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The Evolution of Philosophies and Value Choices in Juvenile Justice Policy

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Abstract

From 2014 to 2022, juvenile delinquency in China has demonstrated three prominent trends: quantitative escalation, progressive lowering of age thresholds, and heightened proportion of violent offenses. Under the fundamental criminal policy framework of "Balancing Leniency and Severity", the relatively lenient criminal policies adopted in China exhibit certain discrepancies with prevailing societal demands. Internationally, the evolution of juvenile criminal policies has transitioned from leniency-oriented approaches to stricter paradigms, which bears contextual relevance to China's current policy orientation. Although the Amendment to the Criminal Law has lowered the minimum age of criminal responsibility to 12 years old, practical deficiencies persist in the protection of juvenile victims within specific case adjudications. The formulation of juvenile criminal policies should adhere to the "Differentiated Treatment" principle (mitigation for minor offenses and severity for major crimes) within the "Balancing Leniency and Severity" framework, aiming to equilibrate punitive measures with protective mechanisms, reconcile individual interests with societal welfare, and ultimately achieve harmonious integration of legal efficacy and social impact.

Keywords

juvenile delinquenc, *Balancing Leniency and Severity*, *paradigm shift*

1 Trends in Juvenile Delinquency and Divergence in Social Attitudes

1.1 Juvenile Crime Trends from 2014 to 2022

In recent years, there has been a frequent occurrence of serious crimes committed by minors, especially the "Handan Junior High School Students Murder and Burial Case" that occurred on March 10, 2024, which has attracted widespread social attention.* In this case, three minors jointly murdered a fellow junior high school student, and these three suspects had not yet reached the statutory age of criminal responsibility. The case has been highly controversial due to its severe subjective malice and high degree of social harm, and it has also prompted in-depth reflection on the punishment mechanisms for juvenile crime.According to the latest "White Paper on Juvenile Procuratorial Work"** released by the Supreme People's Procuratorate, as well as the White Papers from 2014 to the present, since 2014, although the number of minors accepted for review and arrest and review and prosecution has decreased, the overall number has remained high. Particularly from 2020 to 2022,

* "Official Announcement: 'Handan Case of Three Junior High Students Involved in Homicide and Corpse Burial'—All Suspects Apprehended." China National Radio News Network. Available at: https://www.cnr.cn/hebei/yzkx/20240317/t20240317_526630269.shtml. Accessed March 30, 2024.

** White Paper on Prosecutorial Work for Minors (2022). Supreme People's Procuratorate of the People's Republic of China. Available at: https://www.spp.gov.cn/spp/xwfbh/wsfbt/202306/t20230601_615967.shtml#2. Accessed March 30, 2024.

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there was a relatively rapid increase in the number of cases accepted for review and prosecution. Overall, juvenile crime has shown a general trend of increasing numbers, more crimes committed at a younger age, and a concentration of crime types.

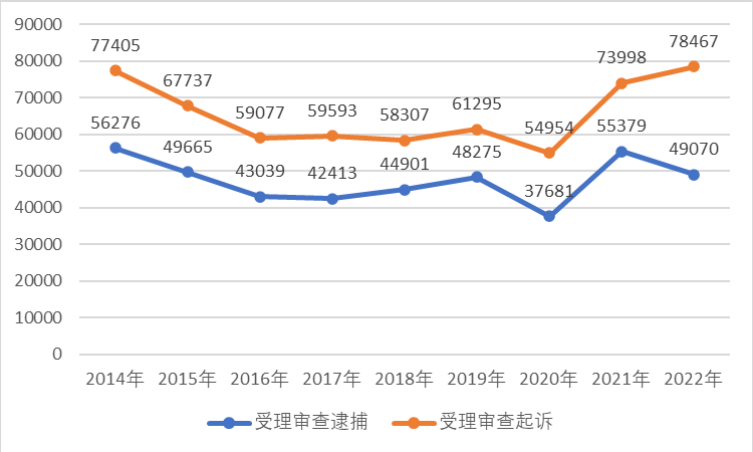


Figure 1: Juvenile Suspected Crime Trends from 2014 to 2022

According to the White Paper on Juvenile Procuratorial Work from 2014 to 2022, the proportion of crimes committed by minors aged 14 to 16 has remained high, showing a trend of younger age in juvenile crime. Among these, the acts of mass brawling, rape, and robbery have consistently ranked in the top five types of crimes from 2014 to 2022, highlighting the high incidence of violent behavior in juvenile crime. Statistics show that from 2020 to 2022, the number of cases involving rape has continued to rise. In addition to a decrease in the number of people suspected of disturbing public order, there has also been a rebound trend in the cases of mass brawling and robbery to varying degrees. This trend has attracted widespread attention and deep concern from all sectors of society.

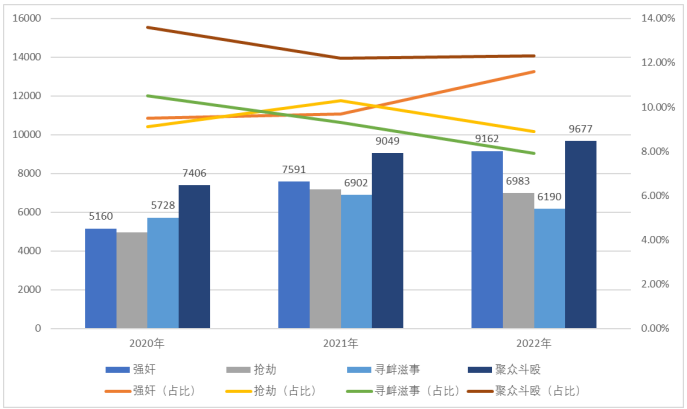


Figure 2: Statistics on Juvenile Offenders Committing Rape, Robbery, Affray, and Gang Fighting (2020-2022): Headcounts and Percentages[*]

Under the fundamental criminal policy framework of "Balancing Leniency and Severity" , China has established a juvenile justice policy centered on "Education as the Dominant Approach, Punishment as the

* The data is sourced from the White Papers on Prosecutorial Work for Minors issued by the Supreme People's Procuratorate between 2014 and 2022.

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Supplementary Means".* Guided by this policy orientation, both criminal legislation and judicial practice in China have adopted a relatively lenient stance toward juvenile offenders. However, this leniency appears to be somewhat disconnected from prevailing public sentiment.

1.2 Leniency versus Severe Punishment: Divergent Attitudes Toward Juvenile Offender Treatment

The frequent occurrence of severe juvenile crimes and school violence incidents has sparked widespread societal debate on whether China should further lower the minimum age of criminal responsibility (MACR) and introduce the “malice supplements age” doctrine. In 2019, a highly publicized case involved a 13-year-old boy in Dalian who murdered a 10-year-old girl with extreme cruelty. At that time, China’s MACR was set at 14 years old, meaning the perpetrator faced no criminal liability. The court ultimately sentenced him to just three years of rehabilitation education, triggering significant public outrage.To address such concerns, China’s 2020 Amendment XI to the Criminal Law lowered the MACR to 12 years old, stipulating: “A minor aged 12 but under 14 who commits intentional homicide or intentional injury causing death, or who causes severe disability through particularly cruel means, shall bear criminal responsibility when the circumstances are egregious and prosecution is approved by the Supreme People’s Procuratorate.”However, numerous severe crimes committed by minors aged 12-14 continue to occur, with some offenders even below age 12. Many juvenile suspects and defendants demonstrate clear understanding of MACR provisions, strategically exploiting this legal protection and contributing to persistent school violence - further fueling public demands to lower the MACR further.Notably, victims in juvenile crime cases are often minors of similar or younger age than perpetrators, creating an imbalance in rights protection. The current legal system’s “best interests of the child” principle predominantly benefits juvenile offenders, while offering limited remedies for underage victims. This inequitable treatment denies young victims proper justice and intensifies societal dissatisfaction with juvenile crime policies.

However, this stands in contrast to the academic community’s cautious stance toward lowering the age of criminal responsibility (ACR). Prominent legal scholars such as Professors Zhou Guangquan and Zhang Mingkai have publicly advocated for prudence regarding ACR adjustments. Professor Zhang Mingkai contends that culpability serves as the prerequisite for criminal liability. Given that juveniles have not yet developed stable value systems, their culpability remains debatable. He further emphasizes the need to delineate the boundary between ethics and law—a view that aligns with Professor Zhou Guangquan’s principle that “legislation should not target exceptional cases.”Similarly, Professor Yao Jianlong argues that reducing the ACR lacks sufficient theoretical justification and practical validation.The divergence between public sentiment and academic perspectives on lowering the ACR reflects a deeper conflict between protecting juvenile rights and safeguarding societal public interests. This disagreement, to some extent, mirrors the value-laden choices embedded in China’s juvenile criminal policy.

* Article 457(1) of the Rules of Criminal Procedure for the People's Procuratorates centrally stipulates that procuratorates handling juvenile criminal cases shall adhere to the guiding principles of "Education, Persuasion, and Rehabilitation" , the doctrine of "Education as the Primary Approach, Punishment as the Supplementary Measure" , and the judicial tenets of Priority Protection, Special Protection, and Dual Protection.

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2 Evolution of Juvenile Criminal Policy Concepts

2.1 The Evolution of Juvenile Criminal Policies in Foreign Countries

The General Comment No. 10 (2007) on Children› s Rights in Juvenile Justice under the Convention on the Rights of the Child established the principle that the minimum age of criminal responsibility shall not be set below 12 years, [*]reflecting the international community› s relatively lenient approach toward juvenile delinquency, with an emphasis on protecting the rights and interests of minors. An examination of the evolution of juvenile criminal justice systems across various countries reveals a shift in juvenile criminal policies from leniency to stringency. Taking the United States as an example: during the colonial period, influenced by the doctrine of parens patriae in British equity law, juvenile courts were gradually established in various states, and the first Juvenile Court Act was enacted in 1899. These juvenile courts typically adopted educational rehabilitation strategies rather than punitive measures for young offenders. In the 1960s, frequent cases of child abuse in the United States led to the successive enactment of the Child Abuse Prevention and Treatment Act, the Indian Child Welfare Act, and the Multiethnic Placement Act, which implemented the «best interests of the child» principle. Consequently, the protection of juvenile rights flourished, and a welfare-oriented juvenile justice system was established.

Thereafter, the juvenile criminal policy in the United States began to contract. With the acceleration of industrialization and the turbulence in economic and political life, juvenile delinquency rates in the U.S. surged, [**]leading to a gradual toughening (be tough) of the juvenile justice system. It is generally acknowledged that the 1967 case of In re Gault marked the turning point in U.S. juvenile criminal justice policy from leniency to severity. During this period, as the classical school of criminology gained prominence and retributive theories of punishment prevailed, there were increasingly vocal demands for juvenile offenders to bear criminal responsibility. Not only did juvenile courts impose harsher punishments for juvenile crimes during this era, but general courts also progressively expanded their jurisdiction over juvenile criminal cases.An increasing number of U.S. states enacted legislation permitting the transfer of juveniles to adult courts for serious offenses through “judicial waiver,” resulting in juvenile offenders receiving the same convictions and sentences as adults. Furthermore, criminal penalties for juvenile recidivists in the U.S. trended toward greater severity, exemplified by California’s “Three Strikes Law,” which in practice made no special allowances for juveniles. Procedurally, the absence of jury systems in juvenile courts frequently raised questions about the due process in juvenile trials, sparking societal criticism that the juvenile justice system had become overly punitive.It was not until the 1990s that U.S. juvenile criminal policy began to partially revert, representing what scholars describe as “a compromise between lenient and stringent criminal policies.”

Beyond the United States, the international trend toward stricter approaches to juvenile crime is evidenced by several key developments: Britain's establishment of the "doctrine of doli incapax" (malice supplies the age), Japan's amendments to its Juvenile Act which included "lowering the reverse referral age, creating a principle-based reverse referral system, and reducing the minimum age for transfer to juvenile

* General Comment No. 10: Children's Rights in Juvenile Justice. China Human Rights. Available at: https://www.humanrights.cn/html/2014/6_1010/1991.html. Accessed March 30, 2024.

** In re Gault. United States Supreme Court. Available at: https://supreme.justia.com/cases/federal/us/387/1/. Accessed March 30, 2024.

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training schools", as well as Singapore and Thailand's decisions to lower the age of criminal responsibility to seven years old. These reforms collectively demonstrate a global shift in attitudes toward juvenile criminal behavior, marking a transition from leniency to severity in the international community's approach to youth offending.

2.2 Evolution of China's Juvenile Criminal Policy

To examine China's juvenile criminal policy, it is first necessary to clarify the development of the country's fundamental criminal policies since the founding of the People's Republic. In the early years of the nation, China established a basic criminal policy derived from the suppression of counterrevolutionary forces—"combining suppression with leniency." During this period, the country was in a void of criminal legislation, leading to a phenomenon of "criminal policy replacing criminal law." There were no special provisions for juvenile delinquency, making this phase a "vacuum period" for China's juvenile criminal policy.In 1956, the Eighth National Congress of the Communist Party of China explicitly proposed the policy of "combining punishment with leniency for counterrevolutionaries and other criminals," marking the official replacement of the revolutionary-era "suppression with leniency" with a new fundamental criminal policy that would guide China after 1956.During the implementation of this basic criminal policy, the international community saw the rise of the "child welfare protection model," where "protectionism" toward juvenile delinquency prevailed. Countries generally adopted a lenient stance toward juvenile crime, with the United States even embracing judicial attitudes that favored education over punishment. [*]Growing global attention to youth crime prompted nations to enact laws, judicial practices, and procedural safeguards aimed at protecting minors' interests.Guided by this international trend, China, in its 1979 Report on Calling for the Entire Party to Address the Issue of Juvenile Delinquency, introduced for the first time the principle of "education, rehabilitation, and reform," regarded as the embryonic form of China's fundamental juvenile criminal policy. Subsequently, the 1991 Law on the Protection of Minors and the 1999 Law on the Prevention of Juvenile Delinquency refined this principle into "education, persuasion, and rehabilitation," while establishing the guiding doctrine of "education as the primary approach, punishment as the supplementary measure." From this point onward, China's fundamental juvenile criminal policy was formally codified in law.

During the period of the basic criminal policy of punishment and leniency, the "Strike Hard" criminal justice policy proposed in 1983 had a certain impact on the implementation and enforcement of China's juvenile criminal policy. As a specific criminal policy for a special period, "Strike Hard" pursued the principle of "severe and swift punishment of crime." The stand-alone criminal laws, ancillary criminal laws, and the revision of the 1997 Criminal Code all reflected this spirit. The policy spirit of lenient treatment for minors was also not put into practice. As Professor Chen Xingliang argued, "The 'Strike Hard' policy itself contains a strong concept of criminalization and severe punishment. The criminal laws formulated according to this policy will inevitably reflect the tendency of criminalization and severe punishment." The treatment of juvenile crime at that time also followed the spirit of "Strike Hard," and juvenile offenders found it difficult

* Judge Julian M. Linsy of the Boston Juvenile Court contended that the government's duty lies not in ascertaining the offenses committed by a boy or girl, but in comprehending their physical and mental condition as well as the criminal process. The responsibility is not about punishment and reform, but about being accountable for them, not suppressing but promoting their growth, and enabling them to become qualified citizens rather than criminals. For details, refer to Julian W. Mack's "The Juvenile Court," 23 Harv. L. Rev. 104 (1909), p. 107.

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to obtain lenient treatment.Moreover, the "Strike Hard" criminal policy emerged based on specific social realities and political needs. From the perspective of legal science, the "severe and swift punishment of crime" advocated during the "Strike Hard" period not only violated the basic principle of "proportionality between crime and punishment" but also failed to ensure the legality of procedures in practice, lacking the basis for legitimacy as a basic criminal policy. Therefore, the basic criminal policy of combining leniency with severity emerged against this backdrop. Under the guidance of this new era's basic criminal policy, the criminal policy for juvenile crime has also been developed and improved.

3 Specific Juvenile Criminal Policies under the Guidance of the Policy of Combining Leniency with Severity

On December 22, 2004, the concept of the criminal policy of combining leniency with severity was first explicitly expressed at the Central Political and Legal Work Conference. Prior to this, the criminal policy of combining leniency with severity had been understood as a criminal judicial policy, that is, a specific criminal policy in the field of criminal justice. It was not until February 8, 2010, that its status as a basic criminal policy was established in the Several Opinions on Implementing the Criminal Policy of Combining Leniency with Severity issued by the Supreme People's Court.[*]According to this document, the key to accurately grasping the basic criminal policy of combining leniency with severity lies in accurately understanding the policy requirements and behavioral standards of the three dimensions of "leniency," "severity," and "combination." After experiencing a shift from leniency to severity in policy, and in response to international trends and attitudes towards the treatment of minors, China has established and formulated a series of legal principles and related provisions for lenient treatment of minors under the basic criminal policy of combining leniency with severity. However, in judicial practice, there are still some problems and biases.

3.1 Tendency of Over-Protection of Juvenile Offenders in China's Specific Juvenile Criminal Policies

China's juvenile criminal policy can be summarized as implementing a specific juvenile criminal policy of "education as the main approach, punishment as the supplement" under the basic criminal policy of combining leniency with severity. Although China has not established a separate juvenile justice system like those in common law countries, or a "juvenile welfare committee" system like those in civil law countries, the concept of leniency towards juveniles and a tendency towards "protectivism" are reflected in both the legislative system and judicial practice.

The legislative level explicitly stipulates a series of lenient punishment and special protection measures. For example, the Criminal Law of the People's Republic of China stipulates that for juvenile offenders who are over 14 years old but under 18 years old, the principle of mitigated or lenient punishment should be applied. In addition, the provision that the death penalty shall not be applied to persons under the age of 18 at the time of the crime and to women who are pregnant at the time of trial reflects the special protection for juveniles. [**]In terms of procedural law, the Criminal Procedure Law of the People's Republic of China also

* See Article 54 of the Law on the Protection of Minors and Article 44 of the Law on the Prevention of Juvenile Delinquency.

** See Article 17 and Article 49 of the Criminal Law of the People's Republic of China.

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clearly stipulates special handling mechanisms for juvenile defendants. The law requires strict restrictions on the application of arrest measures to juvenile defendants and allows the prosecutor's office to make a conditional non-prosecution decision for juveniles involved in specific crimes, who meet the prosecution conditions and show a repentant attitude. *According to statistics, there are four laws and regulations in China that clearly stipulate the principles and specific provisions for lenient treatment of juvenile criminal offenses.

Table 1: Summary of Laws and Regulations on "Lenient Treatment" for Juvenile Criminal Offenses

Name	Main Legal Provisions
Criminal Law of the People's Republic of China (2023 Amendment)	Articles 17, 49
Criminal Procedure Law of the People's Republic of China (2018 Amendment)	Articles 277, 280, 281, 282, 285, 286
"Law of the People's Republic of China on the Prevention of Juvenile Delinquency (2020 Revision)"	Article 50, Article 53, Article 59
"Law of the People's Republic of China on the Protection of Minors"	Article 110

At the judicial level, China's non-arrest rate, non-prosecution rate, and the proportion of conditional non-prosecution in juvenile criminal cases have been steadily increasing since 2014. Notably, since 2019, these rates have shown a rapid upward trend. While the impact of the pandemic on judicial activities since 2019 may be a contributing factor, it also raises concerns about whether non-prosecution and conditional non-prosecution are being overused in juvenile criminal cases to align with the fundamental criminal policy of "combining leniency with severity."This trend suggests a possible inclination toward excessive leniency in handling juvenile crimes, potentially at the expense of victims' rights. It prompts reflection on whether this approach lacks a balanced consideration between leniency and severity and whether the fundamental criminal policy of "combining leniency with severity" is being effectively implemented in juvenile criminal cases.

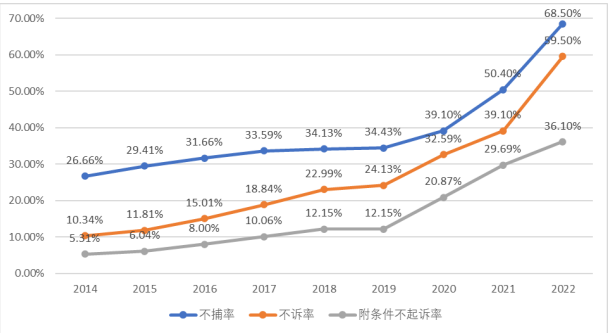


Figure 3: Non-Prosecution of Juvenile Cases (2014-2022)[**]

* See Article 280 and Article 282 of the Criminal Procedure Law of the People's Republic of China.

** The data is from the "White Paper on Juvenile Prosecution Work" published by the Supreme People's Procuratorate from 2014 to 2022.

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3.2 Lack of Protection for Underage Victims in the Implementation of Specific Criminal Policies Under the "Balancing Leniency and Severity" Framework

In recent years, frequent cases of underage offenders committing serious crimes without facing legal consequences have prompted China's Criminal Law Amendment (XI) to lower the minimum age of criminal responsibility to 12, albeit with strict limitations on applicable offenses, circumstances, and procedures. [*]Despite these restrictions, the interests of underage victims remain inadequately protected in certain situations. Taking sexual assault cases involving minors as an example—where victims are often younger and more vulnerable girls—the issue can be examined in two scenarios:

One case is that the juvenile offender is over 14 years old but under 18 years old.Article 17 of China's Criminal Law stipulates that minors aged 14 or older who commit rape must bear criminal responsibility. While the law mandates lighter penalties for juveniles, such sentencing still operates within the framework of proportionality. However, China's criminal incidental civil litigation system categorically excludes claims for mental distress compensation. In other words, underage victims of sexual assault are often denied psychological damages during criminal proceedings. Even if they file a separate civil lawsuit, the absence of sentencing leverage may lead to delayed or inadequate compensation by the juvenile offender or their guardian, failing to truly redress the victim's suffering. Yet it is undeniable that the psychological trauma from such assaults can inflict lifelong scars on underage victims.

Another scenario involves juvenile offenders aged 12 to under 14 years old. In cases of sexual assault committed by juvenile suspects aged 12 to 14, such offenders typically escape criminal liability as their actions do not meet the criteria for approved prosecution. This leaves victims without effective remedies under criminal law. In practice, public security organs often decide not to initiate cases of this nature. For instance, in a February 26, 2024, case where a 13-year-old boy raped an 8-year-old girl, [**]the authorities only issued a reprimand to the offender's guardians, and the juvenile offender was allowed to resume normal classes at school. Similarly, in a 2023 case where a 12-year-old boy sexually assaulted a 12-year-old girl with cerebral palsy, criminal liability was waived.[***]Moreover, without constraints from criminal law, families of juvenile offenders are less motivated to offer compensation. In many cases, considering the mental health and privacy of minor victims, their legal representatives are often unwilling to initiate separate civil lawsuits. Even in cases of sexual assault with extremely serious consequences, under the current criminal law system and the basic criminal policy of combining leniency with severity, juvenile offenders are ultimately only sent to special schools for corrective education, for a maximum of three years. This severely violates the basic principle of proportionality between crime and punishment. It is important to note that "the utilitarian value of criminal policy in punishing and preventing crimes should be restricted by the principle of legality and the principle of proportionality. Only within the framework of criminal law does the utilitarian pursuit of criminal policy's objectives gain rationality."

* Adhering to the 'Three Limitations' in Pursuing Criminal Responsibility of 'Young' Juveniles" is available on the website of the Supreme People's Procuratorate of the People's Republic of China: https://www.spp.gov.cn/spp/llyj/202104/t20210430_517199.shtml, accessed on March 30, 2024.

** Yangshan County People's Politics and Law Website Situation Bulletin: http://www.yangshan.gov.cn/zxzx/tzgg/content/post_1845892.html

*** A 12-Year-Old Boy Sexually Assaulted His Same-Age Relative with Cerebral Palsy and Was Exempted from Criminal Punishment: How to Punish Juvenile Crime?" is available on CCTV.com: https://news.cctv.com/2023/02/15/ARTIk3y2hfXocGCNOzFoEmaA230215.shtml, accessed on March 31, 2024.

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Certainly, juvenile offenders' underdeveloped psychology means their criminal acts stem not only from personal intent but also from family, school, and societal factors, so safeguarding their rights is justified. However, inadequate protection for minor victims and leniency toward juvenile offenders can lead to more juvenile crime. If minors lose trust in the law, it might cause a "reverse shift" where minor victims become offenders. Thus, juvenile criminal policies under the leniency-severity combined basic criminal policy should focus more on protecting minor victims, not acting as a "shield" for juvenile offenders.

4 Value Orientation of Juvenile Criminal Policy

The concept of "combining leniency with severity" implies that "strictness should be applied when necessary, and leniency granted where appropriate; there should be leniency within strictness and vice versa, with both exercised judiciously and in a timely manner." Under this policy, juvenile criminal policy should move away from absolute protectionism. Within the framework of proportionality between crime and punishment, it should follow the principle of "leniency for minor offenses and severity for major ones," achieving three "balances": between punishing and protecting juvenile offenders, between the interests of juvenile offenders and society, and between legal and social outcomes.

There are significant psychological and physiological differences between minors and adults. Minors are in the developmental stage of adolescence, where their psychology and behavior remain in transition toward maturity. Their outlook on life and values are not yet fully formed, making them susceptible to external environmental and societal influences. Therefore, the crimes committed by minors often do not fully represent the results of independent thinking but are more influenced by family environment and social education. Moreover, the state, as the ultimate guardian of minors, still bears some responsibility for their crimes. On this level, the protective approach toward juvenile offenders has its rationale.However, whether this protective philosophy should be indiscriminately applied to all juvenile crimes remains debatable. The increasing occurrence of severe juvenile crimes has led to public reflection: What is the basis for considering juvenile offenders as vulnerable? Should the immaturity of minors be borne by victims and innocent members of society? In cases such as the Dalian boy homicide and the previously mentioned Handan boy homicide, widespread public skepticism has emerged. If juvenile offenders show no remorse and employ methods of extreme cruelty—even beyond what adults might conceive—resulting in death, does their age alone justify leniency?Therefore, the scope of the protective approach should be appropriately limited, and the role of punishment should be correctly recognized, elevating its position in the juvenile crime governance system while defining the conditions and boundaries for applying both protection and punishment.In legislative design, reference could be made to the UK's "doctrine of malicious supplement to age" and New York State's Juvenile Offender Law in the United States. In judicial practice, the psychological maturity of minors should be assessed and serve as a critical factor in conviction and sentencing. In this regard, the U.S. legal system's provisions on "judicial waiver" in juvenile crime cases could offer valuable insights.

The balance between protection and punishment essentially reflects the equilibrium between the personal interests of juvenile offenders and societal interests. The *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* formally established the "principle of the best interests of the child,"

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emphasizing that "the well-being and future prospects of the juvenile shall be the overriding considerations in all proceedings involving juveniles." Under the current juvenile criminal policy framework dominated by a "protective approach," the conflict between the personal interests of juvenile offenders and societal interests becomes inevitable. Thus, critical questions arise: Is it necessary to prioritize the rehabilitation of mentally immature minors at the expense of societal interests? If societal interests are compromised, how can the rights of victims in juvenile crime cases—particularly when victims themselves are minors—be safeguarded? In such cases, should the "principle of the best interests of the child" favor the juvenile offender or the juvenile victim? Moreover, if concessions to societal interests are unavoidable, how should the boundaries of such concessions be defined? Considering these issues, protections for juvenile offenders' personal interests must be appropriately constrained. While minors deserve leniency and safeguards due to their developmental stage, as Jeremy Bentham argued: "If the pleasure derived from the crime exceeds the pain inflicted by punishment, they may willingly endure the latter to obtain the former." [*]Excessive concessions to societal interests risk eroding the foundational boundaries of social welfare, leading juvenile offenders to disregard the law. Such a trend not only contradicts the "ultimate justice" pursued by criminal law but also fails to provide constructive guidance for minors.

Finally, as previously mentioned, the rise in serious juvenile crimes and the growing public demand for stricter punishment reflect a mismatch between the legal outcomes of legislation and judicial practices guided by juvenile criminal policies and the social outcomes pursued by the public. Law protects not only the interests of those involved in cases but also Social harmony and stability. From this perspective, measures to protect the rights of juvenile offenders must also focus on achieving social outcomes. These social outcomes provide rich material for the education of minors. Such material not only helps prevent potential juvenile crime but also shapes the value concept among juvenile offenders that "wrongdoing entails punishment." Additionally, emphasizing social outcomes can enhance the trust of minor victims in legal authority, encouraging them to seek redress through legal means rather than resorting to illegal actions, thus avoiding a "reverse shift" toward criminal behavior.

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* United Nations Minimum Standards for the Administration of Juvenile Justice (Beijing Rules)," available on the United Nations website, https://www.un.org/zh/documents/treaty/A-RES-40-33, accessed on March 31, 2024.

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