

Phenomenon of attribution of school violence in China and the law to prevent normative research

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Abstract. Near a period of time, the more appeared different degree of campus violence cases, the nerve of the teachers and students on campus safety, parents, the community in a state of tension, destroyed the normal order of the campus, to the whole society caused great harassment and uneasy. In this paper, in recent years the connotation of campus violence, the form and the processing mechanism as the breakthrough point, thinking about the causes of campus violence, by the laws of the early prevention utility will make campus violence to obtain the effective containment.

1.Introduction

The campus has been hailed as the "ivory tower", a symbol of the sacred clean, pure, does not allow the existence of the campus violence. But in recent years, the reports about campus violence shows blowout trend, primary and secondary schools "violence", "campus murder", "sexual assault" and "blackmail", "sexual violence", "to the strong bullying the weak", "psychological violence" campus violence reported constantly appeared in various media, one blood tragedy tingling with every family and social sensitive nerve, let education circles and the whole society, the judiciary deep thinking and analysis of the problem. Campus violence in our country is currently in the high stage, showing diverse forms, features of young, new development, the situation is not optimistic, in the form of very severe[1]. According to the comprehensive social problem, a matter of national education, but also a test of the degree of a country's education system, the process of social civilization, which requires the social from all walks of life to the education department and the school security work constantly questioned, called for the strengthening of psychological counseling education, strengthen campus security efforts, guard enrolled patrols, calls for more and more campus violence law laws and regulations construction.

2Connotation and definition of "campus violence"

2.1Connotation and form of violence

The existence of violence in the form of "soft violence" and "hard violence" in two forms. In the campus of the soft violence is mainly through the isolation, disregard, exclusion and other acts to make some students have long been marginalized, can't be integrated into the class, much left out in the cold. This type of violence so that the victims of the students can't be normal socialization, prone to inferiority complex, the students and all around the hostile psychology, breeding violence [2]. The other one is explicit violence, mainly through fighting, bullying, blackmail and impose exactions on the way of students' physical attack to a certain extent, infringement behavior, in accordance with the perpetrators into physical violence, violence, and instruments forced violence, physical violence is mainly take the cuff and kick the form of the attack on the victim's body behavior; instrument violence refers to the use of some sticks, knives and steel pipe, the victim personal infringement behavior, its nature is worse, the plot is more serious, the consequences be

unbearable to contemplate; compulsive violence is violence to personal threats or extortion victims forced way engage in some activities [3].

2.2 Definition of "campus violence"

The campus violence, because it contains such as sociology, criminology, psychology and law and other disciplines[4]. Therefore, the academic circles at home and abroad are not able to give a uniform definition of the exact. In the United States, the violence of the campus is referred to in public elementary and middle schools in the implementation of the education and teaching activities or organized by the school extracurricular activities, and in the school bears occurred within the management responsibility of school buildings, sites, school and other educational and teaching facilities and living facilities, deliberate of school teachers and students life, safety or property are threatened or injured, causes or is likely to cause injury, death, mental injury, developmental disorder or the rights and interests of deprivation. Definition of however in our country is not clearly defined, the "campus violence" is a concrete manifestation of campus injury accident is occur between individuals or groups of schools in and around a variety of violence in general [5].

3. "Campus violence" in the form of existence and processing institutions

3.1 The existence form of campus violence

Violence in school , including the physical attack on the victims and mental injury. Physical attacks: the perpetrators is usually taken using such as chairs, brooms, toothbrushes, slippers, leather belt, cigarette butts, etc. in violent places already exists and temporary access items, rather than pre prepared tools. In addition, the perpetrators will take physical attacks, such as fan a slap in the face, beating, kicking, punching and other, by people took turns for a long time, this kind of violence often cause serious physical injury to the victims; mental attacks: the perpetrators take to humiliate the victims insult, irony, sarcasm, forcing its nudity, sing obscene songs etc. verbal threats or will be between the victim and the students were isolated, exclusion, which on the victim's psychological caused great trauma.

The violence of the campus forms according to the different motives of the perpetrators can be divided into: retaliation, the jealous type, let out his hatred and play abuse. Violence revenge type with a clear point, is not random, which is caused by the perpetrators and the victims of previous behavior; the jealous type is on the other side of discontent, hatred and other emotions, lead to the victims of violence and hostility to her; plus victims because of frustration not self resolve mental state formed by the transfer of hatred to the victim's body, and the implementation of violence; the perpetrators and victims are playful and not too much hatred, they use violence just in front of the victim showed a strong and authoritative attitude, and through the weak smile at the show a painful and helpless, because of the violence they enjoy the thrill and excitement[6].

Through in recent years in our campus violence injury accidents, physical damage and mental damage concurrent, and the means and different, common have slapping, hair pulling, kicking, punching, poured cold water, stripped naked, hot cigarette butts, insulting, nude pictures, forcing the victim to do some antics, which to the victim caused great physical injury and mental painful blow for the victims of the future development path of life buried under the heavy psychological shadow [7].

3.2 China's campus violence mediation and handling agency

Table1 The occurrence of violence in our country and the probe results In recent years

Campus violence	Processing mechanism and results
① Beijing 105 middle school students, hit a girl slapping, and shoot the whole process	①Educational institutions to deal with
② Fujian a junior high school girls were 7 women and 3 men were beaten and stripped coat pictures, more than 20 students in the crowd	②Public security organs, the person in charge said that the mediation and reconciliation
③ Hebei two girl girl crazy fan a slap in the face, let kneel, finally forced the insulted and stripped shirt, shooting video	③Public security organs to deal with, there is no follow-up reports
④ Shanghai medical school two grade students in the beating video was passed on the Internet, 6 girls beat a student	④Educational institutions to deal with
⑤ Shanwei City, Haifeng Province, Guangdong County, long Tianjin area, a female student after school by a number of students and a working minors beaten and stripped naked photo	⑤Public security organs, administrative detention
⑥ Jiangsu, a college girl stripped and beaten, many parts of the picture is to expose the privacy upload	⑥Public security organs to deal with, criminal detention
⑦ A group of female students in a middle school in Shandong Lanling beating girls and shooting video all night	⑦Educational institutions to deal with
⑧ Fujian Anxi a grade two students and the latter called the youth of the time beating eardrum perforation, shooting video	⑧Students are handled by educational institutions, youths are handled by public security organs
⑨ Guangzhou, a high school students to upload two videos, video 1,A girl forced to eat a suspected condom object; Video 2, four or five is wearing uniforms of the girls being mauled by a girl	⑨Educational institutions to deal with

The occurrence of violence in our country and the results of the treatment of a probe In recent years in our country the campus violence, bullying, most of the perpetrators and not subject to legal sanctions, just by the educational institutions come forward to adjust and criticism and education, because they don't have to bear the legal age. However, in the United States, they were on campus violence will not be tolerated without mercy. Some in China are in the habit of bullying of students, to study in the United States after continue. grilled clothing, nude video to apply in the Chinese students, the perpetrators only to be united states taken away by the police and education of how they behave, in the United States, bullying is to sit in jail at the end of wear [8].

3.3 The results of the gap between Chinese and American campus violence cases

Such as March of this year Chinese students Zhai Yunyao led hundreds of ten girl, another student Liu contend lured to a local hit, plot, including stripped the victim's clothes, with cigarette burns her nipples to with a lighter to burn her hair, kick her in the head with high heels, forced her to lie on the ground to eat sand and shave off her hair forced her to eat and so on a series of bad situation. Then Di classmate was arrested, in the course of the trial Zhai students still a pair of do not care about the appearance, thought he just trifles.

In the United States. Their behavior was accused of torture, kidnapping and other felonies,

laws tend to this kind of action as a violation of the dignity of human personality and mental health of felony sentencing even more than the bank robbery and motor vehicle theft crime, the highest possible was sentenced to life imprisonment[9]. However, it is worth our concern is in the domestic violence of the campus event, general education department and the public security organs handle most principal trouble. However, in the students violence, self responsible for driving and lookout of the students will also be on the same charges. With China at the age of 14 years of age underage personnel to undertake the criminal responsibility of different, the United States assumed minimum criminal responsibility age is 6 -- 12 years (the U. S. is a federal state, some state regulations 6 year old children should be for their actions bear criminal responsibility). China 14 -- 18 minors if made a big, then, be given a lighter punishment, things generally criticized trouble. The United States for a long time can be the death of the 18 year old criminals executed, until 2005 to abolish the death penalty for minors[10].

No matter how to say, under the current situation, many students make the brutality of the people have not been duly punished, which also led to the campus violence becomes a cost very low crime, the rights of the victim also can't be guaranteed.

4.Causes of the formation of "campus violence"

Campus violence has become an erosion of junior high school campus culture construction in the healthy body of a cancer and the cancer is still deteriorating even diffusion. Campus violence in our country many everywhere, such a thing occurred frequently, let a person from empathy and anger turned to the stage of numbness, serious plot, means bad let, thinking is what causes students to strong bullying the weak means cruel?

5.The cultural market is bad for the spread of violence

In today's society, life is filled with violence in the cultural media. Violence in movies, news media, sports competitions, television programs and video games can be seen everywhere in the process of socialization of young people, often by the impact of these adverse factors. Young people themselves in a highly sensitive active age, and they have very strong plasticity, can also be said to have admiration and worship has characteristics of easy to imitate, strong curiosity, adult consciousness, make them on the surrounding some alternative people, conscious imitation to manners, violence and black social content in the media often report will inevitably lead to juvenile violent crime motive of molding and the underworld imitation, some bad behavior also occurred in this way.

6.Legal mechanisms to restrict the poor

Campus violence in recent years, the proportion is more and more high, and the average age of crime is also getting smaller and smaller, which with the students accept the negative influence of social culture and psychological maturity sooner or later is closely related to. Provisions of the criminal law of our country Minors under 14 years of age do not assume legal responsibility, but with the development of modern society does not adapt, we must make a new requirement for juvenile delinquency. Otherwise the perpetrators after the implementation of acts of violence, because of the extent of the damage to the victim does not constitute a minor injuries, just to carry on the education, administrative detention, and not enough to deter the perpetrators to be, even will enable more students to imitate, anyway, do not go to prison, will not be criminal penalties.

7.Campus neglect of students' Ideological and cultural education

The primary and secondary mental health education research group leader Wang had told said: "the harm caused by the violence of the campus to teenagers, far more than the flesh wound, the more serious is to cause distortions in the hearts of children. If we allow this momentum to develop, no doubt will cause a bad suggestion in young people: evil is more powerful than justice, force is

more valuable than intelligence. It's pretty dangerous ". Education for this, the fundamental task of education is Khalid ents, but current some government departments and the administrative departments of education of school evaluation mechanism is mainly look at examination scores and graduation rate, so exam scores of high and low, the enrollment rate of high and low has become parents school choice, choose the teaching the important standard, become an important symbol of the society to judge a school level. Schools only pay attention to the level of literacy class learning and the fraction of ignoring the cultivation of students' moral education, in order to culture class is good or bad for the watershed will students into the advantages and disadvantages of poor, neglecting the students positive energy culture propaganda, without a good cultural environment, students are very easy to lose our direction, going in the wrong direction.

8.Can`t be based, no law enforcement

Seventeenth provisions of the criminal law of our country, people who have reached the age of sixteen years of crime, should bear criminal responsibility. Has reached fourteen years of age less than sixteen years of age, committing intentional homicide, intentional injury causing serious injury or death, rape, robbery, drug trafficking, arson, explosion, poisoning should be held criminally responsible. Fourteen years of age under the age of eighteen crimes, shall be given a lighter or mitigated punishment. In our country criminal law the principle of a legally prescribed punishment for a specified crime clearly pointed out that "no crime without law making it, the law does not expressly punished, the perpetrators of violence in the middle and primary school in the behavior of some people aged less than 14 years of age, because the fruit does not bear criminal responsibility existed between the facts of a crime and the consequences of the crime, and facts and results, which give the campus violent behaviors found loopholes in the law, let the investigation agencies cannot can depend on, let the law enforcement agencies of violence against law enforcement facts to.

9.Perfect the legal prevention system of campus violence

As a violent behavior occurred in the campus, the author believes that the most effective way to regulate it is to rely on legislation to achieve [11]. The reason is that the purpose of the law is to effectively deter illegal and criminal acts rather than punishment, with the advance of the law to prevent the effectiveness of the university campus violence will be effectively curbed. In addition, taking into account China's higher education is mainly to impart knowledge and skills, and for safety education there is the lack of a certain degree. So using legislative model to realize the regulation of campus violence, also can arouse the management of colleges and universities are for regulation of campus violence degree of attention.

10.The use of legal education, strengthen the legal awareness of students

The rapid rise of the present all sorts of social culture carrier, we play an active campus the advantageous cultural transmission space, to fully mobilize the enthusiasm of the Internet, campus culture in about rule of law education function, lets the student in learning scientific and cultural knowledge and to accept a relatively complete legal system education, under the correct guidance is helps the students to build up correct political direction, adhere to the scientific world view, outlook on life, values, to cultivate noble moral character has a very prominent role.

As soon as the campus violence prevention special legal system

It is generally believed that only from the angle of law gives a clear definition, in order to fundamentally solve the problem of campus violence. Should be present as soon as possible from the "Campus Security Act", the campus violence prevention and disposal regulations ", " campus infringement processing method "and other special laws and regulations of investigation drafting, under the precondition of ensuring the quality of legislation, can let them as soon as possible. In the campus violence prevention laws and regulations, shall identify and refine the social, school and

family responsibilities, especially the school guardianship responsibility for students. The government can draw lessons from the United States, Britain, Japan and other countries, the practice of training to establish a juvenile police force, to correct the behavior of juvenile delinquency, including school violence. The judicial authorities should strengthen the punishment of typical cases of campus violence, and reduce the time of violence on the campus of middle school girls through the deterrent effect.

11. Make necessary to strict law enforcement

In view of the current campus violence frequency fast, the scope is wide, the tendency of the deterrent force, it is necessary to the campus violence on the alert lamp. In the absence of relevant laws at the same time, the school security department, campus police and related leadership should be in safety education conference injunctions of campus violence to carry out publicity and education, types of cases, measures for handling, transfer mechanism and punishment method should allow the students to know about, in the absence of legal norms in the rules of the school system, for the warning line, once the incident window will be punished, the fetch and punish one as a warning to the others.

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