

Original Paper

Discussion on the Legal Theory of Underage Minors' Harmful Behavior to Society

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Abstract

The legal regulation of minors' harmful social behavior has become a major problem in judicial practice. The core topic of this study is to understand and answer the challenges of the abnormal behavior of minors to the law, and explain the deep reasons behind it. Through comparative studies and case studies, it reveals legal contradictions including over-indexing penalties, undervaluing the functions of prevention and education, and age zoning. To truly achieve the expected effectiveness of legal regulation, it is necessary to focus on prevention and psychological counseling, especially the establishment of multi-directional defense mechanisms and intervention measures. At the same time, it is suggested that the age of criminal responsibility should be set rationally according to the cognitive ability and socialization level of minors, and the protection system of family, school and society should be strengthened. This study has important theoretical and practical significance for perfecting the legal regulation system of underage minors and preventing and reducing their harmful social behaviors.

Keywords

juvenile legal regulation, Psychological correction, The age of criminal responsibility, Prevention mechanism, Paradox of social behavior

Introduction

The problem of legal regulation of juveniles' harmful social behavior, especially the abnormal behavior of juveniles, has become a difficult problem in judicial practice. The purpose of this study is to probe into the paradox of legal regulation on the harmful behaviors of young minors, and analyze the challenges and difficulties faced by current laws in dealing with such cases. Through case analysis and legal theory discussion, the contradictions in legal regulation are revealed, and scientific and reasonable solutions are put forward. This study has important theoretical and practical significance for improving the legal regulation system of underage minors, preventing and reducing their harmful social behaviors, and contributing to the construction of a more just and effective legal protection mechanism for minors.

1. Case Recovery and Analysis

1.1 Select Typical Cases of Young Minors Endangering Society

Selecting a typical case of young minors endangering society is of great significance to further explore the paradox of legal regulation on this issue (Wang, 2024). In this chapter, through the detailed restoration of cases, it will reveal the difficulties and challenges that the law enforcement may face when dealing with the harmful behavior of young minors.

There was a case of intentional injury near a school by a small gang composed of several young people under the age of 14. The teenagers argued with their classmates over trivial matters, and then premeditated to beat them after school, causing serious physical and mental injuries to the victims. After the incident, schools, parents and all sectors of society have paid close attention to the incident and demanded severe punishment for the gang. Since all the juveniles involved were below the age of criminal responsibility prescribed by law, the judicial authorities could not impose criminal penalties on them according to the current law (Liu, 2019).

In the handling of the case, the public security organs and education departments intervened and tried to deal with it through mediation and education. Due to the limitation of the legal framework on the regulation of the behavior of young minors, this approach fails to effectively deter the juveniles involved and fails to ensure the legitimate rights and interests of the victims. The outstanding feature of this case is that although the teenagers' behavior has caused serious social harm, according to the law, they cannot bear the corresponding legal responsibility. This contradiction reflects the impotence of the law in the face of the illegal acts of minors, and also reveals the paradox of legal regulation.

Another aspect of the case that deserves attention is that although the Protection Law on minors aims to safeguard the legitimate rights and interests of minors, in reality, some minors know the law and break the law and use legal loopholes to evade responsibilities (He & Wang, 2024). Due to the lack of family education, inadequate school management and weak social supervision, minors are prone to form wrong values in the process of growing up, leading to the occurrence of illegal behaviors. The law faces great challenges in how to balance the protection and regulation of minors.

Specifically in this case, when the judicial organs carried out follow-up investigations, it was found that

most of these teenagers came from single-parent families or left-behind children, and lacked effective family discipline and psychological counseling. Their problems are not only legal, but also involve deep social problems. This case, in revealing the dilemma of legal regulation of juvenile delinquency, also reflects the need for joint efforts from the three aspects of family, school and society to provide comprehensive education and support programs.

Another case is in a middle school, a 14-year-old boy Li Mou, because of the long-term impact of bad Internet content, gradually formed a violent tendency. One day after school, Li gathered several teenagers of the same age to beat and intimidate a classmate of the same school without reason. They not only punched and kicked, but also filmed the whole process with mobile phones and spread it widely on social media, causing extremely bad effects. The incident has aroused wide concern from schools, parents and all walks of life. After investigation, it was found that Li Mou and others often pick quarrels and bully inside and outside the school, but because of their young age, they are often only slightly punished by the school and fail to cause enough warnings. The outbreak of this incident has made people deeply realize the seriousness of the behavior of young minors endangering society. For such behavior, we must take effective measures to intervene and correct. On the one hand, family education should be strengthened to cultivate the good moral character and legal consciousness of minors; On the other hand, schools and society should also strengthen the supervision and guidance of minors to detect and stop bad behaviors in time. At the same time, young minors who are serious and harmful to society should also be punished according to law to make an example of others [(2019) Yue0883 Xingchu No. 811].

Through the in-depth restoration and analysis of this case, it can be seen that the current law fails to find a balance between protection and punishment, resulting in some young minors in the implementation of illegal acts without fear. When exploring new ways to regulate the behavior of minors by law, more attention should be paid to the functions of prevention, education and correction, so as to realize the comprehensive protection and effective management of minors. This case study provides rich practical materials and theoretical basis for the improvement and adjustment of the subsequent legal system.

1.2 Application of Existing Law in the Case

The application of the existing law in the cases of young minors endangering society often faces the dual challenges of adaptability and effectiveness. Under the current legal framework, the setting of juvenile criminal responsibility is mostly based on the criminal code and related laws and regulations. Minors usually cannot be criminally prosecuted because they are under the age of criminal responsibility. Although this setting is in line with the original intention of protecting minors, it leads to the lack of criminal legal tools when young minors carry out serious social harm.

The current Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency also aim to prevent the occurrence of crimes through education and correction. These laws, which focus on preventive and educational measures such as detention, psychological counseling and behavior

modification, often encounter practical difficulties in their application. On the one hand, due to the lack of adequate supervision and follow-up during the implementation of educational and corrective measures, they often fail to effectively achieve the intended purpose of correction. On the other hand, factors such as social resources, family environment and school education also restrict the implementation effect of legal measures.

As far as specific cases are concerned, the issue of the age standard for the application of the law is particularly prominent. Criminal law usually sets the dividing line of no criminal responsibility under the age of 14, and relative responsibility under the age of 14 to 16, and these divisions are too mechanical and inflexible in the face of individual differences in the mental development of minors. Although some young minors are not up to the standard in terms of biological age, their behavior is similar to that of adult crimes in terms of severity and social harm, which exposes the limitations of the current law on the division of age standards in case handling.

The application of law in the cases of minors is also affected by the problems of law enforcement power and allocation of judicial resources. When encountering such cases, law enforcement agencies and judicial institutions need more precise legal guidance and support in how to rationally use legal resources and scientifically judge individual differences and behavioral motives. The current laws provide general guidance in this field, which leads to uncertainty and inconsistency in actual operation and further aggravates the dilemma of law application (Liu, 2002).

In the application of the current law, there are many problems, such as insufficient setting of criminal responsibility, difficult implementation of educational corrective measures, unreasonable age division standards, and unclear legal guidance. To deal with such cases, it is urgent to introduce more flexible and pragmatic regulatory means within the existing legal framework, so as to realize the dual functions of both protection and regulation for minors.

2. Contradiction Analysis from the Perspective of Law and Criminal Law

2.1 Thinking from the Perspective of Jurisprudence

The thinking from the perspective of jurisprudence is based on the discussion of the paradox of legal regulation of the juvenile's harmful social behavior, involving the multiple dimensions of legal ethics, fairness and justice and legal functions. From the perspective of jurisprudence, law is not only a tool to maintain social order, but also reflects the protection of individual rights and social justice. Because the cognitive ability and psychological maturity of young minors have not reached the adult level, special considerations should be given to bear legal responsibility. To some extent, this idea has formed a conflict with the existing legal regulations.

The current legal setting of criminal liability for minors is often not significantly different from the scale of punishment for adults, which can lead to disproportionately harsh punishments for younger minors. Jurisprudence emphasizes that the attribution of individual responsibility should be consistent with their subjective fault and behavioral capacity. However, due to incomplete psychological

development, young minors often lack clear ability to judge right and wrong, and the harmfulness of their behavior may be more due to environmental factors and insufficient social education, rather than simply individual malice. Simply following the adult penalty standard is not an effective solution to the problem.

Law not only has the function of punishment, but more importantly, it has the social function of education and guidance. The legal system design that over-relies on the intensity of punishment and neglects the correction of juvenile behavior cannot give full play to the guiding role of law, which runs counter to the idea of "education first" in jurisprudence. Lack of education and prevention mechanism of legal sanctions, it is easy to push young minors into the vicious circle of crime.

From the perspective of jurisprudence, the legal regulation needs to adjust the age of criminal responsibility according to the psychological and socialization level of minors, so that the legal system can be both serious and educational, help young minors better integrate into society, and prevent the occurrence of harmful behaviors. Only in this way can we truly achieve legal social justice, safeguard the legitimate rights and interests of minors, and realize the overall stability and harmony of society.

2.2 Analysis from the Perspective of Criminal Law

From the perspective of criminal law, there are many contradictions and challenges in the legal regulation of the juvenile's harmful social behavior. The current legal system often oscillates between punishment and protection, so that young minors can not get effective legal guidance and correction. This challenge is particularly acute in the application of the Code.

The setting and application of penalty often have a long-term impact on minors, but the current criminal law relies too much on the deterrent effect of penalty and ignores the special psychological and physiological development characteristics of minors. When the law imposes punishment on minors, it is easy to overemphasize the identification of responsibility, while ignoring the family, society and other factors behind the crime. In this case, punishment fails to achieve the purpose of correction and education, but may strengthen the psychology of minors against society.

The demarcation of the age of criminal responsibility in the legal text has become the focus of discussion. Too fixed age division can not flexibly cope with individual differences, ignoring the differences in maturity and cognitive ability of different minors. The fixed definition of the age of criminal responsibility leads to the difficulty of execution in practice, and some minors with a critical age escape from legal sanction or suffer improper punishment.

In the process of penalty implementation, there are also procedural deficiencies. The protection system of minors' rights in criminal proceedings is not perfect, and the program design suitable for the special needs of minors is lacking. As a result, in judicial practice, minors often become passive trial parties, unable to fully exercise their legitimate rights.

On the whole, the contradictions in the criminal law regulation of young minors are not only reflected in the imperfection of legal provisions, but also reflect the insufficient grasp of the balance between punishment and education in the application of law [5]. This suggests that more flexible and diversified

regulation modes should be explored from the perspective of criminal jurisprudence to promote the comprehensive protection and effective correction of minors.

2.3 Specific Manifestations of Contradictions

In the analysis of the legal regulation of the harmful behavior of young minors, there are multiple contradictions in the existing laws. On the one hand, the regulation of juvenile behavior relies too much on the intensity of punishment, and often ignores the functions of prevention and education. This over-reliance on punishment can lead to excessive punishment and fail to achieve effective education and correction. Because of their special psychological and physiological development characteristics, young minors are easily affected by the external environment, so more emphasis should be placed on correction through education and guidance rather than punishment.

In the existing legal system, the age division of criminal responsibility for minors is indeed too rigid. The law often takes the fixed age limit as the only standard to judge whether minors should bear criminal responsibility, but ignores the significant differences in cognition ability and socialization level of different individuals. This "one-size-fits-all" approach has caused a series of problems in practice. On the one hand, some minors who are still young but have quite mature cognitive ability may escape due legal responsibility because of age, which is undoubtedly damaging to social justice and greatly reducing the deterrent power of the law. On the other hand, for those minors with relatively low cognitive ability, prematurely incorporating them into the scope of criminal responsibility may adversely affect their normal growth and development, make them bear too much psychological burden, and even go to the opposite side of society. Therefore, it is imperative to reform and improve the age division system of juvenile criminal responsibility. It is necessary to establish a more flexible and scientific evaluation mechanism, taking into account the psychological development, cognitive level, family background, social environment and other factors of minors, so as to ensure the justice and rationality of the law, and also provide a strong legal guarantee for the healthy growth of minors.

The legal system faces serious challenges in dealing with the tension between the rights of young minors and social security. The law aims to punish crime and ensure social order and safety, but it also needs to protect minors' rights to growth and education. However, the current legal framework often focuses on meeting the safety needs of society, and the special protection of minors is slightly insufficient. This bias not only limits the full development of minors, but also may cause them to suffer secondary injuries in judicial procedures. The limitations of the legal system in dealing with such complicated problems make the judicial practice face many difficulties in the concrete operation. How to find the right balance between safeguarding social security and protecting the rights and interests of minors has become an urgent legal problem, which requires the joint efforts of the legal profession and all sectors of society to constantly explore and improve the relevant legal system to ensure that every minor can thrive in a safe and healthy environment.

The existence of these contradictions reveals that the legal system needs more flexible and diversified mechanisms in the regulation of the harmful social behaviors of young minors, so as to effectively

combine the functions of punishment, education and prevention, so as to achieve real social justice and harmony.

3. Resolution of Legal Conflicts

3.1 Comparison and Reference of Domestic and Foreign Legal Regulations

It is of great significance to learn from domestic and foreign legislative experience and judicial practice when discussing the legal regulation scheme of the juvenile's harmful social behavior. Many countries and regions focus on education, prevention and correction when dealing with juvenile delinquency, in order to achieve the best social results.

Britain and other Western countries pay attention to the moderation and socialization of juvenile justice (Ye, 2023). The children's court system in the UK emphasises the protection and support of minors, implementing comprehensive interventions and encouraging the active involvement of families and communities. The United States has established a juvenile record sealing system in some states to protect the privacy of minors and avoid the impact of bad records when they become adults. These measures emphasize the re-socialization and rehabilitation of minors, focusing on the long-term development and social return of individuals.

In Asia, Japan's approach is instructive, with a juvenile court system that prioritizes prevention and education, using professional counselors, psychologists and other interventions to help minors reintegrate into society. Community correction and parent education are also important links to reduce the risk of recurrence.

In contrast, China's legal system still relies on criminal punishment and lacks diversified solutions when dealing with the harmful behavior of young minors. Although the concept of education and correction has been gradually introduced into legislation and judicial practice in recent years, it still needs to be further perfected and implemented.

Through comparative analysis, it can be seen that more attention should be paid to the functions of education and prevention when formulating and implementing relevant laws in China. Learning from the successful experience of foreign countries will help China strengthen the protection of the rights and interests of minors in its legal system and establish a more humane and scientific regulatory mechanism. Only by forming a multi-level and systematic protection and correction mechanism under the legal framework can the occurrence of harmful social behaviors of minors be effectively reduced (Liu, 2023).

3.2 Apply Jurisprudence to Propose Solutions

The theory of jurisprudence plays an important guiding role in solving the problem of legal regulation of the juvenile's harmful social behavior. We should deepen the understanding of responsibility ability and pay attention to the particularity of young minors in the stage of physical and psychological development. According to the principle of liability in jurisprudence, a more flexible setting mode of age of criminal responsibility is proposed, which combines the socialization level of minors with their

responsibility ability. The applicable standards under different behaviors are redefined, and more personalized regulatory measures are formulated through accurate assessment of minors' cognitive ability.

In order to deal more effectively with the harmful behavior of young minors, it is necessary to strengthen the status of education and prevention functions in the legal system. Jurisprudence profoundly reveals that the essence of law is far more than punishment, it is the wisdom crystallization of social governance, aiming to promote social harmony and progress through guidance and regulation. Therefore, the law should actively assume the responsibility of education prevention and behavior correction, not only as a tool of punishment after the event. In order to achieve this goal, behavioral modification programs and psychological counseling mechanisms should be actively introduced, which can provide personalized help and support to the special psychological and developmental needs of young minors. Through professional psychological counseling, we can help them establish correct values and strengthen self-control, so as to prevent the occurrence of bad behaviors. At the same time, behavior modification programs can intervene and correct problematic behaviors that have emerged to help minors get back on track. Such legal regulation mechanism is no longer limited to the punishment of illegal acts, but has formed a prevention-oriented system mechanism. It can effectively intervene before problems arise, thus avoiding many unnecessary tragedies and consequences.

Jurisprudence emphasizes the rational application of law. The age division in the current law is too general, and according to the "principle of individuality" of jurisprudence, it should be flexibly applied in the regulation to adapt to the specific personality and background of minors. In specific cases, the law should give the judicial organs a certain discretion, allowing them to make reasonable judgments according to the background, motivation and other factors of the minor, so as to maintain the seriousness of the law, but also reflect the warmth and humanity of the law.

Through the adjustment of these jurisprudential perspectives, the legal regulation system can more effectively deal with the harmful social behaviors of minors, and realize the justice of the law and the harmonious development of society.

3.3 Suggestions on Improving the Relevant Legal System

Suggestions to improve the relevant legal system are essential to solve the paradox of legal regulation in the harmful behavior of young minors. The perfection of legal system should be carried out in multiple dimensions to achieve effective correction and prevention.

The age division of criminal responsibility in the criminal law has been revised to make it more in line with the psychological and cognitive development level of minors. Current age standards ignore individual differences and rely too mechanically on biological age as the sole basis, without fully considering specific cognitive abilities and mental maturity. It is suggested to introduce flexible evaluation mechanism and establish differentiated treatment method through professional psychological evaluation.

Establish a scientific system of education and corrective measures. For young minors, punishment

alone cannot fundamentally curb harmful behaviors, but may lead to an increase in their recidivism rate (Qiu, 2023). The law should put more emphasis on the correction and education of minors, set up special counseling institutions, implement personalized correction programs, and maximize the educational function.

The legal system needs to strengthen the trinity of protection and intervention system of family, school and society. The family is the key place for the socialization of minors, and the law should adopt supportive measures to promote the family to better fulfill its educational responsibilities. Schools should incorporate legal regulations and increase attention and support for students by formulating specific campus safety policies and psychological counseling measures. At the social level, we can establish a community support network and integrate social resources to provide multi-directional support and help for minors, so as to achieve an effective combination of prevention and correction.

Promote the deep integration of law and social services (Chen, 2023). Based on the professional trial, the Dalian Court has improved the working mechanism of juvenile trial, sent the law into the school through the development of school curriculum, the practice of moot court, and the construction of education base, and implemented the preventive work in advance. At the same time, it promotes multi-party cooperation, and forms a joint force with judicial departments, education departments, Youth League committees, women's federations, customs work committees and other parties through co-construction of government and school, to effectively prevent and crack down on criminal acts that infringe upon the rights and interests of minors, and protect the legitimate rights and interests of minors and their healthy physical and mental growth.

4. Judicial Dilemma and Countermeasures of Juvenile Delinquency

4.1 Current Dilemmas in Judicial Practice in our Country

In the current judicial practice of our country, dealing with juvenile delinquency faces many difficulties. There is an obvious tension between legal protection and punishment of minors. While the law emphasizes the special protection of minors, it also faces the difficult problem of balance between protection and punishment. For some underage minors, because of their young age, they cannot bear criminal responsibility, which weakens the law's regulation and restraint on some serious behaviors to a certain extent. This situation leads to the possibility that some young minors may commit acts that endanger society due to the lack of effective legal deterrent, which brings potential threats to social security and the rights and interests of others. How to protect the rights and interests of minors and punish them properly for their serious behavior has become an urgent legal problem. Therefore, it is necessary to further improve the legal system for minors and explore a more scientific and reasonable protection and punishment mechanism to ensure that social security can be effectively safeguarded and the legitimate rights and interests of minors can be fully protected.

In addition, the physical and psychological development of young minors is not mature, and their cognitive ability to recognize the consequences of behavior is insufficient. In judicial practice, there is

still a lack of systematic methods and standards on how to accurately evaluate the psychological state and behavioral motivation of minors, so as to make appropriate legal treatment. Some judicial personnel may lack professional psychological assessment ability, which affects the accurate determination of cases.

The prevention and intervention mechanisms of family, school and society are obviously insufficient in protecting young minors from the risks of social behavior. The lack of these mechanisms makes the young minors in the face of complex social environment, lack of necessary guidance and help, easy to go astray. The justice system usually intervenes only after problems are exposed, but the weakness of prevention mechanisms prevents many potential problems from being detected and corrected in time. This lag not only increases the risk of young minors being involved in harmful social behaviors, but also limits their opportunities to get timely help and correct mistakes.

The protection measures for minors in judicial procedures still need to be optimized. In the judicial process, the protection of the privacy and rights of minors is still insufficient, which easily leads to secondary injury and social discrimination. This not only affects the rehabilitation and re-socialization of minors, but also poses a challenge to judicial fairness. Only through the optimization of the judicial system and the strengthening of the protection of the human rights of minors can we find a proper balance between law and humanistic care.

4.2 Analysis of other Possible Scenarios

In analyzing the judicial dilemma of juvenile delinquency, it is necessary to consider the complex interaction between law application and social environment. The diversity and concealment of such crimes make it difficult for traditional legal regulation to cope with them. Underage minors are often in the dual development period of physical and psychological, lack of sufficient legal awareness and self-control ability, so that they are vulnerable to the influence of external environment. Lack of family education, inadequate school education and weak social protection measures may become a "hotbed" of illegal behavior.

Young minors may face the problem of alienation in the process of socialization. In this process, if it is not effectively guided, the young minors with immature self-control ability are likely to be involved in improper behaviors due to the pursuit of group identity. Negative social and cultural influences, such as the proliferation of violent entertainment content, may also cause their behavioral concepts to deviate, and even regard violations as normal.

In judicial practice, law enforcement personnel also face many contradictions in dealing with the illegal acts of young minors. On the one hand, it is necessary to maintain the majesty of the law and ensure the normal order of society, but on the other hand, their essential plasticity and educational potential cannot be ignored. The balance between strict and flexible application of law has become an unavoidable issue for judicial personnel (Tang, 2022).

The risk of recidivism among young minors is also of concern. The current legal means are more inclined to punishment after the fact, rather than prevention and intervention in advance, which makes

some minors fail to achieve the effect of education correction after receiving legal sanctions, and further increase the risk of recidivism. This scenario not only affects the future development of minors, but also poses a potential threat to social stability (Deng, 2021).

The judicial dilemma of juvenile delinquency also involves the perfection of legal system, the cooperation of all sectors of society and the effective integration of resources. To solve these problems systematically, it is necessary to carry out comprehensive management from multiple angles and levels, so as to build a more scientific and efficient mechanism for protecting minors' rights and interests and correcting social behaviors.

4.3 Suggestions for Dealing with Judicial Difficulties

To deal with the judicial dilemma of juvenile delinquency, it is necessary to formulate scientific and reasonable measures to realize the justice and effectiveness of law. It is necessary to adjust the age dividing line of criminal responsibility, which should be evaluated comprehensively according to the psychological maturity and socialization level of minors. Rigid rules on age in legal texts can lead to unfair judicial outcomes, while flexible criteria can better reflect individual differences.

It is also important to strengthen the collaborative protection mechanism of family, school and society. Family education plays a fundamental role in the growth of minors, and parents should have basic legal awareness and educational ability. Schools need to establish a sound counseling and psychological support system to help students form a correct concept of the rule of law. At the social level, the construction of community protection network should be promoted, and corresponding resource support and legal aid should be provided (Zi & Fu, 2019).

Examining the core of justice, we can find that the establishment of professional judicial mechanism is the key. Through the establishment of a special agency dealing with juvenile cases, a suitable environment has been established within the judicial structure. The professional team that focuses on the application of psychology and social work background ensures that juvenile cases are examined in a complete and comprehensive way to reflect their particularities.

The expansion of education and prevention programs for juvenile delinquency is a joint effort between the government, non-profit organizations and relevant social institutions. The program includes community activities, psychological guidance, skills training, etc., which will provide a positive and positive environment for minors to grow up.

Deepening the legislation of legal protection of minors is the way to achieve concrete measures. In judicial practice, the education and correction function should be emphasized, and the single dependence on penalty should be exceeded. Rectification and improvement of the current legal system for comprehensive reform can promote the holding of more humane and effective legal constraints on minors.

Closing remarks

This study explores how some young children may engage in behaviors that are harmful to society and

analyzes how current laws in this area are regulated in our country. We found that the current law has some shortcomings in how to prevent this kind of behavior and how to set the age. We recommend that the law take into account the degree of mental development of a child when judging whether he or she is responsible for his or her actions. At the same time, families, schools and society should work together to protect and educate these children. Our suggestions need to be verified by further research and practice. Through continuous improvement, we hope to establish a better set of laws to solve this problem and help children grow up healthily. In this way, children can better understand and abide by the rules of society and become responsible citizens.

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