

Research on the Construction of The Protection Pattern of The Rights and Interests of Juvenile Delinquents

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Abstract: At present, the juvenile crime rate in China is on the rise, and juvenile crime has become a social phenomenon of global concern. The juvenile, which are the future builders and successors of the motherland, plays an important role in the country. Thus we should continue to pay attention to the healthy growth of the juvenile, understand their mind, physical health and crime problems. The paper's aim is to study the juvenile crime tendency and crime characteristics, to reduce juvenile crime, understand the current community correction. Based on analyzing the juvenile crime, correction and correction system, we try to realize the reduction of crime.

Keywords: Juvenile crime correction; Crime status, problem; System perfection preface.

1. Introduction

In the face of China's economic and social development, all kinds of social problems emerge in endlessly, and the juvenile crime problem is a big "giant" in today's social problems. Because he is still a minor, he does not have full civil capacity, easy to worry about, in the irrational circumstances to make a crime. But forgiveness in sentencing is often less likely for them to recognize their mistakes. So how to correct the root of the ideological understanding of minors is the most important problem we are facing. In the face of the problem, how we further improve is the focus of our discussion in this article.

2. Review of Orthodontic Related Literature

Qi Yanjun believes that the social problems are always a practical problem plaguing all countries. Just because unadult offenders have many characteristics different from general adult crimes, the particularity of correction, teaching, support, service will be implemented for this type of population. So established the minor social correction mechanism has its inevitability. At the same time, it also shows the particularity of the minor correction object and the social correction mechanism, and makes corresponding requirements for the social correction mechanism of minors, so that the correction work can develop and improve in the exploration.

Wang Chao mainly analyzes the characteristics of the management mode and correction efficiency of education correction prisoners in domestic detention centers, and the psychological education correction mode plays a great role in prison correction. Due to China's prison management work increasingly open, the government put special emphasis on regulatory safety and economic and social development on China's prison management, at the same time criminal education psychological correction mode has been promoted in the prison, education mental health treatment has been in more prison promotion and application, and achieve good results.

Zhu Pingping pointed out that at present there are insufficient community correction community correction

staff, community correction process lack of effective measures, community correction object single, around are given priority to with probation personnel, and the responsibility of the community correction staff position is not enough specific clear affect the staff work enthusiasm and efficiency. Zhu Pingping rationally analyzed the problems in the aspects of staffing, supervision and management of community correction mode, and innovatively pointed out that the current community correction work should pay attention to "the unity of punishment and education".

In view of the existing problems of community correction, Zhu Pingping elaborated the feasible plan in detail from the aspects of system and mechanism, personnel allocation, correction activities and so on, which provided ideas for solving the problems of community correction.

From the whole paragraph, we attach great importance to the correction of juvenile delinquents. Many expert departments put forward a theories of various theories and works are produced accordingly, providing a large number of works for the prevention of juvenile delinquency and post-crime correction. For decades, the problem of juvenile crime has also become a hot spot, which has brought a useful reference to China in these many theories and works.

3. The Current Situation of Juvenile Crime Correction

From 2016 to 2020, 2,246,1938, 2,054,2,349 and 2,092 accounted for 3.80%, 3.25%, 3.83% and 3.83% of the total number of minors in the examination and prosecution in the same period, keeping between 3% and 4%, and the average recidivism rate was about 3.65%. The juvenile recidivism rate has increased slightly, but the overall correction of juvenile delinquency still needs to be improved. At present, the community correction mode and the imprisonment correction mode are the main correction mode in China.

3.1. Community correction mode

Community correction mode refers to the mode of changing the bad behavior of minors. The community correction model has been widely implemented since 2003, and has been continuously improved, but there are still the

following problems:

3.1.1. In applicability and degree of differentiation to juvenile delinquents.

Juvenile offender correction is different from adult correction, for their psychological, physical, behavioral and other aspects and adult correction, can not be used in a full set of use in juvenile offenders or with adult correction "mixed", which requires the implementation of correction projects and measures in line with juvenile offenders. Although the non-offender offender has a comprehensive and scientific education and reform method and a high correction rate, it is only applicable to some minors. It is also a large "uncertain time bomb" in terms of light juvenile delinquents, legal juvenile prosecution, and not reaching the age of criminal responsibility.

3.1.2. The means of correction are solidified, and the concept of correction education is outdated

The mode of imprisonment correction has been developed for a long time, and the development of correction means and educational concept of juvenile offender management has been relatively mature. The advantage is relatively perfect, and the disadvantage is the solidification of correction means. The juvenile delinquency is educated in legal knowledge, discipline, situation and policy, and moral cultivation, and the administration of juvenile delinquency adopts the collective education mode, which is at an extensive level.

3.2. Mode of imprisonment correction

The incarceration correction mode is the behavior or thought of juvenile delinquent through imprisonment management. Correction of juvenile offenders refers to the law enforcement practice of punishing and reforming juvenile offenders. But for minors make prison correction mode is often more good than harm, especially the "label effect" will seriously affect their growth and life, the staff to face up to the limited function of prison correction mode and its disadvantages, the implementation of combining lenient policy, promote the rationalization of juvenile penalty discretion, to change the prison correction mode for minors make inapplicability, promote minors make positive return to the society.

4. Analysis of Juvenile Crime Correction Problem

The problem of juvenile crime correction is characterized by complexity and diversification. At present, there are some problems that cannot be ignored in the prison correction and community correction of juvenile crime. The existence of these problems has a certain impact on the correction of juvenile crime, so it needs to be solved urgently. The following is an analysis of the existing problems:

4.1. Problems existing in community correction

4.1.1. The law on community correction of juvenile offenders needs to be improved

The lack and defect of legislation are the serious problems existing in the community correction of juvenile delinquents in China. There is still no clear and direct regulation. In the existing laws and regulations in China, there is no clear specific specification on what social correction should be applied to these minors and how to reasonably apply social comprehensive correction, which is difficult to meet the needs of correction work and lacks legal guarantee, and the

provisions on community correction need to be raised to the legal height.

4.1.2. Problems of the community correction staff

Correction law enforcement officers can understand from two conscious levels. First, its basic meaning can mainly refer to community correction law enforcement officers. Secondly, it can also be referred to as the social correction volunteers, that is, the related auxiliary staff engaged in community psychological correction. In any sense of consciousness, a strong sense of social responsibility and work ability should be indispensable. It requires to pay close attention to the specific ideological dynamics of each person engaged in youth psychological crime, so there must be one-to-one personnel for guardianship, education and service management.

4.1.3. Community correction work is too formalized and rigid

Although the psychological correction work in China is still reflected in the content and form to be improved, even if the specific tasks in such relatively simple psychological training and teaching, it is highly likely to be seriously constrained by various factors in the specific implementation. Ideological report and community collective learning talk are only a formality on a large scale of psychological education, but it is impossible to achieve the practical sense of "education" and "correction" at the same time.

Secondly, some teenagers in China directly carry out a variety of community physical and mental health correction auxiliary implementation management method is too rigid. The main situation and performance of the problems are mainly as follows: (1) due to the rigid implementation method of community collective management correction, the auxiliary implementation method system of community psychological correction and community management system are not perfect.(2) Due to the lack of physical and mental health correction education and ideological and moral quality education for these criminals, and not directly conducting other community-related physical and mental health education for other victims, the implementation effect of physical and mental health correction auxiliary measures is not obvious.(3) cannot completely ignore the crime teenagers own physical and mental health correction, not directly or fundamentally to these crime teenagers and other crime victims itself behavior for other mental health correction, not only directly affect the adolescent physical and mental health, also easy to indirectly make others suffer lead to repeat.

4.2. Problems existing in prison correction

4.2.1. Education of minors in custody is disconnected from society after their release

The state's ideological reform in the detention center of juvenile offenders emphasizes the integration of thinking, labor mode and education system, rather than having too much communication with the outside community. Juvenile delinquent in the detention center is not any social culture course, the training of technical skills is not too much charm. The same is also out of the normal community. After their release, the young criminals, the young criminals cannot meet the needs of the new community, and their mental illness.

4.2.2. Reduced frustration of minors in custody

First, the juvenile offenders are discriminated against by the society due to their uneasiness about their identity and fear of not being accepted by the society after their release from

prison; second, the juvenile offenders cannot adapt to the difficult imprisonment life in prison, which forms a sharp contrast with their previous life; third, they believe that their crime will bring serious negative impact on their family, and lose confidence in their life after their release. In reality, the community members also think he had a previous record, now has bad, and is a risk person, so mostly avoid. All these will reduce their ability to be frustrated, when special circumstances are prone to suicidal thoughts.

4.2.3. Lack of psychological counseling and education

Juvenile criminal psychology refers to the sum of various psychological factors that govern minors to commit criminal acts. Juvenile criminal behavior always occurs under the influence and control of certain psychological factors. Without criminal psychology, there is no criminal behavior. Thought determines action, and such thought lays the way for criminal behavior. Therefore, to solve the problem of correction, it is necessary to conduct necessary psychological counseling for the juvenile delinquents. The lack of psychological correction for juvenile offenders does not effectively reduce the crime rate, and the recidivism rate is not high.

5. The System for Correcting Juvenile Crimes Has Been Improved

The increase of juvenile crime cases has aroused the attention of the state and the public, which requires the continuous improvement of the correction system. The improvement and the management of minors should be infiltrated from all aspects. According to the analysis of the juvenile crime problem mentioned above, the following is the continuous improvement of the juvenile crime correction system.

5.1. The improvement of the community correction system

The community correction system comes from western countries. Community correction education is an important way to transform the education of community correction education objects into law-abiding citizens and prevent their re-crime, which plays a huge role for the community correction education objects to smoothly embark on the correct life track and national social development.

5.1.1. Improve the law on community correction for minors

From the legal aspect, community law is not mature and sound, so a lot of exploration and supplement in community law. First, community correction pays attention to pre-trial evaluation and implements case investigation. All provinces and cities actively implement the national plan setting stipulated by the community, and pay attention to the method of pre-trial investigation to ensure the protection of the legitimate rights and interests of juvenile delinquents from the source. Second, the classification management, targeted correction, the community correction law of the People's Republic of China "community correction institutions shall object according to the age, psychological characteristics, development needs, experience, criminal reasons, family guardianship education conditions, targeted corrective measures", achieve personalized, clear treatment, strengthen monitoring management, to carry out the corresponding rule of law education, ideological education, moral education and psychological education counseling, etc. Third, strict control,

strengthen the system, in the Chinese children security law and enacted after the juvenile committed corrections management rules and the community correction law of the People's Republic of China from the macro aspects of minors and correction, guidance, gradually improve the legal system of orthopedic treatment of minors system, improve the level of community correction under the rule of law.

5.1.2. Improve the construction of the professional work team

Correction law enforcement personnel are divided into community correction law enforcement officials and social correction volunteers. From the perspective of these two subjects, social responsibility and working ability are more important and need to be improved. In view of the problem of insufficient number of staff, it is necessary to increase the corresponding majors of juvenile offender correction in colleges and universities, improve the awareness of community correction, and increase the corresponding positions, so as to provide greater opportunities for correction. Community correction staff including judicial offices, village rc personnel, community correction object of guardian, family, units and school staff and social workers, volunteers and other aspects to help minor correction, effectively reduce minor crime again, in November 2019 across the country has been established for registered community correction object 662000 correction group. In order to further expand the increase of the number of community correction staff, the state and the provinces and cities should increase the publicity, support and the salary level of the staff, and continuously increase the number of community workers to promote the maturity of the community correction system.

5.1.3. Flexible changes in the forms of community correction

The formalization and rigidity of community correction work makes this task difficult. Community correction should be treated in a corresponding way according to the local situation and the object of correction, and conditional correction should be used flexibly used on the basis of following laws and regulations. Corrections in the community began to now more is based on the local correction object to correct, under the overall management of the country of flexible plan, around a weekly, monthly or annual correction situation summary to submit, writing, digital, pictorial present better correction object smooth return to society or whether to repeat the result, to ensure the correction effect is significant. At the same time, community correction should rely on self-exploration in line with local regulations, grasp the law of community correction, and promote the benign correction of community correction.

5.2. Improvement of the prison correction system

In China, more juvenile crime correction, but the single police correction mode and the gap between criminals, it is difficult to meet the two-way needs of juvenile crime punishment and education. In order to better correct juvenile delinquents and to return to society smoothly, the prison correction should be more humane and closer to the reasonable needs and arrangements of juvenile delinquents, improve the environment in the prison or juvenile detention center should be closer to the social environment, promote the communication with the external, and reduce the impact of prison closure. Under the overall management of

procuratorial and judicial organs, gradually promote the high combination of prison correction and community correction, joint cooperation and interaction. Reform criminals in the new period, innovation increase 5 + 1 + 1 weekly education reform mode, deepen the reform quality evaluation work, outstanding psychological correction means use, in the prison education more specification, strengthen the construction of education reform criminals "three library", attaches great importance to the prison culture education function, deepen labor education and strengthen female prisoners and juvenile education work form and content of innovation, constantly improve the effect of prison correction, especially the role of psychological counseling, change the juvenile offenders before correcting distortion of psychological problems and personality tendency, to gradually back to the correct life trajectory.

6. Conclusion and Suggestion

Minors are the new blood needed for social development, and whether the healthy growth of teenagers is directly related to the major event of national rejuvenation. Although in the criminal justice practice and related social work, minor crime correction work still correct object limit or imperfect system, but through prison correction model and community correction model, speed up the perfect system mechanism, equipped with professional and sufficient personnel, minor crime correction problems can be further corrected. The problems in the process of juvenile crime correction are dynamic, and it is a normal work to constantly improve the correction work for the problems. In the current and future correction work, correction institutions can explore more different correction modes, reasonably draw on the advantages of other foreign correction modes, build a reasonable and standardized work system, and accelerate the improvement of community correction and imprisonment

correction mode. To maximize the social value of correction work and promote the healthy growth of young people. If the community and imprisonment can be organically combined and served as a bridge, every juvenile offender can be transformed and returned to society.

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