

A Paradox of Student Bullying Prevention in China: Between Social Anxiety and the Reaction to it

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Abstract: Student bullying has been considered a serious social problem. This is because, firstly, student bullying cases have been occurring frequently in recent years, and have raised many guardians' concerns for their child's safety and healthy growth; secondly, the school and the government aren't able to take effective measures to prevent student bullying. The reasons behind it vary, but the family dynamic—failing to cultivate a wholesome personality in the child, lacking of guardian supervision and family education, and the school climate—the boarding school system and bureaucratic formalism in school—are the two key ones. In these two years, the authorities have improved measures by adopting and amending Law on the Protection of Minors and administrative regulations, including Regulation on the School Protection of Juvenile, Directive on Preventing and Governing Student Bullying and Violence in Primary and High Schools, with the aim of eliminating the formalism and bureaucratism.

Keywords: Student Bullying; Student Violence; Family Dynamic; School Climate

1. Introduction

Undeniably, in the past few years, the social consensus of lowering the age of criminal responsibility for abominable crimes was mainly evolved from the social anxiety caused by the serious issues of student bullying, of which the official legal concept refers to that, between the students, a party of one or more students commits intentionally or maliciously an act, with an intent to bully or insult, upon the other party of one or more other students, causing physical injury, or property damage, or mental damage, through physical contact or internet or by verbal;¹ the legislators were deeply touched by two

¹ The Law of the People's Republic of China on Prevention of Minors, Order No.57, 2020 (as in force since June 1st, 2021), article 130 (3). In fact, the definition of the student bullying was always ambiguous and controversial; the terminologies of school bullying, student bullying and school violence are widely and alternatively used in research papers and official government documents to describe the phenomenon concerned in this article. Some scholars tried to differ these terminologies and clarify their definitions by referring some foreign researches; and in terms of definition of them, so did the government official documents; until the new Law on the Protection of Minor was launched in 2020, the definition of the terminology of student bullying is officially introduced and clearly defined. In consideration of the legislation purpose, the concept of student bullying should be broadly understood with the aim of effectively preventing the bullying issues among the students and protecting the minors, and thus the student bullying de facto includes the school bullying and school violence. This article adopted this concept defined by the Law on the Protection of Minor. See generally Wang Zhenhui, Lin Miao and Hu Faqing, "Viewing on the Phenomenon of School Bullying and Reconstructing the Governance Approaches," *China Youth Study*, no.3 (2021):103-104; Zou Hongjun, Liu Haimin and Wang Yunhao, "Concept, Causes and Strategies: Three-Dimensional View on the Studies of the School Bullying," *Educational Science Research*, no.7 (2019): 41-42.

serious student bullying cases happened in March 2019 and May 2020, respectively, and then they instantly responded the social anxiety by adding a provision to amend the Article 17 of the Criminal Law, lowering the minimum age of the criminal responsibility from 14 to 12 years old, in the Second Draft to the 11th Amendment to China's Criminal Law in October 2020.² In the first case, a schoolgirl under the age of 14 years old was raped by three juveniles' students³ in succession on March 22nd 2019; these three students were subsequently convicted of rape and sentenced to imprisonment for various terms from three to four years by the Tianjiaan District Court in Anhui Province.⁴

In another case a third-year junior high school girl committed suicide at home on May 9th 2020, as a result of being bullied by other students in the school.⁵ Beyond these two cases, undeniably, student bullying issues in China couldn't be completely eradicated and then cause continual widespread social anxiety and public concern, which indicates that, as some scholars argue, "school bullying is not only a current 'social focus', but also a 'social pain spot', and it always pricks our nerves when a school bullying happens;"⁶ however, by contrast, the relevant authorities have never paid sufficient attention to these issues in the past few years.⁷ Until 2016, the Central government, Premier Li Keqiang, first expressed his serious concern on the student bullying as a

² We can see that there was not any provision on lowering the age of criminal responsibility in the First Draft to the 11th Amendment to China's Criminal Law (first draft) and it never mentioned, however, it wrote in the Second Draft to the 11th Amendment to China's Criminal Law (second draft). See Luo Sha, "Planning to Adjust the Age of the Criminal Responsibility: He will Held Criminal Liability if A Person intentionally Commit Murder and other Crimes when He Is at the Age between 12 to 14," *The National People's Congress of the People's Republic of China*, October 13, 2020, <http://www.npc.gov.cn/npc/c30834/202010/a848dd3af6a64e4094448f4756f893a2.shtml>. (Accessed November 25, 2022). A legislator explained that, in recent years, some serious violence cases committed by minors who haven't reached the age of criminal responsibility when they committed these behaviors and they didn't need to held the criminal liability, and all of these have raised the whole society concern; some Congress members and assemblymen and the public have advised us to amend the relevant provisions in the Criminal Law. See Zhu Ningning, "The First and Second Draft of 11th Amendment to the Criminal Law of the People's Republic of China; Submitting for Reviewing the 11th Amendment to the Criminal Law (second draft): Planning to Adjust the Minimal Age of Criminal Liability," *The National People's Congress of the People's Republic of China*, October 14, 2020, <http://www.npc.gov.cn/npc/c30834/202010/aa5305e9d2854f18bcca1aa88a2c4ec3.shtml>. (Accessed November 25, 2022).

³ According to the Article 2 of the Law on Prevention of Minors, a minor is a citizen under the age of 18 years old. See The Law of the People's Republic of China on Prevention of Minors, Order No.57, article 2.

⁴ See Chen Ying and Chen Siya, "A Rape Case Involved with Juveniles Heard by Tianjiaan District Court in Anhui Province," *The Court of Hainan Intermediate People's Court in Anhui Province*, May 9, 2020, <http://hnzy.chinacourt.gov.cn/article/detail/2020/05/id/5196372.shtml>. (Accessed November 25, 2022). According to the Press Release issued by the Court of Hainan Intermediate People's Court in Anhui Province, the three perpetrators were at the ages between 14 years old and 18 years old when they committed the crime, and they were imposed on imprisonment for 48 months, 45 months and 42 months, respectively, according to the current Criminal Law of China.

⁵ See "A Third Year High Schoolgirl Committed Suicide in Hebei Province: The Family Members Said that She was Bullied in School and the Police Have Already Become Involved in," *Sohu*, May 12, 2020, https://www.sohu.com/a/394665601_260616?spm=smpc.home.top-news5.4.1589288871111WQtotMp&f=index_news_21. (Accessed November 25, 2022).

⁶ Lin Kesong, Shen Jiale and Yang Lei, "The Trust of School Bullying in Secondary Vocation School: A Survey on the Actual Status of Students Suffering School Bullying in Secondary Vocation Schools in China and its Influential Factors," *Journal of Vocational Education*, no.2 (2020): 122.

⁷ Some scholars even argued that "the relevant authorities did not pay any attention to student bullying issues several years ago, and it was even a forbidden and deliberately avoided topic". See Yao Jianlong, "China's Path to Prevent Student Bullying: Comments on the Current Policies to Prevent School Bullying," *Journal of Chinese Youth Social Science* 36, no.1 (2017): 19; See Yao Jianlong, "School Violence: Defining a Conception," *Journal of China Youth University for Political Sciences*, no.4 (2008): 38-43.

respond to the social anxiety,⁸ as this kind of case is frequently exposed on the Internet, and the development of the mass media – in particular social media – , and, more importantly, the “one-child” family policy, are the main reasons for the high level of social anxiety.

Looking beyond China, unquestionably student bullying has also become a “hot-button issue”⁹ and aroused wide concern in the international community. The United Nations Education, Scientific and Cultural Organization (hereinafter: UNESCO) and academic circles have already reached a consensus about the negative impacts of student bullying, arguing that on the one hand student bullying is “an infringement of children’s and adolescent’s rights to education and to health and well-being”¹⁰ in the legal sense, and on the other, that in practical terms student bullying causes serious psychological problems to the victims of bullying, such as suicide and various risk behaviors.¹¹ Given this “hot-button issue”, according to the UNESCO’s report, “the UN and some partners have developed conceptual frameworks to improve understanding of student violence

⁸ The Premier of the State Council of China, Li Keqiang, issued an important instruction and pointed out that the state “has to firmly punish the school bullying behavior which causes serious circumstance and consequences, according to the law”. See Wang Xiaohan, “Li Keqiang: It Has to Firmly Punish the School Bullying Behaviors which Cause Serious Circumstances and Consequences, according to the Law,” The State Council of the People’s Republic of China, April 13, 2017, http://www.gov.cn/xinwen/2017-04/13/content_5185508.htm. (Accessed November 25, 2022).

⁹ Tracy Tefertiller, “Out of the Principal’s Office and Into the Courtroom: How Should California Approach Criminal Remedies for School Bullying?,” *Berkeley Journal of Criminal Law* 16, no.1 (2011): 168.

¹⁰ “Behind the Numbers: Ending School Violence and Bullying,” *United Nations Education, Scientific and Cultural Organization*, 2019, <https://hivhealthclearinghouse.unesco.org/library/documents/school-violence-and-bullying-global-status-and-trends-drivers-and-consequences>. (Accessed November 25, 2022). According to this report, the data from 96 countries and territories about the prevalence of school violence and bullying in different forms shows that 22.8% of the surveyed students in Central America have been bullied, which is the lowest proportion in this report; 25% of the surveyed students in the Caribbean and Europe have been bullied; in North America and South America the figures are 31.7% and 30.2%, respectively, and in the Middle East and North Africa 41.1% and 42.7%, respectively; the highest proportion is in Sub-Saharan Africa with 48.2%. The source for this data is Behind the Numbers: Ending School Violence and Bullying, 16. Even some academic articles have dealt with the issues of student bullying and suicidal behaviors. For instance, Perry A. Zirkel, “Public School Student Bullying and Suicidal Behaviors: A Fatal Combination?,” *Journal of Law & Education* 42, No.4 (2013):633-652; Joe Dryden, “It’s A Matter of Life and Death: Judicial Support for School Authority over Off-Campus Student Cyber-Bullying and Harassment,” *University of La Verne Review* 33, no.2 (2012):171-218; Alicia K. Albertson, “Criminalizing Bullying: Why Indiana Should Hold the Bully Responsible,” *Indiana Law Review* 48, no.1 (2014):243-271; Susan Hanley Duncan, “Restorative Justice and Bullying: A Missing Solution in the Anti-Bullying Laws,” *New England Journal on Criminal and Civil Confinement* 37, no. 2 (2011): 267-298, etc..

¹¹ See generally, Susan T. Quinn and Megan C. Stewart, “Examining the Long-Term Consequences of Bullying on Adult Substance Use,” *American Journal of Criminal Justice* 43, no.1 (2018): 85-101. In this paper, the authors point out that numerous studies have documented the negative consequences of bullying in childhood, contending that bullying during childhood can lead to a variety of adulthood problems; see also, generally, Min Jung Kim, Richard F. Catalano, Kevin P. Haggerty and Robert D. Abbott “Bullying at Elementary School and Problem Behavior in Young Adulthood: A Study of Bullying, Violence and Substance Use from Age 11 to Age 21,” *Criminal Behavior and Mental Health* 21, no.2 (April 2011):136-144. This paper argues that childhood bullying has unique associations with the risk of later violence and substance use among young adults. See also, generally, Leana A. Bouffard and Maria D.H. Koeppel, “Understanding the Potential Long-Term Physical and Mental Health Consequences of Early Experiences of Victimization,” *Justice Quarterly* 31, no.3 (2014): 568-587. This article points out that individuals who are victimized before the age of 12, especially those who experienced repeated bullying, are more susceptible to a number of physical and mental health issues, such as negative perceptions of physical and mental health. In the UNESCO’s report, it is shown that 23.4% of the respondents in their surveys had seriously considered attempting suicide; and 9.2% of the respondents are more likely to skip school frequently (at least 3-4 days in two weeks). See generally, Behind the Numbers: Ending School Violence and Bullying,” *United Nations Education, Scientific and Cultural Organization*, 2019.

and bullying, and of effective responses”,¹² such as launching anti-school bullying policies and enacting relevant legislation,¹³ and these have proved very effective. Some data show that the number of bullying cases occurring in certain countries is declining.¹⁴ This international background has greatly influenced Chinese scholars and prompted them to focus on such issues in China, with the aim of improving the student bullying problem.

However, most Chinese scholars focus on discussing the definition, types and the characteristics of student bullying,¹⁵ and some focus on “left behind children”¹⁶ and females in student bullying cases as special subjects,¹⁷ and carry out empirical investigation and research.¹⁸ Most of this current research approaches the subject from the educational perspective,¹⁹ some explores the causes of student bullying in the context of the social system,²⁰ and a few scholars focus on these issues from the legal perspective.²¹ In general, current research has already covered some of the main issues of student bullying, but this research remains at the level of a discussion of the relevant definition and an exploration of systematic countermeasures; moreover, the theories involved lack sufficient profundity.²² Attracted by such issues in the international and

¹² Behind the Numbers: Ending School Violence and Bullying,” *United Nations Education, Scientific and Cultural Organization*, 2019, 53. At the level of the UN, UNESCO have already issued some political guidance documents on this issue; for instance, Global Guidance on School-Related Gender-Based Violence (UNESCO and UN Women, 2016), the Global Status Report on School Violence and Bullying (UNESCO, 2017), UN Resolution: Protecting Children from Bullying, A/RES/69/158.

¹³ For instance, the American government implements a “zero tolerance” policy on school bullying. See, generally, Devon L. Disiena, “Back Down to Bullying? The Detrimental Effects of Zero Tolerance Policies on Bullied Adolescents,” *Cardozo Journal of Law & Gender* 22, no.2 (2016): 337-366; Joseph J. Sabia and Brittany Bass, “Do Anti-Bullying Laws Work? New Evidence on School Safety and Youth Violence,” *Journal of Population Economics* 30, no. 2 (2017): 473-502. From these two articles, we can see the authors are suspicious of the “zero tolerance” policy and anti-bullying legislation, but they show that the American government has already taken substantive steps to control and prevent school bullying.

¹⁴ For instance, according to the UNESCO report, the number of student bully incidents is declining in Australia and Europe as these countries have taken effective steps to prevent and stop student bullying. See, Behind the Numbers: Ending School Violence and Bullying,” *United Nations Education, Scientific and Cultural Organization*, 2019, 53.

¹⁵ See Zhang Jinfang, “On the Current Research Status and its Suggestions of School Bullying Issues in China,” *Elementary Education Journal*, no.19 (2018): 14-18.

¹⁶ According to the official document, left behind children refers to the juveniles under 16 years old, both of whose parents have left to work as migrant workers, or one of whose parents has left to work as a migrant worker and the other has no guardianship. See “The Work Opinions of the State Council on Strengthening Caring for and Protecting Left Behind Children,” No.13, 2016, State Issues, *Central Government of the People’s Republic of China*, February 14, 2016, http://www.gov.cn/zhengce/content/2016-02/14/content_5041066.htm. (Accessed November 25, 2022).

¹⁷ See also Zhang, “On the Current Research Status”, 14-18.

¹⁸ Ibid.

¹⁹ From this perspective, many scholars explore the formation mechanism of school bullying psychology and its prevention. See, generally, Jiang Jiehua and Jiang Fan, “On the Formation Mechanism of School Bullying Psychology and its Prevention,” *Issues on Juvenile Crimes and Delinquency*, no.4 (2018):45-53; Zhang Chunyan and He Xiaoshuang, “On the Behavior Logic of Bystanders and its Coping Strategies in the School Bullying Cases,” *Future and Development*, no.5 (2019):56-59.

²⁰ Zhu Yanlong, “On the Social Ecosystem of the School Bullying and its Collaborative Governance,” *China Youth Study*, no.12 (2018): 93-101.

²¹ For instance, some scholars explore rule of law approaches to control school bullying, and some focus on this issue in the context of juvenile delinquency. See generally, Ren Haitao, *On the Rule of Law School Bullying* (Beijing: China University of Political Science and Law Press, 2018); Hu Zengrui, “On Governing School Bullying Behaviors by Criminal Law,” *Issues on Juvenile Crimes and Delinquency*, No.1 (2019): 58-65.

²² See Huang Dong, Wang Kuo and Wang Changjun, “On the Research Situation Concerning the School Bullying Issues in China,” *Journal of People’s Public Security University of China (Science and Technology)*, no.3 (2019): 46-51.

domestic context, this article attempts to explore the social anxiety caused by the student bullying problem through describing juvenile delinquency, student violence inside and outside school and social anxiety, using some serious student bullying cases in the second part which follows the introduction; the third part then explores the causes of student bullying from a family dynamic and school climate perspective. In the fourth part, the article looks at the social reaction to preventing student bullying through preventive solutions.

2. The Student Bullying and its Social Anxiety

In the past few years, undeniably, the traditional geographic limitation of the student bullying effect was broken through by the internet we-media which reports and spread widely the aforesaid case happened, and then the social focus is converged into it. Being frequently exposed in such news and disappointed with failure preventing system, the social anxiety is subsequently raised in the context of family structure of “one-child”²³ because the parents generally focus all their attention on their child, and, most importantly, the student bullying could negatively impact on the cultivation of the child’s healthy personality and the family welfare. In addition, the students bullying is traditionally considered as “misbehavior or misconduct”²⁴ and even “to be a common precursor of youth violence and is a marker for more serious violent behavior”,²⁵ which have been proved by the practice that some serious juvenile crime were converted from frequent bullying behavior in recent years.²⁶ In this section, we firstly intend to focus on the student bullying issues through analyzing some data and cases in connection to student violence and juvenile delinquency; and then we would like to explore the social anxiety caused by the aforesaid.

2.1. Student Bullying

The smartphone usage prevalent among students gives a great opportunity for bullying students to post their “conqueror behavior” on the Internet with the aim of showing off, and the public is attracted to images, and this even magnifies the frequency and seriousness of student bullying in daily life, even considering that it always occurs in practice but has not been exposed to the public to this extent in past years.

²³ Even though, the “one-child” policy has been changed, and now the State allows and encourages the parents could have three children, the subsequent effects of “one child” policy will last for years.

²⁴ See the Law of the People’s Republic of China for Prevention of Juvenile Delinquency, Presidential Decree No.64, 2020, Chapter 3.

²⁵ Young Shin Kim, Bennett L Leventhal, Yun-Joo Koh, Alan Hubbard and W Thomas Boyce, “School Bullying and Youth Violence: Causes or Consequences of Psychopathologic Behavior?,” *Arch Gen Psychiatry* 63, no. 9 (September 2006): 1035.

²⁶ See generally, “The School Bullying Isn’t Tolerated by Law: All the 8 Suspects involved in Causing Disturbances on December 23th Have Been Arrested,” *Sohu*, January 27, 2019, https://www.sohu.com/a/291802191_678794; “A Case of School Bullying Reported by Qinghe County of Hebei Province: A Junior Middle School Girl was Repeatedly Assaulted and Caused Slight Wound,” *Sohu*, January 5, 2019, https://www.sohu.com/a/286830602_260616. (Accessed November 25, 2022). The details are as follows: “the School Bullying Isn’t Tolerated by Law: All the eight Suspects involved in Causing Disturbances on December 23th Have Been Arrested” and “A Case of School Bullying Reported by Qinghe County of Hebei Province: A Junior Middle School Girl was Repeatedly Assaulted and Caused Slight Wound.” In these two cases, the victims were persistently bullied for a few days and then they evolved into violence and crime.

Consequently, student bullying has become a matter of public concern and anxiety.²⁷ However, by reviewing all the current literature, we have found that, so far, there is no official report available about the exact number of student bullying events inside and outside schools, and the only official documents to have exact numbers are the *Working Statement of the Supreme People's Procuratorate (hereinafter, SPP) of the People's Republic of China in 2017*(hereinafter: *the Working Statement*)²⁸ and the *White Paper on Procuration Works on Juvenile (2014-2019) and the White Paper on Procuration Works on Juvenile 2020 (hereinafter: the White Paper)*²⁹, but all the statistics are not covered the student bullying which isn't so serious as not to reach the levels of the student violence or juvenile crime reported in the official documents. *The Working Statement* mentioned that all the national procuratorates took 4604 suspects involved in serious student violence to court in 2016,³⁰ and the *Working Statement of the Supreme People's Courts (hereinafter: SPC) of the People's Republic of China in 2017*, which mentioned that all the national courts dealt with 213 criminal cases involving student bullying in 2016.³¹ Meanwhile, in 2018, the SPC launched a *Special Report of Judicial Big Data on Student violence*, and provided exact information about cases dealt with by the courts in 2015 and 2016, which will be showed in the later section.³²

At the same time, by searching the database of *China Judgements Online*³³ and *Wusong Case-base*³⁴ with the keywords of "student bullying/injury" and "school injury/bullying", we could find that there are 29 civil cases involved in student injury, but only three cases are involved in student bullying,³⁵ in which the bullied were even injured but not

²⁷ On the one hand, to show off, the bully students normally make a video recording during the process of bullying and even violence, and then share it on WeChat or Weibo (these are, like Facebook and Twitter, communication software), and then these kinds of bullying videos are published by the Press with the aim of attracting the attention of the entire society; on the other hand, the bullied students' parents or the family members publish the bullying case on the internet and then seek public relief, which is believed to be a better option than directly seeking judicial relief in the Chinese system, and in fact, many cases attract public attention in this way; this article will analyze the reasons for this later. In addition, some cases are reported by the other students on the internet. See generally, Song Yanhui, "Theoretically Analyzing the Issues of Female Students' Violence in the Internet Era," *China Youth Study*, no.1 (2016):12-15; Cao Yi, "School Bullying Is Spread on the Internet," *Prosecutorial View*, no.5 (2019): 54-55; Yu Yeqing, "On the Anomies of Journalistic Ethnics in the Network Media: From the Case of School Bullying Conducted by Juveniles," *Youth Journalist*, no.26 (2019):20-21; Zhang Youping, "Sociologically Analyzing the Issues of School Bullying Videos frequently Shown on the Internet in the Mediated Society," *Qilu Realm of Arts*, no.5 (2019):92-95.

²⁸ See "The Working Statement of the Supreme People's Procuratorate in 2017," *The Supreme People's Procuratorate of the People's Republic of China*, March 12, 2017: https://www.spp.gov.cn/spp/gzbg/201703/t20170320_185861.shtml.(Accessed November 26, 2022)

²⁹ See "The White Paper on Procuration Works on Juvenile (2014-2019)", *The Supreme People's Procuratorate of the People's Republic of China*, June 1, 2020, https://www.spp.gov.cn/xwfbh/wsfbt/202006/t20200601_463698.shtml#1.(Accessed November 26, 2022).

³⁰ See "The Working Statement of the Supreme People's Procuratorate in 2017."

³¹ See "The Working Statement of the Supreme People's Courts in 2017," *The Supreme People's Court of the People's Republic of China*, March 12, 2017, <http://gongbao.court.gov.cn/Details/9ec8c0cddd12d82ecc7cb653441b36.htm>. (Accessed November 26, 2022).

³² See "Special Report of Judicial Big Data: School Violence," *The Supreme People's Court of the People's Republic of China*, <http://www.court.gov.cn/fabu-xiangqing-119881.html>.(Accessed November 26, 2022).

³³ "China Judgements Online", <https://wenshu.court.gov.cn/>.

³⁴ "Wusong Case-base", <https://www.itslaw.com/home>.

³⁵ These three cases include: No.803, Hei 0606, Civil First, [2017], No.1090, Baoqing, Civil First, [2014] and No.0002, Bishao, Civil First, [2014].

so serious as not to be deemed as student violence and hence they were dealt with through the civil procedure, rather than criminal procedure.

However, to somewhat extent, the above data may just be the “tip of the iceberg” in terms of the amount of student bullying occurring, and this research cannot scientifically describe the whole map of student bullying both inside and outside schools in China because, on the one hand, most of the real cases of school bullying are not reported,³⁶ in other words, to a great extent, in practice, only the student bullying circumstance becomes serious and involves with violence and even upgrades to the juvenile crime, it will be reported and then causes social and government concern;³⁷ and on the other hand, it is not possible and operable to collect accurate data on school bullying due to the large student population and the decentralized distribution of schools. All of these, inevitably, make it difficult to give an exact number, and so a “dark figure” is unavoidable; and, in this sense, the student bullying, student violence and juvenile delinquency are generally put into together by being considered without any clear distinction in such aforesaid judicial working reports as a majority of important official documents, aiming to protect the students and prevent juvenile delinquency. We, therefore, could see that the data about the student bullying and violent crime are counted together and then placed in the framework of juvenile delinquency issues. Consequently, an overall picture of student bullying is unable to be directly and scientifically drew with any accurate data, but its prominent and representative parts could be briefly described with data involved in the student violence and juvenile delinquency, and concomitantly analyzing the typical student violence cases which have been reported on the Internet.

2.2. Juvenile Delinquency

Juvenile delinquency in some senses is included in, or develops from, student bullying, or is the subsequent effect of student bullying behaviors.³⁸ We can thus look to it for some idea of student bullying in China. In this article, the juvenile delinquency is limited to crimes committed by a perpetrator between the ages of 12 and 18 years old, at the age of which most of juvenile should be at a compulsory education school or secondary or vocation high school for studying according to the relevant education law of China.³⁹

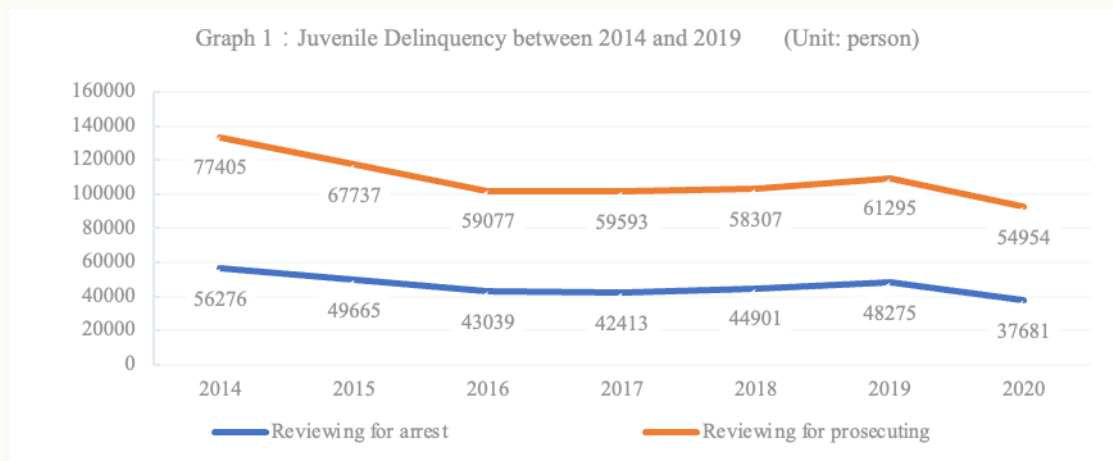
³⁶ To a great extent, most of the bullied students do not wish to report their case on the Internet if it can be harmoniously dealt with by their school teachers, because they would like to protect other students, both the bully and the bullied; on the other hand, the school teachers or leaders hope these kinds of case will not be reported for the sake of protecting the school’s reputation and in consideration of the political responsibilities under China’s system of government.

³⁷ For example, the three student bullying cases dealt with through civil procedure were not reported by the media and the circumstances were not serious enough to be dealt with through criminal procedure.

³⁸ See Kim, Leventhal, Koh, Hubbard and Boyce, “School Bullying and Youth Violence,” 1035.

³⁹ According the Article 17 of the Criminal Law of China, the legal minimal age for criminal responsibility is 12 years old. Meanwhile, the China Judicial Yearbook also uses this definition. But the 11th Amendment to the Criminal Law has already revised and provides that if a person who has reached the age of 12 but not the age of 14 commits intentional homicide, intentionally hurts another person so as to cause death of the person or leads to serious injury and severely handicapped of the person by extremely cruel mean, if the circumstances are serious and the Supreme People’s Procuratorate verifies and approves, he shall bear criminal responsibility. See the Criminal Law of China, Presidential Decree No. 80, 2017, article 17; the 11th Amendment to the Criminal Law of the People’s Republic of China, Presidential Decree No. 66, 2020, article1(3); see also, *China Judicial Yearbook* (Beijing: China Judicial Yearbook Press, 2017), 1161; *China Judicial Yearbook* (Beijing: China Judicial Yearbook Press, 2018), 1185.

We can get a clear picture of the phenomenon by analyzing the data from the *White Papers* issued by the SPP in 2020 and 2021, respectively, as well as the official *China Judicial Yearbook*, in which the data was made statistics in the name of youth crime with different age groups like the age of 14 to 18 and 18 to 25 years old (in this article, we just only focus on the age of 14 to 18), as the following two charts shows, respectively:



All of the data are from the *White Paper on Procurator Works on Juvenile (2014-2019 and the White Paper on Procurator Works on Juvenile 2020)*⁴⁰.

From the Graph 1, we can see that the amount of juvenile delinquency, including the number of reviewing for arrest and reviewing for prosecuting, generally shows a downward trend from 2014 to 2020. The amount of reviewing for prosecuting declines from the highest in 2014 with 77405 persons to the lowest in 2018 with 58307, but it increased slightly up to 61295 persons in 2019, at a rate of 5.12%,⁴¹ and then decreasing to 54954 in 2020, at a rate of 10.35%;⁴² during this time, it shows a dramatic decrease from the highest in 2014 to the lowest in 2020, at a rate of 29%, and then stays relatively stable between 2016 and 2018. In contrast, the amount of reviewing for arrest is less than that of reviewing for prosecuting in the same year, for instance, the highest amount of former is in 2014 with 56276 persons, less than that of that of the latter, accounted for 72.7% of the latter.

⁴⁰ "The White Paper on Procurator Works on Juvenile (2014-2019)"; "The White Paper on Procurator Works on Juvenile (2020)," *The Supreme People's Procuratorate of the People's Republic of China, June 1, 2021*, https://www.spp.gov.cn/xwfbh/wsfbt/202106/t20210601_519930.shtml#1. (Accessed November 26, 2022). We have to explain the reasons behind that the number of juveniles arrested in this Graph is lower than that of juvenile prosecuted at the same year. According to the Article 280 of the Criminal Procedure Law of China and Article 19 of the Rules of Supreme People's Procuratorate on Deal with the Juvenile Criminal Cases, it is required to strictly and restrictedly apply the arrest measure to the juvenile offender. The juvenile should not be arrested if he commits an offence with a lesser circumstance, and the effective monitoring condition or the social support measure is available, and he has no or less personal dangerousness, and the criminal procedure would not be influenced if he isn't arrested; If the circumstance is more serious, but his subjective malignancy is not significant and he demonstrates repentance, and effective monitoring condition or the social support measure is available, and the criminal procedure would not be influenced if he isn't arrested, the juvenile may not be arrested if he falls under any one of the category of circumstances listed by the Rules. However, the offence should be review for prosecuting. Therefore, in this Graph, we can see that the number of juveniles arrested is less than that of the juvenile prosecuted at the same year.

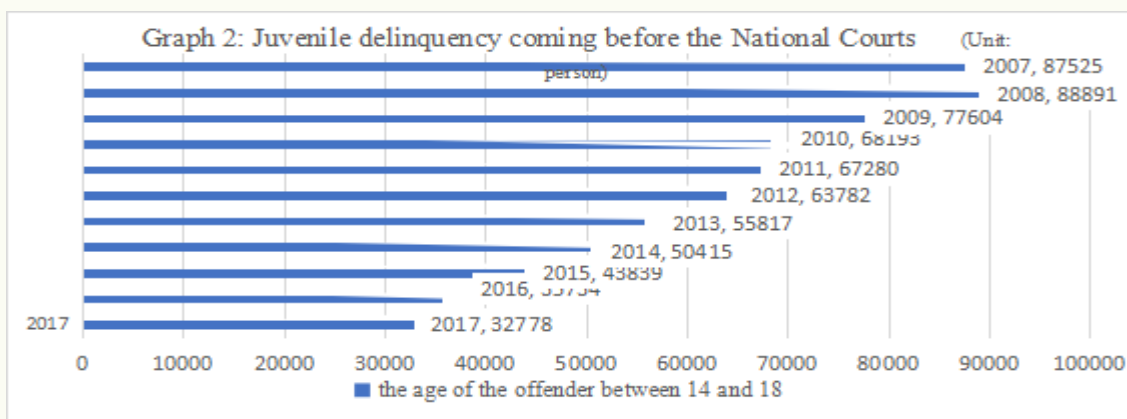
⁴¹ "The White Paper on Procurator Works on Juvenile (2014-2019)".

⁴² "The White Paper on Procurator Works on Juvenile (2020)".

However, the variation curve of the amount of reviewing for arrest is similar with that of the reviewing for prosecuting, showing a trend of decreasing firstly and then a slight increase after staying relatively stable. The totality of reviewing for prosecuting from 2014 to 2019 is 383414 persons, of which 32313 persons are students,⁴³ accounting for 8.4%. From 2014 to 2020, the amount of juvenile aged for 14 to 16 and being reviewed for prosecuting in each year shows a decline trend, from 11335 person in 2014 to 5259 persons in 2020; during this period, it has experienced the numbers of 8312 persons in 2015, 5890 in 2016, 5189 in 2017, 4695 in 2018 and 5445 in 2019.⁴⁴

Importantly, according to the Article 17(2) of Criminal Law of China, only a person aged for between 14 to 16 years commits intentional homicide, intentionally hurts another person so as to cause serious injury or death of the person, or commits rape, robbery, drug-trafficking, arson, explosion or poisoning, he could be prosecuted,⁴⁵ and therefore, at least there are 46125 persons in total committing a behaviors involving in at least one of the aforesaid eight serious crimes in the period between 2014 and 2020. Meanwhile, in the group of reviewing for prosecuting, the juvenile aged for between 14 and 16 takes up an average rate of 10% of all the juvenile aged for between 14 and 18 in every year, i.e., 14.54% in 2014, 12.27% in 2015, 9.97% in 2016, 8.71% in 2017, 8.05% in 2018, 8.88% in 2019 and 9.57% in 2020.⁴⁶ Therefore, we can see that the amount of juvenile being reviewed for prosecuting in every year is relatively high with an average of 62624 persons, with a high ratio of juvenile prosecuted.

The above analysis is basically from the perspective of the juvenile being reviewed for arrest and reviewed for prosecuting by the People’s Procuratorate; we will review the same issue from the perspective of the People’s Courts in the next part.



All of the data are from the China Judicial Yearbook between 2008 and 2018.⁴⁷

⁴³ “The White Paper on Procurator Works on Juvenile (2014-2019)”.

⁴⁴ “The White Paper on Procurator Works on Juvenile (2020)”.

⁴⁵ See the Criminal Law of the People’s Republic of China, Presidential Decree No. 83, 1997, article 17(2).

⁴⁶ “The White Paper on Procurator Works on Juvenile (2014-2019)”; “The White Paper on Procurator Works on Juvenile (2020)”.

⁴⁷ China Judicial Yearbook (2008), 1107; (2009), 1001; (2010), 920; (2011), 1052; (2012), 1066; (2013), 1211; (2014), 1134; (2015), 1015; (2016), 1298; (2017), 1161; (2018), 1185.

From the Graph 2, we can see that the amount of juvenile convicted has a decreasing tendency, falling from a high of 88891 persons in 2008 (the second highest is 87525 in 2007) to a low of 32778 persons in 2017, decreasing ratio is around 63.12%. In contrast with the aforesaid Graph 1, we can see that the amount of juvenile prosecuted is always more than that of the juvenile convicted in the same year, for instance, the conviction rate of juvenile is 65.13% in 2014, 64.72% in 2015, 60.49% in 2016 and 55% in 2017, respectively. According to a *SPC Judicial Report*, among the juvenile delinquency s committed in 2015 and 2016, crimes of intentional assault and robbery are around 6 500 cases; then comes the crime of rape, and crimes related to drugs, which are less common. All of these are consistent with the characteristics of juvenile. In addition, according to this *Judicial Report*, most juvenile delinquency are males - around 95.05% - with females at 4.95%.⁴⁸ The age of these offenders when they commit the crime is mainly around 16 to 17 years old, the figures being 25 000 and 35 000 persons, respectively. As for educational levels, according to the *Judicial Report*, most juvenile delinquency are junior high school students (62.63%);⁴⁹ while 22.84% of juvenile delinquency are elementary students; senior high school students and professional high school students make up 6.35% and 6.15% of offenders, respectively; only 0.84% of offenders are junior college students, and 1.19% are illiterate or semi-illiterate.⁵⁰ From the above *Judicial Report*, we can clearly see that most juvenile delinquency in 2015 and 2016 are students at schools.

2.3. Student Violence

Student violence is a typical and even more serious kind of school bullying among students, and it is on the edge of juvenile crime and even has already become juvenile crime. So far, the SPC has only published the exact data of student violence dealt with through criminal procedure for the years 2015, 2016 and 2017, and the *White Papers* issued by the SPP in 2020 and 2021 record the exact data of students arrested who involved in student bullying and violent crime during the period between 2017 and 2020. According to the *China Judicial Yearbook (2017)*, in 2016, the National People's Procuratorates arrested 1180 persons who had committed student violence, and then charged 2449 persons for this offence,⁵¹ in contrast, however, the amount of students arrested because of student bullying in 2017 increased to 4157 persons because the amount of student bullying dealt with by the National People's Procuratorates was firstly required to include judicial statistics from 2017;⁵² and then the aforesaid amount shows a decline in the next three years, i.e., 2785 persons in 2018, 1667 persons in 2019 and 583 persons in 2020;⁵³ there were 9192 person arrested in total in these 4 years(between 2017 and 2020).⁵⁴ There were 5926 persons were prosecuted because of student bullying in 2017, and 4590 person in 2018, 2914 persons in 2019 and 1341

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ China Judicial Yearbook (2017), 168.

⁵² "The White Paper on Procurator Works on Juvenile (2014-2019)".

⁵³ Ibid; see also ̇ "The White Paper on Procurator Works on Juvenile (2020)".

⁵⁴ Ibid.

persons in 2020, respectively, and there were 14771 persons prosecuted in total in these four years.⁵⁵

In the *SPC Judicial Report*, in 2016, the National People's Courts had concluded around 920 cases of student violence,⁵⁶ which, when compared with the 1100 cases of student violence in 2015, represented a decrease of 16.51%; subsequently, in 2017, the number of student violence cases continued to decrease by 13.37%. According to the *SPC Judicial Report*, around 57.5% of student violence cases happened in the period from 2015 to 2017 and mainly involve the crime of intentional assault (injury), of which there were around 650 cases in 2015, around 520 cases in 2016, and 420 cases in 2017, closely followed by robbery. However, these two types of crimes declined year on year in these three years. Of all these student violence cases, 55.12% were caused by a dispute or a minor conflict among students, and around 18.08% of the cases of robbery, racketeering and rape, etc., were the result of personal gratification. In addition, around 35.31% of student violence cases in the years from 2015 to 2017 occurred in student dormitories, especially murder; in fact, 65.12% of all murder cases occurred in dormitories. Following this, 19.22% of student violence happened in classrooms, 13.13% in toilets, 11.22% in corridors, 9.35% in playgrounds and 11.77% in other places. In all of these student violence cases in these three years, 11.59% resulted in the victim's death, 31.87% in serious injury, 38.54% in slight injury and 27.94% in slight bodily injury. As regards the age of the bullied students, 17.15% of the offenders in 2015 were between 14 and 16 years old, less than in 2016 (18.50%), but more than in 2017 (12.62%); 35.13% of offenders in 2015 were between 16 and 18, more than in 2016 (44.90%), but less than in 2017 (48.18%); 35.13% of the offenders in 2015 were older than 18, less than in 2016 (36.60%) and 2017 (39.21%).⁵⁷ So we can see those offenders committing student violence are mostly between 16 and 18 years old.

2.4. Social Anxiety

School bullying, in terms of severity, is not as serious as the issue of juvenile crime, which concerns the whole of society, but it has, to a great extent, caused a level of social anxiety, especially for the parents of "one child" families. Some scholars argue that "this kind of social anxiety is in fact a kind of inevitable reaction to the relevant circumstances of the student bullying reported by the media, and the reasons could include three aspects."⁵⁸ Firstly, the circumstance of the student bullying reported on the Internet is so flagrant that the public is shocked and dismayed and, to a great extent, the common awareness of the public on the student is overturned because of the bullying behavior is out of the expectation for the student; secondly, accompanying with shocking and dismaying is the anxiety and worry of the public about their children's physical and psychological health; thirdly, beyond the shocking and anxiety, it is the public's strong expectation for the government to deal with the issues related to student bullying.

⁵⁵ Ibid.

⁵⁶ "Special Report of Judicial Big Data: School Violence".

⁵⁷ Ibid.

⁵⁸ Zhu, "Social Ecosystem", 93-94.

However, this article argues that, to a great extent, the social anxiety caused by school bullying reflects the fact that parents are disappointed in the ineffective social prevention of student bullying and the school security system, as well as family education. A typical case occurred in an elementary school on May 10th, 2019, in Shangrao City, when a father of a female student killed a male student in the school because the latter frequently bullied the former. Even though the male student's parents and the girl's father had already taken counselling together to stop the male student bullying the female student before this event, it was in vain.⁵⁹ This case caused great anxiety among the public and many people are disappointed in the school security and educational system as they have failed to prevent student bullying and to protect students, and there has even been criticism of the relevant authorities and school management's "formalism" and "bureaucratism" in implementing measures to prevent student bullying, and of the lack of operability and effectiveness of the relevant systems.⁶⁰

The social anxiety caused by student bullying reveals the fact that parents have, to a great extent, lost faith in schools and the relevant authorities on the issue of preventing student bullying, especially against a background of conflicts between schools and parents, which have happened frequently in recent years,⁶¹ as well as the effects of the "one child policy"⁶² and the uneven distribution of educational resources,⁶³ all of which

⁵⁹ See "A 10 Year Old Boy Was Killed by A Female Student's Parent In a School in Shangrao City, Jiangxi Province; Police: The Suspect Has Been Detained," *Sina Finance and Economic*, May 10, 2019, <http://finance.sina.com.cn/roll/2019-05-10/doc-ihvhiew1025431.shtml>. (Accessed November 26, 2022). On December 2nd 2019, the Intermediate People's Court in Shangrao sentenced the offender to death for the murder. See generally, "The First Trial on the Murder Case Happened in the Fifth Elementary School in Shangrao; The Offender Wang Was Sentenced to Death," *Jiangxi Zhengfa Wang*, December 2, 2019, <http://www.jxzf.gov.cn/2019/1202/2019120219284.html>. A similar case also happened in Zhejiang Province, where a father killed a elementary student in the school because of student bullying. See "It is Reported that An Elementary Student Was Killed by a Parent in Wenzhou City; Police Office: The Suspect Has Been Controlled, and the Student is under Rescue," *Sohu*, September 22, 2018, https://www.sohu.com/a/255296713_420076. In addition, a famous Chinese movie in 2019, *Better Days* (Shao Nian De Ni), describes how "a bullied teenage girl forms an unlikely friendship with a mysterious young man who protects her from her assailants, ... all while she copes with the pressures of her final examinations." Undeniably, this is a fictional film plot, but most of these plots represent real life and reveal some aspects of social anxiety, since "art originates from and represents real life". See "Shao Nian De Ni", <https://www.imdb.com/title/tt9586294/>. In fact, this film once again drew public attention to the issues of student bullying, and more cases of student bullying and violence were reported on the Internet after this film, which caused heated public debate and anxiety. See "Observation of Public Opinions on Education: How to Protect Our Young People Against the Background of School Bullying Cases Happening Frequently," *Sohu*, November 15, 2019, https://www.sohu.com/a/353962388_114731. (Accessed November 26, 2022).

⁶⁰ See "An Essay on a 10-Year-Old Boy who was Killed Raised Heated Debated, Reflecting the Social Anxiety around School Bullying," *Sohu*, May 21, 2019, https://www.sohu.com/a/315385606_120077355. (Accessed November 26, 2022).

⁶¹ See generally, Gao Xiaona, "The Reasons for the Conflicts Between the Parents and Elementary Schools and their Prevention," *Education and Management*, no.23(2019): 4-6; He Chunlan, "On the Relationship Between Parents and Schools: Public Demands and Suggestions for a Response - Reviewing the Development and Trends of the Relationship between Parents and Schools from the Perspective of Public Opinion," *Educational Science Research*, no.7(2019): 26-28.

⁶² Even though the Central Government of China has already completely abolished the "One Child" policy in 2015, the student bullying effect in this article is still continuing under the subsequent effects of the "One Child" policy. See "The Communiqué of the Fifth Plenary Session of the 18th CPC Central Committee," *Xinhua Net*, October 29, 2015, http://www.xinhuanet.com/politics/2015-10/29/c_1116983078.htm. (Accessed November 26, 2022).

⁶³ See generally, Chen Kun and Ma Hui, "Shared Development: On the Distribution of Educational Resources From the Perspective of Social Fairness," *Study and Exploration*, no.3 (2019): 49-54; Zhang Yi and Yao Limin, "On the

intensifies this distrust. And so, the fact that a case which involves parents taking extreme measures to protect their child when a student becomes violent, as, for instance occurred in Shangrao City and Ruian City,⁶⁴ is occasionally reported in the press is not at all surprising, because the child is deemed as the “one apple of the parents’ eyes” and can never be allowed to suffer any harm. This is an aspect of social concern on the part of the parents.

Another aspect of social anxiety concerns the problems of student dropout caused by student bullying and its subsequent effects. These students include the bullied, but also the bullying, as well as others. According to an official report, it is said that there were around 290000 cases of student dropout by the end of May 2019 in 832 poverty-stricken counties in China.⁶⁵ This figure is for certain areas, rather than the whole country, therefore, to a great extent, we can deduce that the number of student dropouts in the whole country could be higher than 290000, and that the drop-out rates are alarming.⁶⁶ The factors resulting in student dropout are in fact complicated, but student bullying greatly contributes to it, as it has a great impact on the students’ acquisition capacity⁶⁷ and their sense of belonging to the school,⁶⁸ and even causes them to fear attending school, and subsequently to drop out.⁶⁹ This can happen frequently in rural areas in China, as has been shown in survey research,⁷⁰ for instance, a survey among 17676 students shows that many bullied student partially give up on themselves as hopeless and then become self-imposed isolation and then dropout.⁷¹

Chinese Style of Choosing School: From the Perspective of Educational Fairness,” Modern Primary and Secondary Education 36, no.2 (2020):1-5.

⁶⁴ See “A 10-Year-Old Boy Was Killed by A Female Student’s Parent In a School in Shangrao City, Jiangxi Province; Police: The Suspect Has Been Detained”; see also “It is Reported that An Elementary Student Was Killed by a Parent in Wenzhou City; Police Office: The Suspect Has Been Controlled, and the Student is under Rescue”.

⁶⁵ “The Amount of Student Dropout in 832 poverty-stricken counties in the whole Country Is Declining from 290 000 to 65 000,” *People*, November 21, 2019, <http://edu.people.com.cn/n1/2019/1121/c1053-31466541.html>. (Accessed November 26, 2022).

⁶⁶ Some researchers have already focused on the relationship between school non-attendance and school violence, and it has been pointed out that a significant proportion of students are avoiding school due to a fear of school violence. See Ji-kang Chen and Li-Ming Chen, “A Cross-National Examination of School Violence and Nonattendance Due to School Violence in Taiwan, Hong Kong and Mainland China: A Rasch Model Approach,” *Journal of School Violence* 19, no.2 (2020):187; see also Rami Benbenishty & Ron Avi Astor, *School Violence in Context: Culture, Neighborhood, Family, School, and Gender* (Oxford: Oxford University Press, 2005), 92-107.

⁶⁷ See Sabia and Bass, “Do Anti-Bullying Laws Work?,” 474; Some scholars argue that the bullying victims can be fragile, and perceptions matter in public schools, and some have an educational disability. See, generally, Douglas E. Abrams, “School Bullying Victimization as An Educational Disability,” *Temple Political & Civil Rights Law Review* 22, no.2 (Spring 2013): 273-290.

⁶⁸ See Huang Liang and Zhao Decheng, “Evaluating the Effect of School Bullying on the Student’s Education: Based on the Evidences of PISA2015 in 4 Provinces and Cities in China,” *Education & Economy* 36, no.1(2020): 31-53; Cheng Wei, Guan Yingyu and Luo Yu, “A Survey on School Bullying and the Sense of School Belonging and Security,” *China Journal of Public Health* 36, no.6 (2020): 889-894; Heng Choon Oliver Chan and Dennis S.W.Wong, “The Overlap between School Bullying Perpetration and Victimization: Assessing the Psychological, Familial, and School Factors of Chinese Adolescents in Hong Kong,” *Journal of Child and Family Studies* 24, no.11 (2015): 3224-3234.

⁶⁹ A research article points out that students who are victimized at school are at high risk of dropping out, according to the data analysis. See, generally, Anthony A. Peguero, “Violence, Schools, and Dropping Out: Racial and Ethnic Disparities in the Educational Consequence of Student Victimization,” *Journal of Interpersonal Violence* 26, no.18 (2011): 3753-3772.

⁷⁰ Jennifer Adams and Emily Hannum, “School Violence in China: A Multilevel Analysis of Student Victimization in Rural Middle Schools,” *Research in the Sociology of Education* 20, (2018): 41-69.

⁷¹ See Wu Yaowu and Hou Haibo, “Influence of School Bullying and Policy Response: Evidence from Rural Bording Primary Schools,” *Studies in Labor Economics* 5, no.6 (2017):48-49.

The high drop-out rate “not only has detrimental educational effects but also contributes to adult joblessness and poverty,”⁷² and raises the risk that students dropping-out are even pushed to the brink of crime; it also raises social security problems.⁷³ In fact, this aspect of social anxiety caused by student bullying is, in some senses, a traditional social problem and it raises less public attention and concern than is caused by other aspects analyzed above.

Finally, we have to admit that, from the above official statistic, the statistic of student bullying cases in the Graphs shows a decline in recent years, even though that some typical and impact cases are occasionally reported by the media. However, neither we can say that the student bullying issues have already been effectively dealt with and the preventive system is effective, nor we say that the social anxiety has already been eliminated. To say it in another way then, the statistic decline is of course the consequence of the prevention, but the social anxiety is usually called by the cases occasionally reported by the media, and it is just like statement emphasized by the Ministry of Education in January 2021, that student bullying cases take place occasionally in some places, and then it seriously damages to physical and mental health of the students, and causes the public concern and has nasty impact on the society.⁷⁴

3. The Reasons behind Student Bullying

Student bullying is a perennial issue worldwide, and the reasons behind it are complex, diverse and regional. As an intrinsic factor, personal traits can be the most important reason behind the student bullying, and it is normally considered from the psychological perspective, and then psychological intervention and behavior correction can be explored; however, this area has not been explored in this article, as we wish to focus on the main two externalities, i.e., family and school.

3.1. The Family Dynamic

Generally, family is the “first school” for a human being to cultivate essential individual characters and basic behavior patterns - “a healthy family functioning, such as adequate parental monitoring and keeping company, effective communication among family members and a positive family atmosphere are critical in fostering the adolescents’ development of healthy psychosocial functioning.”⁷⁵ Some researchers have also revealed that “prenatal family distress or prenatal hostility leads to children’s bullying

⁷² Peguero, “Violence, Schools, and Dropping Out,” 3768.

⁷³ A research survey shows that “adolescents who bullied their peers at school were also likely to engage in nonviolent and violent delinquency outside of school compounds”. See Heng Choon Oliver Chan & Wing Hong Chui, “Social Bonds and School Bullying: A Study of Macanese Male Adolescents on Bullying Perpetration and Peer Victimization,” *Child & Youth Care Forum* 42, no. 6 (2013): 608; See generally, Quinn and Stewart, “Examining the Long-Term Consequences”, 85-101; Jessie M. Craig, Chad R. Trulson, Matt Delisi, Jon W. Caudill, “Toward an Understanding of the Impact of Adverse Childhood Experiences on the Recidivism of Serious Juvenile Offenders,” *American Journal of Criminal Justice* 45, no. 2 (2020): 1-16; David P. Farrington, Maria M. Ttofi and Fridrich Lösel, “School Bullying and Later Criminal Offending,” *Criminal Behavior and Mental Health* 21, no. 2 (April 2011): 77-79.

⁷⁴ Ministry of Education Implements a Special Campaign on Preventing Bullying among Primary and Secondary School Students.

⁷⁵ Chan and Wong, “The Overlap”, 3230.

behaviors at school,”⁷⁶ and even “parents are often implicitly or explicitly deemed morally accountable for their children’s transgression,”⁷⁷ this is to say that the family factor is, from some perspectives, the initial contribution to student bullying, in which “parents and caregivers should be trained to identify potential warning signs of both bullying perpetration and victimization.”⁷⁸

Unexceptionally, the family factor in China also makes a great contribution to student bullying and has its own characteristics.⁷⁹ Firstly, according to the traditional Chinese concept, in particular in the context of the “one-child” policy, “the child is deemed as the parents’ private property, and all the parents’ sky-high expectations and dreams are transferred to the child;”⁸⁰ in these cases, some children are spoiled by their parents and grandparents as caregivers, who are too permissive with the child. Consequently, this kind of child easily develops willful, selfish and arbitrary personality traits,⁸¹ which, to a great extent, lead to them being hard to get along with, and even more likely to be violent. Meanwhile, in general, Chinese parents are overly concerned about their children’s acquisition of “book knowledge” and emphasize high scores in examinations, but, in contrast, fail to cultivate a wholesome personality in their children. These aspects of the family environment and education could be deemed the most basic and original factors in school bullying. Secondly, family structure is another important factor, and includes divorced families, migratory families, single parent families, stepfamilies, as well as orphans.

According to the SPC’s report, in the juvenile crime cases in 2015 and 2016, more than 3000 juvenile offenders comes from divorced families, more than 2500 from migratory families, and around 1000 from single parent families.⁸² By contrast, most juvenile offenders are “stay-at-home children”⁸³, about 9000 in total.⁸⁴ As regards student bullying, a researcher pointed out that “most of the bullying behaviors are from the

⁷⁶ Else E. de Vries, Marina Verlinden and Jolien Rijlaarsdam, “Like Father, Like Child: Early Life Family Adversity and Children’s Bullying Behaviors in Elementary School,” *Journal of Abnormal Child Psychology* 46, no. 7 (2018):1491.

⁷⁷ Ryan Broll and Dylan Reynolds, “Parental Responsibility, Blameworthiness, and Bullying: Parenting Style and Adolescents’ Experiences with Traditional Bullying and Cyberbullying,” *Criminal Justice Policy Review* 32, no.5 (2021): 448.

⁷⁸ Chan and Wong, “The Overlap”, 3230.

⁷⁹ See Huang Yaqiao and Liu Yu, “Empirical Research on School Bullying in the Primary School and its Response,” *Journal of Chuzhou University* 21, no.3 (2019): 82-120.

⁸⁰ Zhang Lu and Bai Suliang, “The Changes of the Family Members’ Role and Family Educational Concepts,” *Fundamental Educational Study*, No.11 (2008): 47; Almusawi, Bassim Jameel. "Criminal Protection of the Family in the Iraqi Legislation." *Hasanuddin Law Review* 7, no. 1 (2021): 21-30. DOI: <http://dx.doi.org/10.20956/halrev.v7i1.2167>

⁸¹ See Wang Yifan and Qi Guangyao, “Researching and Analyzing the Family Psycho-Education in the One-Child Family,” *Shandong Social Science*, no.S1 (2015): 169-170.

⁸² See “Special Report of Judicial Big Data: Juvenile Delinquency”.

⁸³ In recent years, with the economy rapidly expanding in China, income inequality between urban areas and rural villages is growing, and many people, especially young parents from the countryside are moving to the cities to work, and have to leave their children at home as they cannot raise them in the cities because of their low income. Generally, these stay-at-home children are cared for by their grandparents. According to a report by the Ministry of Civil Affairs of the CPC, there were around 7 million stay-at-home children nationwide in 2018, of whom 78.3% are between the ages of 6 and 16 years old. See “Graph: The Status of Stay-at-Home Children in the Countryside in 2018,” *Ministry of Civil Affairs of the People’s Republic of China*, September 1, <http://www.mca.gov.cn/article/gk/tjtb/201809/20180900010882.shtml>. (Accessed November 27, 2022).

⁸⁴ “Special Report of Judicial Big Data: Juvenile Delinquency”.

families lacking parental supervision and lacking family education,”⁸⁵ which is deemed the most significant factor for student bullying in rural primary and high schools; and the student bullying cases involving stay-at-home children account for a high proportion.⁸⁶ In addition, in most cases of students bullying, the behavior of bullying students could not be effectively and timely corrected by parents or other caregivers, which allows bullying behavior and its indirect adverse consequences such as student violence, drop-out and crime to happen. Therefore, to a great extent, other scholars are correct in believing that parents and caregivers should be provided with effective management skills to handle potential bullying behaviors as a means to prevent further serious offending or victimization.⁸⁷

3.2. School Climate

To a certain extent, the family dynamic is the factor that leads intrinsically to the individual student becoming involved in school bullying; the school is a factor that offers a possibility and place for the school bullying cases to occur; however “a positive school climate may reduce bullying perpetration, leading to less victimization, or it may increase defending behaviors leading to victims feeling supported and resulting in less negative outcomes; and it is an essential element of successful schools to promote student achievement and life beyond education.”⁸⁸ Even though the definitions given by scholars of the concept of school climate vary,⁸⁹ its core is, in general, similar to the following definition, which describes it as a “multi-dimensional index of the school’s overall social atmosphere”,⁹⁰ which includes “the collective beliefs, values, and attitudes that prevail at the school and that are (re)produced through social interactions between students, teachers, and other school staff,”⁹¹ and which “set the parameters of acceptable behavior and norms for the school.”⁹²

⁸⁵ Yu Weiyue and Geng Kun, “A Comprehensive Strategy Needed to Prevent the Student Bullying and School Violence,” *People’s Education*, no.9 (2017): 54. Some scholars hold that this phenomenon is a kind of lack of involvement of the main party in family education, in which grandparents or other caregivers serve in the role of parents, but cannot effectively give instruction or provide education to the children. See Yang Hua, “On the Causes for School Bullying in Rural Areas: From the Perspective of the Lack of the Main Party in Education,” *Journal of Jishou University (Social Sciences)* 40, no.6 (2019): 89.

⁸⁶ See Yang, “On the Causes for School Bullying in Rural Areas,” 89; Hu Yongmei and Li Jiazhe, “Who Is Bullied? On the Factors on School Bullying in High Schools”, *Journal of Capital Normal University (Social Sciences Edition)*, no.6 (2018): 171-185; see also Liu Xiao and Wu Mengxue, “The Actuality of School Bullying in the Secondary Vocational Schools: Analysis and Consideration on the Basis of Data,” *Vocational and Technical Education* 40, no.29 (2019): 67.

⁸⁷ Chan and Wong, “The Overlap”, 3230.

⁸⁸ Nicole B. Dorio, Kelly N. Clark and Michelle K. Demaray. et al, “School Climate Counts: A Longitudinal Analysis of School Climate and Middle School Bullying Behaviors,” *International Journal of Bullying Prevention* 2, no.4 (2020): 292.

⁸⁹ See, for example, Ming-Te Wang and Jessica L. Degol, “School Climate: A Review of the Construct, Measurement, and Impact on Student Outcomes,” *Educational Psychology Review* 28, no.2 (2016): 316. In this article, scholars point out that “there is lacking consensus on what the term “school climate” means in research operationalization.” See also Sara Brolin Låftman, Viveca Östberg and Bitte Modin, “School Climate and Exposure to Bullying: A Multilevel Study,” *School Effectiveness and School Improvement* 28, no.1 (2017): 155; Christine W. Koth, Catherine P. Bradshaw and Philip J. Leaf, “A Multilevel Study of Predictors of Student Perception of School Climate: The Effect of Classroom-Level Factors,” *Journal of Educational Psychology* 100, no.1 (2008): 96; Chiaki Konishi, Yasuo Miyazaki and Shelley Hymel, et al., “Investigating Associations between School Climate and Bullying in Secondary Schools: Multilevel Contextual Effects Modeling,” *School Psychology International* 38, no.3 (2017): 241.

⁹⁰ Konishi, Miyazaki and Hymel, “Investigating Associations,” 241.

⁹¹ Låftman, Östberg and Modin, “School Climate and Exposure to Bullying,” 155.

⁹² Koth, Bradshaw and Leaf, “A Multilevel Study of Predictors,” 96.

In China, the expression “school culture” is generally used as an alternative to “school climate” and has a similar meaning, and its significance in terms of preventing student bullying has been recognized and emphasized by the relevant Chinese authorities and schools for a long time, and the latter have always worked on building a positive school climate. However, there are two unique factors that differentiate the Chinese school environment from other countries when it comes to anti-student bullying.

The boarding school system is a very significant element in school affairs in China, especially for schools in rural areas,⁹³ and it is also an important location for student bullying. According to the SPC’s report, around 35.31% of violent cases in schools in 2015 to 2017 occurred in student dormitories, 19.22% in the classroom, 13.13% in toilets, and 11.22% and 9.35% in corridors and playgrounds, respectively;⁹⁴ moreover, 65.12% of student violence involving the crime of intentional homicide occurred in dormitories.⁹⁵ Meanwhile, the SPC Report also points out that 67.44% of cases of student violence are caused by trivial matters, and 21.74% by relationship problems.⁹⁶ A survey also shows that “31.3% of the school bullying cases are happening in the dormitory.”⁹⁷ In general, the dormitory is a public place for students to relax and rest; it is a relatively free and private place in comparison with the classroom, and it is also a place where conflicts between students can arise easily, as there is a lack of teacher supervision and management. Consequently, it is difficult to avoid student bullying.

Bureaucratic formalism in school is another key factor that interferes with effectively preventing student bullying. Some scholars hold that “the bureaucratic logic of ‘don’t make any trouble’ has gained tremendous popularity in the rural school in China, and it is very closely related to the increase in the school bullying phenomena.”⁹⁸ These scholars go on to explain that:

The bureaucratic logic of ‘don’t make any trouble’ refers to the fact that the school managers dare not normally control and punish students’ misbehavior, bullying and illegal behaviors because they are afraid that a superior government or administrative authority know that if the student makes the event bigger or creates a bigger problem, then the authorities usually try to reconcile the two parties’ in an unprincipled way and create a harmonious solution. And this is a kind of negative and deficient administrative logic with two dynamics, i.e., the school managers are not accountable and the front-line teachers do not want to take responsibility.⁹⁹

⁹³ Some scholars point out that the boarding school system has developed against the background of how to deal with the problems of students going to school over long distances following the school distribution adjustment, and it has a very strong instrumental meaning and value, in which the need to pay attention to students is ignored. See Ren Hongyan, “From ‘Dormitory but Not Home’ to ‘Boarding School and then Home’: The Problems of Moral Education in the Boarding School System in Rural Areas and its Improvement Strategies,” *Contemporary Education Sciences*, no.1 (2020): 59.

⁹⁴ “Special Report of Judicial Big Data: School Violence”.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Liu and Wu, “The Actuality of School Bullying,” 65.

⁹⁸ Yang, “On the Causes for School Bullying in Rural Areas,” 94.

⁹⁹ Ibid.

Given the facts and current system, the above argument is relatively objective and, to a great extent, this article agrees with it. In fact, school managers “survive in the cracks”, i.e. the school does not only play the role of educator, but also has to take responsibility for maintaining social stability, to which end, on the one hand, managers want to adopt strict measures to prevent student bullying, but on the other, they are limited by the need to respect and protect students’ rights and freedom; in bullying cases, managers not only play the role of mediators between the parents of the two parties, but also, generally speaking, become the “collateral victim” as they cannot effectively and positively protect the bullied students, and they have to take administrative responsibility as they have failed to maintain the school’s stable environment.¹⁰⁰ In this case, the school managers unconsciously tend towards bureaucratic formalism as their posts are closely related to the concept of “administrative responsibility”. Front-line teachers also face a similar dilemma in student bullying cases, in that they want - but do not dare - to manage student bullying issues, in particular in the context of “sharp conflicts between the school and family,”¹⁰¹ because they fear that they would be unable to deal effectively with student bullying, and would then bear the responsibility and even lose their jobs, especially in an environment in which people would like to seek alleged justice in a system which is inundated with strong and irrational public opinions, which generally result in front-line teachers and school managers being heavily criticized. Therefore, scholars have commented that school managers are not accountable, and front-line teachers do not want to take responsibility, because of the bureaucratic formalism caused by the malfunctioning accountability system.

4. Social Reaction to Student Bullying

The issues concerning student bullying were discussed in the official political *Working Statement*¹⁰² and have been brought to the attention of the relevant authorities.

¹⁰⁰ See Yuan Yu, “A Case of School Bullying Occurring in Dong Ao First High School in Wanning City, the School’s Principal Is Dismissed,” *Hainan.Sina*, April 1, 2019, hainan.sina.com.cn/news/hnyw/2019-04-01/detail-ihxyzsm2154811.shtml; “The Consequences of A School Bullying in Shenzhen: Two Vice-School Principals are Dismissed,” *News. CC TV*, December 21, 2016, <http://news.cctv.com/2016/12/21/ARTIUTFpqqT1c9uprAtbDXd5161221.shtml>; “A School Bullying Incident Occurred in A High School in Guizhou, Is it the Best Solution to Dismiss the School Principal?,” *Sohu*, December 29, 2019, https://www.sohu.com/a/363518545_116237. (Accessed November 27, 2022).

¹⁰¹ See Zhang Yutian and Cai Yaping, “Rational Insight into the Conflicts between Family and School and its Resolution Strategies,” *Journal of Educational Development*, no.8 (2019): 56-60.

¹⁰² Based on many searches, the article argues that the typical and important political working reports concerning student bullying issues are the Annual Working Report (hereinafter, AWR) of the Supreme People’s Procuratorate (hereinafter, SPC) of the PRC and the Working Report of National Educational Supervision (hereinafter, WRNES) in 2016. By analyzing the AWRs in the years from 2000 to 2019, we found that the keywords ‘school violence’ and ‘school bullying’, are first mentioned in the AWR in 2016, which noted that, on the basis of the cases of school violence dealt with in that year, the SPC launched a movement to “propagate the knowledge of law in the school” and “propagate the law by analyzing cases” nationwide. Then, in 2017 and 2018, the AWR said that, together with the office of the Comprehensive Treatment of Social Management Committee and the Ministry of Education, etc., the SPC launched measures concerning student bullying and school violence; in 2019, the AWR said that it considers it a legitimate defense if an adult effectively stops student bullying; in this way adults were encouraged to stop student bullying. The AWRs for the years of 2006, 2013, 2014 and 2015, when discussing “improving the public security environment” around schools never mentioned “student bullying or school violence”; and the AWRs in other years never mentioned any keyword with “school”. See “The Annual Working Report (hereinafter, AWR) of the Supreme People’s Procuratorate (hereinafter, SPC) of the PRC from 2000 to 2019,” *Supreme People’s Procuratorate of the PRC*, <https://www.spp.gov.cn/spp/gzbg/index.shtml>; The WRNES reports that the Ministry of Education launched the special movement to address stu

Subsequently, relevant prevention policies and solutions were introduced, concerning a topic which was a “forbidden and deliberately avoided topic”¹⁰³ only a few years ago, as so many serious cases of student bullying or student violence occurred and were reported online. In terms of prevention policies and solutions for student bullying, the first and most important official plan to prevent student bullying was launched by the Office of the Educational Supervision Committee of the PRC State Council (hereinafter, OESC) on April 28th 2016, and entitled the *OES’s Notification on Launching a Special Movement to Address School Bullying*,¹⁰⁴ and is in fact a working program.

According to this working program, this movement has been divided into two phrases; the first phrase involves public-education about preventing and coping with student bullying, establishing and improving the relevant system and measures on preventing and coping with student bullying, strengthening preventive measures and dealing with cases of student bullying, as well as supervising and guiding schools to carry out preventive measures against student bullying, and asking relevant authorities to carry out preventive strategies.¹⁰⁵

The second phrase involves examining the performance of the relevant authorities and schools in the first phrase, level by level.¹⁰⁶ However, it is in fact a program without any further details on preventative measures or a relevant system. Meanwhile, student bullying issues were addressed by the Premier of the PRC State Council, Li Keqiang, who issued an important instruction on student violence in June 2016, that a “school should be the brightest and safest place; the cases of student violence which happen frequently are not only detrimental to juveniles’ physical and mental health, but also push beyond society’s moral limits; the Ministry of Education is asked to adopt multifaced measures in conjunction with other authorities to prevent and stop student violence.”¹⁰⁷ In November, 2016, Premier Li Keqiang emphasized that we have “to fight strongly against school bullying and student violence.”¹⁰⁸

Actually, Premier Li’s instructions generated great progress in promoting the detailed policy and measures to prevent student bullying,¹⁰⁹ and in the same year, the Ministry of Education, together with other eight Ministries and Departments, launched the *Directive on Preventing and Governing Student Bullying and Violence in Primary and*

dent bullying issues in all schools nationwide. See “*Working Report of National Educational Supervision*,” *Ministry of Education of the People’s Republic of China*, April 5, 2016, http://www.moe.gov.cn/jyb_xwfb/gzdt_gzdt/s5987/201704/t20170405_301851.html. (Accessed November 27, 2022).

¹⁰³ Yao, “China’s Path to Prevent Student Bullying,” 19.

¹⁰⁴ “Notification of the Office of the Educational Supervision Committee of the PRC State Council on Launching a Special Movement to Address School Bullying”, State Educational Supervision Notification, No.22 (2016). .

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ “Li Keqiang: School Should be the Brightest and Safest Place,” Central People’s Government Net, December 12, 2016, http://www.gov.cn/xinwen/2016-12/12/content_5146858.htm. (Accessed November 27, 2022).

¹⁰⁸ Ibid.

¹⁰⁹ In the Chinese bureaucracy system, “the leaders’ instructions do generally have an enormous effect on the bureaucracy’s operation, and it is considered by junior officials as the exercise of the leaders’ power, because they are empowered by the institution, and the effect of the instruction is based on the leaders’ official position and institution.” Meng Qingguo and Chen Sicheng, “On the Instruction of Political Operation in China: Definition, Characters and Institutional Constraints,” *Journal of Political Science*, no.5 (2016): 73.

High Schools (hereinafter, the *Directive*),¹¹⁰ which –in general terms– creates a preventative and coping system for student bullying, in three parts, i.e. prevention measures in advance, an ongoing coping solution and a follow-up preventive strategy.

According to the *Directive*, the students' ideological and moral education is given great priority by the *Directive* in order to achieve prevention in advance, and this mainly includes cultivating students' daily behavior, and promoting publicity and education about the rule of law. The main contents are taken directly from the *Code of Conduct for, and the Guidance Program of Legal Education for and the Educational Syllabus of the Rule of Law for Primary and Secondary Students*, as well as the *Guidance Program of Psychological Health Education for Primary and Secondary Students*.¹¹¹ Special education on how to prevent student bullying and violence is mandated among students and teachers on a case-analysis basis, involving different kinds of meetings and exhibitions.¹¹² The third stage is to require the school manager to build a system to prevent and deal with student bullying, and the final stage requires other authorities, including the policy office, educational departments and other non-governmental sectors, to cooperate to maintain security in the areas surrounding school.¹¹³

As for the coping solution, the bullied students' physical and mental health and security are given priority by the *Directive*, which requires all schools to build a timely reporting system of student bullying and violence between the policy office, school managers and their senior educational authorities, as well as family members, and requires them to protect bullied students and offer psychological consultation. The *Directive* emphasizes a punishment principle for student bullying and violence, which “combines punishment with education”. This means that the school and relevant authorities have to adopt appropriate rectification measures to punish and educate bullying students according to the law and regulations, and not only to be affectionate towards bullying students, to sincerely help them and thereby to influence them and correct their behavior, but also to fully use the deterrent effect of heavy punishment. The *Directive* also requires schools to continue to give professional attention to students involved in bullying cases and then offer timely help and support.

For the subsequent prevention strategy, the *Directive* aims to build a tri-partite working system. Firstly, all the relevant authorities, including the educational department, police office and other government offices or departments, have to form a working group on preventing student bullying and violence. Secondly, parents have to take on the responsibility of guardianship and take good care of their children and cultivate their good behavior. Thirdly, schools are required to build a safe, civilized and harmonious atmosphere. Finally, the *Directive* requires the whole society to work together to build a civilized, harmonious environment for the students.¹¹⁴

¹¹⁰ “Directive of the Ministry of Education, together with eight other Ministries and Departments on preventing and governing student bullying and violence in primary and high schools,” The First Basic Education, No.6, 2016.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ *Ibid.*

¹¹⁴ *Ibid.*

In November 2017, together with 11 other Ministries and Departments, the Ministry of Education launched *The Plan for Strengthening Comprehensively the Governing of Student Bullying in Primary and High Schools (hereinafter, the Plan)*.¹¹⁵ In fact, this *Plan* is based on the *Directive*, but the former is more operational and pragmatic than the latter. On the one hand, as the officials of the Ministry of Education noted at the press conference “the *Directive* is in its nature a macroscopic and principled guidance for dealing with student bullying and violence.”¹¹⁶ And so most of the expressions of the *Directive* are advocacy terminology, such as “strengthening the education of the school’s regulation”, “enhancing the students’ awareness of the harmful consequences of student bullying”, “strengthening supervision and examination”, etc., and they lack operability; on the other hand, the aim of the *Plan* is “to build a permanent and normative mechanism to prevent student bullying: to establish a shared value to prevent student bullying, to construct a normative, stable and supporting mechanism, and to establish a comprehensive and sound organization to promote all authorities and organizations to effectively work to prevent student bullying.”¹¹⁷

As such, for the above reasons, all 32 provinces in the Mainland of China have already adopted the *Measures for Implementing the Directive on Preventing and Governing Student Bullying and Violence in Primary and High Schools (hereinafter, the Measures)* according to the local social and economic circumstances,¹¹⁸ but the results of the *Measures* in different provinces are fairly varied. Some *Measures*, such as the *Measures* of Guangdong, Jiangsu and Fujian, are quite detailed, practical and operable, and describe in detail the differences between bullying behaviors and non-bullying behaviors, stipulate the process of dealing with student bullying cases and punitive measures, build the remedies and treatment system for students involved in bullying cases, set up the long-term prevention system in different authorities, schools, and families, as well as news media, and set out the responsibilities of government offices and schools for preventing student bullying.¹¹⁹

By contrast, however, some provinces, such as Guangxi and Jilin provinces, just briefly explain and even just link directly to the *Directive*.¹²⁰ Undeniably, some scholars point

¹¹⁵ “The Plan for Strengthening Comprehensively the Governing of Student Bullying in Primary and High Schools,” Educational Supervisor, No.10, 2017.

¹¹⁶ “Responses to Reporter’s Questions about The Plan for Strengthening Comprehensively the Governing of Student Bullying in Primary and High Schools,” *The Ministry of Education of the PRC*, December 27, 2017, http://www.moe.gov.cn/jyb_xwfb/xw_fbh/moe_2069/xwfbh_2017n/xwfb_20171227/sfcl/201712/t20171227_322965.html. (Accessed November 27, 2022).

¹¹⁷ Liu Xiangning, “Establishing and Improving the Prevention Mechanism of School Bullying in China,” *Juvenile Delinquency Prevention Research*, no. 3 (2018):78.

¹¹⁸ Almost of all the measures could be found in the official websites of Educational Department in every province, for example, Notification of the Educational Department and other 13 Departments on Issuing the Measures for Implementing the Directive on Preventing and Governing Student Bullying and Violence in Primary and High Schools (Trial)

¹¹⁹ See, for example, Notification of the Educational Department and 13 other Departments on Issuing the Proposed Measures for Implementing the Directive on Preventing and Governing Student Bullying and Violence in Primary and High Schools, Yue Educational Prevention, No.13, 2018.

¹²⁰ See, for example, Notification on Launching the Measures of Guangxi Zhuang Autonomous Region for Implementing the Directive on Preventing and Governing Student Bullying and Violence in the Primary and High Schools, Gui Educational Regulations, No.3, 2018.

out that the present system, taking the juvenile as its center, is too idealistic and lacks a practical basis.¹²¹ So far, Tian Jin is the first and only one provincial city to launch the Regulation on Preventing and Governing School Bullying (hereinafter, the Regulation), which details the responsibilities of school, family and society by providing what the schools, the parents or guardians should do. For instance, the school is the main subject to assume primary responsibility for preventing student bullying, and the President is the first person responsible of the aforesaid prevention; the school is required to improve school climate by carrying out various forms of campus activities with uplifting content, and enhancing the overall level of school civilization and creating a united and positive, mutual friendship and harmonious school; the school is required to strengthen management of students, standardize students' daily behavior, guide students to respect each other and unify friendly, and guide the student to appropriately deal with the conflicts between each other, and enhance the awareness of rule of law and self-protection; the school is required to improve the monitorial system, stand-by and inspection system, and the school staffs are given relevant training for prevention and improving their skills.¹²²

The Regulation emphasizes the responsibility of the family and society in terms of student bullying prevention, for example, the parents or guardians shall strengthen the family education, guide students to form a sound personality, and shall cooperate with the school and relevant authorities to prevent the student bullying, etc., and requires the relevant authorities, such as the NGO, law firm and psychological consultancy organization, should cooperate to prevent the student bullying and offer helps to both of the bullying parties.¹²³

In 2020, the legislator, the PRC National People's Congress (hereinafter, NPC), seems to have already been clearly aware that the seriousness of student bullying meant it was already beyond the current legal capacity for prevention and control, let alone the capacity of the current administrative regulation launched by the administrative authorities. Consequently, the legislator believed that it needs to deal with the student bullying issues by a national law, the Law on the Protection of Minors, and so the NPC amended this law and inserted a new provision in it that "the school is required to build a working system on preventing and controlling student bullying, and all the staffs in the school and students are required to have lectures and training on preventing student bullying;"¹²⁴ furthermore,¹²⁵ "the school shall take immediate measures to stop student bullying if it is found and then deal with it, and offer relevant education, guidance and psychological counselling to the students, and the parents or other guardian shall give some education to the children or other minors under their guardianship;" and "the school has to report to the public security organization and administrative department of education in time if the student bullying is serious."

¹²¹ See Yao Wanqin, "On the Current Situation of Juvenile Delinquency in China and the Improvement of the Prevention Policy: Taking the Judgements of Courts in 5 Provinces over 5 Years," *Chinese Youth Social Science* 34, no.4 (2015): 115.

¹²² See the Regulation of Tian Jin City on Preventing and Governing School Bullying, No.12, 2018, articles 10-22.

¹²³ See *ibid*, articles 23-27.

¹²⁴ The Law of the People's Republic of China on the Protection of Minors, Order No.57, article 39.

¹²⁵ *Ibid*.

In order to prevent the cyber-bullying, the Law on the Protection of Minors requires that any organization or person is forbidden to commit cyber-bullying behaviors, including insult, slander, menace or maliciously damaging the image, by the ways of words, picture, and audio;¹²⁶ and the parents or other guardians of the bullied student are authorized to require the internet service provider to delete, shield or block links connecting to the bullying information; once receiving the requirement, the latter shall immediately take appropriate measures to stop the cyber-bullying and prevent the spreading out of the bullying information.¹²⁷ Given the significance of the family dynamic on causing student bullying, the Law on the Protection of Minors strengthens the protection of family and first responsibility of parents or other guardians, for instance, it details the responsibilities of family guardianship, such as listing the actions to be done or forbidden by guardianship(provided by Articles 16 and17), and parent precautions (provided by Article 18), and giving prominence to family education (provided by Article 15), and increasing the report obligation of the guardians (provided by Article 20), as well as improving the system of entrusted care for the sake of dealing with the problem of shortage of care of family structure for the “left behind children” in rural areas(provided by Articles 22-24).¹²⁸

For the school climate, the Law on the Protection of Minors provides more measures to prevent and deal with case of student bullying, for instance, the school is firstly required to establish preventive system of student bullying, and offer the education and training on the preventing and governing student to the school staff and students; if student bullying takes place, the school shall immediately spot it and report to the parents of the two parties and then invite them to deal with together, and then offers education, psychology counselling and help to the students involving in the bullying as well as providing family education to the parents or guardians of the two parties; the school is required to give special management and education to bullying students according to the law; and if the circumstances of the bullying is serious, the school is required to reported to the police office and relevant authorities.¹²⁹ Some scholars commented that the Law on the Protection of Minors establishes a treatment mechanism of ‘zero-tolerance’ student bullying and it does also emphasize on the prevention.¹³⁰

In January 2021, the Ministry of Education, on the basis of the aforesaid works, launched the Working Program of Special Governance on Preventing Bullying among Primary and Secondary School Students (hereinafter, the Program),¹³¹ with the aim to step up efforts to address the issues of student bullying, consolidate the previous achievements in governance, and establish the long-term mechanism for preventing

¹²⁶ Ibid, article 77.

¹²⁷ Ibid.

¹²⁸ The Law of the People’s Republic of China on the Protection of Minors, Order No.57; see also “Report of the Committee of Constitution and Law Scrutiny on the Law of the People’s Republic of China on the Protection of Minors (Amendment Draft),” *The National People’s Congress of the People’s Republic of China*, October 17, 2020, <http://www.wnpc.gov.cn/npc/c30834/202010/7b08f896116f449eb4a641c4e26dde78.shtml>. (Accessed November 27, 2022).

¹²⁹ The Law of the People’s Republic of China on the Protection of Minors, Order No.57, article 39.

¹³⁰ “How to Strengthen the School Responsibility to Protect ‘Shao Nian De Ni’,” *The National People’s Congress of the People’s Republic of China*, April 20, 2021, <http://www.npc.gov.cn/npc/c30834/202104/ee7a4b3e22384b7e87f3cd4a18a34c4e.shtml>. (Accessed November 27, 2022).

¹³¹ “Working Program of Special Governance on Preventing Bullying among Primary and Secondary School Students,” Educational Elementary Office Notification, No.5, 2021.

student bullying. The Program, in fact, is a kind of working plan, which requires that, all of the authorities have to completely check the current preventive system of student bullying with the aim to make sure that the potential problem, and then deal immediately with the problem, and improve the report system of student bullying, and strengthen the education as well as preventive system.¹³² In addition, the Program requires all of the works have to been done before July 2021 in different three stages. Even though, the Program does not clearly indicates the problems of “formalism” and “bureaucratism” during preventing student bullying, to a great extent, it is actually targeting them by requiring all the educational administration authorities and schools to completely examine potential problems of all aspects of student bullying issues and all levels of educational supervision agencies are required to jointly inspect the works of the relevant authorities and schools and seriously investigate and affix the responsibility for gross neglect of duty or dereliction of duty.¹³³

On June 1st, 2021, the Ministry of Education launched a Regulation on the School Protection of Juvenile (hereinafter, the Regulation 2021), as in force since September 1st, 2021, which sets up a special Chapter on “Special Protection”.¹³⁴ In the Regulation 2021, the school is required to establish a special mechanism to prevent student bullying, including building a treatment system of “zero-tolerant” and a care and support system for the bullied students;¹³⁵ the school is required to establish a governance organization for the student bullying, in which the member includes the school staffs, Vice-principals of rule of law, law council, legal expert, parent and student representatives, and the school is require to periodically proceed special investigation and assess the situation of student bullying;¹³⁶ the definition of student bullying is given more detailed enumeration by the Article 21 of the Regulation 2021 and the standards are lowered in it;¹³⁷ the school staffs are required to concern the student who may be at a weak position or special situation because of the health, family background and academic record, and it should be timely intervention if the student is isolated or excluded from activities. In fact, the Regulation 2021 stipulates a lot of details in the Chapter 4(Management Requirements) and the Chapter 5(Protection Mechanism) for the purpose of establishing schools with a good atmosphere to prevent student bullying.

5. Conclusion

Deplorably, when we came to write this conclusion, we read three shocking reports of student bullying cases in Fujian Province, Hubei Province and Sichuan Province. One involved a grade 6 female student in an elementary school in Fujian Province who was bullied; a video of the bullying was made by the bullying students and then posted on the Internet; another case involved 2 high school girls who were killed by a male

¹³² Ibid.

¹³³ See “Working Program of Special Governance on Preventing Bullying among Primary and Secondary School Students,” Educational Elementary Office Notification, No.5, 2021.

¹³⁴ Regulation on School Protection of Juvenile, Decree No.50, 2021.

¹³⁵ Ibid, article 18.

¹³⁶ Ibid, article 19.

¹³⁷ Ibid, article21.

classmate in a school in Hubei Province; the third case is that a girl was continuously and seriously hit by some junior school girls of her age, including a dropout girl, due to the victim was not made up when she came to the party. Undeniably, there is a genuine paradox in the student bullying prevention system. While the relevant authorities take strict measures and build up a system to prevent student bullying, instead of the problem being effectively controlled, it occurs occasionally. This phenomenon is inevitable but, in certain extent, also related to the institutional arrangements, whose principles lack operability and overly emphasize the responsibility of the school managers and overly highlight the “harmoniousness of dispute resolution” after the bullying has occurred. This is exacerbated by a school climate in which a sense of distrust between teachers and parents has developed and spread, a school management system, and a family dynamic in which the child is overly indulged and parents place too much emphasis on academic performance, while the child’s psychological health does not receive enough attention from parents or other guardians. Actually, student bullying is merely one of the factors which increases social anxiety in the field of education, because the problems of student bullying clearly and specifically reflect the reality gap among the values pursued, the institution set-up and the preventive practice, and all of them clearly reveal the conflicts among the authorities, guardians and school managers. Moreover, it can, to a great extent, also directly show a dysfunctional family environment and an unhealthy relationship between guardians and children. Recently, however, we are seeing that legislators are responding positively to social concerns by lowering the age of criminal responsibility after the failure of administrative preventive measures in practice. In a word, the problem of student bullying cannot actually be rooted out, but it could, to a certain extent, be prevented and limited if the relevant prevention system, the school climate and the family environment were changed in an effective way.

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