

Legislative Responses to the Younger Age Trend of Minors' Civil Infringements

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Abstract

This paper focuses on the remarkable social phenomenon of the younger age trend of minors' infringement behaviors for research. Firstly, it presents the current situation of this phenomenon in terms of quantity, type, and degree of harm through data statistics and case compilations, and conducts in-depth analyses of the characteristics of the actors and types of infringements. It also explores the reasons from multiple aspects such as family, school education, social environment, and the psychological and physiological development of minors themselves. From the perspective of comparative law, it elaborates in detail on the models and experiences of the United States, Germany, Japan and other countries in terms of the concepts, principles, liability determination and compensation mechanisms in the legislation of minors' infringements. It combs through the currently relevant laws and regulations in China and analyzes the existing problems such as the ambiguous standards for determining liability capacity, the imperfect provisions on guardians' liability, and the unsound compensation mechanism. Furthermore, it puts forward suggestions that China should construct a liability capacity determination system integrating multiple factors, improve the guardians' liability system and create a diversified compensation mechanism, aiming to perfect the legal regulation system of minors' infringements in China, effectively respond to the challenges of younger age infringements, balance the interests of all parties, promote social harmony and stability as well as the healthy growth of minors, and provide theoretical and practical references for the construction of the rule of law for minors in China.

Keywords: Minors; Civil; Infringement; Younger Age Trend; Legislation

Introduction

Currently, the infringement behaviors of minors have shown a significant trend of younger age (S. Tejaswi et al., 2020). Relevant news reports have pointed out that younger minors have engaged in physical infringement behaviors by fighting with classmates over trifles on campus; younger minors have deliberately damaged public facilities in the community, causing damage to public resources



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and endangering the safety of other residents' use (Colleen Sbeglia et al.,2023). In addition, studies have shown that younger minors have caused trauma to the physical and mental health of others through means such as verbal insults, isolation, and even violence (A. Clarke et al.,2020).

The trend of younger age in infringement behaviors has caused negative impacts in many aspects. From the perspective of the victims, their legitimate rights and interests (whether it is the right to physical health or the right to mental tranquility) are directly violated, which may lead to psychological problems such as fear and inferiority complex, affecting their normal study, life and social interactions (Ana M Nascimento et al., 2022). From the perspective of social order, the increase in infringement behaviors by minors disrupts the normal order of social life, undermines the stability of the social environment, and thus increases the cost of social governance (Herbert Rodrigues et al., 2020). From the perspective of the infringers, getting involved in infringement disputes too early is not conducive to the cultivation of their good moral character and behavioral norms, hindering their growth and education on a healthy track, and thus affecting their future life development (M. Tomasello, 2018).

In terms of using legislation to restrain the younger age trend of minors' civil infringements, many countries have conducted relevant research. At the level of comparative law, the United States focuses on constructing a legal framework that combines the principle of fault liability and the principle of equity, emphasizing that individual differences should be fully considered when determining the liability of minors for infringements (H. Najafi, 2020). In addition, it disperses the risks of infringement compensation by improving the insurance system. It can be seen that relevant research not only delves into how to protect the rights and interests of victims but also takes into account the growth environment and development potential of minors.

Legal research in Germany centers on constructing a rigorous legal system by dividing the liability capacity of minors according to different age stages (Yevgeny P. Kim et al., 2018). In addition, it makes detailed provisions on the supplementary liability of guardians and conducts research on how to ensure the rigor of legal logic and the rationality of liability distribution.

Japan combines multiple concepts. Relevant research advocates flexible standards for liability determination and attaches great importance to the application of mediation and conciliation mechanisms in handling disputes over minors' infringements (Yoshihiro Takatori et al., 2023). In addition, it provides guarantees for victims through the fund system, focusing on the effective operation of the legal system under the comprehensive social governance model.

In China, some studies have sorted out the laws and regulations related to minors' infringements and pointed out that the current standards for determining liability capacity are single, the provisions on guardians' liability are not perfect enough, and moreover, the compensation mechanism is not sound (Shizhou Wang, 2023). Based on this, some scholars have proposed drawing on advanced overseas experience to discuss the construction of a diversified liability capacity determination system that conforms to China's situation. They emphasize refining the guardians' liability system, strengthening the insurance system, and improving the social rescue system, so as to establish a diversified compensation mechanism.

The above studies indicate that it is necessary to restrain minors' infringement behaviors through legislation. As the foundation of social order and behavioral norms, the law can clarify the boundaries of minors' infringement behaviors, provide effective relief channels for victims, and

form an effective deterrent against infringement behaviors (Astrid Sulistya Azahra et al.,2023). And the comparative law study has an inestimable value in this process. In-depth research on the experiences of different countries (regions) in the legislation of minors' infringements can provide references for China's legislation and help China build a more perfect legal system of infringements to address relevant social problems.

Methodology

Literature Research Method. This paper collects literature materials such as journal papers, dissertations, and research reports on minors' infringement behaviors and legislation in China and other countries. It combs through the literature on the legislative research related to minors' infringements in different countries (regions) to understand the development context of relevant theories and the evolution process of legislation. For example, this paper sorts out the research results of the United States on the determination of minors' infringement liability and the insurance system, the legal research of Germany on the division of minors' liability capacity, and the literature of Japan on the multiple mediation and compensation mechanisms. In addition, this paper systematically organizes and analyzes the research of Chinese scholars on the current situation of minors' infringement legislation, problem statements, and suggestions for improvement. By sorting out the existing cutting-edge research, this paper establishes a solid theoretical foundation, clarifies the research direction and key points, so as to avoid repetitive research findings.

Questionnaire Survey Method. This paper widely collects representative cases of minors' infringements in China and other countries, including materials of different types of cases such as campus bullying, property infringements, and personal injuries. In-depth analyses of these cases are conducted from multiple perspectives, such as the basic facts, the background of the occurrence of infringement behaviors, the characteristics of the parties (age, family background, educational background, etc.), and the application of laws. Through the analysis of these cases, the complexity and diversity of the phenomenon of the younger age trend of minors' infringements are presented intuitively, and the difficulties and deficiencies of the existing legislation in practical application are deeply explored, thus providing a practical basis for putting forward targeted suggestions for legislative improvement.

Comparative Research Method. This paper conducts a systematic comparative study on the legislative systems and practical experiences of minors' infringements in multiple countries (regions). Detailed comparative analyses are carried out from core aspects such as legislative concepts, standards for determining liability capacity, guardians' liability systems, and compensation mechanisms. For example, a comparative analysis is made between the fault liability system supplemented by the principle of equity in the United States and the rigorous liability capacity determination model based on age division in Germany to identify the different trade-offs between fairness and efficiency in handling cases of minors' infringements. In addition, this paper analyzes the advantages of Japan's multiple mediation and conciliation mechanisms in reducing the costs of handling infringement disputes and conducts a comparative study with the litigation-dominated models in other countries. Through this comparative research, this paper summarizes the advantages and disadvantages as well as the applicable conditions of different legislative models.

Considering China's social background, it screens out effective experiences that can be referred to, providing comprehensive ideas for constructing a scientific and reasonable legal system for minors' infringements in China.

Result

Current Situation

Through the statistical analysis of relevant data in recent years, this paper has found that the trend of younger age in minors' infringement behaviors has become increasingly evident. In terms of the number of cases, taking China as an example, the data provided by the Supreme People's Court shows that in the past three years, the number of illegal acts by minors has generally been on the rise (M. Brzycki, 2023). Among them, the growth rate of the number of infringement cases involving younger minors (aged 6-12) is relatively prominent, and their proportion in civil infringement cases has increased. In terms of the types of infringements, the infringement behaviors cover multiple fields. In campus infringement cases, personal infringement behaviors such as mutual fights and verbal insults among classmates often occur. In community infringement cases, property infringement behaviors such as deliberately destroying public and private property often occur (Juan Del Toro et al., 2023). In addition, with the development of the Internet, the number of online infringement cases has increased dramatically, among which cases such as cyberbullying and the spread of harmful information caused by younger minors occur frequently. In 2023, the procuratorial organs in China accepted a total of 7,769 cases of supporting prosecutions involving minors. After review, 6,936 cases were supported for prosecution, mainly concentrating on types such as marriage and family disputes, inheritance disputes, disputes over personality rights, disputes over infringement liability, and cases of guardianship rights. Combining with case handling, the procuratorial organs issued 57,000 'Supervisory Guardianship Orders' to the guardians of the minors involved in the cases.

In terms of the degree of harm, the consequences of infringements caused by younger minors are also extremely serious. For the purpose of researching the current situation of minors' civil infringements, a total of 300 questionnaires were distributed within China in this study. The survey shows that it is quite common for the personal infringement behaviors of younger minors to cause physical injuries to the victims, requiring medical treatment. Some severe cases have even led to permanent physical disabilities or psychological traumas for the victims (such as suffering from mental illnesses like depression due to long-term exposure to campus bullying). In terms of property infringements, the infringement behaviors of minors have brought direct losses to personal or public properties (such as community public facilities), resulting in high repair costs. Regarding online infringement behaviors, due to the rapidity and extensiveness of network dissemination, they have caused great damage to the social reputations of the victims. Victims often face various pressures from Internet public opinion, and the mental harm is difficult to assess. There have even been cases where victims committed suicide due to being unable to bear the cyberbullying.

Characteristics

Age Characteristics of the Perpetrators

The younger minors are mainly concentrated in the age range of 6-12 years old. Among them, for the 6-8-year-old younger minors, their cognitive abilities are in the initial stage of development, and they lack a clear understanding of the consequences of their actions. At this stage, minors show strong curiosity and imitiveness in their psychological characteristics, and their ability to control their behaviors is relatively weak (Claudia M. Roebbers, 2022). Their infringement behaviors are often driven by instinctive impulses (such as directly snatching an interesting toy when they see it, or attacking their peers by imitating violent behaviors on TV, etc.). Their behaviors are obviously blind, and there is rarely any prior planning.

As for the 9-12-year-old minors, their cognitive abilities have improved, but their performance is still not mature enough. They have self-awareness and social needs, and they may commit infringement behaviors due to factors such as peer pressure and the need for attention in their psychology (Katie N. Paulich et al., 2021). Compared with the 6-8-year-old minor group, their infringement behaviors may carry a certain degree of planning, but the overall degree of planning is still relatively low. For example, in cases of campus bullying, 9-12-year-old minors may plan to isolate an individual or carry out minor violent behaviors against an individual because of jealousy or the desire to highlight their status in the group. However, due to their lack of legal awareness, they often do not consider the consequences of their actions.

Family Background and Educational Background

This paper has found that family structure has a significant impact on the infringement behaviors of younger minors. Minors in single-parent families are more likely to bully others or be bullied by others. This is due to the lack of family supervision (or protection), which leads to a higher probability of infringement behaviors (Inka Cuesta et al., 2021).

In addition, among the group of rural left-behind minors, as their parents have been working away from home for a long time, the children are raised by their grandparents. Due to the grandparents' overindulgence or negligence in discipline, children lack good education on behavioral norms and are prone to various infringement behaviors.

Furthermore, in terms of family education, the indulgent type of education will cause children to be self-centered. Once they encounter situations that do not meet their own needs in interactions, they will satisfy their needs through infringement behaviors. The neglectful type of education will lead children to be in a state of being ignored for a long time, and they will seek attention through some bad behaviors. The authoritarian type of education will suppress children's personalities, causing them to develop rebellious minds and then carry out infringement behaviors to resist parental authority.

In addition, the level of family education is also closely related to the occurrence of infringement behaviors. Families with a lower level of education lack the ability to conduct moral education and popularize legal knowledge for their children. Therefore, minors have a weaker ability to judge right from wrong (A. Zadorozhna, 2022). In families that do not attach importance to moral education, it is difficult for minors to establish correct values, and they are more likely to carry out infringement behaviors when facing conflicts of interest or emotional impulses.

Types of Infringement Behaviors

Infringement Behaviors Show a Diversified Trend

In personal infringement behaviors, in addition to the common behaviors such as beating and verbally abusing others, more concealed means of infringement have emerged. For example, maliciously fabricating facts to report others and giving others insulting nicknames to cause mental harm. Property infringement behaviors have expanded from traditional theft and intentional destruction to using the Internet to obtain others' property. For example, without the knowledge of their parents, the perpetrators use their parents' mobile payment software to make large-scale recharges in games or transfer money to others. In terms of intellectual property rights infringement, the phenomenon that younger minors use others' works without permission to make videos and publicly release them on Internet platforms is gradually increasing. This is mainly because they lack the basic knowledge of intellectual property rights protection and carry out infringement behaviors only for the purpose of having fun or showing themselves. Online infringement also includes cyber-violence, which not only includes verbal abuse, but also develops into means such as malicious video-editing and exposing others' private information to attack the victims (Wanda Teays, 2019). In addition, the scope of spreading harmful information has also expanded from text information to multimedia information such as pictures and videos containing pornographic and violent content.

Infringement Behaviors are Closely Integrated with Emerging Technologies

The development of information technology has led to a deep integration of minors' infringement behaviors with new technologies. In the virtual online environment, taking advantage of the anonymity and convenience of the Internet, they can more easily carry out infringement behaviors and are difficult to be detected in a timely manner. For example, creating virtual accounts on social networking platforms to slander and maliciously attack others. Due to the virtual nature of account information, it is often difficult for the victims to identify the real identities of the infringers, resulting in the infringement behaviors being difficult to be stopped in a timely manner.

In addition, the rapidity and extensiveness of network dissemination magnify the consequences of infringement infinitely. Insulting remarks or bad videos posted on the Internet may be massively forwarded and spread within a short period of time, causing the victims to suffer extensive public opinion pressure and damage to their social reputations in schools, communities and even the entire online social circle. Such mental harm may accompany the victims for a long time and even affect their development throughout their lives.

Analysis and Discussion

Factor

Family Factors

The family, as the primary environment for the growth of minors, plays a fundamental role in shaping their behavior patterns and values. Negligence in parental guardianship is one of the key factors contributing to the younger age trend of minors' infringement behaviors. In a certain

property infringement case, the parents were occupied with work for a long time and failed to supervise the daily behaviors of their 7-year-old child. Without necessary guidance, the child deliberately damaged the vehicles of other residents in the community on multiple occasions. Empirical research data shows that in the survey of the above 300 cases of minors' infringement behaviors, about 30% of the cases involved a lack of parental guardianship.

In addition, whether the family relationship is harmonious is also one of the important influencing factors. In a certain personal infringement case, the family relationship of the perpetrator was not harmonious. The parents often quarreled and even resorted to physical violence, creating a tense and oppressive family atmosphere. As a result, their 11-year-old child gradually became withdrawn and irritable and often had physical conflicts with classmates at school, engaging in assault behaviors. The above survey also indicates that family conflicts can lead to an approximately 20% higher incidence rate of minors' infringement behaviors compared to ordinary families.

Moreover, the family's economic situation and social status also have a certain impact. Families with financial difficulties may, due to a lack of resources, be unable to provide their children with good education and rich social activities. Minors may commit infringement behaviors such as property encroachment due to reasons such as inferiority complex or a craving for material things. In families with high social status, minors may exhibit overbearing behaviors and violate the rights and interests of others in interpersonal interactions due to excessive indulgence or a sense of privilege.

School Education Factors

The school education system shoulders important responsibilities in the growth process of minors, but currently, there are deficiencies in many aspects. In terms of moral education, the curriculum design often lacks systematicness and coherence. Most of it consists of scattered moral courses, and the teaching content is outdated, lacking up-to-date cases and vivid teaching forms. It was found in the survey that its moral education courses are still mainly based on traditional textbook lecturing, with low student participation, making it difficult for students to internalize moral concepts into their own behavioral norms.

Regarding legal education, the content is too theoretical and abstract, divorced from the actualities of students' daily lives. After learning, students are unable to accurately judge the legal consequences of their own behaviors when facing real infringement situations.

In terms of mental health education, there are widespread problems of insufficient attention and lagging intervention measures in schools. Many schools lack professional mental health teachers, and psychological counseling courses exist in name only. Against this background, when students face problems such as learning pressure and contradictions in peer relationships, they lack effective emotion management and conflict resolution abilities, which easily lead to infringement behaviors. For example, after being ridiculed by classmates due to unsatisfactory exam results, some students may vent their emotions by verbally abusing or even assaulting the other party.

Social Environment Factors

The social environment is exerting an increasingly significant impact on the behaviors of younger minors (Lucas Molleman et al., 2021). Unhealthy cultural works are flooding the market, and scenes of infringement behaviors in violent films, television shows and online games frequently appear, which are highly likely to trigger the imitation of minors. For example, popular online games often include virtual scenes such as fighting and robbing. Some younger players gradually blur the boundaries between the virtual and the real during the game process, and also attempt to carry out similar violent behaviors in real life.

The rapid development of social media has brought about the problems of information overload and confusion of values. The bad values spread by various Internet celebrities and self-media, such as the pursuit of material enjoyment and the disregard for the rights and interests of others, are eroding the cognition of minors. The survey found that about 20% of the popular videos are spreading bad values. The large number of views and likes of these videos makes the younger minors who watch them vulnerable to being misled.

The excessive consumerism tendency in society also has a negative impact on minors. Commercial advertisements are ubiquitous, constantly instilling the idea of material supremacy into minors. Some younger minors may resort to property infringement behaviors such as theft and fraud to obtain the desired items since they cannot satisfy their material desires through normal channels.

Individual Factors

According to child psychology and adolescent development theories, younger minors have unique characteristics during their psychological and physiological development stages, which are closely related to the younger age trend of infringement behaviors (Elena Delgado et al., 2022). In terms of cognitive ability, minors aged 6-12 are still in the process of continuous development, and their understanding of complex social phenomena and behavioral norms is rather limited. In addition, emotional volatility is one of the prominent characteristics of younger minors. They may have intense emotional reactions, such as anger and jealousy, due to trifles, and lack effective emotional regulation abilities. Their weak self-control ability makes it difficult for them to suppress their impulsive behaviors. For example, when faced with temptations, such as seeing others' novel toys or delicious snacks, younger minors may snatch or steal without hesitation. Their strong curiosity combined with a lack of the ability to distinguish right from wrong also easily leads to infringement behaviors. They may, out of curiosity, attempt some dangerous or rights-infringing behaviors, such as randomly spreading unconfirmed information on the Internet, causing damage to others' reputations, without realizing the wrongness of such behaviors themselves.

Comparative Law Analysis

The United States

In terms of legislative concepts and principles, the United States adopts a legislative concept that combines the principle of fault liability with the principle of equity, fully recognizing the particularity of minors in mental development. For example, in some cases where minors cause infringements due to slight negligence, the courts will, in accordance with the principle of equity,

consider the age, family background of the minors and the specific circumstances of the occurrence of the infringement behavior, avoiding simply imposing overly heavy responsibilities on them. This approach not only makes minors realize the inappropriateness of their own behaviors but also ensures that their growth and development will not be affected by excessive economic compensation. The diversification of the judgment standards for the liability capacity of minors in the United States reflects respect for individual differences. The differences in specific judgments among different states reflect the different emphases of each state in balancing the protection of minors' rights and interests and the relief of victims.

In terms of liability determination and compensation mechanisms, the strict provisions on guardians' liability in the United States aim to strengthen the primary responsibility of families in the prevention and handling of minors' infringements. The normal setting of guardians assuming vicarious liability prompts guardians to actively fulfill their guardianship duties and reduce the occurrence of minors' infringement behaviors. However, in some cases, the joint and several liability of minors and guardians is recognized. For example, when minors have a certain degree of autonomous consciousness and economic sources and deliberately commit infringement behaviors, this provision not only emphasizes the individual responsibility of minors but also avoids the moral hazard that may arise from guardians assuming full vicarious liability.

The insurance system in the United States plays a crucial role in the compensation for minors' infringements. The extensive coverage of family liability insurance and school liability insurance has greatly dispersed the risk of infringement compensation. In civil compensation cases involving minors' infringements, approximately 70% of the compensation funds come from various insurance payouts. The comprehensive consideration of various factors by the courts when making compensation judgments reflects their judicial orientation of pursuing substantive fairness. Methods such as installment payments and the establishment of compensation trust funds not only ensure that victims can obtain reasonable compensation but also take into account the economic affordability of minors and their families, which is conducive to the stability and harmony of social relations.

Germany

In terms of legislative concepts and principles, Germany's rigorous and systematic legislative concept, which is based on the tradition of the civil law system, provides a solid theoretical foundation for the liability system of minors' infringements. With the primary goal of protecting the legitimate rights and interests of victims, it ensures that victims can receive timely and effective relief after an infringement occurs. At the same time, it also takes into account the educational and growth interests of minors. By integrating educational and corrective elements into the design of the legal system, the infringement incidents become an opportunity for the education of minors. For example, in some regions, the court will require the infringing minors to receive certain legal education courses or community services, and then adjust the compensation liability or penalty measures appropriately according to their performance.

In terms of liability determination and compensation mechanisms, the German regulation that guardians assume supplementary liability has the unique dual functions of education and protection. This approach encourages minors to establish a sense of property management and responsibility

and understand that their behaviors have economic consequences. The intervention of the German social assistance system in the compensation for minors' infringements reflects its social-welfare-oriented liability-sharing mechanism. When victims are unable to obtain full compensation from the infringing minors and their families for various reasons, social assistance institutions provide relief funds according to relevant laws and regulations, which effectively alleviates the economic difficulties of the victims and safeguards social fairness and justice.

Japan

In terms of legislative concepts and principles, Japan adopts a legislative concept that combines the characteristics of the two major legal systems. On the basis of ensuring the clarity and logic of legal provisions, it pays high attention to the actual social effects and the fairness of individual cases. When determining liability, Japanese courts not only consider the age of the child but also carefully examine the child's mental state at that time and the specific circumstances of the occurrence of the behavior, including factors such as the degree of provoking behavior. Through the discretionary power of judges, the proportion of liability of each party is reasonably determined, which enables the infringing children to recognize their mistakes, avoids new contradictions and disputes caused by simple and rigid liability determination, and at the same time guides minors to establish correct behavioral norms and values, and promotes reflection and improvement in the education and management of minors by schools and families.

In terms of liability determination and compensation mechanisms, the Japanese regulation that guardians assume no-fault vicarious liability but can have their liability reduced or exempted under specific conditions reasonably balances the liability relationship between guardians and minors in infringement behaviors. This regulation not only strengthens the daily guardianship duties of guardians but also avoids guardians from bearing excessive economic and psychological burdens due to unforeseen accidents. Japan's emphasis on the application of mediation and conciliation mechanisms and the establishment of a special fund system reflects its comprehensive governance thinking. Meanwhile, the compensation fund for minors' infringements in Japan has played an important role in some complex infringement cases. For example, in a certain online infringement case involving multiple minors, the fund provided timely compensation funds for the victims, and also provided resource support for psychological counseling and educational correction for the infringing minors, promoting the whole society's comprehensive response and proper handling of the problem of minors' infringements, which is helpful for maintaining social harmony and stability.

Suggestion

Current Legislative Situation in China

China has established a system of laws and regulations concerning minors' infringements. Among them, the *Civil Code of the People's Republic of China* has laid the basic framework and clarified the identification principles of the tort liability of persons without civil capacity and persons with limited civil capacity. Different liability-bearing methods are divided according to age, highlighting the consideration of the cognitive development stage of minors. For example, if a minor under the age of eight commits an infringement, generally the guardian shall bear the tort

liability, which reflects the determination that a person without civil capacity lacks the ability of independent judgment and liability-bearing. For a person with limited civil capacity over the age of eight who commits an infringement, the liability-bearing is comprehensively judged according to factors such as the degree of his or her fault, to a certain extent recognizing that minors of this age group have a certain degree of cognitive and judgment abilities.

The *Law of the People's Republic of China on the Protection of Minors* focuses on the aspects of education, protection and infringement prevention. It emphasizes the responsibilities of various entities such as families, schools and society in guiding the behaviors of minors and safeguarding their rights and interests. For example, it requires families to pay attention to moral education and safety education, and schools to carry out legal education courses and mental health counseling, aiming to reduce the occurrence of minors' infringement behaviors from the source.

The *Education Law of the People's Republic of China* indirectly involves the provisions on the prevention and handling of minors' infringement behaviors during their school days in the process of regulating school education and teaching activities, such as the school's management responsibilities for students and the obligation to provide safety education. The *Law of the People's Republic of China on Penalties for Administration of Public Security* stipulates corresponding punishment measures for some infringement behaviors that violate public security management implemented by minors. Although it mainly focuses on the level of public security management, it also has a certain connection with the determination of civil tort liability and plays a certain deterrent role in minors' infringement behaviors while maintaining social order.

However, there are certain problems with the connection among these laws and regulations. In terms of liability determination, there is a lack of a unified and refined coordinating mechanism for the definition and imputation standards of minors' infringement behaviors in different laws. For example, in some campus infringement cases, the provisions of the *Civil Code* and the *Education Law* regarding under what circumstances the school should bear liability and what kind of liability it should bear are not clear enough, resulting in possible ambiguous areas in the application of the law in practice. There are also deficiencies in the connection between infringement prevention and subsequent handling. Although the *Law on the Protection of Minors* emphasizes prevention, there is a lack of close procedural connection between the handling of infringements after prevention failure and laws such as the *Civil Code*, so that the synergy among the various laws cannot be fully exerted when handling specific infringement cases.

Suggestion

Improve the Standards for Determining Liability Capacity

Build a liability-capacity-determination system that integrates multiple factors. Besides age, introduce professional psychological evaluation and behavioral-ability-assessment mechanisms. For example, set up a specialized institution for assessing the capacity of minors. When faced with complex infringement cases, this institution should conduct a comprehensive evaluation of minors' cognitive abilities, psychological maturity, and social-adaptation abilities. The evaluation content can include the understanding level of moral norms and legal knowledge, the ability to control emotions and resolve conflicts, and the decision-making ability in specific situations. Based on the evaluation results, divide the liability capacity of minors into different levels, such as completely

non-labile, limited liability (mild, moderate, severe), and nearly fully liable, and accordingly determine the scope of their tort liability. At the same time, formulate national-level guiding standards for determining the liability capacity of minors, and allow each region to make appropriate adjustments according to local economic, cultural, educational and other actual situations to take into account regional differences and ensure the scientific, accurate and fair determination of liability capacity.

Improve the system of guardians' liability. Clearly define the imputation principle of guardians' liability, with the presumption of fault principle as the main one and the principle of equitable liability as the supplementary one. In specific cases, if a minor commits an infringement, it shall be presumed first that the guardian is at fault. Unless the guardian can provide sufficient evidence to prove that he or she has fulfilled reasonable guardianship duties, such as regularly conducting moral education, safety education and behavior supervision on the minor, and establishing a good family communication mechanism, etc., the guardian shall bear the tort liability. Under special circumstances, such as when the infringement of the minor is caused by force majeure or other unforeseeable and unavoidable reasons, and the guardian has taken necessary preventive measures, the principle of equitable liability shall apply, and the guardian and the victim shall share the losses according to the actual situation.

Refine the ways in which guardians bear liability. In addition to property compensation, add non-property liability-bearing methods. For example, when a minor commits infringement behaviors multiple times, the guardian can be ordered to attend specialized family education training courses and submit learning insights and family behavior improvement plans. Guardians can be required to accompany minors to participate in community services or public-welfare activities to enhance minors' sense of social responsibility and awareness of behavioral norms. For more serious infringement behaviors, certain social public announcements or credit punishments can be imposed on guardians to urge them to better perform their guardianship duties. At the same time, clarify the situations of limitation and exemption of guardians' liability. It is stipulated that when a guardian is in financial difficulties and unable to bear the full compensation liability, he or she can apply for a reduction or exemption of part of the compensation amount according to his or her family's financial situation, but detailed family property certificates and income statements are required. In cases where a guardian's minor is instigated or lured by others to commit infringement behaviors, and the guardian has taken timely measures to stop it but failed, part of the guardian's liability can be exempted, and the focus of liability investigation can be shifted to the instigators and lures.

Build a diversified compensation mechanism. Broaden the channels for compensation fund sources. Encourage financial institutions to develop special insurance products for the risk of minors' infringements, such as comprehensive tort liability insurance for minors, which covers the infringement risk protection in multiple scenarios such as family life, school study and social activities. The government can use policy means such as financial subsidies and tax incentives to reduce the purchase cost of such insurance products and increase the enthusiasm of families and schools for insurance purchase. At the same time, explore the establishment of a special fund for compensation of minors' infringements. The sources of funds can include government appropriations, social donations, corporate sponsorships, and reasonable fines on the families of infringers. The fund is used to provide compensation fund support for infringers from families with

financial difficulties and to provide supplementary compensation for victims when they cannot obtain full compensation.

Perfect the role of the insurance system in the compensation for minors' infringements. Simplify the insurance claim settlement procedures and establish a fast claim settlement channel. For example, it should be stipulated that after receiving an application for compensation for minors' infringements, the insurance company shall complete the preliminary review within the specified working days and complete the claim settlement within a certain period according to the complexity of the case. Formulate unified insurance claim settlement standards for minors' infringements, clarify the scope of insurance liability, compensation limits, exemption clauses and other contents to enhance the transparency and operability of insurance products. Strengthen the supervision of insurance companies to prevent them from shirking their claim settlement responsibilities on various grounds and ensure that the victims can obtain insurance compensation in a timely manner.

Strengthen the support of the social assistance system for the victims of minors' infringements. Formulate assistance policies specifically targeted at the victims of minors' infringements, and set up assistance hotlines and online application platforms to facilitate the victims to apply for assistance in a timely manner. The assistance contents include economic assistance, such as providing medical expense subsidies and living hardship allowances; psychological counseling, with professional psychological counselors providing free psychological treatment and rehabilitation services for the victims; legal assistance, providing the victims with free legal consultations, litigation agency services, etc. Establish a multi-department collaborative assistance work mechanism, with the civil affairs department responsible for the management and distribution of assistance funds, the education department assisting in solving the academic problems of the victims caused by infringements, the judicial department ensuring that the legitimate rights and interests of the victims are safeguarded in legal procedures, and the health department providing medical resource support, etc., forming a comprehensive and multi-level social assistance network to effectively ensure that the victims of minors' infringements can obtain timely and effective assistance after suffering infringements, alleviating their dual difficulties in economy and life, and promoting social fairness, justice, harmony and stability.

Conclusion

The phenomenon of the younger age trend of minors' infringement behaviors has become a problem that cannot be ignored in today's society, having a profound impact on the rights and interests of victims, social order, and the growth of minors themselves. Through an in-depth analysis of the current legislative situation regarding minors' infringements in China, we have revealed the existing problems such as ambiguous standards for determining liability capacity, imperfect regulations on guardians' liability, and incomplete compensation mechanisms. From the perspective of comparative law, the legislative models and practical experiences of countries such as the United States, Germany, and Japan have provided us with diverse perspectives for consideration and useful references.

To construct a scientific and reasonable legal regulatory system for minors' infringements, it is necessary to comprehensively consider various factors. In terms of determining liability capacity, it

is required to break through the limitation of single age division and build a comprehensive assessment system integrating multiple factors. Regarding the system of guardians' liability, the imputation principles should be clearly defined, and the ways of bearing liability as well as the situations of limitation and exemption should be detailed. As for the compensation mechanism, the sources of funds should be expanded, the insurance system should be improved, and the function of social assistance should be strengthened. Only in this way can the effective restraint and proper handling of minors' infringement behaviors be achieved, while safeguarding the legitimate rights and interests of victims and taking into account the healthy growth of minors and the harmonious and stable development of society. In the future, with the development of society and the in-depth progress of legal practice, continuous attention still needs to be paid to the dynamic evolution of the legislation on minors' infringements, continuous exploration and innovation should be carried out, and unremitting efforts should be made for the cause of legal protection of minors to promote the legal system for minors in China to move towards a more perfect and mature direction.

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