

JUVENILE DELINQUENCY IN CHINA

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INTRODUCTION

In modern times and in civilized countries a criminal is not looked upon as a sinner or an evil person but rather as a mentally sick individual or one who has been victimized by the circumstances. There was a time when small children were severely punished if they committed some crime but as sociology, psychology and philosophy progressed to draw the attention of civilized world to the causes of delinquency the tradition of punishing children lost favor and was replaced by efforts at improving and rehabilitating them.

Modern world is making efforts to eradicate all sorts of crimes and specially children delinquency.

Crime and delinquency is a form of conduct that acts as an obstacle in the system of human conduct and behavior which are believed by a society to be its fundamental condition. In this way if a criminal is below the specified age of 21 years he will be designated as a juvenile delinquent. Difference in actions of these criminals and juvenile delinquents not only differ in ages but also in respect of crime. Juveniles do not commit a crime on a pre-planned and organized way whereas criminals are inclined towards criminal activities. Criminals and juvenile delinquents are to be differentiated by age difference, kind of work and activity.

In most simple terms juvenile delinquent is a child who has broken the law or who is ignored by parents and teachers due to several causes like:

- Broken homes and families
- Frustration
- Cheap literature and movies
- School environment
- Bad companionship
- Lack of religious education

Psychologically juvenile delinquent is defined as a child between ages of 15 and is one who commits a crime irrespective of the fact that he is apprehended or not for example a child who throws stone on others

Legal definition of juvenile delinquent however differs from a psychological point of view. Legally a child between the ages of 15 and 21 who indulges in anti-social activities and who breaks or disobeys the law and whose behavior endangers his own morals or others, is a juvenile delinquent.

Encyclopedia Britannica describes Juvenile delinquency as a criminal behavior, especially that is carried out by a juvenile. Depending on the nation of origin, a juvenile becomes an adult anywhere between the ages of 15 to although the age is sometimes lowered for murder and other serious crimes. Delinquency implies conduct that does not conform to the legal or moral standards of society; it usually applies only to acts that, if performed by an adult, would be termed criminal. It is thus distinguished from a status offense, a term applied in the United States and other national legal systems to acts considered wrongful when committed by a juvenile but not when committed by an adult.

In Western countries, delinquent behavior is most common in the 14- to 15-year-old age group. At age 14, most delinquent conduct involves minor theft. By age 16 or 17, more violent and dangerous acts, including assault and the use of a weapon, become prevalent. Most delinquents do not continue this behavior into their adult life, for, as the circumstances of their lives change and they get a job, marry, or simply mature out of their turbulent adolescence, their conduct usually falls in line with societal standards. Although the evidence is ambiguous, most delinquents adjust to a non-criminal life, yet the proportion of delinquents who become criminals is higher than that of non-delinquents. In the United States, boys make up percent of the delinquent population, and this rate is similar throughout Europe and Japan.

Schools are often the forum in which delinquent behavior originates. Most delinquents perform poorly in school and are unhappy in the school environment. Many delinquents are dropouts who leave school at an early

age but have no job opportunities. Juvenile gangs often perform delinquent acts, not solely out of frustration with society but also out of a need to attain status within their group. A gang can provide the rewards a juvenile cannot get from his school or other institution.

Efforts have been made to identify potential delinquents at an early age in order to provide preventive treatment. Such predictions of delinquency generally depend not only on the child's behavior in school but also on the quality of the child's home life. There are many elements that delinquents share in their home lives. Their parents are frequently heavy drinkers who are involved in crime themselves and are unable to provide emotional or financial support to their children. Discipline is inconsistent and often relies on physical force. Most attempts to detect future delinquents have failed, however. Indeed, it has been found that the stigma of being identified as a potential delinquent often causes the child to commit delinquent acts.

It is the responsibility of the state to deal with delinquent offenders. Probation, the most commonly used method of handling delinquents, is an arrangement whereby the delinquent is given a suspended sentence and in return must live by a prescribed set of rules under the supervision of a probation officer. Probation is most frequently granted to first offenders and delinquents charged with minor offenses. Probation can be a mandate of law, or it can be left to the court's discretion. Probation requires the delinquent to lead a moderate, productive lifestyle, with financial responsibilities. If these requirements are not met, the delinquent may be placed in a non-institution. A delinquent will sometimes be placed in the foster care of a stable family, as a final method of keeping a juvenile out of an institution.

The treatment of delinquents on probation and in institutions ranges from a strict disciplinarian method to a more psychological approach, centering on psychoanalysis and group therapy. The probation officer must attempt to combine authority and compassion in the twin role of enforcer and social worker. This makes the role of the probation officer extremely difficult, while the responsibilities are great. Despite the problems of the probation system, studies have indicated that probation is effective in a

majority of all cases.

In another definition of Encyclopedia Britannica Juvenile delinquent may be any young person whose conduct is characterized by antisocial behavior that is beyond parental control and subject to legal action.

CHINA AND CRIME

The chief goal of criminal punishment in China is reform. Secondary goals are specific deterrence (detering the offender from repeating his crime) and general deterrence (detering other would-be criminals).

An authoritative Chinese textbook on criminal law states that the goal of reform in criminal punishment is founded upon the historical mission of the proletariat to reform society and mankind, The thoughts of citizens are not their own affair, the government has the right and the duty to see to it that all members of society become ~new men.” The commission of a criminal act is, in a sense, evidence that the offender is in particular need of reform and hence justifies the use of particularly coercive measures. The notion that an offender incurs a debt to society that can be paid merely by serving a prison term is alien to Chinese penology. The *state* is keenly interested in changes in the offenders thinking during imprisonment. Thus, reform through labor and political study generally accompanies imprisonment for criminal offenses.

The primacy of reform over deterrence is intimately connected with Chinese theories on the causes of crime. Chinese criminology holds that crime can be reduced and eventually eliminated through thought reform, education, and the perfection of socialist society. Criminal punishment is seen as merely a supplementary means to this end. According to this view, when the thought of all members of society has been reformed, there will be no more enemas.

JUVENILE DELINQUENCY IN CHINA: THE NATURE OF THE PROBLEM

At first glance, juvenile in China appears to differ little from its counterparts in other regions of the world. Chinese delinquents are primarily male and engage in deviant behaviors including burglary, theft, murder, rape, arson, and gang activity. Delinquency is primarily an urban phenomenon, although rural violence has increased during the past decade and half female delinquents are more likely to be incarcerated for sexually promiscuous behavior, theft, and activities less violent than those committed by males, contributing to a double standard that occurs internationally. Chinese scholars have described delinquents as being less educated and less intelligent than normal youth; they are more likely to have come from families where parental conflict has been present and have relatives who also have engaged in deviant behavior. Two important behavioral characteristics that have been attributed to delinquents include their plasticity and their eagerness to embrace a 'cult of brotherhood'. In the former case, they appear to be hardened individuals on the outside but are emotionally quite fragile and easily shattered. In the latter case they often commit crimes in groups rather than as individuals and seek peer support common during adolescence.

During the early 1980s, specific attributions made about delinquents could be excessively romantic or often quite harsh and unflattering. They were in various publications depicted as "blossoms in the dust" ignorant, muddle-headed tyrannical, despicable, impetuous, crazy, *vain*, conceited, reckless, rotten and savage or inhuman. Females, it was noted, were particularly difficult to reform because, once incarcerated, they saw themselves as irreparably ruined, like a vase that once broken could not be put back together.

Certainly such categorizations reflected a traditional Confucian reluctance to separate an understanding of the nature of deviance with the ethical implications of its occurrence.

Official explanations that sought to account for delinquency's occurrence included the effects of the Cultural Revolution, poor parenting,

unsympathetic teaching, unhealthy peer group influences, add susceptibility to the dangerous influences resulting from increased contact with Western media. Certainly the effects of the Cultural Revolution received prominent attention as scholars sought to explain the embarrassing existence of that remained visible during the post-Mao era. It was commonly pointed out that as a result of the Cultural Revolution, youth born during that time failed to obtain a clear understanding of right and wrong, as authority relationships between children and parents, as well as between citizens and government officials, were easily and regularly compromised. A significant number of delinquent youth who later got into trouble had parents who themselves were incarcerated or detained during the Cultural Revolution; certainly the political factionalism that encouraged relatives to inform one another weakened traditional family ties. But with direct reference to criminal behavior, it is clear that it was the surreptitious reentry of sent-down youth into China's cities in the latter years of the Cultural Revolution, without benefit of residence documentation, that had a significant effect upon increased social dislocation and disorder in the late 1970s.

It should be stressed that it was easy to overemphasize the importance of the Cultural Revolution in contributing to Chinese delinquency and the political expedience of doing so during the early years of post Maoism is clear. Scholars in the 1970s and 1980s conveniently forgot or underplayed the fact that waves of delinquency (reported as outbreaks of hooliganism) were reported in the press during the 1950s. It is clear that the eradication of criminal deviance of all types held important political capital for the regime, as evidenced by the publicity given to campaigns aimed at eliminating prostitution in Shanghai and curtailing drug use in Southern China during the early years of the People's Republic.

In 1983, although it was no longer possible to deny that the growth of crime, generally, juvenile delinquency in particular had become an important social problem, it was imperative that government officials set blame in such a way so as to deny personal culpability; the use of the Cultural Revolution, as an umbrella explanation, served that purpose.

Other explanations for the existence of Chinese delinquency contained important elements of truth but were similarly general and uni-dimensional. Poor parenting, for example, was attributed to the use of both overly authoritarian and overly indulgent disciplinary methods, although the negative effects of parental socioeconomic disadvantage upon one's ability to adequately perform childrearing responsibilities were also acknowledged as a contributing factor. In a similar view, teachers were criticized for their overly harsh disciplinary methods and their emotional distance from youth. One published example told of the inconsiderate teacher who berated the female student in front of the class, comparing her with excrement that deserved to be flushed down a toilet. The incident, it was claimed, provoked the student into committing delinquent acts. In all of these cases, the longstanding Confucian emphasis upon the power of role modeling, whereby the authority figure is normally responsible for shaping the behavior of the underling, is simply assumed as being an operative dimension of social relationships.

The fear of Western 'sugar-coated bullets' corrupting Chinese youth was also popularly expressed at this time and was a key issue in the general spiritual pollution campaign. Again, it was reported that when they came in contact with pornographic videos or other media produced in the West, Chinese youth were negatively influenced into conducting the vet-v crimes that the media sensationalized. Beyond the xenophobia that believe such explanations was what many Western scholars have labeled a form of moral panic, whereby a general fear for the future direction of the society in light of de-Modification was expressed through an ambivalence toward the independence and ethical character of the country's children. The contradiction between viewing delinquents in such negative terms as were previously noted, as opposed to seeing them as powerless innocents, subject to the manipulation of external prudent forces from the West, can best be understood through appreciating the sense of moral panic that characterized the decade.

CHINESE PENAL INSTITUTIONS

Chinese penal institutions include prisons, reform and reeducation through labor camps, reformatories, work-study schools, and work-study classes.

Although the latter institutions were designed specifically for juveniles, offenders can be sent to reform and reeducation through labor camps and prisons too, depending upon the nature of their offense. There is a pecking order throughout the penal system, an institutional hierarchy based upon coercive purpose. Thus, delinquents who are not placed in reformatories are more likely to be sent to labor camps, but within the labor camp system, they are likely to enter reeducation through labor camps that house political prisoners and offenders guilty of moderate offenses rather than those camps that house hardened criminals. By Western standards, any form of incarceration that places juveniles with adult offenders is a violation of children's basic rights. Yet in the Chinese case, it is important to note that the term "youth" refers to those from the age eighteen up to the age of twenty-five. Juveniles supposedly include those aged fourteen through eighteen, although here, too, clear-cut distinction, between juveniles and youth are often compromised. Juveniles between the ages of fourteen and sixteen who commit serious crimes (homicide, bodily injury, robbery, arson, etc.) bear full criminal responsibility, although the severity of punishment is mitigated and the death penalty is only inflicted upon those aged eighteen and above.

The two institutions that are specifically designed for youthful offenders are reformatories and work-study schools. The former hold relatively large numbers of youth who have been judged guilty of major offenses, and are well-established components of the criminal justice system. Work-study schools, which hold fewer offenders who have committed less severe offenses, were established during the 1950s.

They were eliminated during the Cultural Revolution, ostensibly because of their ineffectiveness, but were resurrected during the late 1970s. In 1979, they received widespread publicity as an important solution to combating growing delinquency. A long-held suspicion that remains is that they cater largely to cadre children and children of privilege who have gotten into trouble. Hooper reported that some work-study schools for girls served as little more than homes for pregnant teens.

In Guangzhou, two work-study factory classes, gender segregated, were established as local alternatives to the work-study school. Although work-study schools are usually operated under the jurisdiction of the municipal education bureau, these factory classes were operated with the support of the municipal government in conjunction with the public security bureau. The range of penalties within the criminal justice system can include control criminal detention (*juyi*), fixed-term imprisonment, life imprisonment, and the death penalty. refers to public security efforts to control criminal behavior prior to incarceration. In the case of juveniles, they continue to go to school and perform normal functions of everyday behavior, but are required to report to public security regularly and inform upon their actions as well as those of friends. In the case of *juyi*' (criminal detention), offenders are actually housed in a confined setting for a period of fifteen days to six months. Is Juveniles who are sent to work-study schools and factory classes would generally fall under this type of mandate although the length of their incarceration and conditions for their release are quite broad. Offenders given fixed-term imprisonment can be incarcerated from six months to fifteen years and, when combined with multiple offenses, even longer.

JUVENILE DELINQUENCY IN THE 1980'S AND BEYOND:

Throughout the 1980s and 1990s, juvenile delinquency and youth criminality increased significantly in China. In 1980, for example, 61.2 percent of all criminals were youths and juveniles; by 1989, the percentage had increased to 74.1 percent,

This is part of a larger trend where crime increased markedly, from 54 cases per 100,000 filed by public security officials in 1987 to as per 100,000 by.

The extent of youth and juvenile crime as a percentage of overall crime has become one of the highest in the world. With specific reference to juveniles (as opposed to youths), there has been a significant increase in the number of juvenile criminals and the rate of their criminal activity, although there has been a decline in the absolute number of juvenile criminals relative to other criminals. Still, criminals are getting younger.

The total crime committed by fourteen- to eighteen-year-olds increased from 7 percent in 1980 to almost 20 percent in 1989.

More and more students are committing crimes while they still are in school, as many attend vocational middle schools and technical/worker schools, institutions with relatively low prestige that are seen as offering no chance for social mobility.

As crime has increased in China, it has grown in urban areas and coastal regions, mirroring the uneven economic development in the country. Juvenile and youth crimes have correspondingly increased with respect to theft, burglary, robbery, hooliganism, rape, and violent criminal activity.

The latter category includes bombing, kidnapping, and hijacking as well as homicide, assault, and battery. Crimes are increasingly brutal as firearms become easier to obtain. Gang activity has increased during the 1980s gangs are larger and more brazen in their activities.

Similar to the tongs of old, gangs have become more secretive, better organized, and less spontaneous.

During the 1990s, drug activity increased significantly and has had an impact upon juvenile and youth crime. Drug cases solved by police in Guangzhou in 1994, for example, were three times greater than those of 1981 through 1990 combined, while within Guangdong Province, so percent of drug users are under the age of twenty-five.

Yunnan Province traditionally has been a source of drug cultivation and smuggling, and its prominence has increased as social and political controls have decreased. Ma result, drug trafficking has been accompanied by increases in gun smuggling, child kidnapping, and prostitution, with youth gangs playing a prominent role in these activities.

All of these trends have occurred within a general environment that has sanctioned widespread corruption on the part of government officials. From 1981 to 1993, 1.2 million cases of cadre corruption were acknowledged by the Chinese press, with 170,000 cases being reported for

1993 alone.

Authorities have reacted to these trends in a number of ways. They have benefited from gaining increased access to technology, which has been used to enforce greater social control. Thus, public security bureaus now use automobiles for motor patrol and make better use of telephones and electronic equipment to solve enema.

Other responses have included improving legal education within schools, offering support for mediation, and using residence committees to assist in crime prevention and neighborhood surveillance. With specific reference to reformatories and correctional institutions, efforts have been made to enhance supervision in order to prevent escapes. It was reported that in Shanghai, for example, that inmate escape decreased from 0.05 percent in 1981 to 0.02 percent in tqqi.

In addition, reward systems has been implemented at a number of facilities (not unlike the system used at the Fangcun work-study class), goal setting and evaluation procedures have been initiated, and some effort has been made to tailor the Wpe of manual work offered to the specific nature of the inmates offense.

At the same time, it should be noted that certain reformatories, as with the larger penal system, continue to force juvenile offenders to make goods that are sold for export in the West, which contributes income to China's prison labor system.

This is occurring within a general professionalization of the entire legal system as more lawyers are being trained, along with participants involved in criminal justice.

Still, the ratio of police officer for every 1,400 people remains one of the highest ratios in the world, where the average is 1:50 a.m. the reliance upon the mass campaign to expeditiously identify and punish criminals remains quite strong. Dutton and Lee argue that this type of informal policing allows for flexibility and gives a sense of security to the population. However, in 1996, over one thousand people were executed

within a two-month span during China's (strike hard) campaign, the most violent of its type since 1983. The offenders were quickly tried, convicted, and executed without benefit of appeal. Mass trials attended by up to twenty thousand people were also held, and convicts were paraded in public before being sent off to be shot.

It is therefore fair to conclude that in spite of some efforts to professionalize law enforcement generally as well as reformatory education specifically, reliance upon informal mechanisms for delivering justice remains strong in China. It is tempting to associate the increase in juvenile delinquency in China, during the past two decades with the material affluence that has accompanied swift economic change. However, such an attribution would be excessively simplistic if it failed to take into account increasing urban unemployment rates (officially acknowledged to be about 2.9 percent in 1997), increased urban and coastal migration, diminished control over residential mobility patterns, and structural changes within the educational system. In the latter case, authorities have successfully restricted the number of students with aspirations for attending university, so that in 1997 only 2.84 million high school graduates will take entrance examinations for 1 million available places in the country's colleges and universities.

The "cooling out" process begins much earlier, however, toward the end of primary school, when decisions are made as to the type and quality of middle school one can attend. At the senior-secondary level, further stratification occurs as students enter regular academic and "keypoint" high schools, secondary specialized schools, vocational high schools, and technical schools. Although many delinquents do not advance this far through the system, their future aspirations are leveled at increasingly early stages of their development. Thus, responses to increased youth crime and can be classified as both progressive and traditional. Progressive responses have contributed to a professionalization of the criminal justice system through the enhanced training and education of corrections officials, as well as through increased data collection and analysis. Chinese authorities joined Interpol in 1984, an event that has encouraged the sharing of information along with enhanced international cooperation, particularly with regard to drug trafficking. Although there is

some evidence of professionalization within correctional institutions, the evidence for a radical change of institutional culture is more mixed; these still are organizations that profess strong ideological beliefs in the redemptive value of manual labor, the importance of character reformation in a general sense, and the need to respect collective authority. Outside of institutional ‘gulls, the use of the mass anticrime campaign to address rising crime rates with, expediency, swiftness, and harshness continues unabated. And the official response to increased residential mobility and unemployment lies in continued reliance upon residence committees and street offices (whose functions were first formally articulated in 1954) to work with public security and correctional officials in preserving social order and preventing crime.