

Research on the Current Situation and Countermeasures for the Implementation of China's Minor Protection Laws

Yutong Chen

Ulaanbaatar Erdem University, Ulaanbaatar, 11000, Mongolia

Abstract: The purpose of this paper is to discuss the current situation of the implementation of China's minor protection law and the existing problems, and to propose corresponding countermeasures. First, the background of the protection of minors law, the purpose and significance of the study, as well as the research methodology and data sources are introduced. Second, the basic contents and principles of the law on the protection of minors are outlined, and its main features and innovations are analyzed. Then, the current situation of the implementation of the law on the protection of minors is analyzed from three levels: government, society and family, and problems are pointed out, such as insufficient implementation at the government level, insufficient participation at the social level, and backward educational concepts at the family level. Finally, in response to these problems, countermeasure suggestions are put forward to strengthen the government's enforcement efforts, improve the degree of social participation, and guide the updating of family concepts.

Keywords: Law on the Protection of Minors, Implementation Status, Problems, Countermeasures Suggestions.

1. Introduction

With the development and progress of society, the protection of minors has become an important topic of global concern. In China, the formulation and implementation of the law on the protection of minors is of great significance in protecting the legitimate rights and interests of minors and promoting their healthy growth. However, in the actual implementation process, China's minor protection law still faces many problems and challenges. For this reason, this dissertation aims to analyze the current situation of the implementation of China's law on the protection of minors, explore the existing problems, and put forward corresponding countermeasure suggestions, with a view to providing reference for the improvement and implementation of China's law on the protection of minors. This study has important practical significance. Firstly, by analyzing the current situation of the implementation of the law on the protection of minors, it helps to understand the actual operation of the law on the protection of minors in China, and to discover the existing problems and deficiencies. Secondly, exploring countermeasure suggestions will help to improve the effect of the implementation of the law and safeguard the legitimate rights and interests of minors. Finally, this study has a positive role in promoting the improvement and development of China's law on the protection of minors.

2. Overview of China's Law on the Protection of Minors

2.1. Basic Contents and Principles of the Law

China's law on the protection of minors is a specialized law enacted in China to protect the lawful rights and interests of minors and to promote the healthy development of minors physically and mentally. This law specifies the principles of protecting the rights and interests of minors, including respecting the human dignity of minors, safeguarding the lawful rights and interests of minors, special protection, equal

protection and so on [1].

First of all, the principle of respecting the human dignity of minors requires that we should respect the human dignity of minors, whether in the family, in school or in society, and should not insult, abuse or abandon minors. Secondly, the principle of safeguarding the lawful rights and interests of minors requires us that the State, society, families, schools and other organizations should safeguard the lawful rights and interests of minors in accordance with the law, including the right to life, the right to development, the right to education, the right to participate and so on. Once again, the principle of special protection requires us to provide special protection for minors, especially for special groups such as minors with disabilities, left-behind children and minors who are victims of domestic violence. Finally, the principle of equal protection requires us to give equal protection to minors regardless of their gender, ethnicity, race, religious beliefs and other backgrounds.

In general, China's law on the protection of minors takes the protection of minors' rights and interests as the core, emphasizes respect, protection, special protection and equal protection, and is an important legal basis for the protection of minors' rights and interests in China [2].

2.2. Main Features and Innovations of the Law

China's law on the protection of minors is a law aimed at protecting the rights and interests of minors, with the following main features and innovations [3].

Firstly, the law clarifies the principle of safeguarding the rights and interests of minors. It emphasizes respect for the legitimate rights and interests of minors and protection of their rights and interests in survival, development, education and physical and mental health, reflecting the concept of special protection for minors. Secondly, the law establishes a comprehensive system for the protection of minors. It sets out the responsibilities and obligations of the Government, society, the family and other parties, forming a multilevel, multifaceted protection network that ensures that minors are

adequately cared for and protected in all respects. Thirdly, the law focuses on prevention and intervention. It not only deals with violations of minors' rights and interests after the fact, but also emphasizes prevention and intervention before the fact, preventing and reducing the risk of violations of minors' rights and interests by means of education for minors and the provision of psychological advice and counselling. Fourth, the law innovates the mechanism for protecting minors. It establishes a system of committees for the protection of minors, which, through the organization and operation of the committees, strengthens the coordination and supervision of the work of protecting the rights and interests of minors, and improves the effectiveness and efficiency of the protection work. Finally, the law strengthens the mechanism of legal responsibility and accountability. It sets strict legal responsibilities, both criminal and civil, for violations of the rights and interests of minors, and provides for a mechanism of prosecution to ensure that violations can be stopped and punished in a timely manner.

In general, China's law on the protection of minors provides a solid legal guarantee for the protection of the rights and interests of minors with its comprehensive protection system, focus on prevention and intervention, innovative protection mechanism and strengthened legal responsibility, and other features and innovations [4].

3. Implementation Status of China's Law on the Protection of Minors

3.1. Implementation at the Government Level

The Chinese government attaches great importance to the protection of minors and constantly improves relevant laws and regulations to ensure that the legitimate rights and interests of minors are effectively safeguarded. Since the implementation of China's Law on the Protection of Minors, the government has taken positive measures at several levels to promote the effective implementation of the law [5].

At the governmental level, governments at all levels have established a coordination mechanism for the protection of minors, clarified the responsibilities and tasks of various departments, and formed a working pattern of unified leadership by the government and synergistic cooperation among departments. At the same time, the government has increased its investment, providing the necessary material safeguards for the work of protecting minors. In addition, the Government has raised the awareness and attention of society as a whole to the protection of minors through various publicity campaigns. The Government also actively promotes publicity and education on the Law on the Protection of Minors, popularizing knowledge of the law and raising the legal awareness of society as a whole through various channels and forms. At the same time, the Government has strengthened education and guidance for schools and families, fostering good habits among minors in terms of compliance with the law and enhancing their awareness of self-protection. In addition, the Government has stepped up its efforts to combat violations of the rights and interests of minors, and has severely punished, in accordance with the law, all types of crimes against minors' rights and interests. By improving the system of legal aid and judicial protection for minors, it ensures that minors receive timely assistance when their lawful rights and interests are infringed upon.

In short, the Chinese Government has given full play to its leading role in the implementation of the Law on the

Protection of Minors, and has taken a variety of measures to ensure the effective implementation of the law. In the future, the government will continue to increase its efforts to continuously improve the system of protection of minors and create a favorable social environment for the healthy growth of minors [6].

3.2. Implementation at the Family Level

In the implementation of China's law on the protection of minors, the family level plays a crucial role. Family is the cradle of minors' growth, and family environment and family education have an important influence on minors' physical and mental health and development. According to the relevant provisions of China's law on the protection of minors, families should take the responsibility of protecting minors and provide minors with a favorable environment for life, education and growth [7].

However, in practice, the implementation at the family level is not optimistic. On the one hand, with the development of society and economic progress, the family structure has changed greatly. Phenomena such as single-parent families and left-behind children are common, and minors in these families often face problems in life, education and psychology. On the other hand, the educational concepts of some parents are lagging behind, and overindulgence or neglect of their children occurs from time to time, resulting in minors not being able to receive adequate care and proper guidance in the family environment.

In addition, there is an imbalance in the distribution of family education resources. Minors in urban areas enjoy more high-quality educational resources, while minors in rural areas face a lack of educational resources. This disparity puts rural minors at a disadvantage in terms of education, making it difficult for them to enjoy equal educational opportunities.

To address these problems, we need to take a series of measures to improve implementation at the family level. First, parents should establish a correct concept of education and pay attention to their children's physical and mental health and all-round development. The Government and society should enhance the popularization and dissemination of knowledge about family education and improve the educational literacy of parents. Secondly, more resources should be invested in family education, especially in rural areas, to improve educational conditions and safeguard the educational rights and interests of minors. Finally, efforts to combat domestic violence and neglect of minors' rights and interests should be strengthened to ensure that minors receive adequate care and protection in the family environment.

In conclusion, the family level plays an important role in the implementation of China's law on the protection of minors. We should strive to improve the implementation of the family level and provide a good family environment for the healthy growth of minors [8].

4. Problems in the Implementation of China's Law on the Protection of Minors

4.1. Insufficient Implementation at the Government Level

In the implementation of China's law on the protection of minors, insufficient implementation at the government level is a notable problem. First of all, although the Chinese

government attaches great importance to the protection of minors, there are differences in the understanding of the law and the strength of its implementation by some government departments in the process of concrete implementation. The division of responsibilities among some local government departments in the protection of minors is not clear, which leads to the slow advancement of the work [9].

Secondly, in some local government departments, the number and quality of staff for the protection of minors cannot meet the needs of the work. The protection of minors requires specialized knowledge and skills, but some staff lack professional training, making it difficult for them to effectively perform their protection duties. Once again, the government's investment in the protection of minors is insufficient. Although China's government has invested certain resources in the protection of minors, in some areas, the government's financial support for the protection of minors is still insufficient, affecting the advancement of the protection of minors. In addition, some regional governments have not paid enough attention to the work of protecting minors. Some local government departments focus mainly on economic development and pay insufficient attention to the work of protecting minors, leading to a lack of effort in advancing the relevant work.

In response to these problems, it is necessary to strengthen the supervision and assessment of government departments to ensure that the laws on the protection of minors are effectively enforced. At the same time, it is necessary to improve the professional quality of the staff of government departments, increase the financial investment in the protection of minors, and raise the government's attention to the protection of minors, so as to better protect the legitimate rights and interests of minors.

4.2. Insufficient Participation at the Social Level

In the implementation of China's law on the protection of minors, the lack of participation at the social level is a prominent problem. Although the law's protection of minors involves many fields such as education, welfare and health, the actual implementation of the law has not been characterized by a high degree of concern and participation in such issues by all sectors of society [10].

First of all, public awareness of the law on the protection of minors needs to be improved. In many areas, the provisions of the law have not been widely publicized and popularized, resulting in a lack of public understanding of the content and provisions of the law. In addition, due to the influence of traditional concepts, some parents and members of society may believe that problems within the family should be solved by family members themselves, rather than seeking outside help or intervention. Secondly, the participation of social organizations and volunteer teams is insufficient. Social organizations and professional volunteers can play an important role in the protection of minors, as they are able to provide professional services, such as psychological counseling and legal assistance, to help minors solve their problems. However, at present, the participation of these organizations is not high, partly because of limited resources, and partly because society's recognition of and trust in these organizations needs to be improved. Again, social forces such as enterprises and the media do not play a sufficient role in the protection of minors. Enterprises can support the protection of minors through public welfare programs, while

the media can increase publicity and raise public attention to the protection of minors. At present, however, the role of these forces has not been fully utilized. To address these problems, it is necessary to take measures to increase participation at the social level. For example, it is necessary to strengthen legal publicity and raise public awareness of the Law on the Protection of Minors; to encourage and support social organizations and volunteer teams to participate in the protection of minors and provide professional services; and to guide enterprises and the media to give full play to their own strengths and participate in the cause of the protection of minors. Only through the joint efforts of all sectors of society can we better protect the rights and interests of minors and create a healthy environment for them to grow up.

4.3. Backward Educational Concepts at the Family Level

In the implementation of China's Law on the Protection of Minors, the backwardness of educational concepts at the family level is a problem that cannot be ignored. Influenced by traditional concepts, some parents are too strict in educating their children, and there are even cases of corporal punishment and overindulgence. These phenomena lead to the lack of autonomy and independent thinking ability of children in the process of growing up, and they are prone to form the psychology of dependence [11].

First of all, parents over-indulge their children and pay too much attention to their children's academic performance, ignoring the needs of their children's physical and mental health and personality development. In this environment, children are prone to form selfish, capricious and lack of responsibility character traits, which is not conducive to their healthy growth. Secondly, some parents are too strict with their children's education, using scolding, corporal punishment and other means, resulting in children's fear and repressed psychology. This kind of education not only harms the physical and mental health of children, but also may cause them to develop a rebellious mentality and affect family relationships. In addition, with the development of society, the educational concepts of some parents are gradually backward and unable to adapt to the educational needs of the new era. They neglect their children's interests and specialties and overemphasize academic performance, which causes children to lose interest in learning and even develop an aversion to learning.

5. Recommendations for countermeasures

5.1. Strengthening Law Enforcement at the Government Level

In the implementation of China's law on the protection of minors, law enforcement at the government level is the key to guaranteeing the effectiveness of the law. However, there is currently a problem of insufficient law enforcement at the government level, which is mainly manifested in the following aspects [12].

First of all, the publicity and popularization of the law on the protection of minors by the relevant departments are not deep enough, which leads to the insufficient understanding and awareness of the law by some government departments and staff, and affects the accurate implementation of the provisions of the law. Therefore, strengthening law enforcement at the government level requires firstly

improving the legal awareness and professionalism of government departments and staff. Secondly, the existing regulatory mechanisms and law enforcement means are not yet perfect. In some places, there is a lack of effective means of supervision and punishment for violations of the law on the protection of minors, making the law lose its due deterrent effect. Therefore, it is necessary to establish a sound supervisory mechanism and innovative law enforcement means to ensure the effective implementation of the law. In addition, coordination and cooperation among government departments needs to be strengthened. The law on the protection of minors involves a number of departments, such as education, public security, justice, etc., and requires synergy and cooperation among all departments to form a synergy. However, at present, in practice, the information-sharing and coordination mechanism between departments is not smooth enough, which affects the effectiveness of law enforcement. Therefore, a cross-departmental coordination and cooperation mechanism needs to be established to form a linkage effect. In addition, there is a need to intensify the crackdown on violations of the law on the protection of minors. Not only should offenders be punished in accordance with the law, but they should also be held accountable to the end to ensure the seriousness of the law. At the same time, government departments also need to actively guide and promote the participation of all sectors of society in the protection of minors, forming a favorable atmosphere of common concern and participation of the whole society.

To summarize, strengthening law enforcement at the government level is the key to the effective implementation of China's law on the protection of minors. Only by improving the legal awareness of government departments and staff, perfecting the supervision mechanism, strengthening inter-departmental coordination and cooperation as well as intensifying the crackdown can the legitimate rights and interests of minors be truly safeguarded and their healthy growth be provided with a solid guarantee of the rule of law [13].

5.2. Improvement of Participation at the Social Level

In the process of implementing the law on the protection of minors in China, the lack of participation at the social level is a problem that needs to be solved urgently. To improve the participation at the social level, firstly, it is necessary to strengthen the publicity and popularization of laws and regulations, so as to let all sectors of the society realize the importance of the protection of minors, and to improve the legal awareness of all the people. Secondly, all sectors of society should be encouraged and organized to participate in the protection of minors, including, but not limited to, volunteer services, public welfare activities, and the services of professional institutions, so as to form a good atmosphere in which the whole society pays common attention to and participates in the protection of minors. In addition, a sound monitoring mechanism at the social level should be established, giving full play to the monitoring role of the media and the public, exposing and denouncing violations of the rights and interests of minors, and promoting the resolution of problems. At the same time, the government should cooperate with all sectors of society to jointly promote the research and practice of the protection of minors, and constantly explore and innovate protection methods, so as to provide more powerful protection for the healthy growth of

minors. In short, to improve the participation of the social level, it is necessary for the government, all sectors of society and all citizens to make joint efforts, join hands to build a harmonious society, and create a favorable environment for the healthy growth of minors.

5.3. Guiding the Updating of Educational Concepts at the Family Level

In the process of implementing the Law of China on the Protection of Minors, the problems at the family level are particularly prominent, in which the backwardness of educational concepts has a negative impact on the healthy growth of minors. In order to better protect the rights and interests of minors, it is necessary to guide the updating of educational concepts at the family level [14].

First of all, parents should set up correct educational concepts and make clear the importance of the protection of minors. Parents are the first teachers of children, and their educational concepts and behaviors have far-reaching influence on children's growth. Therefore, parents should pay attention to the relevant contents of the Law on the Protection of Minors, recognize the importance of protecting children, and consciously fulfill their guardianship duties. Secondly, parents need to handle the relationship with their children correctly and establish a good communication mechanism. In family education, parents should respect their children's independent personality, pay attention to their psychological needs, and establish a relationship of equality, respect and trust with their children. Through effective communication, parents can better understand their children's needs and confusions and provide timely help and guidance to their children. In addition, parents should actively participate in the educational activities of the school and the society to jointly promote the comprehensive development of minors. Parents can learn about their children's learning and life by attending parent-child meetings and parent-child activities, and pay attention to their children's growth together with school teachers. At the same time, parents can also encourage their children to participate in social practice activities to cultivate their sense of social responsibility and civic literacy. Finally, the government and society should increase investment in family education resources and provide more support and guidance to families. The government can improve the educational literacy of parents by launching publicity campaigns on family education and setting up family education guidance organizations. All sectors of society can also assist families in solving their educational problems by launching parent-child education programs and providing family education counseling services.

To summarize, guiding the updating of educational concepts at the family level is an important part of the implementation of the Law on the Protection of Minors. By updating educational concepts, families can provide a favorable environment for the healthy growth of minors and jointly safeguard the rights and interests of minors.

6. Conclusion

Through the study of the implementation status and countermeasures of China's law on the protection of minors, we realize that the implementation and improvement of the law on the protection of minors is an important part of the construction of the rule of law in China, and is also the key to safeguarding the rights and interests of minors and promoting

their healthy growth.

At present, there are certain problems in the implementation of the law on the protection of minors in China at the three levels of government, society and family. At the government level, the law enforcement is insufficient, resulting in the failure to give full play to the effect of the law; at the social level, there is insufficient participation and a lack of effective supervision and support; and at the family level, the concept of education is backward, which is not conducive to the all-round development of minors and the protection of their rights and interests. In response to these problems, this study proposes countermeasures to strengthen the government's law enforcement efforts, improve social participation and guide families to update their educational concepts. These countermeasures aim to promote the effective implementation of China's law on the protection of minors and provide strong protection for the healthy growth of minors. In the future, we need to further strengthen the publicity and popularization of the Law on the Protection of Minors, and raise the awareness and attention of the whole society to the protection of the rights and interests of minors. At the same time, we should improve the relevant laws and regulations to ensure that the implementation of the law is more targeted and operable. In addition, to increase the penalty for illegal behavior, and effectively protect the legitimate rights and interests of minors.

In short, the implementation of the law on the protection of minors is a systematic project, which requires the joint efforts of the government, society, family and other aspects. Let's join hands and contribute to building a harmonious and beautiful social environment and safeguarding the healthy growth of minors.

References

- [1] Shaoshuai Li. Current State of Sexual Rights Protection for Male Minors in China[J]. Scientific and Social Research,2024, 6(1).
- [2] Cui Yuxian,Peng Sihui,Czaplicki Lauren,Yang Tingzhong. Protecting minors from tobacco products: public interest litigation enables Protecting minors from tobacco products: public interest litigation enables enforcement in China. Tobacco control,2022.
- [3] Zitong Feng. New Ideas on Constructing the Legal Protection System of Minors' Sexual Rights in China[J]. Journal of Social Science and Humanities,2022,4(5).
- [4] Ruman. Suggestions on Calling for the Expedient Introduction of the Minors' Network Protection Law to Prevent Minors' Addiction to Online Games[J]. China Communist Youth League,2021,(05):25.
- [5] Yao Jianlong, Gong Changwei. Research on the Concept of State Parental Rights in the Protection of Minors--Focusing on the New Law on the Protection of Minors[J]. Prevention of juvenile delinquency research,2021,(01):12-19+11.
- [6] Fei Meiping. Constructing a new social work service system for minors with Chinese characteristics--Based on the requirements of the law on the protection of minors[J]. China Social Work,2020,(31):8-9.
- [7] Yuan Ningning. Strengthening the legal protection of minors based on the principle of maximizing children's interests--A review of the views of the seminar on "Procuratorial Perspective: Revision and Improvement of the Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency"[J]. People's Procuratorate,2019,(18):32-36.
- [8] Huang Moyuan, Mo Jiehui. Background, thoughts and main contents of the revision of the Measures for the Implementation of the Law of the People's Republic of China on the Protection of Minors in the Guangxi Zhuang Autonomous Region[J]. Journal of Guilin Institute of Aerospace Industry,2018, 23(03):427-430.
- [9] Liu Liming,Wang Yuanyuan. On the Principles of Interrogating Minors--Taking the Criminal Procedure Law and the Law on the Protection of Minors as a Perspective[J]. Problems of Juvenile Crime,2017,(01):93-101.
- [10] Liu Yiping,Lu Lixin. Educational sociological analysis of the criminal liability reduction policy of the Law on the Protection of Minors during the transition period[J]. Beijing Youth Research,2017,26(01):13-23.
- [11] Wang SX,Xu LJ. Reflections on the formulation of cyberspace minors' protection law[J]. Journal of Shantou University (Humanities and Social Sciences Edition),2016,32(04):77-86.
- [12] Xu Jian. China's juvenile delinquency and juvenile protection law in the great change[J]. Problems of juvenile delinquency, 2016,(01):4-12.
- [13] Ning Yu. Improving the Family Protection of Minors under the Rule of Law China[J]. Southern Journal,2015,(09):43-45.
- [14] Law on the Protection of Minors in the People's Republic of China[J]. Chinese Education & Society,2014,32(3).
- [15] Xu Jian. New Developments in the Legal Protection of Minors in China--Interpretation of the Revised Law on the Protection of Minors[J]. Juvenile delinquency, 2007,(05):4-10.
- [16] Liu Jinxia. Publicizing and Implementing the Law on the Protection of Minors[J]. Journal of Beijing Youth Politics College, 2007,(03):77-78.
- [17] Yu Xun. The development of the network protection law for minors in the People's Republic of China[J]. Journal of Chongqing University of Posts and Telecommunications (Social Science Edition),2004,(03):85-88.
- [18] Gu Xiulian. Effective Protection of Minors in China--Report of the Law Enforcement Inspection Group of the Standing Committee of the National People's Congress on the Inspection of the Implementation of the Law of the People's Republic of China on the Protection of Minors (Abstract)[J]. Human Rights,2003,(05):12-15.
- [19] Chen Xinxin, Zhuang Weiji, Li Jieqiu. Proposal on the Law of the People's Republic of China on the Protection of Minors in the Macao Special Administrative Region[J]. Journal of Jiangsu Public Security College,2002,(04):120-124.
- [20] Guo Xiang. Legal Protection of Children's Rights in China--An Analysis of the Relevance of the United Nations Convention on the Rights of the Child and China's Law on the Protection of Minors[J]. Politics and Law Forum, 1997,(06):44-52+102.