective of the influencing factors of social support for adolescent community correction objects, individual characteristics, family status and correction type all have significant influence. In terms of individual characteristics, males have more advantages in social support than females. In terms of family conditions, there is a strong correlation between living type and social support in China. The social support of owning a house and living with family members is higher than that of living with relatives and friends, and the social support of the above two living conditions is higher than that of renting a house alone. In terms of the type of correction, the correction time is positively correlated with the social support, and the social support increases with the increase of the correction time. Instrumental support is the largest, followed by emotional support, and the use of support is the least. Therefore, the construction of community correction and social support in China is necessary and inevitable.

However, despite this, there are still some problems and deficiencies in community management in China. First of all, community correction has not been fully used and its popularization is quite insufficient. In China, there is little understanding of community correction, and people generally believe that no matter what mistakes they have made or what they have done, they should be sentenced to prison for their crimes. Second, late start, low degree of development. China's community correction system and provisions and regulations are copied from the policies of European and American countries without localization, which also leads to some laws and judgments of community correction in China. Community correction, the basic idea is to set up the correct values for the society, and the community correction system are based on different idea and concept of each country, the western capitalist values there is a fundamental conflict with China's core socialist values, so, in terms of execution, community correction has inevitable disputes with China's judicial. Then, the community correction system is not unified and has no clear content, scope, or subject. As explained before, the community correction system in China has not been fully applied, which also leads to the disordered differentiation in the implementation of such regulations in China. For example, there is no obvious differentiation in the types of criminal law and the scope of enforcement. Finally, the community of community correction is not fully equipped and does not have some conditions for the implementation of this system.

3 The Experience of American Juvenile Delinquency Community Correction

As a new way of penalty execution in China, community correction is still in the stage of exploration and improvement. Correctly drawing lessons from overseas experience is conducive to promoting Chinese community correction legislation and promoting the development of the community correction system. The United States is one of the first countries to implement a community correction system. Community correction has

become the main way to deal with juvenile criminal cases in the United States. According to 2017 data from the U.S. Juvenile Court, the percentage of community corrections for minors reached 63 percent, and the percentage is rising [3]. Community correction first appeared in the United States as a way of reforming criminals, and its applicable object is much more than that of imprisonment. Community correction in the United States has experienced four stages germination, exploration, frustration, and maturity. It is far more scientific and standardized than other countries. Up to now, nearly 30 state legislatures have formulated special community correction laws, which are worthy of reference and learning for other countries. In the United States, the Department of Justice and the Bureau of Prisons are the official administrative agencies responsible for the implementation of community correction, and there are also non-governmental administrative agencies that manage the whole process of community correction. The subject of correction in the United States includes not only official community correction institutions, but also various workstations, treatment institutions, and other folk community correction institutions. The American community correction system focuses on the pre-correction investigation and emphasizes the assessment of the degree of harm of criminal behaviors to determine the correction requirements. The application of community correction in the United States is throughout the criminal justice process, but it does not have a uniform form. Community correction programs are diverse, including drug correction, pre-trial referral offices, foster homes, social rehabilitation programs, family detention, social service, and other implementation methods. Diversified management methods and correction methods not only improve the effectiveness of correction but also have higher requirements on the professional ability of community correction workers. The United States requires community correction managers to be equipped with professional skills in criminal law enforcement, social work, and psychology, as well as strong professional quality. The construction model of the community correction team and the pre-correction investigation system in the United States can provide some reference for the construction of the main body of community correction and the establishment of the investigation and evaluation system in China.

The first form of juvenile community correction in the United States is probation, which originated in Massachusetts in 1869. In 1899, the Juvenile Court in Illinois was established, formally establishing the community correction program for juvenile delinquents. Balanced probation is a new concept of adult community correction in the United States. First, we should be responsible. After release, juvenile delinquents face serious adaptation problems and need to rebuild their confidence in life. Therefore, special attention and encouragement should be given to them. Placement workers talk to returning minors to help them understand community concerns. In China, community correction will arrange community work for adolescents, but the work of adolescents after returning to the community is not considered carefully in China, and the state will not arrange such arrangements as workers. Second, community protection. In the United States, home confinement is a kind of humane sentence adopted by the court to juvenile delinquents. Its content is to confine juvenile delinquents to home for a specific period, and the workers of the court conduct irregular checks on the parties through telephone or interview. Unfortunately, in China, we don't follow this system. Understandably, some other systems are not followed. In the United States, juvenile courts or family courts

place children from their own homes into a surrogate foster home, where the child in need is cared for in small groups, an approach that is far from applicable domestically. Third, is the development of personal ability. Community correction arranges tasks that increase the value and ability of the person being corrected. For example, Survival Programs in the United States originated in Britain during World War II. The program was first established in Colorado in 1962. Participants' main activities include walking on high mountains with weights, camping in the mountains, and training for independent living, including rappelling down mountains and climbing cliffs. In this way, children are provided with the opportunity to gain confidence, thus proving their value and showing their strength.

4 Improve China's Community Correction System For Adolescents

Juvenile probation offenders are a special group in community correction, which has the characteristics of small number, short correction time, special physical and mental state, and weak social connection, so we should take targeted measures according to these characteristics [4]. Professional community correction officers can perform the functions that the original community correction staff does not have [5]. Especially Chinese grass-roots regions in China, the youth community correction first faced with such problems as the concept is not straight, light correction, community correction on labor, give proper education regardless of the correct attitude, and with the development of the era, community correction as a correction of juvenile crime is an effective way of gentle, the technique is also China now needs away, Correction, enlighten youth is also an important condition. Let more people know the essence of this method and manifest it in the implementation. The publicity of community correction activities can be carried out to the public through TV, radio, news, and other forms, to enhance the public's understanding and recognition of community correction. At the same time, we should be good at giving play to the role of civil organizations and community elites in community correction propaganda [6]. The original intention of community correction system construction is to let criminals better integrate into society [7].

Community correction is a special judicial system based on national governance and the prevention of juvenile delinquency. China needs to build stronger institutions. In terms of theoretical construction, China needs to establish and improve legal research institutions on juvenile delinquency, innovate research methods and ways of thinking, and pay attention to the importance of other related disciplines for its system. Secondly, from the perspective of personnel allocation, the participation of professional social workers in community correction in China is still in the exploratory stage, mainly including government purchase and recruitment of people with social work backgrounds to participate in community correction [8].

Under the leadership of the political and Legal committees of all provinces, autonomous regions, and municipalities directly under the Central Government, a youth community correction work committee should be set up to rectify the organizational system, and the specific person should be engaged in specific work with a clear division of labor, to form a complete and fixed correction model suitable for the social needs of the country. Due to multifarious tasks and weak strength at the grass-roots level, the

judicial administration system at the grass-roots level has become a weak part of the entire criminal execution legal system, which cannot fully reflect the legislative spirit of mutual cooperation and mutual restraint between public power departments [9]. It is stipulated in the Measures for the Implementation of Community Correction in China that defendants and criminals who plan to apply community correction shall be investigated for their impact on the community where they live, and evaluation opinions shall be formed. China's rules in this respect need to be improved. First, refine the management of archive records and optimize the dynamic follow-up function. Chinese community correction can be divided into three stages: initial correction, correction, and correction. The formation of the three stages can make the community correction staff better manage and work. Each stage will have different professional staff to carry out their work and guidance. Detailing rewards, guidance, and punishment for prisoners.

5 Conclusion

In community correction, the reinforcement and punishment of prisoners play a crucial role in correction. To refine the reward and punishment mechanism and reward or punish those serving community sentences is closely related to their treatment, or even related to judicial rewards and punishments such as commutation of the sentence of imprisonment. This kind of method will directly change the vital interests of those serving community sentences and their influence on society in the future.

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