

What Are the Main Limitations of the Chinese Law System in Its Treatment of Criminal Minors, and How Could These Be Improved?

Xinchen Li

Abstract:

The rising rate of juvenile delinquency in China, particularly among minors under 14, has exposed significant limitations in the existing legal framework. This dissertation aims to identify the main deficiencies in the Chinese legal system concerning the treatment of criminal minors and to propose feasible improvements. Employing secondary research, this study analyzes official judicial data, legal provisions (including the 2020 Criminal Law Amendment (XI) and the 2021 Criminal Law Amendment (XI)), and recent case studies, such as the Handan murder case and the Qingyuan sexual assault case. A comparative legal analysis is conducted with Germany's welfare-oriented juvenile system and the United Kingdom's "Malice Supplies the Age" doctrine. The findings reveal three primary limitations: an incomplete system for assessing juvenile delinquents' cognitive ability, an overly narrow scope and high threshold for criminal responsibility (limited to intentional homicide and injury for ages 12–14), and an underdeveloped system of special correctional education. The dissertation concludes that improvements require establishing a multi-dimensional evaluation system for cognitive capacity, lowering the criminal responsibility threshold to include other heinous crimes such as rape and robbery, and enhancing the professionalism and resources allocated to corrective education. These reforms aim to balance the protection of minors' rights with the safeguarding of social interests.

Keywords: Juvenile delinquency; criminal responsibility age; cognitive ability assessment; corrective education; "Malice Supplies the Age" doctrine; Chinese criminal law

1. Introduction

Juvenile delinquency refers to illegal or criminal acts committed by a person who is below the statutory age of majority (typically 18 years old¹) but has reached the minimum age of criminal responsibility as defined by the law of their country. The law system² does not refer to a single law or institution, but rather an organic whole of all legal norms, systems, institutions and their operation methods in a country or region¹¹.

In recent years, the rate of juvenile delinquency is constantly rising, according to the *White Paper on Juvenile Procuratorial Work*, China's procuratorates approved the arrest of 26,855 juvenile criminal suspects and prosecuted 38,954 cases involving minors in 2023, representing year-on-year increases of 73.7% and 40.7% respectively compared to 2022¹². Although the lowered criminal responsibility age¹³ requires prosecutorial approval for minors aged 12-14¹⁴ which is lower than before, the anticipated deterrent effect on youth crime has failed to materialize as expected, suggesting the current legal framework remains insufficient for effectively addressing juvenile delinquency. Therefore, it is significant to have a more comprehensive law system of minor crime.

To help govern juvenile delinquency in China, this dissertation will focus on analyzing the limitations in existing law system governing juvenile delinquency for juvenile delinquents who are younger than 14 years old³, and ascertaining available improvements.

2. Literature Review

2.1 Comparison of Law among China and Other Countries

According to Article 17 of the Criminal Law of the People's Republic of China (2020)⁴, juveniles aged 12 to 14

1 The age of 18 is widely adopted internationally as it represents the threshold where an individual is legally considered an adult, capable of entering contracts and assuming full legal responsibilities.

2 A legal system is the framework of rules, institutions, and procedures through which laws are created, interpreted, and enforced within a jurisdiction. It encompasses both substantive laws (e.g., criminal, civil) and procedural mechanisms (e.g., courts, police).

3 While a recent amendment allows prosecutors to seek charges against those as young as 12 for specific, severely violent crimes such as homicide or grievous injury. This is applied under extremely strict conditions, making 14 the age for criminal responsibility suiting most of cases.

4 Criminal Law of the P.R.C. (Amendment XI), art. 17(3). This paragraph establishes a special 核准追诉 (approval to prosecute)

bear criminal liability only for the crimes of intentional homicide or intentional injury resulting in death or serious disability by particularly cruel means, and only after approval by the Supreme People's Procuratorate. Any minor under the age of 12 is categorically excluded from criminal liability. Regardless of the severity of the act committed, they cannot be prosecuted or punished as criminal offenders. Instead, the law mandates non-penal measures such as disciplinary guidance by parents or guardians and, when necessary, special correctional education administered by the state. Germany has the same legal system as China and is one of the earliest countries in the world to address juvenile delinquency, while the United Kingdom has put forward important theories in this regard.

Compared with China, the minimum age for minor criminal responsibility in Germany is much higher. Children under the age of 14 are regarded as "lacking criminal responsibility capacity", and their behaviors are not judged by criminal law and are entirely handled by the youth welfare system. The *Juvenile Court Act (Jugendgerichtsgesetz - JGG)*⁵ is an independent and self-integrated system, with the core objective of correction and reintegration into society, rather than retribution and punishment. The handling measures of offenders who have not reached the age of responsibility are purely of a welfare nature. Leading by the Local Youth Welfare Bureau (Jugendamt)⁶, it provides counseling, educational support, family assistance, etc., with the aim of helping children and families rather than punishing children, which are fundamentally different from the measures in China led by the judicial and public security systems (special correctional education), which have obvious disciplinary and isolation attributes.

For the United Kingdom, The Doctrine of "Malice Supplies the Age"⁷ is one of the major features in the governance of juvenile delinquency. The Doctrine of "Malice Supplies the Age" is a traditional common law principle procedure for minors aged 12-14 who commit specific serious offences like homicide or intentional injury resulting in death.

5 Germany. Youth Courts Act (Jugendgerichtsgesetz). Version as promulgated on 11 December 1974 (Federal Law Gazette I p. 3420), as last amended by Article 2 of the Act of 10 October 2023 (Federal Law Gazette I p. 279).

6 The Local Youth Welfare Bureau (German: Jugendamt) is a public agency in Germany responsible for child protection, youth welfare services, and support for families and minors.

7 The doctrine of malice supplies the age is a common law principle that allows a juvenile below the age of criminal responsibility to be tried as an adult if they demonstrate sufficient moral understanding and conscious disregard for the law. It uses the presence of a "vicious will" (malice) to overcome the presumption of childhood incapacity. This historical doctrine is distinct from modern statutory schemes, such as China's "approval for prosecution" system.

that allows criminal proceedings to be initiated against minors who are under the legal age of criminal responsibility. This law is formulated based on the premise that if a child demonstrates sufficient moral understanding and "evil will" (malice) - indicating that they know their behavior is seriously wrong - then this subjective accountability can make up for their age deficiency, thereby enabling them to bear criminal responsibility. Similarly, Article 17, Paragraph 3 of Amendment XI to the Criminal Law of the People's Republic of China by establishing a "approval for prosecution" procedure, reflects a logical core similar to The Doctrine of "Malice Supplies the Age" in common law, that is, by assessing the subjective malignancy and severity of behavior of young minors, it is determined whether to pursue their criminal responsibility.

2.2 Research on the Determination of Criminal Responsibility and Penalties for Juvenile Delinquents in China

To find out the limitations of existing law system of juvenile delinquency, may need not only analyze specific determination of criminal responsibility for juvenile delinquents, but also penalties for juvenile delinquents which both do for minors criminal punishment effect, as well as protecting the interests of the minors. Since they are the main parts of judging and dealing with juvenile delinquents, and also where the limitations are.

As a country based on the civil law system, China's legal provisions have always been compared and analyzed by scholars for reference with those of the common law system. Regarding the determination of criminal responsibility for juvenile delinquents, some scholars believe that The Doctrine of "Malice Supplies the Age" which has been constantly being implemented in common law countries might help Chinese determination of juvenile delinquent criminal responsibility. The Doctrine of "Malice Supplies the Age" is when the prosecution proves through evidence that the perpetrator has "malice" subjectively and reaches a certain standard of proof, the determination that they do not have criminal responsibility should be overturned, and criminal responsibility should be pursued^[5]. Actually, Article 17, Paragraph 3 of Amendment XI to the Criminal Law of the People's Republic of China already has published similar theory which was adjusted for actual situation in China. It has abandoned the traditional "one-size-fits-all" legislative model⁸, no longer taking age as the sole criterion for judgment but it has added strict restrictive conditions. Moreover, it has made requirements

⁸ China's Criminal Law adopts a "rigid age standard" for juvenile delinquency, which, although convenient for judicial operation, may not conform to the principle of "proportionality between crime, responsibility and punishment".

for extremely bad circumstances in terms of degree, and has also added a pre-procedure of approval for prosecution by the procuratorate in terms of procedure. These adjustments to some extent reflect the legislative tendency towards flexibility and the feature of maliciously supplementing age^[6]. However, its application scope is limited to the crimes of intentional homicide and intentional injury with extremely serious social harm which might be the limitation.

Furthermore, for penalties for juvenile delinquents, former scholars substantially agree juvenile delinquency is classified into three progressive levels: problematic behavior, severe behavioral violations, and criminal acts, each requiring tailored responses^[7]. The classification and treatment of minors with different criminal offenses should neither be about instrumentalizing them to satisfy the public's desire for punishment, nor about seeking short-term and weak deterrence. Instead, it should be about pursuing a long-term state of law-abiding and a profound awareness of legal compliance^[8].

Meanwhile, it might be necessary to continue to improve the juvenile penalty system that suits the physical and mental characteristics and development laws of juvenile delinquents. The purpose of protecting the rights and interests of minors should be implemented to the end. In that cases, efforts should be made to deepen the systematic construction of non-penal treatment measures for juvenile delinquents. Establish a non-criminal treatment measures system for adolescents that organically combines special correctional education, non-criminal penalties and security measures, which is inadequate execution up to now^[9].

2.3 Factors Influencing Juvenile Delinquency

Reasons for special considerations for minors

The uniqueness of the sentencing system for juvenile delinquency lies in its commitment to the principle of education as the main focus and punishment as a secondary measure, ensuring the interests of minors. Therefore, understanding the special considerations for minors is also helpful for the assessment of sentencing.

Firstly, as reflected in the literature, the physical and cognitive development of minors is incomplete. They often lack self-control, and the features of juvenile delinquency always present spontaneity, impulsiveness and imitative behavior, which are influenced by minors' special developmental period with paradoxical characteristics between brain structural and functional maturation^[10].

Secondly, the law holds that for minors who violate laws or commit crimes, the principles of education, rehabilitation, and redemption shall be implemented, adhering to a primary focus on education supplemented by punish-

ment^[11]. It is beneficial to rehabilitation and social reintegration following corrective education.

Last but not least, from the perspective of protecting minors, too early criminal sanctions may stigmatize young offenders, resulting in social marginalization and repeated offenses. For criminal cases involving minors, the application of arrest measures shall be strictly limited. When reviewing and approving arrests, the People's Procuratorate and the People's Court shall interrogate the minor suspect or defendant and hear the opinions of defense counsel^[12], which can protect minors' rights with maximal probability.

Other Factors

Analyzing factors influencing juvenile delinquency might help consider about how law system can be beneficial to deal with the limitations in those area.

Firstly, it is Internet. For the constantly evolving information age, various harmful information in the online environment is easy to influence minors who are still in their psychological development compared with adults^[10]. Therefore, lack of governance in juvenile using Internet might be the limitation of law system. Secondly, schools as the main front for educating minors, also have a worthy influence on juvenile delinquency. Although the law stipulates that schools are responsible for legal education of minors, in practice, most legal education courses are monotonous in content and merely formalistic^[10]. Last but not least, the defects in family structure and improper family education can prompt minors to commit crimes. The child becomes an "unregulated" person, which affects the formation of a sound outlook on life, values and outlook on life for minors^[13].

2.4 Research Gap

However, there are some limitations in existing research that couldn't be ignored.

At present, although juvenile delinquency has received close attention from many scholars, most of the articles have become homogenized, and the perspectives and viewpoints proposed by most scholars on this issue have shown a trend of solidification.

In the process of citing cases to support viewpoints, real cases of juvenile delinquency are difficult to be obtained from the authorities due to the protection of minors. The cases that appear in the articles to help argue are highly repetitive and lack diversity. These limited cases restrict further analysis and evaluation of existing laws, such as should sexual crimes also be classified as types of crimes that require criminal responsibility, as the available official resources lack cases of judging sexual crimes committed by minors. What's more, some of the cases mentioned in

the literature lack specific details and their sources are not indicated, making it difficult to verify their authority and accuracy.

This research will integrate the legal systems of Germany and the United Kingdom regarding juvenile delinquency, and combine updated cases to analyze the deficiencies in the current legal system for juvenile delinquency in China and how to improve them.

3. Material Selections and Methods

3.1 Secondary Research

As this study aims to investigate the deficiencies in the current legal system for juvenile delinquency in China, it is necessary to understand the current situation of juvenile delinquency, the factors influencing juvenile delinquency, searching for legal details, and comparing the handling methods of this issue in different countries and legal systems. Therefore, official data, legal provisions, relevant theories and research outputs proposed by other scholars provide sufficient basis and theoretical support for this research.

Data on juvenile delinquency is from officially released documents, such as the *White Paper on Juvenile Prosecution Work*, which is authoritative and accurate. The case search cited in this study is from the China Judgments Online, a website where official judgments are issued by courts at all levels across the country.

This research also extensively references Chinese legal documents like *Criminal Law of the People's Republic of China* (2020 Amendment (XI)), *Law of the People's Republic of China on the Protection of Minors* (2020 Revision), *Law of the People's Republic of China on the Prevention of Juvenile Delinquency* (2020 Revision) which searched from National Laws and Regulations Database. The previous literature used in this study includes research on the determination of criminal responsibility for minors, factors influencing juvenile delinquency, and the reference significance of the legal systems of juvenile delinquency in other countries for China. Moreover, most of these documents were released in 2024 or 2025, ensuring high timeliness.

3.2 Case Selections

In the process of selecting cases, based on the main issues of concern in this study: the types of crimes for which minors should bear criminal responsibility and the determination of minors' criminal responsibility, updated cases that occurred in recent years were chosen as the basis for argumentation. For example, First-Trial Verdict in Case of

Junior High School Student Murder in Handan, Hebei^[14] which has serious social harmfulness and the circumstances are serious. It is used to analyze the determination of juvenile delinquency and judge the existing law system. Although finding actual juvenile delinquency cases from authority is difficult, it is overcome by using the cases occurring in previous study and news report.

3.3 Legal Comparison

Furthermore, this research includes laws regarding juvenile delinquency in four different countries, namely China, Germany, the United Kingdom and the United States, under two different legal systems which are Civil Law System⁹ and Common Law System¹⁰ China and Germany, 9 A civil law system is a legal tradition originating from Roman law, characterized by comprehensive written legal codes (e.g., civil codes, penal codes) as the primary source of law. Judges apply these codes deductively, with limited reliance on judicial precedent. This system predominates in continental Europe, Latin America, and East Asia (including China).

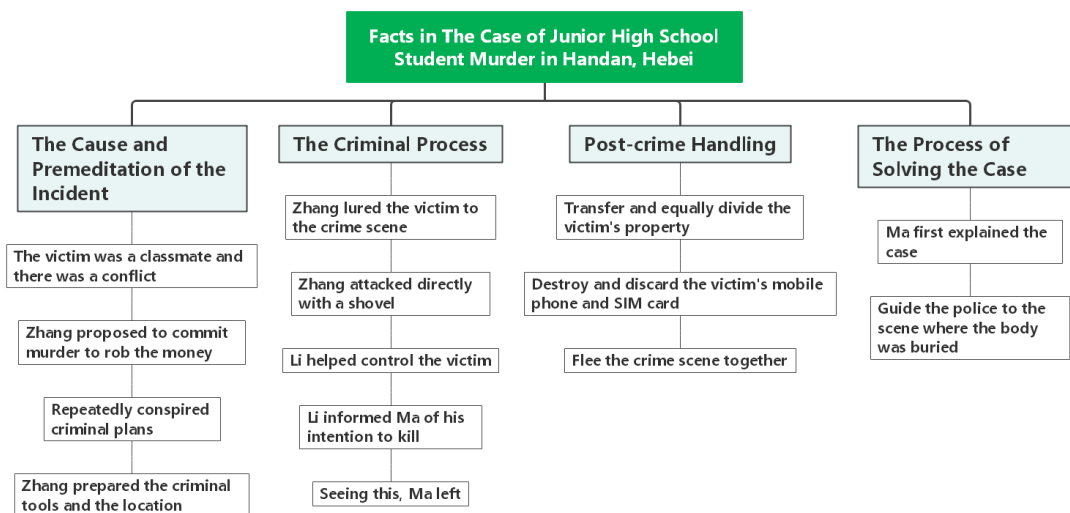
10 A common law system is a legal tradition where judge-made precedent (stare decisis) is the primary source of law, alongside statutes. It originated in England and is used in the US, UK, and Commonwealth nations. Courts interpret laws and create binding rulings for future cases.

as representatives of Civil Law System, Germany's laws on juvenile delinquency is analyzed to find out if there are any aspects that China can draw on and learn from, comparatively from the independent juvenile justice system, hierarchical punishment, follow-up correction education and other aspects. The United Kingdom and the United States, as representatives of Common Law System, have relatively low reference value for China. The difficulties in applying the system of Common Law System to China based on the actual situation of China is demonstrated, especially for Malice Supplies the Age System.

4. Limitations of Existing Chinese Law System of Juvenile Delinquency

4.1 Incomplete Determination for Juvenile Delinquent Cognitive Ability

On December 30, 2024, the Intermediate People's Court of Handan City, Hebei Province, publicly announced the first-trial verdict in the intentional homicide case involving defendants Zhang, Li, and Ma. The case is shown in Figure 1.



The Criminal Law of the People's Republic of China, 1997/2020, Art. 17(2) refers a person who has reached the age of 12 but not 14 shall bear criminal responsibility for intentional homicide or intentional injury, where the act results in death or causes severe disability through especially cruel means, and where the circumstances are egregious, provided that the Supreme People's Procuratorate approves prosecution. Defendants Zhang and Li (both aged 13 at the time) who are the principal offenders, kill Wang and split the money from Wang's WeChat, had extremely harmful behaviors, constituting intentional ho-

micide^[14].

It is worth noting that the criminal responsibilities in this case are based on all the juvenile delinquents in this case are over 12 years old but under 14 years old, and their criminal means are extremely heinous, meeting the conditions for prosecution. The law is unable to pursue criminal responsibility only because of extremely heinous criminal intent. From the current criminal responsibility determination system, it mainly relies on conditions such as the age and criminal behavior of minors, lacking references for the cognitive ability judgement of individual criminals.

Therefore, the issue exposed from this perspective is how the cognitive ability of juvenile delinquents (including their criminal motives) may help the determination of criminal responsibility.

In China, the existing system for assessing the cognitive abilities of juvenile offenders is incomplete. Judging the cognitive ability of juvenile delinquents is an interdisciplinary issue involving law, neurology, psychology and education. It usually requires assessment from multiple dimensions rather than relying on a single standard. For instance, in Germany, in the pre-litigation stage, unlike the single standard of whether the actor has the ability to recognize the illegality of the act at the intellectual level adopted in the judgment of liability in ordinary criminal law, the determination of the ability to recognize the illegality of minors must also be comprehensively judged in combination with their moral development level and mental maturity^[15]. Zhang, Ting who is the Lecturer and Master's Supervisor at the School of Criminal Justice, China University of Political Science and Law agrees it emphasizes the active application of the probation system in the correction of juvenile delinquents^[9].

4.2 Juvenile Criminal Responsibility: Limited Scope and High Threshold

Although the *Criminal Law Amendment (XI) of the People's Republic of China* has lowered the minimum age of criminal responsibility to 12 years old, there are strict restrictions on holding minors aged 12 to 14 criminally responsible, and the types of crimes are limited to intentional homicide and intentional injury. For other heinous crimes, such as rape and robbery, people aged 12 to 14 do not need to bear criminal responsibility, which maximally protects the interests of minors. However, while protecting the legitimate rights and interests of juvenile delinquents, it is also necessary to take into account the protection of social interests. Social interests are the organic unity of the interests of all people in society, which include the interests of the victims^[5].

Take offense of rape as an example, the case of an 8-year-old girl being sexually assaulted by a 13-year-old boy in Qingyuan, Guangdong Province: According to public information, on February 26, 2024, an 8-year-old girl was sexually assaulted by a 13-year-old boy in a public toilet in a park. As the perpetrator was under the age of 14, he could not be held criminally responsible. Later, he was sent to a specialized school for corrective education^[16].

There is no doubt that offense of rape is one of the most socially harmful types of crimes, and the harm it causes to the victim is incalculable. In cases of rape committed by minors, the victim is a girl of the same age or younger^[17].

The harm of being violated not only causes irreversible physical damage to the victim, but also inflicts great psychological harm on them. All these require a large amount of financial and mental resources to be spent on repair in the later stage. However, the offender who caused such abuse to the victim was spared any criminal punishment because he was too young. Therefore, strict restrictions on criminal responsibilities for minors which over-focus on the protection of minors' interests while neglecting social interests will cause the law to lose its deterrent effect and even trigger numerous imitative crimes committed by minors^[6].

4.3 Limitations of Law and the Reference Value from Other Countries

From the two deficiencies mentioned above, it can be found that relying solely on the minimum age of criminal responsibility to determine whether minors should bear criminal responsibility is limited. Moreover, the current types of crimes for which minors should bear criminal responsibility are overly restricted, making it difficult to achieve the legal governance effect on juvenile delinquency.

What's more, the limitations in the determination of juvenile criminal responsibility reflected in the above two cases also point to another core concept which is whether the juvenile has sufficient understanding of the crime. Therefore, in existing research, some scholars have mentioned the importance of judgment cognition. For example, when considering the necessity of punishment, full attention should also be paid to the minors themselves, among which the most important aspect is the subjective malice judgement of the minors^[18].

However, some scholars might disagree about using cognitive ability to help determine criminal responsibility for juvenile delinquents who are under the minimum age of criminal responsibility, mainly focuses on the brain development aspect of cognition. Research indicates that the development of an individual's cognitive control ability mainly depends on the maturation of the prefrontal cortex, and it is not until around the age of 25 that the frontal lobe fully develops and matures^[19]. It can be seen that the prefrontal lobe is still in the process of development and maturation during adolescence, and its self-control ability is relatively poor^[20]. Therefore, this side's view emphasizes that corrective education rather than punishment should be the main focus.

From other perspectives that assist in determining the criminal responsibility of minors, there is one theory from other country which was used to help determination of

juvenile delinquents criminal responsibilities. Yu Hui¹¹ and Yin Menting¹² who are the legal researchers refer that it is necessary to introduce The Doctrine of "Malice Supplies the Age" to China. The Doctrine of "Malice Supplies the Age" identifies minors with criminal responsibility capacity through individual identification. While combating crime and protecting social interests, it also avoids infringing upon the legitimate rights and interests of other minors, achieving a balance between the protection of minors' rights and interests and the protection of social interests^[5].

However, there are many difficulties from various aspects in implementing The Doctrine of "Malice Supplies the Age" in our country. Regarding the judgment of "malice", it mainly focuses on the understanding of the harmfulness and condemnability of the behavior of young minors, but it does not clearly define specific judgment criteria, which gives judicial personnel a large discretionary space and is not conducive to practical operation. Secondly, regarding the determination of "malice": For example, about the determination method, some scholars believe that social surveys should be adopted to understand the growth process of minors who have committed crimes through social surveys, and take the results of social surveys as the main evidence for determining "malice". However, some scholars also believe that psychological assessment should be adopted, and the results of the psychological assessment should be used as the main evidence for determining "malice". Therefore, the implementation of The Doctrine of "Malice Supplies the Age" in our country requires overcoming huge difficulties and also brings significant changes to the existing criminal law system^[5].

In that case, the difficulties of implementing The Doctrine of "Malice Supplies the Age" in China more reflect the importance of corrective education for who are not qualified to bear criminal responsibility. Although procuratorial organs currently carry out assistance and education for minors involved in crimes in accordance with the law, in practice, due to the lack of professional assistance and education organizations, the low quality of assistance and education personnel, the limited energy of procuratorial personnel and their lack of professional correction capa-

bilities, as well as the incomplete supporting and connection mechanisms, the quality of assistance and education for minors involved in crimes remains low. Procuratorial personnel are unable to effectively carry out early intervention and preventive work for minors who are found to have engaged in bad behavior or serious bad behavior during case handling^[13].

To sum up all these limitations, through the case analysis and theory of criminal responsibility determination from the UK compared with China, it found that the limitation of existing law system of treating juvenile delinquency might be ensuring the rationality of punishment and the protection of the special group of juveniles, which needs a relatively mature and stable cognitive assessment system for juvenile delinquents. Meanwhile, reasonable punishments should be imposed on different types of crimes and other types of crimes should not be easily overlooked. In addition, corrective education which could help minors better return into society and prevent recidivism should be paid attention.

5. Relevant Improvements of Existing Law System

5.1 Build a Multi-Dimensional Comprehensive Evaluation System of Determination of Cognitive Ability

Assessment might not be confined to intelligence tests but should cover all key aspects that influence cognitive and behavioral decisions:

1. Through tests of intelligence level (IQ), executive function, memory and attention, it is determined whether juvenile delinquents have normal intelligence level, ability to control their own behavior and normal concentration. For instance, the IQ tests of juvenile delinquents in Case of Junior High School Student Murder in Handan, Hebei has reached the normal level of peers, so the court punished in accordance with the law.
2. Conduct an assessment of moral and social cognition. One can draw on Kohlberg's Theory¹³ to assess at which stage their moral judgment is, and through Theory of Mind¹⁴, determine whether juvenile delinquents can un-

11 Yu Hui (1984—), female, native of Dongying, Shandong Province, China, is an Associate Professor of Law and holds a Doctor of Law (SJD/PhD) degree. She is currently affiliated with the China University of Political Science and Law, specializing in legal methodology and the interdisciplinary study of law and artificial intelligence.

12 Yin Mengting (1999—), female, native of Jiujiang, Jiangxi Province, China, is a current graduate student pursuing a Master's degree in Criminal Law. Her academic research primarily focuses on criminal law studies.

13 Kohlberg's theory posits that moral reasoning develops through six invariant stages, grouped into three levels: pre-conventional (obedience and self-interest), conventional (social conformity and law-and-order), and post-conventional (social contract and universal ethical principles).

14 Theory of Mind (ToM) refers to the crucial human cognitive ability to attribute mental states—such as beliefs, intents, desires, emotions, and knowledge—to oneself and others, and to understand that others have beliefs, desires, and perspectives

derstand others' thoughts and empathize with others.

3. Conduct psychological and neurological development assessments, screen for mental conditions such as Attention-Deficit/Hyperactivity Disorder (ADHD) and Conduct Disorder (CD), and perform professional evaluations on the body's cognitive control parts, such as the prefrontal cortex.

At the same time, the assessors should be clear that the purpose of the assessment is to find answers to the core concerns of the judicial system on juvenile delinquents: whether the criminal illegality of the act is understood? Does he/she understand the significance of the litigation procedure? Could he/she receive any corrective education? How to help them reintegrate into society? The implementation of the entire assessment system should be supervised and led by the procuratorial organs throughout the process. The national legislative body should also introduce corresponding policies to regulate the specific implementation of the assessment system, clearly stipulating the scope of application, standard procedures, core tools, and qualifications of assessment institutions for cognitive ability assessment of juvenile offenders, to avoid inconsistent standards in different regions and ensure the interests of minors. However, there is challenging to find out highly relevant references supported.

5.2 Lower the Threshold for Juvenile Delinquent to Bear Criminal Responsibility

Under the current regulations, individuals who have reached the age of 12 but are under 14 shall bear criminal responsibility for the crimes of intentional homicide and intentional injury in specific circumstances. Furthermore, for juvenile delinquents who reached the age of 12 but are under 14, rape and robbery are both extremely harmful and vicious crimes. Young minors have the ability to recognize the above two types of criminal acts, and the subjective malice of the perpetrators in such criminal acts is relatively deep. This is particularly evident in many cases of school violence. If these two types of crimes are excluded from the scope of application for criminal responsibility, it will make it difficult to effectively regulate many incidents of school violence. In addition, arson, explosion and the release of dangerous substances are also crimes with extremely high social harm, and the consequences they cause are hard to predict. Given the severity of the harmful consequences, it is necessary to include the above three types of crimes within the scope of application of criminal responsibility^[6].

that are different from one's own. It is foundational for social interaction, communication, empathy, and understanding deceptive behavior.

5.3 Improve the Special Correctional Education for Juvenile Delinquents

First of all, it is necessary to clarify the legal nature of specialized corrective education. At present, the correctional work is handled by the judicial administrative department, which tends to be more educational than compulsory. However, specialized correctional education, as a restrictive protective measure, clearly defines its judicial nature. Therefore, in order to ensure the effectiveness of correction and the legitimacy of applying compulsory measures, the current situation where the judicial administrative organs are responsible should be changed. The decision-making body should be changed to the people's courts, and the special education guidance committee should be responsible for the social investigation of minors. This social investigation report will become an important basis for the courts to decide whether to apply special correction education to minors^[6].

Secondarily, for low-aged minors with different levels of social harm, subjective malignancy and the possibility of reoffending, they should be treated differently, and measures such as criminal penalties, administrative penalties, compulsory education and correction, social assistance and education, and informal intervention should be adopted that are commensurate with their criminal responsibility, the possibility of reoffending and the difficulty of correction. Highlight the targeted and personalized nature of treatment. Conduct personality screening on the growth experiences, family backgrounds, causes of crimes, and personality and psychological aspects of young delinquent minors, which serves as the basis for formulating and implementing treatment plans and measures^[7].

Last but not least, The government should provide more financial and human resources to support the development of correctional education, enabling more regions to have specialized correctional education facilities and equipping them with professional personnel to offer counseling to juvenile delinquents, including police support, professionally trained teachers, and psychologists.

6. Evaluation

For some deficiencies reflected in the research process, finding actual juvenile delinquency cases from authority is difficult since the protection of minors' information, but it is overcome by using the cases occurring in previous study and news report. What's more, it is challenging to figure out scholars' opinion on both sides of each limitation as the lack of highly relevant evidences. Furthermore, the evidence of cognitive ability is able to have more effective help for determination of juvenile delinquency,

there is insufficient reference to support which is actually a research gap. And some opinions referred by scholars for example, rising crime rate of minors since minors imitate and commit crimes, lack of evidence to support either. These deficiencies found during the research might be paid more attention and improved in the future research of juvenile delinquency.

7. Conclusion

The purpose of this project is to figure out the limitations of existing law system of China and also find out the improvements. To summarize, this project figures out the three limitations which are the incomplete cognitive ability determination system, high threshold of criminal responsibility for juvenile delinquent, and the most significant one is corrective education which is not comprehensive. For example, the current laws of our country have clearly defined a series of corrective measures about education for juvenile delinquents, such as the work-study education mentioned in the second paragraph of Article 35 of the Law of the People's Republic of China on the Prevention of Juvenile Delinquency, but in the actual judicial operation process, these measures are often not fully utilized^[21]. And it is the main limitation since special consideration and protection for juvenile delinquents, the prevention and governance of juvenile delinquency should be dominated by education, integrating general education at the front end, education for correcting wrongdoings, and for post-crime rescue, to build an corrective education system that runs through the entire process of juvenile delinquency governance^[18].

Meanwhile, each limitation has possibly corresponding improvements. For instance, both the management and educational measures for harmful behaviors in schools and the educational and corrective measures for serious harmful behaviors by public security organs include abiding by specific behavioral norms, participating in service activities, receiving psychological counseling, and behavioral intervention (or correction), etc. These measures should have different degrees of strictness in different educational measures. Besides the implementing subjects, It should also be reflected in aspects such as the applicable time, effectiveness judgment, and consequences of violation.

Juvenile delinquency is a problem that requires long-term governance. To effectively solve this issue, it is necessary for all institutions in the legal system to unite and cooperate with each other. In the future research, it is likely to pay more attention on having an independent law system which special for juvenile delinquency, improving the details in relevant law of protecting juveniles and implementing effectively, ensuring the healthy growth of juveniles.

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