Retraction

Retraction: Research on criminal responsibility of juvenile delinquency based on the Analysis of Big Data (J. Phys.: Conf. Ser. 1744 042064)

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Research on criminal responsibility of juvenile delinquency based on the Analysis of Big Data

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Abstract. In recent years, juvenile crime has shown an upward trend according to the presentation of data. Juvenile crime has become a global concern. Minors are not yet fully developed because of their mental and physical physiology. Therefore, the criminal responsibility of juvenile delinquency must be treated differently from adults. As the crimes of minors continue to grow, it is practical to study the criminal responsibility of minors. This paper introduces the concept of juvenile delinquency, and through the combing of the relevant theories of juvenile criminal liability system, to study the problems existing in the current criminal law of juvenile criminal liability in juvenile delinquency, and proposes to improve our country based on the big data. Recommendations on the criminal liability system for adult crime.

Keywords: Juvenile Delinquency, Criminal Responsibility, Suggestion, Big Data

1. Introduction

The aging of crime is a serious global social problem. Because minors have unique physical and mental characteristics, and juvenile offenders are often the source and reserve army of adult offenders, the effective prevention and containment of juvenile delinquency has become the focus of criminal law in all countries of the world[1-3]. However, China's research on the criminal responsibility of juvenile delinquency started relatively late, and there is still an imbalance in the practice of legislation and judicature, which is not conducive to the implementation of the criminal system of juvenile delinquency in China[4-6]. In this paper, the author will focus on the relevant theories of juvenile criminal liability system, namely, the identification of the age of criminal responsibility of juvenile delinquency and the basic principles of criminal responsibility of juvenile delinquency and the defects of criminal liability system, and propose improvement measures.

2. The concept of juvenile delinquency

According to the relevant provisions of the Law on the Protection of Minors and the Criminal Law, the author can understand the concept of juvenile delinquency: when a person who is 14 years old and under 18 years of age has committed criminal acts under the criminal law of our country. It needs to be criminally responsible for this. This concept includes the following layers of meaning: First, juvenile delinquency must be the implementation of criminal acts stipulated in our criminal law. That is to say, their behavior has serious social harmfulness, so their behavior needs to be given a certain evaluation...
and disposal by criminal law. Second, the scope of juvenile delinquency is limited to those who are 14 years of age or older and under 18 years of age. Third, juvenile delinquency must be criminally responsible for its own criminal acts. According to the provisions of the Criminal Law of China, only those who have reached the age of 14 and under the age of 16 are only guilty of intentional homicide, intentional injury, serious injury or death, rape, robbery, drug trafficking, arson, explosion, and dangerous substances. Only when the society has a major influence, is it criminally responsible for its actions (Figure 1).

![Figure 1. Minors need criminal responsibility](image)

3. Theory on the criminal liability system of minors

Theory is the starting point for logical analysis and research. Therefore, the author believes that to study the criminal responsibility of juvenile delinquency, it is necessary to understand the age of criminal responsibility of minors in China and the basic principles of juvenile criminal responsibility.

(1) The age of criminal responsibility of minors in China

The age of criminal responsibility affects and determines the degree of criminal responsibility. In the article of the criminal law, the age of criminal responsibility is divided into three stages: the first stage is the age of full criminal responsibility, that is, 16 years old. Because people who are 16 years old already have the ability to identify and control their behavior in the basic criminal law sense, our criminal law recognizes that people who are 16 years of age can constitute all the crimes in the criminal law and require them to apply to their own criminal law. All prohibited acts are criminally liable; the second stage is the age of relative criminal responsibility, that is, 14 years old or younger than 16 years of age. Because people who have reached this age have already had certain ability to identify and control certain serious social harms, so the law requires them to commit serious harm to the society, such as intentional homicide, intentional injury, or serious injury. Death, rape, robbery, drug trafficking, arson, explosion, poisoning, etc. bear criminal responsibility; the third stage is the age of no criminal responsibility, that is, less than 14 years of age. Because people under the age of 14 are still in their infancy, they have no ability to identify and control their behavior. Therefore, the law stipulates that criminal acts against the society that are not carried out by people under the age of 14 will not be held criminally responsible. But sometimes it is necessary to order their parents or guardians to be disciplined.

(2) China’s basic principles on criminal responsibility of minors

The basic principle of criminal responsibility of minors refers to the basic principle of criminal responsibility for minors, that is, the basic norms that the people's courts must follow when they are held criminally responsible for minors, and have guiding significance for the sentencing activities of the people's courts. The author believes that the two basic principles that should be emphasized in the criminal responsibility of minors in China are the principle of lenient punishment and the principle of non-applicability of the death penalty.

1) The principle of wide punishment

The principle of lenient punishment is reflected in the crime of a person who is 14 years old and under
18 years old, and should be lightened or mitigated. The basic spirit of the principle is that a minor who is 14 years of age or younger and under 18 years of age shall be sentenced to a relatively lighter sentence within the scope of statutory punishment or a relatively short sentence, or a mitigating punishment below the statutory sentence. The principle of lenient punishment is based on the incompleteness of the capacity of juvenile offenders and their ease of acceptance of educational reforms. This principle is conducive to the purpose of penalties.

2) The principle of death penalty is not applicable
The principle of non-applicable death penalty is that the person who is under the age of 18 at the time of the crime does not apply the death penalty. China's criminal legislation thinks that minors under the age of 18 commit crimes, even if the nature of the crime, the plot and the consequences of the crime are very serious, but because the perpetrator's age has not yet reached adulthood, the responsibility is not complete, so his subjective crimes are the same as adults. To be relatively lighter, its criminal responsibility is correspondingly lighter. At the same time, when the perpetrator commits a crime, he still has the possibility of reforming, so the death penalty is not applied to minors. The establishment of this principle reflects the special protection of juvenile offenders in China's criminal law, and is conducive to the return of juvenile offenders to society.

4. Defects of criminal liability system for juvenile delinquency in China
According to the relevant theories of the criminal liability system of juvenile delinquency in China, the author finds that there are still certain defects and deficiencies. The following are some of the flaws that the author believes exist:

(1) The determination of the criminal responsibility of minors is not reasonable enough
In China, the person under the age of 14 is judged to be completely at the age of criminal responsibility and is not criminally liable for the social acts committed against him; the person who has reached the age of 14 and is 16 years old is considered to be relatively criminally responsible. The age stage; for those who have reached the age of 16, they are judged to be at the age of full criminal responsibility. The author believes that such divisions have deficiencies, such as people under the age of 14, but because of maturity, they have the ability to identify and control their behavior. Therefore, it should bear its criminal responsibility.

(2) There is no clear definition of the scope of the wide penalty, and the judge's discretion is relatively large.
In the actual sentencing, although the criminal law has already stipulated that a person who is 14 years old and under the age of 18 commits a crime, it needs to be lighter or mitigated. However, because there is no clear regulation on how much the penalty is reduced, the judge's discretion is increased at the time of the judgment, and the subjective consciousness of the judge has a greater impact on the case. This has caused many cases to be in trouble when they are handled, contrary to the principle of justice and equality in the administration of justice.

5. Suggestions on improving the criminal liability system of minors in China
To sum up, although China's current criminal law has more detailed provisions on the criminal liability system for minors, there are still many problems. In the following, the author proposes several improvement measures for the problems found.

Need to reduce the age of criminal responsibility appropriately

(1) The age system of criminal responsibility for juvenile delinquency in China has been in use since 1979. In these 30 years, the life of the Chinese people has undergone tremendous changes. The author believes that the maturity of human physiology, intelligence, and psychology will be greatly advanced with the improvement of living standards. According to medical calculations, the age of development is at least 2-3 years earlier than 20 years ago. Therefore, the author believes that the appropriate age to reduce criminal responsibility is scientifically based. In the 30 years of reform and opening up, the folklore is no longer as simple as before, and bad thoughts are constantly emerging. If the criminal corrections of minors cannot be scientifically corrected in time, it will lead to distortions
in their future lives, which in turn will lead to greater Social harm. Therefore, it is necessary and urgent to appropriately reduce the age of criminal responsibility. The specific measures may be to reduce the age of criminal responsibility of 14 years old, but it is also possible to reduce the age of 14 years and 16 years of criminal responsibility to form a more complete and scientific criminal responsibility age system.

(2) With regard to the issue of the penalties for widening penalties, the penalties for juvenile delinquents must be clearly defined.

As for the question of the judge's discretionary power, the author suggests that the quality of the judge should be examined regularly from the quality of the judge. Secondly, the regulations should be embodied in the regulations, and specific values should be given for reducing or reducing the scope of criminal responsibility. For example, the trial opinions of Henan Province stipulate that the specific scope for reducing or reducing criminal responsibility is: for those who have reached the age of 14 and under the age of 16 due to intentional homicide, intentional injury, serious injury or death, robbery, etc., Reduce the benchmark penalty by 30%-60%; and for those who have reached the age of 16 and under the age of 18, they should reduce the benchmark penalty by 20%-50%.

6. Conclusion

Minors are the hope of the future of the motherland and the carrier that the society and the country must rely on for sustainable development. They all need to be educated and guided by love and tolerance to make them grow up healthily. For minors who commit crimes, the state requires criminal criminal responsibility to guide them to the right path, rather than punishing their tools. The author believes that the study of criminal responsibility of minors can prevent juvenile delinquency and protect the legitimate interests of minors.

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