



WWJMRD 2026; 12(01): 67-74
www.wwjmr.com
International Journal
Peer Reviewed Journal
Refereed Journal
Indexed Journal
Impact Factor SJIF 2017: 5.182 2018: 5.51, (ISI) 2020-2021: 1.361
E-ISSN: 2454-6615

Chong Fu
Beijing Normal University
Law School, Beijing, China.

Chao Wang
Beijing Normal University
Law School, Beijing, China.

The System of Graded Intervention for Juvenile Delinquents in China: Challenges and Solutions

Chong Fu, Chao Wang

Abstract

The construction of the graded intervention for juvenile delinquents should be guided by the internationally accepted principles of maximizing the interests of the child and the parental authority of the State. The principle of "education as the mainstay, punishment as a supplement" under the policy of tempering justice with mercy with Chinese characteristics should be established as well. The difficulties in the operation of this system in China lie mainly in the non-specific grading standard of delinquent behaviors, the failure of intervention measures to perform their expected functions, and the limited function of investigation and education in the case of conditional non-prosecution. In order to further improve this system, it is necessary to establish precise grading standards for juvenile delinquency, enhance the effectiveness of home and school discipline, optimize the system of specialized schools and conditional non-prosecution, and focus on strengthening the rule of law education for juveniles, so as to achieve a two-way balance between the protection of juveniles and the safeguarding of the interests of society.

Keywords: Juvenile delinquency; graded intervention; specialized school; conditional non-prosecution; juvenile justice.

1. Introduction

With the principle of "maximizing the interests of the child" taking root in people's minds, juvenile justice has flourished in China in recent years. While adult justice pays more attention to the "act" itself, juvenile justice focuses on the "perpetrator", emphasizing the policy of "education, influence and rehabilitation" and the basic principle of "education as the mainstay, punishment as a supplement". China's specialized legislation for minors began in 1987 with the Shanghai Youth Protection Regulations, and now, after more than thirty years, has initially formed a legal system for minors with the Law of Protection of Minors and the Prevention of Juvenile Delinquency as its core. Error! Reference source not found. The Criminal Law and the Criminal Procedure Law have also gradually established a series of criminal justice systems involving the protection of minors, such as the age of criminal responsibility, mitigating and reducing penalties, conditional non-prosecution, and sealing of criminal records.

However, the frequent occurrence of violent crimes committed by underage minors in recent years has given rise to controversy over the current system of judicial treatment of juvenile delinquency. Prior to the introduction of the Criminal Law Amendment (XI) and the new Law on the Prevention of Juvenile Delinquency, the most severe punishment for juvenile delinquents was only three years of institutionalization. As a result, on the one hand, public opinion was extremely dissatisfied, and calls for lowering the age of criminal responsibility grew louder and louder; on the other hand, the theoretical community was more cautious about the issue of the age of criminal responsibility, and three views were formed: lowering the age of criminal responsibility, setting a flexible age, and maintaining the current standard. On the basis of fully considering the balance between the social interests and the protection of minors, the Criminal Law Amendment (XI) was formally introduced in 2021, responding to social concerns from a legislative perspective by "appropriately lowering the age of criminal responsibility and strictly restricting the conditions for its application". However, this initiative does not fundamentally solve the problem of juvenile delinquency and has even

Correspondence:
Chao Wang
Beijing Normal University
Law School, Beijing, China.

been questioned "whether to continue to lower the age of criminal responsibility if there are younger minors committing crimes". It can be seen that simply lowering the age of criminal responsibility will not be a good solution to the problem of juvenile delinquency. Error! Reference source not found. Based on this, the theory and practice more and more realize that the focus of the management of juvenile delinquency is "early prevention and comprehensive management", the juvenile's wrongdoing can not be simply "exempt from punishment" or apply the same punitive measures as adults. Instead, the family, society and the judiciary should be synthesized to provide graded intervention for juvenile delinquents. Limiting attention to the issue of responsibility only after the commission of a crime is a departure from the core concept of "prevention-oriented" in juvenile justice. The focus of the juvenile system research should be based on the early prevention of juvenile delinquency. The construction of a systematic graded intervention for juvenile delinquents and its full application in practice have become an unavoidable proposition in the development of juvenile justice in China.

2 Conceptual bases of the graded intervention for juvenile delinquents system

The concept of judicial treatment for juvenile delinquents is not static but transmutes dialectically with the development of the times and the needs of the judicial practice. Error! Reference source not found. Some scholars believe that the correctional treatment of juvenile delinquents should be the result of a balance between punitive and protective values, but judging from the vicious incidents of underage minors that have occurred in recent years, China's behavioral correctional treatment of juvenile delinquents has more than enough protective qualities but weak punitive qualities, and it is necessary for the legislation to be moderately biased in favor of the punitive qualities. Error! Reference source not found. There are also scholars who insist on giving priority to protection, suggesting that, guided by the principle of maximizing the interests of the child, the treatment for juvenile delinquents should be subject to the principle of "protection first, education second", and that the retributivist notion of "education first, punishment second" should be completely discarded. Error! Reference source not found. Most scholars adhere to the principle of two-way protection, seeking a balance between protection and punishment.

2.1 Conceptual foundations: the principle of maximizing the interests of the child and the idea of State parental authority

The principle of "maximizing the interests of the child" is the basic principle on which countries around the world have built their systems for dealing with minors who have committed crimes and wrongdoings. The United Nations Convention on the Rights of the Child provides that "the best interests of the child shall be a primary consideration." Justice for minors should take the protection of minors' interests as its primary value and be committed to the continuous development and improvement of the welfare of minors. After China's accession to the Convention on the Rights of the Child, it has actively fulfilled its treaty obligations, embodied the spirit of this principle in the legislation and justice, and actively safeguarded the legitimate rights and interests of minors. Error! Reference source not found. Regrettably, this principle had never been explicitly

established as a fundamental principle within the legal system for minors in domestic legislation until the revision of the Law on the Protection of Minors in 2020, when it was finally enshrined in the form of "the principle of the best interests of minors." However, the Law on the Prevention of Juvenile Delinquency, amended in the same year, still failed to clarify the importance of this principle from a legislative perspective. As a fundamental principle relating to the interests of minors, "maximizing the interests of children" should be applied to every law relating to minors. It is necessary to further emphasize the value guidance of the concept of children's welfare in constructing and improving the judicial treatment system for juvenile delinquents. Error! Reference source not found.

"Parental authority of the State" refers to the position of the State as sovereign and guardian of legally incapacitated persons, such as minors or mentally ill persons. The theory is that, in addition to guardians in the social sense, such as parents, the State is also the ultimate guardian of minors and can intervene and protect them compulsorily beyond parental authority. The state should have the welfare of the minor as its primary concern in the fulfillment of its duty to protect the minor. Error! Reference source not found. The parental authority of the state is a basic institution of common law, and the idea is mainly embodied in China in the Law on the Protection of Minors. For example, in the absence of guardians in the social sense, the law stipulates that the civil affairs department shall provide long-term guardianship for minors. When it comes to delinquents, minors' wrongdoing is often caused by multiple factors, such as personal, family and social reasons. So, the State is also inevitably one of the responsible subjects for minors' delinquents, and the necessary meaning of State parental authority includes the public authority's education and correction of minors in wrongdoing. The construction of the graded intervention system for juvenile delinquents cannot be separated from the theoretical guidance of this idea.

2.2 Conceptual choices: the principle of "education as the mainstay and punishment as a supplement" under the policy of tempering justice with mercy

The construction of China's system of graded intervention for juvenile delinquents should reflect the principle of maximizing the interests of the child and the theory of national parental authority. But while moving closer to the internationally accepted concepts of juvenile justice, attention should also be paid to combining China's judicial practice and internalizing the two theories into specific principles consistent with China's national conditions. "Tempering justice with mercy" is one of China's basic criminal policies, and it not only means that there should be leniency and severity in dealing with crimes, but also that there should be a certain balance between leniency and severity. They should be interconnected to form a positive interaction, so as to avoid the situation where both leniency and severity lead to mistakes. Error! Reference source not found. In 2006, the Sixth Plenary Session of the 16th CPC Central Committee formally put forward this criminal justice policy, that is, "to implement the criminal justice policy of tempering justice with mercy, to reform the juvenile justice system, and to actively implement community correction". From this it can be seen that, in the administration of juvenile justice, it is all the more important to accurately

grasp and prominently embody the criminal policy of tempering justice with mercy. Accurately constructing and progressively improving the system of graded intervention for juvenile delinquents is an inevitable requirement for the implementation of the policy.

China's juvenile justice is based on the basic principle of "education as the mainstay and punishment as a supplement", but this principle is also prone to falling into the trap of overprotection, which may lead to a tendency towards absolutism in protectionism, and is not conducive to the protection of the rights of the juvenile delinquents or the safeguarding of the public interests of society. For the consideration of the balance of interests, some scholars have put forward the governance concept of "lenient to the lenient and severe to the severe" for delinquent acts of minors. That is, based on adhering to the principle of "education as the mainstay, punishment as a supplement", distinguish between minor and serious delinquent acts of minors. Deal with minor acts leniently and serious acts severely, imposing penalties that are appropriate to the gravity of the acts.^{Error! Reference source not found.} This is consistent with the ideological core embodied in China's criminal policy of tempering justice with mercy, and is the proper meaning of the idea of maximizing the interests of the child and of national parental authority, and the significance of the graded treatment of crimes and wrongdoings is also reflected in this. In fact, punishment and education are not naturally in absolute opposition to each other, punishment is also a form of education. Without adverse consequences and sanctions, the role that education can play will be greatly limited. In order to achieve the ultimate goal of balancing punishment and education, the principles of protectionism and maximizing the interests of the child should be adhered to, guided by the policy of tempering justice with mercy and the State parental authority, and by the basic principle of "education as the mainstay, punishment as a supplement", in order to build a refined, individualized and systematic system of graded intervention for juvenile delinquents.

3 Challenges in the operation of the graded intervention for juvenile delinquents system in China

At the legislative level, the classification of juvenile delinquency is mainly reflected in China's Law on the Prevention of Juvenile Delinquency, the Criminal Law and other laws. However, the existing laws lack a systematic system for grading and classifying delinquent acts, and the "three-part method of delinquent acts" adopted in the Law on the Prevention of Juvenile Delinquency also suffers from an imbalance in its span. In terms of the practical operation of treatment measures, intervention measures for minors' bad behavior and severe delinquent behavior have not been able to perform their intended functions well; for minors entering criminal procedures, the function of the conditional non-prosecution system is limited by the economic level of the various regions and the cognitive abilities of the personnel handling the cases.

3.1 Lack of specificity in grading standards for delinquent behaviors

The 1999 Law on the Prevention of Juvenile Delinquency paid attention to juvenile delinquency for the first time from a preventive perspective, proposing the concepts of "bad behavior" and "severe delinquent behavior". However, the two types of delinquent conduct stipulated in the Law

had unclear boundaries between their connotations and their extents. Moreover, "severe delinquent behavior" encompassed a wide range of wrongdoings and was suspected of violating the principle of "suits punishment to crime".^{Error! Reference source not found.} On the basis of summarizing the experience of the academic and practical circles, the Law on the Prevention of Juvenile Delinquency was revised in 2020, clearly proposing the concept of graded prevention, and classifying minors' behaviors into "bad behavior", "severe delinquent behavior" and "criminal behavior" in accordance with the seriousness of their behaviors. "Bad behavior" mainly includes smoking, drinking, absenteeism from school, truancy and other behaviors committed by minors that are detrimental to their healthy growth; "severe delinquent behavior" refers to acts committed by minors that are not punishable by criminal law because they are under the legal age of criminal responsibility, as well as acts that seriously endanger society; "criminal behavior" is consistent with the provisions of Criminal Law and is governed by the juvenile justice procedures stipulated in the Criminal Procedure Law.

In the academic community, the classification and grading of juvenile delinquency have undergone a gradual process of refinement, with mainstream viewpoints including the "three-part theory" and the "four-part theory". Scholars who hold the "three-part theory", such as Xiao Shanshan, advocate that the existing scope of "bad behavior" should be revised and the provision of "severe delinquent behavior" should be abolished, so as to categorize juvenile delinquent conducts into bad behavior, law-breaking behavior and criminal offenses (including exemptions from punishment for crime-related behaviors).^{Error! Reference source not found.} Song Yinghui and Yuan Ningning advocate that minors' wrongdoings can be divided into bad behaviors, public security violations, and criminal law violations.^{Error! Reference source not found.} Scholars who hold the view of "four-part theory", such as Yao Jianlong, advocate that minors' delinquency should be classified into four types of behaviors, namely, potential delinquent behavior (bad behavior), police violation behavior (severe delinquent behavior), criminal offense(acts that violate the criminal law but are exempt from punishment) and criminal behavior. The main purpose and real significance of the classification is to separate the treatment of juvenile delinquency from the ordinary law (adult law).^{Error! Reference source not found.} In recent years, there are also a few scholars who put forward the viewpoint of "five-part theory", taking the seriousness of the harmful act (objective standard), the age of responsibility of the subject of the act (subjective standard), and the legal responsibility borne by the act (result standard) as the standards, and classifying minors' delinquency into five levels --bad behavior, law-breaking behavior, police violation behavior, behavior that violate the criminal law but is exempt from punishment, and criminal behavior.^{Error! Reference source not found.}

The classification of juvenile delinquency is the basis for the establishment of the Graded Intervention system. The "three-part theory" adopted in the current Prevention of Juvenile Delinquency Law suffers from an imbalance in span and a lack of refinement. Specifically, although the revision of the law basically clarified the conceptual boundaries between bad behavior and severe delinquent behavior, there was no further delineation of severe

delinquent behavior, resulting in severe delinquent behavior encompassing a broader range of wrongdoing and a lack of clear standards. Severe delinquent behavior in the current Law on the Prevention of Juvenile Delinquency includes both administrative and criminal offenses, but the two are not essentially the same and cannot be confused. Administrative offenses are behaviors that are socially harmful and disrupt the legal order, but their social harm has not yet reached the level of criminal offenses; while criminal offenses have a higher degree of legal infringement, and minors are exempted from punishment only because of their lack of "culpability."^[16] Grouping these two types of behaviors with different natures under the category of severe delinquent behaviors will blur the essential differences between administrative offenses and criminal offenses. In terms of treatment consequences, it also goes against the basic concept of scientific graded intervention. As a result, there is a lack of targeted intervention for severe delinquent behaviors that are not subject to criminal punishment due to the offender's age being under the age of criminal responsibility.

3.2 Interventions are not functioning as intended

After the revision of the Law on the Prevention of Juvenile Delinquency in 2020, the intervention of bad behavior mainly emphasized that parents and schools should strengthen discipline of minors, but there were still no provisions on the legal consequences of a guardian's violation of his obligations or inaction. In practice, the effectiveness of the intervention of social mechanisms, such as parents and schools, in relation to juvenile delinquents was open to question. For severe delinquent behaviors, the law has set up three types of punishment in increasing degrees of seriousness -- correctional education, specific education and specialized correctional education. However, the legislation still lacks detailed and specific provisions on the specific application of the interventions, and in practice the application of the treatments in each region varies considerably, depending on the state of economic development.

Specifically, with regard to bad behaviors, the Law on the Prevention of Juvenile Delinquency emphasizes informal social control mechanisms, such as parental and school discipline and instruction. Public security organs, residents' committees and other public authorities are generally in an auxiliary position, with the main responsibility of curbing the bad behaviors of minors and urging parents and schools to fulfill their supervision obligations. There is a certain degree of rationality in this institutional design, since bad behaviors are mostly self-inflicted by minors and are generally not socially harmful, so it is inappropriate for public security organs to intervene excessively. This on the one hand retains the reasonable scope of public power to interfere in private space, and on the other hand avoids excessive consumption of judicial resources. However, at the same time, in judicial practice, soft treatment measures such as home and school supervision often fail to be effective, suffering from severe deficiencies in terms of mandatory enforcement and sustainability. A large part of the cause of minor's bad behavior is due to the lack of family guardianship and parental education. If parents fail to fulfill their guardianship duties in the early stage of their children's bad behaviors, let alone the role that family education can play after such delinquent behaviors occur. As for school supervision, on the one hand, it is difficult for

schools to pay attention to each and every student given the large number of students; on the other hand, there is a lack of mandatory management measures for students with bad behaviors. Admonitions and other methods are often ineffective for students with continuous and repeated bad behaviors, and even for minors who have been out of school for a long time or have dropped out of school, the school is almost incapable of carrying out behavioral remediation.

The correction of severe delinquent behavior is accomplished mainly through the public security organs' adoption of educational and corrective measures such as admonition, orders to make amends and apologies, compensation for losses, repentance, regular reporting of activities, and adherence to specific norms of behaviour, as well as through specialized school education. Take the public security organs in G City, a county - level city in southern Anhui Province, where the author has conducted empirical research, as an example. Relevant staff members said that for minors with severe delinquent behaviors, measures such as admonition and carrying out warning education are mostly adopted for correction. These measures work relatively well for "first - time offenders", but have little effect on minors who have committed severe delinquent behaviors multiple times (common ones include repeated theft, fighting, etc.). Another kind of treatment measure for intervening in severe delinquent behaviors stipulated by law is specialized school education, which has developed from the early work - study schools. The application of general socialization measures is not sufficient to correct psychologically and behaviorally deviant minors, while severe custodial sentences have a negative impact on the mental health and personality formation of minors, and are not conducive to the resocialization of juvenile delinquents. In contrast, specialized schools are both protective and mandatory, in line with the growth and development of minors.Error! Reference source not found.

Compared with the work-study school and reeducation system, which were criticized in earlier times, the current specialized school system better reflects the special nature of the protection of minors, but judicial practice shows that there is still room for improvement. Firstly, in terms of institutional safeguards, the implementation of the specialized school system lacks detailed and clear standards. The Law on the Prevention of Juvenile Delinquency provides a rather abstract regulation on the admission procedures of specialized schools. However, there is a lack of more detailed rules and regulations regarding issues such as the schools' nature and specific educational correction measures within the schools. In addition, the nature, members and responsibilities of the Specialized Education Steering Committee are unclear, which may impede the practical application of this measure. Secondly, the legality of the compulsory enrolment process in specialized schools is prone to being questioned. In order to resolve the problem of "enrolment difficulties" in work-study schools in the past, the current law provides for both application and compulsory enrolment procedures in specialized schools. Compulsory enrolment is a manifestation of the idea of State parental authority, but it undeniably restricts the personal freedom of minors to a certain extent. The fact that the compulsory decision can be made and implemented by the public

security organs in conjunction with the administrative department of education makes this provision more controversial in terms of procedural legitimacy. Thirdly, with regard to the construction of current specialized schools, the level of development varies across the country, and enrollment standards for different schools are unclear as well. Statistics released by the Ministry of Education of China at the end of 2023 show that until 2022, there were just 119 specialized schools with 8,109 students enrolled nationwide. Among them, some provinces have not yet established any specialized schools yet, and the standards for enrollment in different provinces are not the same, which leads to the uneven operation of schools in different places, and some schools even face the challenge of worrying sources of students. Error! Reference source not found. Finally, the situation varies from place to place in terms of the popularity and applicability of the system. Until 2023, only four specialized schools existed in the provinces where the author's empirical research was conducted, and the public security organs in G City hardly applied the system, and minors with severe delinquent behaviors were generally dealt with by directly applying the Public Security Administration Punishment Law. Most public security organ personnel lack a clear understanding of the specialized school system. On the one hand, this reflects the insufficient popularization of the system and the need to further improve the professionalism of the staff involved in dealing with juvenile delinquents. On the other hand, this also shows that the Law on the Prevention of Juvenile Delinquency fails to be well-coordinated with other legal systems such as the Law on Public Security Administration Punishments, the Criminal Law, and the Criminal Procedure Law, resulting in conflicts in the application of laws.

3.3 Limitations of Conditional Non-Prosecution's Investigation and Assistance Functions

Conditional non-prosecution is a system of deferred prosecution for minors who have already entered the criminal justice process, reflecting the connotation of "leniency" in the criminal policy of tempering justice with mercy, and playing a pivotal role in the effective management of juvenile delinquency. Error! Reference source not found. The key to the functioning of this system is to attach the corresponding conditions to the minors during the probation period, and to correct the minors' wrongdoing through the combination of supervision and education, so as to make them realize the wrongfulness of their own behaviors, and to avoid the risk of recidivism. From the perspective of judicial practice, there are still implementation obstacles in this system, such as a relatively narrow scope of applicable crimes, a rather single content of assistance and education, and insufficient supply of supporting facilities. It remains to be further improved. Error! Reference source not found.

The scope of crimes applicable to this system is relatively narrow and fails to cover other case types that have emerged in practice. According to China's Criminal Procedure Law, the system of conditional non-prosecution currently applies to cases in which "minors are suspected of having committed the crimes set forth in chapters 4, 5 and 6 of the Criminal Law", excluding the application of cases involving other crimes. Some scholars believe that, in fact, there are still some cases slipping through the net regarding the current provisions on the scope of charges applicable to

the conditional non-prosecution system. For example, in judicial practice, there are cases where minors are involved in the crimes of dangerous driving and traffic accident in chapter 2 "Crimes of Endangering Public Security" of the Criminal Law. However, due to not falling within the scope of crimes applicable to the conditional non-prosecution system, this system cannot be applied to these cases. Error! Reference source not found. In the course of the author's interview with the Procuratorate of G City, the prosecutors indicated that the suspected offenses not within the statutory scope are generally dealt with by relative non-prosecution or direct prosecution and will not break through the provisions of chapters 4, 5 and 6 of the Criminal Law. In a sense, this is a restriction on the application of conditional non-prosecution to correct minors' criminal behavior, making it difficult to give full play to the educational and correctional functions of the system.

The system lacks rigid and effective measures of education and correction during the probation period, with a single content of help and education, and a lack of diversified and individualized programs. The supervision and inspection methods in the probation period of conditional non-prosecution in practice mainly include four kinds: school attendance, observation base, guardian supervision and inspection and other methods, of which the most applicable is guardian supervision and inspection. Error! Reference source not found. On the one hand, the implementation effect of the way of guardian supervision and inspection is often poor; on the other hand, due to the different level of economic development of different regions, there are also large regional differences in the way of supervision and inspection and the means of corrective education. For example, the empirical report of the subject group of the Haidian District People's Procuratorate of Beijing shows that the region has established a perfect system of guardianship bases, and has realized the help and return of juvenile delinquents by means of education and correction measures such as social work group activities and psychological counseling. However, the staff of the Procuratorate whom the author interviewed said that they basically adopted the guardian supervision and inspection approach. Most of the help and education activities were carried out through means such as telephone contact, regular submission of thought reports, and participation in public welfare labor. These means were relatively single, and the effects often varied from person to person.

The supply of ancillary facilities is insufficient, the number of observation and protection centers is small, the social support system is weak, and the professionalism of correctional personnel needs to be further improved. The system of observation and protection centers relies mainly on schools and enterprises to provide study and work opportunities for juveniles involved in crimes and serves as a platform for their rehabilitation and reintegration into society. However, the number of existing observation and protection centers in China is relatively small, with uneven development in various regions. Besides, the participation of relevant enterprises in the study and education of minors is purely an act of public welfare, and if there is no clear policy support, it can easily lead to insufficient motivation of the enterprises. The nature of the observation and protection centers is not very clear, the types of the centers are also homogeneous, and there is a lack of systematic safeguards for the benign development of the system as

well as countermeasures against the lack of guarding in place.^{Error! Reference source not found.} ²⁹ Most of the current observation and protection personnel are enterprise managers. Lacking professional training, they cannot meet the requirements of the professional construction of juvenile justice.^{Error! Reference source not found.} In addition, the participation of social forces during the period of conditional non-prosecution is insufficient, and it is difficult to achieve "precise help and education" by relying solely on the staff of the procuratorial authorities. Most regions have not established a social service referral mechanism, and there is a lack of a regularized mechanism of communication, resource sharing, and coordination among the relevant departments.^{Error! Reference source not found.}

4 Improvements of The Graded Intervention for Juvenile Delinquents System

The establishment of the graded intervention for juvenile delinquents' system is a fundamental part of the development of juvenile justice. From the practical point of view, the way forward for the improvement of this system should be based on China's national conditions, paying full attention to the special characteristics of minors, refining the existing system provisions and constantly upgrading the supporting measures. It is necessary, under the guidance of the criminal concept of tempering justice with mercy, to adhere to the principle of "education as the mainstay and punishment as a supplement" and aim at the correction and reintegration of delinquent minors, so as to construct a multi-coordinated graded intervention system.

4.1 Establishment of precise grading criteria for delinquent behaviors

The basis for setting up individualized treatments is the scientific and reasonable classification of different degrees of juvenile delinquency. In order to further build a precise grading system for juvenile delinquency, the "four-part theory" should be used as the basic standard, dividing delinquent behaviors into bad behavior, severe delinquent behavior (administrative offenses), criminal offense (acts that violate the criminal law but are exempted from punishment because minors are under the age of criminal responsibility), and criminal behavior. In more detail, "bad behavior" can continue the current standard of the Law on the Prevention of Juvenile Delinquency, referring to behaviors that are not conducive to the healthy growth of minors themselves, and it is important to adjust the scope of the connotation of bad behavior according to the social economic development in a timely manner. "Severe delinquent behavior" should only mean administrative offenses that violate the Public Security Administration Punishment Law, and at the same time, it is necessary for legislators to clarify the laws that are applicable when it comes to minors' severe delinquent behaviors, so as to avoid conflicts between the Law on the Prevention of Juvenile Delinquency and the Law on Public Security Administration Punishments in their practical application. Furthermore, acts that violate criminal law but are exempt from punishment because minors are below the legal age of criminal responsibility should be specifically categorized as "criminal offenses". This classification shall be systematically differentiated from "severe delinquent behaviors", and authorities should formulate distinct treatment measures, establishing a stepped and graded intervention system for juvenile delinquents. For example,

for severe delinquent behaviors, the general correctional measures and the specific education system stipulated in the current laws can be applied. However, the specialized correctional education, which has more stringent means and stronger restrictions on personal freedom, should only be applicable to minors involved in criminal - related acts.

4.2 Refinement of scientific and effective intervention measures

On the one hand, the effectiveness of discipline at home and at school should be enhanced. In cases where guardians may fail to fulfill their supervisory duties, in addition to the measures of "ordering strict discipline" provided for in the law, consideration can be given to applying a bond system to guardians who refuse to fulfill their supervisory responsibilities, in order to enhance the binding effect of parental supervision. Furthermore, the introduction of the compulsory parental education system is also of positive value. After comprehensively examining the causes of a minor's delinquent behavior, the public security authorities believe that where there is a lack of supervision on the part of the guardian, the guardian may be subject to a mandatory parental education system, which means being compelled to participate in regular parental education activities in the form of expert lectures, book-reading sessions, etc. However, the frequency and content of compulsory parenting activities in different cases shall also be treated differently according to the degree of the minor's delinquent behavior and the lack of education of the guardian.^{Error! Reference source not found.} At present, this system has been piloted in some areas of China in judicial practice. It has achieved good results and attracted extensive attention from all sectors of society. Meanwhile, the "Holiday Counseling System" in Taiwan is also worthy of reference. This system means that juvenile protection officers will conduct several sessions of education on academics, morality, labour and other aspects for delinquent minors on holidays, without affecting the minors' normal study and life. It helps to correct juvenile delinquents with minor offenses and has great potential in dealing with delinquent behaviors and providing assistance and education measures during the conditional non - prosecution period.

On the other hand, the specialized school system needs to be improved. In previous judicial practice, minors who had committed crimes were often "punished" or "released", lacking effective intermediate transitional measures, and the specialized school system is an appropriate option for filling this gap. Improvements to the specialized school system should be made in the following areas. Firstly, local legislation must establish more detailed rules, setting specific implementation standards for the nature of specialized schools, their composition, and enrolment procedures. Within specialized schools, the content of correctional education should also be divided into different levels. Minors with severe delinquent behaviors and criminal offenses should be supervised separately to avoid cross-contamination, and targeted and stepped correctional measures should be taken for them respectively. Corresponding conversion procedures should also be stipulated among different correctional measures, and the hierarchical conversion of treatment measures should be carried out according to the actual situation. Secondly, in terms of enrolment procedures in specialized schools, at least for specialized correctional education in the category

of major interventions in personal freedom, decisions should be made through judicial procedures. In the absence of an independent juvenile justice system in China, the procuratorate could be the deciding authority, and later an independent juvenile judge could be considered. At the same time, there should be a corresponding relief procedure, namely "appeal", for those who have been wrongly sentenced to specialized correctional education. *Error! Reference source not found.* Finally, in terms of the construction of specialized schools, the government is supposed to provide stronger policy support, strengthen the publicity of the specialized school system, increase the number of public specialized schools in each region to avoid large imbalances in regional development, and equip them with professional teachers and management teams to strengthen the content of specialized education.

4.3 Optimization of educational and correctional tools during the period of conditional non-prosecution

The system of conditional non-prosecution is an important embodiment of the tempering justice with mercy policy and is compatible with the concept of restorative justice advocated by the international community, as well as being able to meet the real needs of the re-socialization of juvenile delinquents. In order to better utilize the educational and correctional functions of this system, it can be further optimized in the following ways. First and foremost, it is essential to gradually expand the application scope of the conditional non-prosecution system. Existing limitations on the types of crimes and penalty thresholds should be abolished. Specifically, the scope of crimes eligible for conditional non-prosecution for juvenile offenders should be extended to encompass all the types of crimes specified in the sub-rules of the Criminal Law, and the applicable sentence length for conditional non-prosecution should be moderately increased. *Error! Reference source not found.* Secondly, diversified and individualized means of education and correction should be improved during the test period. For regions that have not established a system of help and education, such as observation and care bases, the effectiveness and binding force of guardianship and community supervision should be strengthened, with the introduction of a guardianship bond payment system and mandatory parental education. In addition to the negative prohibition of conditional obligations, emphasis should also be placed on positive help and education for juvenile delinquents, and the means of help should be in keeping with the physical and psychological characteristics of minors. In addition, the construction of sound supporting facilities is an important safeguard for the functioning of the conditional non-prosecution system. Judicial organs and governments can cooperate with local enterprises, establish multiple enterprise observation bases by means of tax policy concessions, and arrange for suitable professionals to strengthen the development of educational activities to support and improve the social observation system. Take the People's Procuratorate of Yingshan County, Sichuan Province as an example. It has established a special database of assistance and education personnel. The personnel from the observation and protection base, together with the parents of minors, form assistance and education teams. They supervise and guide the minors and formulate one-to-many personalized observation and protection plans for them, achieving good results. *Error!*

Reference source not found. Finally, it is necessary to focus on strengthening cooperation and information sharing among departments and enhance the participation of social forces. As the leading authority in implementing the conditional non-prosecution system, the procuratorate can collaborate with departments such as the Communist Youth League, the Working Committee for Caring for the Next Generation, and the communities where minors live to jointly establish assistance and education groups. Alternatively, the procuratorate can also carry out assistance and correction activities by purchasing social services or cooperating with social public welfare organizations, injecting more social support forces for the judicial reintegration of minors.

5 Conclusion

The healthy growth of minors has a bearing on the future of the country and the nation and cannot be separated from the protection of the rule of law. At the present stage, juvenile justice in China is gradually developing, with more and more theoretical studies and practical pilots focusing on the prevention of juvenile delinquency and the protection of minors. The establishment of an independent juvenile justice system is already a trend in China. With regard to the problem of juvenile delinquency, emphasis should be placed on positive prevention, avoiding the evolution of bad behavior into criminal behavior, and strangling the seeds of evil at the beginning. Cases of vicious crimes committed by underage minors and the dispute over the age of criminal responsibility have caused society to think about the treatment of juvenile delinquency. Grading juvenile delinquency and implementing different intervention measures helps to balance the dual needs of protecting minors and safeguarding social interests, which fully reflects the guidelines of "education, influence and rehabilitation" and the principle of "education as the mainstay, punishment as a supplement". Given that China's laws have basically set up a framework for a graded intervention system, further improvement in the future should focus on refined grading criteria, diversified means of correctional treatment, and a sound supporting system, forming a comprehensive correctional and educational system led by the judicial authorities and combining the strengths of the family, the government and society.

Reference

1. Jianlong Yao, The Predicament and Solution of Laws on Minors, published by Youth Studies, 2019.
2. Jian Song, The Dilemma of Lowering the Age of Criminal Responsibility: Rethinking the Prevention and Punishment of Juvenile Crime, published by Journal of Hubei University of Science and Technology, 2021.
3. Yanhong Liu and Chenxin Ruan, The Establishment and Development of Judicial Protection of Misconduct Minors from the Perspective of the New Law, published by Social Sciences in Yunnan, 2021.
4. Liangjun Wu, The Punitivity of Behavior Modification towards Juvenile Delinquent and its Realization Approach, published by Youth Studies, 2018.
5. Wei Chen and Hongling Yuan, Survey and Consummation of Juvenile Protective Treatment—Based on Criminal Law Article XVII Fourth Paragraph, published by Presentday Law Science,

- 2015.
6. Zhenwei Huang, On the Application of the "Best Interests of the Child" Principle in Judicial Adjudication: An Empirical Analysis Based on 199 Judicial Documents, published by Journal of Law Application, 2019.
 7. Zhenhui Wang, Perfection of the Judicial Treatment System of Juvenile Delinquents, published by Journal of National Prosecutors College, 2020.
 8. Jianlong Yao, On State Parental Power Theory And Juvenile Justice, published by Law Science Magazine, 2008.
 9. Xingliang Chen, Study on the Criminal Policy of Combining Punishment with Leniency, published by Law Science Magazine, 2006.
 10. Yong Wang, On the Idea of "Graded Administration" for Controlling Juvenile Delinquency, published by Jilin University Journal Social Sciences Edition, 2020.
 11. Jianlong Yao, Considerations and Standpoints of the Four-points Theory of Juvenile Delinquency—Comments on the Law of the People's Republic of China on Prevention of Juvenile Delinquency (2020 Revision), published by Inner Mongolia Social Sciences, 2021.
 12. Shanshan Xiao, Rational Justification for the Concept Selection and Application of "Juvenile Delinquents", published by Juvenile Delinquency Prevention Research, 2020.
 13. Yinghui Song and Ningning Yuan, Research on the Disciplinary Rules for Handling Juvenile Delinquency, published by China Journal of Applied Jurisprudence, 2019.
 14. Jianlong Yao, On the Revision of the Law on the Prevention of Juvenile Delinquency, published by Law Review, 2014.
 15. Liang Zhu, Deconstruction and Construction: A Study on the Grading System for Juvenile Delinquency, published by Study and Practice, 2022.
 16. Jianlong Yao, Proposal and Legislative Analysis of Juvenile Police Violations, published by China Legal Science, 2022.
 17. Yinghui Song and Wenxin Qian, A Study of the Graded Intervention Mechanism for the Juvenile Delinquents in China with Specialized Education as the Core Focus, published by Journal of Yunnan Normal University(Humanities and Social Sciences Edition), 2022.
 18. Xiaobing Zhang, Specialized Education: Replacing Punishment with Education, published by Juvenile Delinquency Prevention Research, 2020.
 19. Wei Chen and Zifei Zheng, Problems and Improvements in the Conditional Non-Prosecution System for Juveniles: An Analysis Based on the White Paper on Juvenile Procuratorial Work (2014-2019), published by Journal of Chinese Youth Social Science, 2021.
 20. Xine Yang, Fei Mo, et al. (Research Group of Haidian District People's Procuratorate of Beijing), Report of an Empirical Study on Conditional Non-prosecution, published by Journal of National Prosecutors College, 2017.
 21. Ting He, Controversial Issues in the Application Targets of Conditional Non-Prosecution: Theoretical Reflections Based on Empirical Observations, published by Contemporary Law Review, 2019.
 22. Ting He, Research on the Implementation Status of the Conditional Non-Prosecution System, published by Chinese Journal of Law, 2019.
 23. Yong Jiang, Xi Yang and Jie Xiao, Improving the Mechanism for Social Organizations to Participate in the Probation and Investigation of Conditional Non-Prosecution, published by Juvenile Delinquency Prevention Research, 2021.
 24. Zhijun Song, Juvenile Justice Referral: Deepening the Conditional Non-prosecution Social Support System, published by Journal of National Prosecutors College, 2017.
 25. Meng Liu and Mei Ye, From Integration to Stratification: Graded Implementation of Mandatory Parental Education for Juvenile Offenders, published by Juvenile Delinquency Prevention Research, 2021.
 26. Boyi Li, The Nature of Fundamental Rights Intervention in Specialized Correctional Education and the Improvement of Rules, published by Juvenile Delinquency Prevention Research, 2021.
 27. Zhongjian Zhang, Examination and Improvement: A Discussion on Several Issues in China's Conditional Non-Prosecution System for Juveniles, published by Criminal Science, 2013.
 28. Qing Liu, Research on the Graded Treatment System for Juvenile Offenders (Master's Thesis), Hunan University of Technology, 2021.