

Preventing and Reducing Juvenile Delinquency with the Organizational Advantages of the CYL

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Abstract—The prevention of juvenile delinquency is significant to national development, social stability and the future of our nation. By analyzing the reasons of juvenile delinquency and current problems in the juvenile delinquency prevention, the author points out we should innovate our ideas, our system and our practice to achieve a new way of preventing and reducing juvenile delinquency with Shandong characteristics by playing the leading role of the Communist Youth League organizations, fully relying on various possible social resources and stimulating the potential of the CYL at all levels.

Keywords- juvenile delinquency; prevention, CYL

I. INTRODUCTION

The prevention of juvenile delinquency is significant to national development, social stability and the future of our nation, so it now is attracting more and more attention from all walks of society. Law of the People's Republic of China on the Protection of Minors was released in September, 1991, and was amended at the 25th Meeting of the Standing Committee of the Tenth National People's Congress in December, 2006 and effective as of June 1, 2007. And in 1999, Law of the People's Republic of China on the Prevention of Juvenile was also released in order to protect the juvenile and their rights. In many years, the protection of their legal rights and the prevention of juvenile delinquency have been the focus of the governments at all levels, the schools, the families and the society, who have been dedicated to finding a way of prevention of juvenile delinquency in line with China's national conditions and the characteristics of the times, in which the CYL has been playing an active and special role for its unique organizational advantages and functional characteristics. From the point of view of the functions of the CYL, the paper discusses how to play the group's organizational advantages to further improve the prevention of juvenile delinquency.

II. STATUS QUO AND CAUSES OF JUVENILE DELINQUENCY

Juvenile delinquency usually refers to the criminal acts stipulated by the Criminal Law and other relative laws which are conducted by minors between 14 and 18.

The 2010 Report of Sample Survey of Juvenile Offenders of China was released in June, 2010 by Chinese Society for Juvenile Delinquency Prevention Research which drew extensive attention. It pointed out that, after a fast increase,

from 2008 the total amount of juvenile delinquency began to decrease, and so was the rate of criminal by juvenile from 2006. The data is encouraging, but it is undeniable that the phenomenon of juvenile delinquency is still common; especially some of the manners are so cruel, which makes us angry, sad and puzzled. We are wondering with the improvement of economic and social conditions why juvenile delinquency can not be stopped. And after the study we can find the following four characteristics that feature juvenile delinquency:

The first is the lower age. According to statistics, adolescent delinquency takes up more than 70 percent of all the criminals of the whole country and juvenile delinquency takes up 70 percent of adolescent delinquency [1]. A research program with the name of Prevention of Adolescent Delinquency based on the investigation of 2752 adolescent offenders from 10 provinces conducted in 2001 by the Central Committee for Comprehensive Management of Public Security shows that the first crime peak age is 15, which takes up 24% of the whole, and the second crime peak age is 16, which takes up 37%.[2] Now, the average age of adolescent delinquency is 15.7, with many below 14 involved in theft, and even robbery, assault and murder

The second is there are various types. The types of juvenile delinquency are becoming more and more, for example, theft, robbery, assault and extortion. Among these, crimes against property are very common. In 2003, among the arrested adolescent suspects approved by the procurator organs, those are related to crimes against property take up 75.3%. In addition, new crimes such as murder, rape, kidnapping and other serious cases and cybercrime have occurred, and some young offenders apply modern scientific knowledge to their crimes, so the means are more subtle and cunning and the capabilities of premeditated crime and anti-detection capabilities are significantly enhanced.

The third is adult crime means. With the development of economy and social life, the physical and mental age of minors are increasingly precocious. They carefully plan before committing a crime, make a simulated scene afterwards, and use the anti-investigative techniques learned from the newspapers and television. On one hand, they are fierce and cruel in the process of committing the crime, and on the other hand, they show significant adult and intelligent features.

The fourth is organized crime. According to files, crimes committed by one or two persons only account for 20% of

juvenile delinquency and the rest are all organized crime.[3] Such criminals are affected by films from Hong Kong and Taiwan and they tend to commit crimes in groups.

Objectively speaking, the increase in juvenile delinquency is closely linked with the stage of development of our country and the social environment. At present, China is in the stage of accelerated transition, and the economy is developing fast, however, the lack of effective guide of core value, confused social moral standards, prevalence of money-worship and corruption and polarization between the rich and poor, all these factors are making a negative demonstration effect on the young which result in the wrong tendency in their philosophy of life, world and value.

In addition, the impact of the Internet and other modern social media is increasing day by day; especially some of them promote hedonism, violence, murder and pornography, which are difficult for the young to identify. The rapid development of the Internet brings great convenience to us as well as negative effects on the young at the same time.

The first is the monopoly on Internet culture by the western countries which leads to a de facto cultural aggression. 80% of the information available from the Internet are coming from the United States, while 0.01% from China, indicating that that the US-led western countries have absolutely controlled the information resources, and the information attached to western values are pouring to China through their monopoly and information-dumping, which is essentially a kind of information aggression and "cultural invasion." [4] Yet the minors are susceptible confused and unable to extricate themselves because of their immature philosophy of life, value and morals.

Secondly, the wide spread of online pornography and violent culture caused bad consequences. In recent years, online products of obscenity pornography bring "spiritual pollution" to the young, devastate the physical and mental health of them and bring them astray. In addition, we cannot understate the effect of online violence. Many kinds of DVD, games full of violence from domestic and abroad are transmitted to the young via computers and networks, and even they can learn how to make bombs, how to implement a variety of violent crime online. According to the report from Chinese Society for Juvenile Delinquency Prevention Research, truancy is usually the common precursor and 71% of them will surf on the Internet to kill time. [5] The lack of life experience and self-control could result in their being mislead from the violence on the Internet to commit violent crime because of negligible life frustration or buddy loyalty and other minor reasons.

III. THE DEFICIENCIES AND PROBLEMS EXISTING IN THE PREVENTION OF JUVENILE DELINQUENCY

Although *Law of the People's Republic of China on the Prevention of Juvenile Delinquency* has taken effect, however, realistically speaking, there are still many aspects we should research and improve regarding the prevention of juvenile delinquency.

The first, we put much more emphasis on the punishment but less on the prevention regarding juvenile delinquency. The vast majority of judicial resources such as the police,

prosecutors and courts are devoted to their responsibility of legal sanctions with little efforts on the prevention stage, which will inevitably lead to an endless stream of juvenile delinquency, resulting in a large number of repeated offenders and recidivists.

The second, we lack of a scientific warning mechanism. We cannot take the short-term approach of "strike hard" to prevent juvenile delinquency, but must establish a complete legal system and warning system. We should integrate the prevention work into our routine operation with long term efforts and scientific management. During the whole process, we should not only put our eyes on the minors themselves, but take their growth environment, their family, education and circle of contacts into consideration to explore the root causes of juvenile delinquency. Only by this can we stop juvenile delinquency at the very beginning stage, otherwise it might develop into vicious crime.

The third, the government's responsibility system needs to be further improved in the field of juvenile delinquency. Nowadays, juvenile delinquency and ideological and moral construction of minors have attracted attention from the whole society. Although our families, schools, judicial organs, governments at all levels, the CYL, Women's Union and the industries related to the minors have built the connections and basic network of preventing juvenile delinquency, we need further integrate our efforts.

IV. PREVENTION SUGGESTIONS OF JUVENILE DELINQUENCY

The source control and crime prevention have become a general consensus in the issue of juvenile delinquency, which can be shown by the name change of Chinese Society for Juvenile Delinquency Prevention Research, which was Chinese Society for Juvenile Delinquency Research before. To realize the prevention of juvenile delinquency, we should innovate our ideas, our system and our practice to achieve a new way of preventing and reducing juvenile delinquency with Shandong characteristics by playing the leading role of the Communist Youth League organizations, fully relying on various possible social resources and stimulating the potential of the CYL at all levels.

A. *Strengthen the Leadership and Build the Social Responsibility System*

1) *We must further strengthen the leadership, improve our work organization and clear the responsibilities.*

To highlight the organizational advantages of the CYL and its characteristics in the ideological and political work, we recommend that the provincial CYL strengthen the leadership in the prevention of juvenile delinquency. The provincial CYL leaders should personally take charge of it to establish a joint network, focusing on the legal education and ideological and moral construction, highlighting the prevention-oriented features. To effectively conduct the prevention, we should make an overall plan, improve the working system, and establish orderly steps starting from the content and measures. First, we should establish the joint conference system of juvenile delinquency; second, we

should establish the appraisal system, making the prevention of juvenile delinquency as the most important task of the CYL at all levels; third, a certain person should be designated to be responsible, with a full-time vice secretary of the CYL explicitly responsible for the specific implementation of the preventive work.

2) *We should play the advantages of all the parties involved to achieve the integrity.*

For the good of juvenile delinquency, we should build the prevention system in each community, during which the CYL should play a leading role in promoting the efforts from all sides to build a good growth environment for the young people.

a) The Provincial League Committee can work together with the provincial police, prosecutor and court to release Issues on the Strengthen of Juvenile Education and Prevention of Juvenile Delinquency of Shandong Province, highlighting the education and prevention as the main characteristics, taking good use of the resources of all parties at all levels and establishing a new working system. For example, we can strengthen the cooperation with the judicial organs to work out implementing rules and operational methods of criminal prosecution and legal aid related to young offenders. And we can build new types of social working group and encourage the volunteers to conduct the prevention work.

b) We should take use of legal advocacy and family education to control the young people from the source, at the same time, the district branch of the CYL, publicity, justice and women's union should take their responsibility to carry out moral education, legal advocacy activities to improve the juvenile legal knowledge and cultivate their awareness of law.

c) We should strengthen the protection of the minor's legal rights. Shandong province operated Shandong Protection Center of Minor's Legal Rights in Jinan in 2004; afterwards, Shandong province has been taking efforts to improve the protection by implementing the Project of Minor's Legal Rights Protection and setting up the Post of Minor's Legal Rights Protection. It would be better if the CYL and other judicial organs could run the Youth Law School to popularize the awareness of law, and organize some representatives to visit the juvenile prison peers to carry out "dialogue across the walls" to promote moral education in order to improve their legal consciousness.

B. Take measures to help the minors to seek the schooling and employment opportunities

The CYL should start from the realities and actual needs of the minors to integrate the possible resources to carry out various forms of help in solving their difficulties in schooling and employment to fundamentally block the channel of delinquency.

1) *We should increase the intensity of helping the poor in their schooling.*

The CYL should communicate with the Civil Affairs Departments to grant scholarships to the vulnerable families; the CYL could actively explore the possibilities of

persuading the enterprises to donate funds to help those in economic difficulties to solve the problem of the cost of their education.

2) *We should increase the intensity of help in finding proper employment.*

The CYL at all levels should actively communicate the labor and social security departments at all levels to provide targeted employment information to the graduated young people and assist the relevant departments to conduct vocational training and vocational education to broaden their employment channels. Also, we can create some internship posts in the major enterprises to help the young people to accumulate professional experience to enhance their employment competence. Meanwhile, we should encourage and support them to do small business by themselves, and we can provide education on entrepreneurship, establish "business support fund" to help them overcome difficulties and embark on entrepreneurial path. We should pay special attention to those who have committed crime by counseling and caring them at all the stages of schooling, employment and entrepreneurship to avoid any detours.

C. Explore and Establish the Working System of Prevention and Deduction of Crime

1) *Make the best of the judicial resources to build basic information platform.*

We should work jointly with the judicial departments to build our provincial basic information platform of prevention of juvenile delinquency to collect, classify, and publicize the information. And the judicial departments can set up different classification such as crime files of students, crime files of community minors, crime files of minors from other areas and files of minors at high risk. The information should regularly be delivered to all the departments involved to conduct targeted work.

2) *Establish a team of social workers to prevent juvenile delinquency.*

Now the professional social workers have accumulated some experience of prevention of juvenile delinquency, and we have got some vivid cases. The CYL at all levels should take the social workers team as the basic tool, improve their training and provide more help to them. For example, we can help them to regularly file the cases of juvenile delinquency and communicate with them in the field of law and policy application. And the social workers can do some moral and psychological counseling and participate in activities to enhance communication with minors to obtain their understanding to transform their ideas.

3) *Explore the implementation model of "non-custodial"*

The judicial departments should implement lighter criminal policy towards the young offenders. Even if penalties are to be imposed, if possible, non-custodial sentence is the best way to provide opportunity for them to receive assistance from the community.

4) *Actively participate in the after-case help to prevent recidivism*

The CYL at all levels should work together with the judicial departments to build an admonishing system. After the court and procuratorate take a non-custodial disposal, the CYL at all levels should take the advantage of the social workers to carry out assistance, education and rescue work together with the police stations to prevent re-crime. Also, we should visit them regularly, set up visit files, and communicate with themselves, their parents and their schools to learn about their thoughts and living conditions in order to consolidate the non-custodial effect.

D. Establish A Healthy Internet Preventive Mechanism

The unhealthy content on the Internet now becomes a new challenge to the education of the minors. How to make the best of the advantages of the Internet and control the negative impact at the lowest level now becomes a very urgent task. Administration of Online Game was released on August 1st, 2010 by the Ministry of Culture. This is China's first departmental rule and norm specifically regarding the management of online game, which requires online game business units should adopt a series of measures for the protection of the minors.

It is a positive way to set up a legal barrier to protect young people from the harmful influences of the network, but facing the market players' impulse of making profit, coupled with the high cost of law enforcement, the effect remains further assessing. While we strengthen the management of the Internet and popularize the education of the Internet, we should support the youngsters to build their own websites to provide space for their learning, communication and entertainment.

Then, we should strengthen the discipline and self-discipline of the mass media. The media should take the special needs of the minors into account when operating the online movies and games, which means they cannot only give priority to their profits exposing violence, sex, and drugs and gambling to the young people. The Provincial Committee of the CYL can take the lead to call the social units and media journalists to sign a kind of self-discipline convention to boycott the media to spread unhealthy content. And we should separate the young people from the unhealthy content by technical means and set up website security rules to protect them.

In addition, we should encourage software companies to develop more healthy games. The CYL can give support to these companies and help them to do promotions in schools.

E. Solve the Mental Healthy Problems of the Minors

Mental healthy problems are very common among the minors. According to statistics, we have 30 million young

people with psychological problems, with 21.6% to 32% of the students in the primary and middle schools and 16% to 25.4% of the university students, which is increasing year on year.[6]

Since the vast majority of the minors are the only kid of the family, the arrogant, imperious and brutal characters are common among them. It is proved that those who have a strong desire of control but poor ability to adapt are likely to commit crime: suicide or murder when faced with social frustration.

To solve the mental healthy problems of the minors, the CYL organizations at various levels should have an overall system. We can work together with their families, their schools, their communities, the media, the police stations and other social education organizations to establish a work team consisting experts from the above organizations to solve all the possible problems. First, develop a healthy, democratic and caring family atmosphere, and show respect to the minor's freedom of movement to some extent, and their pioneering spirit. Second, guide all kinds of schools to strengthen the mental health education to teach students physiological, mental health and social adaptation knowledge to eliminate their fear, shyness or guilty. Third, strengthen the physical and mental health care of the minors at the community level to intervene and provide legal aid if any physical or mental abuse is found either in their family or in their school. Fourth, improve the primary health care system at the community hospitals to provide regular mental health check service and education, and to those who have mental disorders we should pay special attention. Fifth, play the role of community police officers to carry out services from the standpoint of young people, which would be good for altering the opposite relationship between the police and the minors, thereby improving their growing social conditions.

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