

Revision and Interpretation of the Law on the Protection of Minors

Zihan Wang

School of East China University of political science and law University, Shanghai, China.

Abstract

The revision of the law on the protection of minors is summarized, including the changes in the chapters of family protection, school protection, social protection, judicial protection and legal responsibility, and the new chapters of network protection and government protection. The revision of the juvenile protection law is rooted in China's local practice, absorbs the essence of foreign laws, clearly puts forward the principle most conducive to minors, strengthens the protection of minors, echoes with the international protection of minors, and continuously enhances the enforceability of the law. At the same time, it describes the legislative trend of juvenile protection law.

Keywords

Law on the Protection of Minors; The Principle of Most Favorable to Minors; Mandatory Reporting; Legal System.

1. The background of the new law on the protection of minors

The first law of the people Republic of China on the protection of minors was adopted at the 21st session of the Standing Committee of the Seventh National People Congress in September 1991. So far, it has undergone three revisions, namely, revision in 2006, revision in 2012 and revision in 2018. In 2006, the revision of the law on the protection of minors increased 72 articles from the original 54 articles, clearly put forward that minors have the basic rights of survival, development, protection, participation and education, clearly defined the principles for the protection of minors and stipulated the responsibilities of the government and its relevant law enforcement subjects, and improved and strengthened the protection of families, schools, society and justice Strengthen legal responsibility and strengthen the enforceability of law. The amendment of the unprotected law in 2012 is based on the 2006 Amendment to protect minors; rights as criminals and suspect. By September 2018, the Social Construction Committee of the National People & apos;s Congress had established a leading group for the revision of the law on the protection of minors to start revising the law on the protection of minors. From the revision of the unprotected law in 2018 to October 2020, it has undergone three reviews and solicited the opinions of all sectors of society. The revised bill was adopted at the 22nd Meeting of the Standing Committee of the 13th National People& Congress in 2020 and will come into force on June 1, 2021.

First of all, the demand for the protection of minors is higher and higher. General secretary Xi Jinping stressed that "youth is the future of our motherland and the hope of our nation." Our party is determined to contribute to the lasting cause of the Chinese nation. We must cultivate generation after generation of useful talents who support the leadership of the Communist Party of China. socialist system and are determined to fight for the cause of socialism with Chinese characteristics for life. "Minors are the fresh blood of China development, but the incomplete physical and mental development of minors is fragile, which requires the state, family, society and other aspects to strengthen protection and refine the behavior of protection responsibilities, so as to effectively protect the rights and interests of minors. Secondly, with

the continuous media of society, media constitutes the continuous representation of our contemporary society. Everyone in society can contact this representation under a certain framework. When individual life is closer to the broad society, it enhances the change of social and personal habits. [1] Therefore, minors can come into contact with the media and form their own media usage habits following the operation logic of the media. When minors are not effectively supervised and protected, their rights will be infringed by network sexual abuse, abuse, network fraud, personal information disclosure and other events. The law needs to keep pace with the times, respond to the new problems in modern society, and effectively protect the rights of minors in the real and virtual society. Finally, the juvenile protection law with basic significance played a lower role in the past practice. According to the statistics of some scholars, the probability of using its legal provisions to adjudicate juvenile cases is low.

2. Major changes in the newly revised law on the protection of minors

The idea of amending the uninsured law is to amend it under the current legal framework. [2] First, focus on solving the prominent practical problems. The revised non insurance law has preventive and protective measures related to the bullying of middle school students, sexual abuse, abuse and violence against minors by employees in industries related to minors; Secondly, the mature practice will be upgraded to law in time. In May 2020, the Supreme People 's Procuratorate, the State Supervision Commission, the Ministry of education and other nine departments jointly issued the proposal on the establishment of a compulsory reporting system for cases against minors, which made it clear that public officials should immediately report or report to the public security organ if they find that minors have suffered or are suspected of suffering illegal infringement and are in danger of illegal infringement. In February 2020, a case of guardianship violation reported decisively by medical personnel in Henan Province Based on the compulsory reporting system. In practice, the compulsory reporting system plays an important role. In this revision, the mandatory report is included, the subject of the report is expanded, and relevant departments such as civil affairs and education are added; Finally, handle the relationship between this Law and other laws. In this revision of the non insurance law, the compulsory reporting system is clarified, but the situation of compulsory reporting is not stated excessively. For specific situations, refer to the suggestions on establishing a compulsory reporting system for infringement on minors, and do not repeat the provisions with other legal provisions. [3] Under the guidance of the revised ideas, the chapters of family protection and social protection are revised respectively.

2.1. Refinement of the general provisions of the law on the protection of minors

2.1.1. Clearly put forward the principle of the most beneficial to minors

The principle of most beneficial to minors is to choose the scheme most beneficial to minors in the process of protecting minors, so as to maximize the interests of minors. At the same time, the principle of the most beneficial to minors is also China's echo of the four basic principles of the Convention on the rights of the child. China is not only safeguarding its children rights, but also actively abiding by its obligations as a big country.

2.1.2. Clearly put forward the national parental power

It increases the state obligations in the custody of minors, puts forward that the state plays a role in guiding, supporting, helping and supervising parents and their guardians, and also defines the state 's role in the protection of minors and the function of providing relief and security for children in difficulty. It makes it clear that the relevant subject of implementation is the Civil Affairs Department, and further refines the subject object of relief, It enhances the operability of its method.

2.1.3. New mandatory reporting system.

The reporting, control and compulsory reporting system stipulates the subject of the report, the object of the report and the responsibility of the report. The mandatory reporting system means that when minors are infringed, relevant personnel are responsible for reporting to relevant departments, and corresponding punishment shall be imposed for failure to report in time. It is difficult to find and obtain evidence of minor violations. Putting forward the compulsory reporting system can enable minor victims to be protected in time and reduce the work difficulty of relevant departments.

2.2. Changes in family protection in the law on the protection of minors

2.2.1. Broaden the subject of family protection and refine the obligations of the subject

The revision of the law clearly points out that the protection of minors is not only the responsibility of parents and their guardians, but also the obligation of assistance of other adult family members living together. In the chapter of family without legal protection, Article 16 clearly stipulates the guardianship duties that minors's parents or other guardians should perform, and lists ten items in detail. Article 17 clearly stipulates 11 acts that parents and their guardians shall not perform. Compared with the old law, it clearly stipulates the responsibilities and obligations of parents and their guardians, clarifies the obligations of parents and their guardians and other protection subjects, and alleviates the problems of parents and their guardians failing to perform their duties to a certain extent.

2.2.2. New mandatory family reporting requirements

When the perpetrator is the minor parent or guardian, other adults living together have the reporting obligation, which highlights the importance of increasing the subject of family protection. At the same time, it stipulates the reporting responsibility different from other subjects. When parents and their guardians find that minors are suspected of being injured, they can report to the relevant departments. At the same time, they also need to understand the relevant situation and take certain protective measures. The protection of minors is not only the government's social protection, but also provides direct and powerful measures from the family, so as to minimize the harm of minors. If the case is serious, it shall be reported to the public security, civil affairs, education and other departments immediately. It includes two levels of content. First, if the circumstances are not serious and the parents and their guardians think it can be solved through negotiation in other ways, the report may not be required; Second, when the circumstances are serious, immediately report to the relevant departments.

2.2.3. Increase the temporary guardianship of family protection

Specifically, minors under the age of eight or in need of special care shall not be left unattended, and minors under the age of 16 shall not be separated from custody and live alone. At the same time, it also stipulates the conditions for temporary clients and long-term clients. The protection of minors's basic rights has been further strengthened. It also stipulates to strengthen family education related to parents and their guardians and enhance communication with children. This provision shows the idea of amending the law on the protection of minors and provides corresponding protection for left behind children.

2.3. Supplement to the law on the protection of minors in school protection

2.3.1. In terms of teaching and educating people

It is clearly pointed out that schools should care for minor students, not discriminate against students due to family, physical, psychological and learning ability, and establish information files for left behind children and minors in distress. The added content pays more attention to the protection of minors's personality and other basic rights. At the same time, it establishes information files for minors with difficulties such as left behind children, further

constructs a protection assistance network, and improves the protection efficiency of minors. For minors, the content of education has increased psychological education and labor education. Due to the network induced suicide of minors, such as blue whale suicide game, academic pressure, epidemic situation, learning at home and other reasons, minors will cause psychological obstacles, resulting in extreme behavior. In this regard, the bill focuses on Amending and refining this aspect, so as to promote the protection of minors in all aspects and make minors grow up healthily in body and mind. In terms of teaching and educating people, it emphasizes the labor education for minors, which is an important content of socialist education with Chinese characteristics. Respect for labor, diligence and thrift are the fine traditional culture of the Chinese nation. Strengthening labor education for minors not only conforms to the development of modern China, but also promotes the inheritance and development of China's traditional culture. With the rapid development of China, in the face of foreign culture, including some dross culture, such as money worship, hedonism and other cultural ideas, not only infringe on adults, but also minors who do not have mature identification ability are more vulnerable to dross culture. At the same time, China has implemented family planning for many years. Most families have only one child. Parents are not mature enough in education, which makes their minors spoiled, lazy and other bad values and behaviors. It is emphasized that labor education will help minors form good values and living habits and provide more fresh blood for China's development in the future.

2.3.2. In terms of security

we have increased the responsibilities of schools and kindergartens to prevent students from bullying, sexual assault and sexual harassment. At the same time, we have also added the obligation of compulsory reporting by schools. With the campus bullying and juvenile sexual assault cases coming into public view, people's voice for the protection of minors is getting higher and higher. According to the data released by the Supreme People's Procuratorate, campus teachers and relevant personnel account for a certain proportion of cases of sexual assault, indecent assault and insult to minors. Therefore, the amendment of the act not only increases the requirements for the internal hardware facilities of the campus, such as increasing monitoring, asking and investigating the relevant background of relevant staff before employment, taking relevant measures, but also adds sex education to the teaching content, enhances the minors' own protection awareness and relevant knowledge, and improves their ability to protect themselves.

2.4. Amendments to the law on the protection of minors in social protection

2.4.1. Detailed the relevant responsibilities of residents' committee and villagers' committee

Most of the protection of minors is carried out by the government and its relevant personnel. However, due to the closer living distance between residents' committees and villagers' committees and minors, they can better and more carefully understand the relevant situation of minors and maintain sustained and stable attention to the relevant work of minors, which is a substantive protection of minors. At the same time, it also stipulates that the residents' committee and the villagers' committee have the responsibilities of reporting and taking care of minors, and clearly points out the responsibilities of the residents' committee and the villagers' committee.

2.4.2. The relevant responsibilities of the press for the protection of minors have been added

The news media shall strengthen publicity and public opinion supervision on the protection of minors, and shall not infringe upon the legitimate rights and interests of minors in reporting and interviewing activities. In 2018, the exposure of six primary school students led by primary

school principals and civil servants to Bao Shuming & apos;s sexual assault case not only made the incident of sexual assault on minors appear in front of the public, but also increased the attention of all sectors of society to the protection of minors. At the same time, it also brings a series of problems, such as secondary injury to the rights of victims and their family members, such as basic information, privacy and reputation, public opinion trial, image stigmatization of teachers and children, etc. it is very necessary to strengthen the standardization of the news media and the delimitation of their responsibilities.

2.4.3. Provisions on the safety protection of minors in public places have been added

It is stipulated that public places need to be equipped with safety alarm system to protect minors in case of public emergencies. Minors have relatively weak self relief ability in some public places. For some emergencies, minors are more vulnerable to infringement, so they need more assistance. The amendment of the law complies with the principle of maximizing children & apos;s interests.

2.4.4. Add provisions on the prohibition system of employment inquiry

With the continuous occurrence of sexual assault and bullying of minors in China, the prohibition system of employment inquiry has been increased for relevant staff involving minors. Information sharing reduces the infringement on minors from the source. In the protection of minors, the United States carries out mandatory background investigation on some people with criminal records, and needs to carry out background investigation on relevant staff involving minors. Even for some groups with sexual criminal records, they are not allowed to participate in work and activities related to minors. China & apos;s first mandatory reporting app was launched in July 2020, which can help all sectors of society to comprehensively protect minors. It has increased the methods and channels for each citizen to protect minors, strengthened people's correct measures and scientific knowledge related to the protection of minors, and understood their obligations and responsibilities.

2.5. Renovation of the law on the protection of minors in the area of judicial protection

2.5.1. Make it clear that the procuratorial organ is the supervisory organ, and incorporate female staff into the working system

Due to the careful, gentle and patient advantages of female workers, it is easier for minor victims and minor offenders to contact and reveal their feelings. At the same time, the new law carries out certain vocational training and vocational evaluation for personnel engaged in juvenile related cases. Because minors are in a special stage of life and all aspects of physiology and psychology are in the stage of growth, there are certain reasons for training and evaluation of relevant staff.

2.5.2. New provisions on the supervision and support of people's procuratorates to initiate litigation and public interest litigation

For events involving public interests, the procuratorate has the right to conduct public interest litigation against its organizations or individuals. Finally, it clearly points out how to carry out supervision, and strengthens the authority and rigidity of the Procuratorate's supervision on the protection of minors for the events and forms of the mandatory response of the supervision object. At the same time, increase the work and functions of procuratorates, public security organs, people & apos;s courts and other institutions, not only in the judicial protection of minors, but also in the education and publicity of the rule of law for minors.

2.6. New parts of the law on the protection of minors

Network protection and government protection are new contents, and they are also a highlight of the revision of the juvenile protection law. Network protection mainly focuses on network

literacy, network environment, network communication content, information, service, prevention and other aspects.

(1) In terms of network literacy, we have enhanced minors' network literacy, and also increased the provisions on the improvement of minors' parents and their guardians' network literacy. For the network communication content, the supervision and protection subject is added, and the public security organ is added as the protection subject. The critical standard of network information that may affect the physical and mental health of minors is determined, which is divided according to the needs of minors of different ages.

(2) In terms of network services, schools, communities, libraries and other public places and intelligent terminal products should install corresponding protection software to provide services for minors, and inform them how to download and use relevant protection software. It stipulates the obligations of schools, communities, libraries and manufacturers and sellers of intelligent terminal products. It also stipulates that minors cannot bring intelligent terminal products into the classroom, and stipulates the obligations of minors and their parents and guardians.

(3) In terms of network addiction, it is proposed that the main reason for network addiction is minors' addiction to online games. In terms of network addiction, it is stipulated in detail that the relevant product content provided by the network service provider shall not insert game links, and the conditions related to the provision of the game, such as the conditions for registering the game, the time of the game, the classification of the game, etc. It not only makes detailed provisions on online games, but also stipulates that minors who watch online live broadcasting must be at least 16 years old, verify their information and seek the consent of their parents or guardians. At the same time, network service providers should also establish effective complaint and reporting channels, actively accept complaints and reports, timely deal with the contents of information phenomena against minors and report to relevant departments, so as to provide minors with a clean and good network environment conducive to the physical and mental health development of minors.

(4) In terms of network communication, the leakage of personal information of both adults and minors is more serious, especially the minors' ability to protect their own information is weak. In terms of the protection of minors' network information, parents, their guardians and network service providers have made specific provisions on the protection and supervision of minors' information. In the revision of the chapter of network protection, we can see that the current infringement on minors is not only in the real society, but also in the network virtual environment. It is more difficult to find and obtain evidence against minors in the network virtual environment. The addition of provisions on online bullying is conducive to the identification of online bullying by parents, their guardians and Internet service providers, as well as their own obligations and measures to protect minors.

The new government protection strengthens the role of the state and defines the responsibilities of the government in protecting minors

(5) Clarify the responsibilities of various government departments. Government protection points out that in the practice of protecting minors, government departments shirk their responsibilities from each other. The revised law clearly points out that governments above the county level should have special protection departments and their staff for the protection of minors, and corresponding workstations should be set up for township governments and sub district offices. Further stipulate the responsibilities of the government, the government undertakes the coordination of the protection of minors and its relevant parts, and encourages and supports all social forces to provide family education services. The provisions on temporary and long-term guardianship of minors by the civil affairs department are added, specifically listing the conditions under which the Ministry of civil affairs can carry out

temporary and long-term guardianship of minors. At the same time, it also further stipulates how the civil affairs department can supervise minors and when the adoption relationship of minors is established, The civil affairs department will terminate the guardianship of minors. The revised provisions also put forward that the protection of minors is not only the responsibility of civil affairs departments, but also the common responsibility of finance, education, health, public security and other departments. All departments need to coordinate with each other and give full play to their functions to provide multi-dimensional protection for minors in difficulty.

(6) Strengthen the protection of special groups among minors. Most of the relevant laws are about the protection of left behind children, minors in distress, disabled minors, etc. Further provisions are made on the life and health, psychological problems and access to education of such minor groups, echoing the view of relevant scholars that the previous minor protection law protected ordinary children and that the protection of some disadvantaged children and other groups was not comprehensive.

(7) New national unified hotline. The opening of a unified national hotline for the protection of minors by the people's governments at or above the county level is a highlight of this chapter. A hotline for the protection of minors and an inquiry system for illegal and criminal records in close contact with relevant employees of minors have been opened to encourage all sectors of society to participate in the protection of minors. At the same time, the probability of minors' contact with relevant criminals has been guaranteed, the possibility of minors being infringed has been reduced, and an integrated protection mechanism has been formed.

In addition, the newly revised law on the protection of minors has also been further improved in terms of legal liability. Compared with the old law, the biggest amendment of the new law is to give specific punishment for violating this law or relevant laws, increase the rigid requirements of the law and the authority of the law, and increase the enforceability of the law on the protection of minors. There are clear provisions on the punishment for violating the law, which enhances the predictability of the law. Learn from foreign laws, increase the legal liability for mandatory reporting obligations, and better promote relevant personnel to fulfill the obligations and responsibilities of mandatory reporting stipulated by law.

3. Legislative trend and future trend of the newly revised Juvenile Protection Law

3.1. Legislative trends

3.1.1. Practical connection and reference of foreign laws

The new network protection chapter of the unprotected law can and respond to the new problems in contemporary China. Facing the prominent problems such as Internet addiction, we should make corresponding legal provisions and bring them into the legal level. At the same time, the inclusion of the mandatory reporting system in this amendment also responds to the reality of China's development. In the practice of molesting primary school students by security guards in 2018, protecting 10-year-old children by medical personnel according to the compulsory reporting system in 2020, and protecting sexually assaulted female students by primary school teachers in Jiangsu Province in 2019, the compulsory reporting system has played a vital role in protecting minors. The compulsory reporting system originated from the model reporting law formulated by the U.S. children's Bureau in 1963, which requires that the main body of the report is medical personnel. If a minor is found to be seriously injured due to non accidental reasons during treatment, he shall report immediately. [4] With the implementation and establishment of the mandatory reporting system in the United States, the scope of the subject of mandatory reporting in the United States is expanding, not only limited to medical personnel, but also including doctors, educators, police and other subjects. The

revision of the non insurance law draws lessons from relevant laws and makes more strict provisions on the subject of the report. In Article 11, it clearly defines the subject of the report as state organs, residents' committees, villagers' committees, units in close contact with minors and their staff. At the same time, the reported subjects are supplemented. There are no clear penalties for those who fail to fulfill their mandatory reporting obligations in the mandatory reporting system of the United States, but some states of the United States still provide corresponding penalties. China is still exploring the establishment of the compulsory reporting system. Without corresponding punishment, the effectiveness of the law cannot be effectively implemented. Therefore, drawing lessons from the laws of the United States, Article 1 of Chapter VIII Legal Liability of the law clearly stipulates that failure to perform the reporting obligation causes serious consequences, The competent department at a higher level or the unit to which they belong shall give sanctions to the persons directly in charge and other persons directly responsible according to law.

3.1.2. Clarity of the principle most conducive to minors

The principle of the most favorable to minors echoes a core "principle of the best interests of the child" in the law on minors "The principle of the best interests of the child is the primary principle of the Convention on the rights of the child. At the same time, it is also a basic principle that other countries attach importance to. For example, the British children's law clearly shows this principle. At the same time, this principle is refined and puts forward the evaluation standard of maximizing interests Article 3, paragraph 1, of the Convention on the rights of the child stipulates that "the best interests of the child shall be a primary consideration in all actions concerning children, whether implemented by public or private social welfare institutions, courts, administrative authorities or legislative bodies". As a vulnerable group, children have the same rights as adults. When it comes to the rights of minors in judicial practice, we need to consider the maximization of the interests of minors. Lisman put forward the psychological spiral theory, in which the introverted oriented social character, children develop themselves in the established route like a gyroscope under the framework constructed by their parents. [5] Especially in the family model under the management of Chinese parents, minors' rights such as personal freedom and freedom of speech are easy to be ignored. The previous law on the protection of minors did not clearly put forward the principle of the most beneficial to minors, and the subject status of protected minors was low. Therefore, this time, it is more clear that the principle most conducive to minors is not only the strengthening of the awareness and strength of various subjects for the protection of minors, but also the positive response of a large country to the international call for the protection of minors.

3.1.3. Enhancement of enforceability

The amendment increased from 72 articles to 132 articles, further clarifying and detailing the specific matters of the protection of minors. In the chapter of legal liability in Chapter 8, there are clear provisions that those who violate the regulations will be given warnings or fines. The corresponding clear setting of the amount of fine is conducive to the relevant law enforcers to grasp the strength and boundary of punishment in judicial practice. At the same time, it also strengthens the first responsibility of parents or other guardians and the responsibility of state infringement. In the face of the protection of minors' rights and interests, all subjects can not shirk their obligations on the grounds of vague legal provisions, resulting in the continuous infringement of minors' legitimate rights and interests. In the chapter of family protection, it lists the behaviors to be done and prohibited behaviors in detail, which not only makes family members understand their obligations, but also provides a clear indicator for judicial practice. In the revised law on the protection of minors, a large number of provisions have been added, detailing the rights and obligations of all subjects, and clearly summarizing the obligation norms of all subjects, so as to enhance the enforceability of the law.

3.2. Legislative trends

3.2.1. The legal provisions need to be further optimized

Firstly, the obligation standard of the responsible subject is refined. In the new chapter of network protection, the definition of network literacy is vague. Therefore, the definition and standard of network literacy are vague and need to be further refined. Corresponding to the first regulation in the chapter of network protection, minors should enhance their awareness and ability of scientific, civilized, safe and rational use of the network. However, with China's continuous integration into the world, it is no longer facing the impact of domestic network, but also the impact of international network. Relevant domestic scholars continue to enrich the concept of network literacy. Network media literacy not only includes the content of network awareness and ability, but also with the rapid development of the times, the concept of network literacy will continue to add new content and improve new standards in line with social changes. Network literacy includes media literacy for information identification by using media, information literacy for information identification, examination, planning, collection, evaluation, management and release, and digital literacy for information, communication, content creation, security awareness and problems. [6] Therefore, we need to further clarify the concept of network literacy and define the level of network literacy that minors of different ages should achieve. According to the requirements of network literacy of different ages, the corresponding countries, society, schools and families should diversify the ways of training and education of minors, not only to strengthen the publicity and education of minors' network literacy.

Secondly, we should make comprehensive and clear provisions on the subject of responsibility. The subject scope of improving network literacy is further expanded and the standard is defined. The chapter of network protection clearly points out in articles 64 and 71 that cultivating and strengthening the media literacy of minors and their parents and guardians. However, in this chapter, the subject of the protection of minors is not only the minors themselves and their parents and guardians, but also the information network department and its relevant government departments and the providers of network service products. There are no clear provisions on the network literacy of these subjects, and the network media standards of the subjects are not differentiated and accurately defined. With the convenience of network use, every citizen can become a provider of network content and provide services for minors. The media literacy and professional standards of network service providers are uneven, such as the related problems caused by the low professional literacy of journalists in the report of Bao Shuming's sexual assault case. There is no threshold for network users, and minors face a complex network environment. We need to further strengthen the regular training of relevant government personnel and their network service providers, constantly improve the awareness of serving according to law, enhance professional skills and improve network literacy. For different network subjects, the standards of network literacy are diverse, and corresponding standards should be put forward for different subjects.

3.2.2. Enforceability needs to be further strengthened

First of all, the legislative ideas still follow the premise of maintaining the original basic framework and main contents. This means that there are still idealized legal provisions in the new law. Compared with the old law, the amendment of the legal provisions of the new law increases the practicality of this law, and stipulates the rights and corresponding obligations of the subject of juvenile protection in each special chapter. For example, in the chapter of family protection, it clearly lists the responsibilities and behaviors that parents and their guardians should not perform for minors, increased the enforceability of the law. However, for left behind children, the revised minors' law stipulates that parents and guardians of minors communicate with minors and clients at least once a week to care for minors, but the law does

not further stipulate how to solve when parents and guardians fail to communicate and undertake corresponding obligations. There are no clear provisions on the behavior supervision of parents and guardians of left behind children. It is still ideal to rely on the provisions of the law without corresponding supervision measures.

Secondly, there are no clear provisions on the implementation procedures of the law on the protection of minors. In the Convention on the rights of the child, in order to promote the effective implementation and monitoring of the Convention, the second part of the Convention provides for the establishment of the Committee on the rights of the child, which members are composed of, the rights and obligations of members and the term of office of members. It provides a strong guarantee for the effective implementation of the Convention on the rights of the child. Corresponding to the revision of the law on the protection of minors in China, although it clearly stipulates the subject and responsibilities of the protection of minors, the provisions on the implementation, operation supervision and operation procedures of the legal provisions are still in a vague state. Tamanaha pointed out that the substantive rule of law includes the formal rule of law, and the juvenile protection law, as the substantive law, should include the definition of the implementation procedure. [7-10] The fuzziness in this aspect leads to the weak enforceability of the juvenile protection law to a certain extent, and the implementation of some publicity and initiative legal provisions has not been accurately verified, thus damaging the authority and credibility of the juvenile protection law as a law.

3.2.3. The juvenile legal system needs to be continuously improved

First, clarify the relationship with other laws and regulations. The idea put forward in the revised draft of the law on the protection of minors is "where there are clear provisions in other laws, this law only makes principled and cohesive provisions. Where there are no provisions in other laws or the provisions are not perfect, specific provisions shall be made in this law as far as possible". In the relevant laws, the protection content of minors has been further optimized, but the problems not covered by other relevant laws are not covered by the revised uninsured law. The revised law on the protection of minors does not specifically list the specific circumstances of compulsory reporting. The opinions on the establishment of a compulsory reporting system for cases against minors (for Trial Implementation) clearly stipulates that minors suffer or are suspected to suffer illegal infringement and are in danger of illegal infringement, Among them, the provisions on the subject of sexual assault on minors only clearly put forward female minors, and do not summarize the situation of sexual assault on male minors. At the same time, most of the restrictions on compulsory reporting in the juvenile protection law and the opinions on the establishment of a compulsory reporting system for cases against minors (Trial Implementation) are that minors have been seriously infringed on their bodies, and there is no definition of the initial situation, which can not provide more effective protection for minors.

Finally, the establishment of relevant special laws is added. Only two special laws on minors are far from enough. The legal construction of minors in Japan has a long history, and its law covers all stages of the growth of minors. Japan's legal system on minors is also based on the constitution, but it has promulgated more special laws, such as the child welfare law and the basic law on social countermeasures for fewer children. A relatively complete legal system has been formed. At the same time, Gao Weijian also called on China to establish a juvenile code to improve the legal status of minors and provide a complete system for the protection of minors.

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