

Причины и меры борьбы с насильственными преступлениями в школах Китая

On the Current Situation, Causes and Management Countermeasures of Violent Crimes in Schools in China

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Аннотация. В последние годы проблема преступности среди несовершеннолетних, особенно проблема насильственных преступлений в студенческих городках, становится все более актуальной и вызывает озабоченность общественности. К насильственным преступлениям в кампусах применимо выражение: «Один неосторожный шаг может привести к проигрышу всего». Это серьезно угрожает безопасности проживающих в кампусе, даже оказывает значительное влияние на физическое и психическое здоровье несовершеннолетних и стабильность системы социального обеспечения. Поэтому все слои общества должны уделять этой проблеме большое внимание.

В данной статье рассматриваются преступления, связанные с насилием в школе, и меры по их предотвращению, анализируются соответствующая литература в стране и за рубежом, научные исследования и судебная практика.

В статье также исследуются природа и причины насильственных преступлений в школах, анализируется необходимость предотвращения насильственных преступлений в школах, а также обосновываются соответствующие юридические рекомендации по предотвращению насильственных преступлений в школах.

Ключевые слова: насильственные преступления в школе, преступность среди несовершеннолетних, текущая ситуация, причины, меры борьбы

Abstract. In recent years, the problem of juvenile crime, especially the campus violence crime has become increasingly prominent, and has become a hot issue of public concern.

The problem of campus violence crime can be described as "one careless move will lose the whole game", which has seriously threatened the campus security, and even has a significant impact on the physical and mental health of minors and the stability of social security. Therefore, it must be paid high attention by all walks of life in the society.

This topic in order to solve this problem, the impact on the attribution of school violence crime and prevention countermeasures are studied, the related literature at home and abroad research and practice, on the basis of combining with the judicial practice of campus violence governance at home and abroad, through to the campus violence causes properties of carding, analysis the harm of campus violence, school violence crime prevention and control countermeasures, thus effectively preventing school violence crimes do for the society from all walks of life make recommendations.

In this article, we analyze the nature and causes of violent crimes in schools, analyze the necessity of preventing violent crimes in schools, determine the harmful effects of violent crimes in schools according to the current situation and development trend of violent crimes in schools, and provide corresponding legal suggestions for preventing violent crimes in schools, in order to purify the environment for healthy growth of minors and better protect the legal rights of minors, and hope to contribute to the implementation of effective prevention of violent crimes in schools for all sectors of society.

Keywords: Violent crime in school, Juvenile crime, Current situation, Causes, Measures to control

I. The current situation of violent crimes in schools in China

(I) The concept of violent crimes in schools

1. The concept of campus violence

Campus violence is a generic term that applies to students who are subjected to violence by other students on campus or who seriously threaten to affect their physical and mental health. School violence is a very serious phenomenon that is inevitable in both domestic and international environments, and it takes on different forms and qualities as society continues to progress. As the most critical place for students to grow and learn, and the primary place for cultivating students' outlook on life, worldview and values, the existence of school violence seriously affects students' physical and mental health, and has an incalculable negative impact on students' physiology and psychology, so it is important to explore the phenomenon of school violence and analyze its causes. It is important to apply a scientific approach to school violence to clarify, apply effective prevention methods and control a reasonable punishment system to provide a safe and comfortable learning environment for students, which is conducive to their physical and mental health and the formation of a good outlook.

2. Campus violence crimes

According to Article 13 of the Criminal Law of the People's Republic of China, "All acts that endanger the sovereignty, territorial integrity and security of the state, split the state, subvert the people's democratic dictatorship and overthrow the socialist system, disrupt the social and economic order, infringe on state-owned property or property collectively owned by the working masses, infringe on the property privately owned by citizens, infringe on the personal rights of citizens, the democratic and other rights, and other acts that endanger society and are punishable by criminal penalties in accordance with the law are crimes, but if the circumstances are significantly minor and not harmful, they are not considered crimes."

Combined with Article 38 of the Law of the People's Republic of China on the Prevention of

Juvenile Delinquency, which covers acts committed by minors that have criminal law provisions but are not subject to criminal punishment because they are under the legal age of criminal responsibility, as well as acts that seriously endanger society, it follows that the crime of school violence is a crime under Chinese criminal law, which includes physical and psychological violence committed by the perpetrator against teachers and students, property owned by the school or teachers and students, and It includes violent acts committed by the perpetrator against teachers and students, violent acts committed against the school or property owned by teachers and students, and violent acts committed by teachers and students against members of the community, usually manifested in the crimes of robbery, intentional injury, and provocation and nuisance, etc.

(II) Manifestations of violent crimes in schools

Combined with the data provided in the White Paper on Prosecution Work for Minors (2014—2019) released by China's Supreme Prosecutor on June 1, 2020, the analysis reveals the following manifestations of the current situation of violent crimes in schools in China:

1. The overall situation of violent crimes in schools is stabilizing and improving, with the number of crimes decreasing year by year. Since the inclusion of statistics in 2017, the procuratorial authorities have approved arrests and prosecuted campus bullying and violent crimes in a downward trend, with 4,157, 2,785 and 1,667 approved arrests from 2017 to 2019, down 33.00 % and 40.14 % respectively, and 5,926, 4,590 and 2,914 prosecutions respectively, down 22.54 % and 36.51 % respectively, reflecting that China has achieved initial results in the construction of campus safety and rule of law education (Fig. 1).

2. The crime of campus violence is relatively concentrated, and the trend is "two down and three up". Combined with the 2014—2019 review and prosecution of minors suspected of crimes, "two down" refers to the number of robbery and intentional injury crimes in the school violence crime declined year by year, compared with 2014, 2019 robbery and intentional injury crimes were reduced

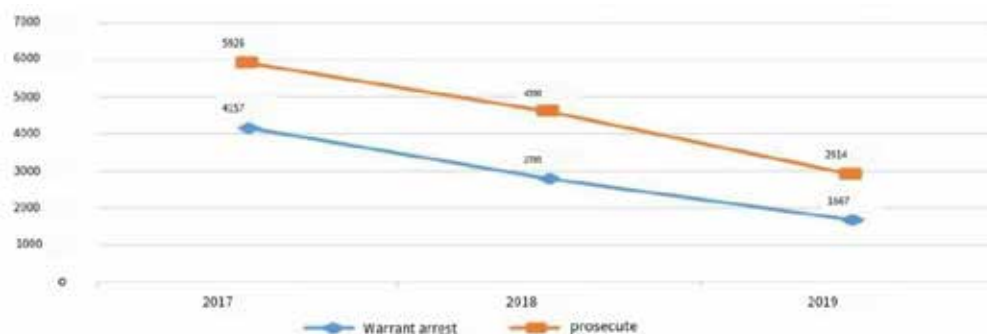


Figure 1. Bullying and violent crime in schools, 2017—2019

by 61.15 %, 52.01 %; "three up" refers to, with 2016 as the node, the procuratorate accepted the review and prosecution of minors suspected of crimes, 52.01 %; "three up" refers to, with 2016 as the node, the procuratorate accepted to review and prosecute the number of crimes related to violent crimes in school mobbing, provocation, rape crimes rose year by year, 2019 compared to 2016 rose 92.22 %, 77.88 %, 101.85 % respectively (Fig. 2).

(III) The characteristics of school violence crimes

1. Group

From the school violence incidents exposed by the network and the media, we can find that most cases are multi-on-one violence, and there are some cases of multi-on-many violence. Group violence can be summarized as two or more people teaming up to commit violence against a single individual to violate the rights and interests of a single individual. For example, in a

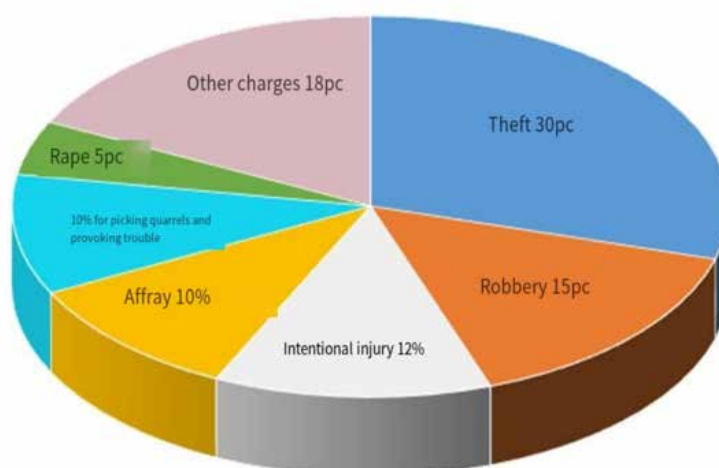


Figure 2. Alleged charges of minors accepted for review and prosecution, 2014—2019

3. The proportion of minor defendants who were 16 years old or younger than 18 years old and were enrolled in high school or vocational high school was relatively high. The reason for the low proportion of defendants who were 14 years old or younger than 16 years old is related to the special provisions of the Criminal Law, which stipulate that the above-mentioned groups of people are only criminally liable for eight types of special crimes, i.e., they have the status of defendants, so the above data are for reference only and do not fully reflect the school violence rate of these groups. The actual crime rate.

4. The proportion of cases in which the use of a murder weapon caused casualties, and cases in which the perpetrator surrendered after committing the crime and reached an agreement of understanding were high. In school violence cases, there is a high probability that the defendant can be found carrying and using a murder weapon as well as realistically causing serious injury or death to the victim. However, in such cases, whether to protect the minor or not to ruin a child's life because of a momentary mistake, there is a high percentage of defendants who turn themselves in after the crime and reach an agreement of compensation and understanding with the victim.

violent incident at a middle school in Zhejiang Province reported in the People's Daily on June 21, 2015, several teenage boys committed violence against a boy as young as six years old by tying him with a rope and then punching, kicking, and burning the little boy with cigarette¹s; on April 12, 2019, the Guoxia City Daily reported that seven girls and three boys from a middle school in Xiangcheng joined forces in a street outside that school. In the case of the "Chinese New Network", the number of subjects who committed the violence was huge, and they were bullying the young with more and tyrannical wrists, bringing unmeasurable physical and mental destruction to the abused students. In addition, Guan Hua of the Northwestern University of Political Science and Law's School of Administrative Law has conducted an in-depth study of the facts reported in the report, and the results show that more than half of the cases are cases of violence on campus, and there is a high probability that many perpetrators are targeting a single victim.²

2. Badness

Crimes of school violence are extremely cruel and egregious, hurting in parallel from both physical torture and humiliation of personality. The perpetrators of violence in many school violence incidents exposed on TV, newspapers, and other communication media

¹ Wen Wanzhu: "On the necessity and feasibility of lowering the age of criminal responsibility in China" // The official website of Deyang Intermediate People's Court, Sichuan Province.

² Guan Hua. Bringing Educational Discipline into the Rule of Law" // People's Political Consultative Daily. March 31, 2021. P. 11.

have shown blatant violence, which is extremely inconsistent with the image of innocence that students should display. Blatant acts of violence are manifested by the use of more vicious methods in the process of the perpetrator's unrestrained violence, causing irreparable physical and psychological trauma to the victim.

For example, on November 17, 2020, two women from AB beat a woman of the same age, T. Woman A kept holding T's hair and slapping her frantically, cursing and swearing all the time and seeming to say something repeatedly. After that, T sat down on the ground, and woman A kicked T and held T's head, and slapped T for woman B, one after the other, in a loud voice. During the period, T begged the other side but little effect, was suppressed simply unable to fight back has been beaten. Incidents such as these reveal the viciousness of the violent subject's behavior, and their behavior has been clearly inconsistent with the behavior expected of them as students.

3. More girls

The majority of school violence cases previously reported by the media were committed by male students, who would bully their victims with vicious and cruel violence. However, by analyzing the cases that have come to light in recent years, the proportion of girls among school violence perpetrators has become heavier. In the past, boys were the main perpetrators of school violence according to gender, but nowadays, the number and proportion of girls are on the rise every year. According to the survey data released in March 2019 by "Xinjing News Media", the crime rate of school violence among girls in schools, especially in secondary schools, has increased, and the crime rate of female students in some areas has even reached 52 %, so this performance trend must be taken more seriously.

4. Episodic

School violence is incidental, sudden and unpredictable, and any violent incident has a process from quantitative to qualitative change. In this process, it is necessarily an evolutionary process from low to high, from gradual to sudden change. It was reported that just before the college entrance exam two years ago, a senior student collected protection money from a junior in front of a county high school, and when the junior's parents came and mishandled the situation, the senior student suddenly had a large mood swing, which eventually led to the violent consequences of smashing cars and injuring people. In the campus, the youth group is highly concentrated, the vast majority have a strong sense of justice, teenagers of this age group is a characteristic of their love of fighting non-violence, a high degree of passion will be accompanied by huge mood swings, so they are also very easy to be incited, often things are not handled properly, by the emotions around the uncontrollable themselves, will suddenly occur violence.

II. Analysis of the causes and trends of violent crimes in Chinese schools

(I) Individual dimension

An in-depth study of school violence reveals that the perpetrators of school violence have a propensity for violence themselves. Teenagers are immature in physical and mental development, have not yet formed a world view, have simple and changeable thinking patterns, and have not yet formed an independent personality, but at this stage have a strong interest in the outside world, are psychologically eager to be respected and treated equally, and have a strong sense of self. Because of this, they often have a rejection attitude toward external criticism and suggestions, and are prone to rebellious behavior toward parents and teachers. Psychologists have shown that when a person is depressed and angry, he or she is more likely to act impulsively and even to attack and retaliate against certain objects. Minors are less able to withstand frustration from the outside world, and once they are bullied, ostracized, or demeaned, they often choose to respond strongly if they do not receive timely and effective solutions, which leads to school violence. Since adolescents themselves lack sound cognitive abilities, they do not consider the consequences when committing violent acts and do not properly recognize the adverse effects their actions will have on the victim, family, school, and society. The victims often do not know how to use legal means to protect themselves and choose to suffer in silence or use violence to counter violence when they are subjected to school violence, which further worsens the problem of school violence.

(II) Family dimension

The growth and education of students cannot be separated from their families and even more so from their parents. The reason why children whose parents are separated and divorced, one of them is dead or both parents are dead are prone to character defects is that they have seldom or never been loved and taught by their parents. They do not know whether what they do is legal and reasonable, and lack parental discipline and guidance. Or perhaps both parents often use force to argue, which can easily make children grow up with a distorted personality, lose themselves, and gradually develop a tendency to violence in dealing with various problems in school life.

(III) School dimension

The irrational educational philosophy is mainly reflected in the obvious utilitarian tendency of the school education model³. Although the improvement of China's quality education level has begun to bear fruit, the education concept and education model

³ Ye Yuting. Education evaluation has the right "baton" // China Youth Daily. Oct. 16, 2020. P. 7.

handed down are difficult to change in a short period of time. The idea of teaching to the test still influences students to a large extent, and test scores are still a prerequisite for students to have a bright future and a good destiny. When students enter school, it is like walking into a battlefield. Under the expectation of their parents and the supervision of their teachers, they study hard just to pass the exams with high grades. The school's explicit requirement for teachers to achieve good grades in their classes is not only related to the school's interests, but also directly related to the teachers' personal interests, resulting in the school's teachers "teaching to teach". Therefore, the use of a single performance evaluation system for student evaluation has had a negative impact on both teachers and students, as evidenced by the following three main arguments:

The first point is that too much pressure can lead to excessive psychological tension between teachers and students, and once the limits of personal tolerance are reached, teachers and students are prone to take radical approaches to solve problems. The second point is that some lower-achieving students are more prone to negative psychological problems such as depression, anxiety, and excessive low self-esteem because they have not been recognized by their teachers for a long time. These students are prone to excessive violent thoughts and antisocial thoughts due to being neglected for a long time. As a result, low-achieving students are more likely to give up on themselves when faced with difficult problems, adopt strong rebellious behaviors to attract the attention of teachers and parents, hold deep hostility towards the so-called good students who have excellent grades and receive attention from teachers, and even have violent thoughts of striking them. This is an expression of their resistance to the unequal treatment they have suffered for so long in school, and their strong dissatisfaction with the "all about grades and nothing else" school culture. The third point is that more and more schools are judging teachers' teaching ability and students' overall quality only by students' grades, which leads to the failure to implement the policy of promoting students' all-round development in moral, intellectual, physical, aesthetic and labor aspects, and students' inability to distinguish right from wrong in their learning and intellectual activities. Too much emphasis is placed on grades and exam-oriented education, and the cultivation of ideology and morality and the cultivation of the concept of rule of law are put in an insignificant position, so that students lack moral and legal education, so there are still some students who do not know that their use of violent crimes to attract attention is illegal, and the victims are not clear about how to properly protect themselves in order to prevent being victimized by others.

(IV) Social dimension

Students are not able to distinguish right from wrong in their approach to things, they have less social experience and exposure, they are not mature enough in all aspects of their minds, and they lack the self-awareness and experience in dealing with them to effectively resist activities that may have a negative impact. Although students are curious about the unknown, at the same time they are vulnerable to the poisoning by the illegal import of external violent culture. Especially with the further expansion of reform and opening up and the increase of communication and exchange in foreign trade, the dark side of the cultural market is gradually revealed, in large part because some unhealthy overseas films, books and the Internet are encroaching on the lives of some students and negatively affecting them a little. Some of the movies and films are full of scenes that use violent and bloody means to solve problems, which can easily lead to a radical change in students' consciousness and thoughts, making some students behave abnormally and gradually form an imitation effect in real life, which is undoubtedly one of the common causes of violent crimes in schools. A more common factor is the design of violent and bloody situations in video games, because playing games has become an after-school activity for most students today, and this design can make students who lack the ability to discriminate take extreme violence to solve problems, which in turn breeds the cancer of violent crimes in schools. Many of the violent subjects exposed by the news media have been or were still influenced by a culture of violence when they committed crimes, advocating violence to solve problems. For example, students who are usually obsessed with violent and bloody type games are prone to use violence to solve conflicts between classmates or other problems, resulting in the consequences of violent crimes in schools.

III. Problems in the governance of violent crimes in schools: individual and social intertwining

(I) Differences in individual awareness

Since students on campus are not yet mature and have a low level of awareness, the lighter acts of school violence with self-control will largely be treated as jokes or childish normality and not considered as school violence, while the heavier acts of school violence will usually only be mediated between the actual parties involved, which will easily lead to the distorted understanding that "the problem can only be solved by negotiating compensation afterwards without causing trouble. This can easily lead to the distorted perception that "the problem can only be solved by negotiating compensation afterwards. The degree of school violence that is actually resolved

by the public security and judicial authorities has risen to the administrative or criminal realm, and such extreme cases are extremely rare in the eyes of the parties involved.

(II) Correctional education is in need of practical work

"Specialized correctional education" refers to the correctional measures for underage minors who have not reached the age of criminal responsibility. China's newly revised Law on the Protection of Minors and Law on the Prevention of Juvenile Delinquency in December 2020 stipulate that underage students with serious misbehavior in school can be sent to special schools for correction and education in accordance with the relevant provisions of the law. This forms a closed loop of graded correctional treatment to a certain extent in the management of crime, which has positive significance for the education and correction of minors under the age of criminal responsibility in general, but is still inadequate for minors suspected of serious crimes under the age of criminal responsibility, and the implementation of the relevant system in the supervisory department is still waiting to be improved in conjunction with the actual situation after the official implementation of the above laws.

(III) Deviations in social perceptions

Caring for the growth of minors is a basic concept shared by the international community, and it is also a core element in the governance of juvenile delinquency. China and other countries around the world have had to face the difficult question of how to set standards that are tolerant but not permissive in their efforts to help this group in education, behind remarkable results. In recent years, school education and social governance groups have not realized the importance of discipline in the education and support of minors who are extremely dangerous to school and society, and therefore have shown that equal protection of minor victims is not sufficient.

(IV) Governance regulations still need to be improved

At present, school violence is frequent, and violent crimes in schools show an obvious trend of underage. However, according to Chinese criminal law, those under 14 years of age are not criminally liable, while those under 14 and 16 years of age are only criminally liable for eight crimes with serious social hazards; then refer to the provisions of the Law on Public Security Management Punishment, minors under 14 years of age or older and under 16 years of age are exempt from public security detention for first-time offenders. In practice, school violence crimes are a certain percentage of students between the ages of 14 and 16 years old, and a series of cases of intentional killing of children under 14 years old, but because the crime of school violence is dominated by the crime

of intentional injury, the crime of intentional injury further requires that the injury should be greater than minor injuries, so that it is difficult to pursue criminal responsibility for intentional killing of children under 14 years old, assault or abuse of minors and other minor injuries, this age group. Some of the perpetrators of violence in this age group cannot even be punished by public security detention, and can only be resolved by the school or the relevant educational institution in coordination.

IV. The governance of violent crimes in schools countermeasures

(I) Prevention of violent crimes in schools

1. Legislative prevention

On October 17, 2020, the amendment to the Law of the People's Republic of China on the Protection of Minors was passed and will come into force on June 1, 2021. This amendment further improves China's rule of law network and is of great significance in moving the protection of minors to a higher level of rule of law. A major feature of this amendment is that it reflects the concept of integrated governance involving schools, families and society together. The amendment proposes to clarify the responsibilities of schools and strengthen the institutional requirements for the prevention and control of bullying, sexual abuse and Internet addiction in schools. As part of the comprehensive governance, the new Law on the Protection of Minors also requires schools to educate staff, students and others about the rule of law and implement a protection system for students who are abused and addicted to the Internet. If schools find similar situations in future teaching activities, they will have a complete system to address such incidents.

The new law clarifies the definition of "school bullying" and provides a basis for schools to identify bullying behavior. In addition, the revised Law on the Protection of Minors also imposes clearer responsibilities on schools. Schools are responsible for intervening in cases of bullying, sexual abuse, and Internet addiction, and for notifying parents, public security authorities, and educational administrations. Thus, it appears that the newly revised Law on the Protection of Minors places higher requirements on schools in terms of their ability to protect the rights and interests of students, and also gives further legal system protection for schools to manage the related crime of school violence.

2. Regulation and prevention

Adhere to the principle of following the rule of law, and strictly implement the criminal law for the protection of personal safety and various laws for the protection of minors. According to the different ages of school violence crimes, different criminal measures should be taken according to the severity of the circumstances: those who have reached the

age of 14 or above shall be criminally responsible in accordance with the relevant laws and regulations, and the punishment may be appropriately reduced according to the severity of the circumstances, but shall not be arbitrarily mitigated or exempted from punishment. In addition, the education and training of those involved in the case shall not be carried out blindly, and the corresponding means of education and training shall be adopted according to the criminal characteristics of those involved in the case. According to the statute, the subject of punishment under the age of 16 should be detained by the judicial authorities, instead of just letting the parents reform and educate or letting them do whatever they want on the grounds of being underage. The education system is a comprehensive system and does not rely solely on "parent-teacher cooperation" to solve all problems. If necessary, many social forces can be called upon to participate in the protection of the legal rights of minors. In accordance with the law, there is an urgent need to use the power of the relevant departments of the public security organs, the relevant departments of the education administration and other relevant social organizations to supervise and deal with acts of a serious nature related to violent crimes in schools.

(II) Control of violent crimes in schools

1. Family Governance

Parents or other guardians of minors must assume the responsibility and obligation to discipline students for bullying behaviors, and cannot condone their children's descent into the abyss of violent crimes in schools because of their love for their children. For minors who are addicted to the Internet, both the revised Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency require parents to assume the responsibility of guardianship and education as guardians, reasonably arrange the Internet time of minors at home, guide them to browse and use green and healthy websites and Internet software, and not to ignore their children's addiction to games, let alone condone their children's access to unhealthy yellow, violent, bloody and other cultures. To prevent and reduce the occurrence of violent crimes in schools, it is necessary to create a harmonious and beautiful family atmosphere through the family. Parents should set positive role models for their children, instill correct concepts, help them develop good habits and form a correct system of practical action logic, so as to reduce and avoid the occurrence of violence in schools.

2. School Governance

The development of students' personal habits is inseparable from the influence of the school. Schools should strengthen comprehensive education and actively do a good job of transmitting and

shaping values for students, so as to promote the coordinated development of all aspects of students' moral, intellectual, physical, aesthetic and labor. Therefore, ideological and political education, rule of law education, mental health education and other aspects of the work should not be ignored, schools should guide students to correctly deal with various conflicts in learning life, to teach students to learn to be tolerant and generous, with legal and reasonable and harmonious way to solve problems. It can be seen that school education should focus on enhancing students' ideological and political awareness, legal awareness, responsibility awareness and life safety awareness, and promote the formation of a good school environment and order.

3. Social Governance

To further strengthen education and publicity and create a favorable public opinion atmosphere to curb and prevent violence in schools, strong positive guidance is necessary. The propaganda department should increase the publicity of anti-school violence through public service announcements and special reports, and the judicial authorities should also organize timely publicity and reports while handling cases to respond to social concerns and guide public opinion; the government should attach great importance to and take the initiative to implement a series of initiatives to purify the social environment, because purifying the real social space environment and the online social space environment is an important way to prevent violent crimes in schools and reduce the incidence of violent crimes in schools. In the real social space, we should improve the laws and regulations to prevent school violence, regulate and restrain the system, guide students to develop good and healthy habits, form correct and positive values, and deal with problems on campus rationally; at the same time, we should provide security for students by purifying the campus environment and social environment, enhancing the supervision and control of security inside and outside the campus, and creating a stable and harmonious social atmosphere for students. In the network social space, strengthen the supervision of the network sector, take the essence of the network cultural attitude and remove the dross; optimize the capital composition of the network cultural market, eliminate social reactionary hostility and bad values, advocate mainstream culture and actively promote socialist core values.

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