

The Perfection of the Legal System for Protecting Minors in the Era of Internet New Media

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Abstract: *With the progress and development of the Times, social culture, Internet new media, family education, campus environment, individual connection, psychological level and other factors are affecting the healthy growth of minors. The healthy growth of minors not only concerns the minors' physical and mental health and family happiness, but also concerns the hope of the nation and the future of the country. Law is an important weapon to protect the healthy growth of minors and safeguard their legitimate rights and interests. Under the background of comprehensively promoting the rule of law, improve the level of protection for minors are even more inseparable from the improvement of the minor's legal system. Under the influences of Internet new media, we need enhance protection of minors from legal system, Internet self-discipline, and social constraints. Therefore, this paper focuses on the necessity and specific path of perfecting the legal system for the protection of minors in the era of Internet new media.*

Keywords: *Internet, minors' protection, legal system*

1. The Necessity of Improving the Legal System for Protecting Minors in the Era of Internet New Media

1.1. Cultivate the Concept of the Rule of Law among Minors

In the era of Internet big data, legal governance of school bullying of minors is carried out in order to strengthen minors' awareness of the rule of law, cultivate the concept of rule of law, and learn to consciously abide by the law. Regulate their own behavior in accordance with the law, consciously maintain the social legal order, reduce the occurrence of campus bullying, and prevent the occurrence of criminal behaviors, and cultivate minors' awe of the law. At the same time, learn to use the weapons of the law to protect one's own lawful rights and interests from infringement by others, and to cultivate the ability of minors to seek relief in accordance with the law.

1.2. Optimize the School Education Environment and Strengthen Campus Safety

On the one hand, campus bullying by minors damages the safety of the campus and disrupts the normal learning order. It is easy to cause worries among students and parents, and it is more likely to cause panic among the public and disrupt social order; On the other hand, the participants in underage school bullying, whether they are bullies or those who have been bullied, have had a bad influence on their growth experience and laid hidden dangers for their future development. Therefore, it is necessary to clarify the legal responsibilities of principals and other school management entities, in order to attract the attention of education administration departments and school managers, and shift the focus of attention from examination-oriented education to moral education, legal education, and life education. Improve the awareness of the rule of law of the school's management bodies at all levels, set up a special anti-campus bullying center, and use big data to establish a campus bullying database to prevent and regulate campus bullying in a timely manner.

1.3. Promote the Modernization of National Governance

At present, our country faces certain legal dilemmas in the process of governance of school bullying by minors, such as the lack of a special anti-campus bullying law, weak punitive measures against campus bullying, and low crime costs. Therefore, the legislature should combine the prevention and

punishment of school bullying by minors, emphasize prevention and improve punishment methods. Complete a practical and feasible anti-bullying legal system to improve the level of legalization of national governance.

1.4. Reject the Culture of Violence and Purify the Internet Environment

The occurrence of campus bullying by minors is not only caused by the students' own factors, but also by external factors such as the student's family, school, and social environment, including the adverse effects of online media. Therefore, in the era of new media, it is not enough to rely solely on laws or schools to prevent campus bullying. It also requires the concerted efforts of social media to adhere to the socialist core values to lead the construction of the network culture system. Media platforms such as WeChat, Weibo, and online games should actively resist various violent cultures and create a positive, healthy, and sunny online environment. Promote public opinion against campus bullying through public service advertisements or celebrity effects, and establish in the public minds that everyone is responsible for preventing minors from campus bullying. By studying the governance path of underage bullying in campus, this research group hopes to strengthen the positive role of Internet media as a cultural carrier and create a social fashion full of positive energy.

2. The Path to Improve the Legal System for Protecting Minors in the Era of Internet New Media

In "Bullying at school as a predictor of delinquency, violence and other anti-social behavior in adulthood", D Bender pointed out that with the development of the times and technological progress, cyber bullying has appeared in the way of bullying in American schools. The bully sends insulting, satirical text messages or emails to the bullied person through the Internet, or spreads rumors about the bullied person on social networking sites. The research shows that with the development of the Internet age, the ways of campus bullying have become more hidden. According to a report issued by the Ministry of Education, Culture, Sports, Science and Technology on October 22, 2020, most incidents of school bullying by minors in Japan are verbal bullying and are spread through social software on the Internet.

However, my country currently does not have specific legislation governing campus bullying by minors. It only specifies the legal responsibilities of the corresponding subjects in the "General Principles of Civil Law" and "Criminal Law", and there are certain legislative gaps. A lot of research has been carried out in the academic circles in my country. At the same time, relevant departments in my country have also introduced corresponding governance measures: "Notice on Carrying out Special Management of School Bullying", "Guiding Opinions on Prevention of Bullying and Violence of Primary and Secondary School Students", "Strengthening Comprehensive Management Plan for Primary and Secondary School Students' Bullying". However, there are still some deficiencies in legislative levels and governance methods. Therefore, based on the rapid and widespread dissemination of new Internet media, it is particularly important to strengthen the legal governance of minor campus bullying in the era of Internet big data.

2.1. Improve Legislation

Wei Yemei (2016) believes that social environmental governance, such as network environment governance, family education governance, and school intervention governance three governance methods, can effectively reduce the occurrence of school bullying by minors [1]. Persisting in national governance on the track of rule of law is to continuously adapt to the requirements of the times of development and change, to maintain the foundation of social order, and to realize the modernization of national governance [2]. In modern countries, the rule of law is one of the ways to govern the country, and it is also an important way to realize the modernization of national governance [3].

Legislatively, on the one hand, formulating a special "Anti-Bullying Law" should learn from the US zero tolerance system [4]. Combine the level of disability of the person being bullied with the degree of psychological injury, improve the conviction standard for the crime of intentional injury, and combine the physical injury with the degree of psychological injury caused by the bullied person to determine criminal responsibility. Among the campus bullying cases that have been sentenced in our country, most of them are convicted and sentenced for the crime of creating quarrels and provoking troubles, and the remaining few are convicted and punished for the crime of intentional injury. The severity of the sentence is mainly based on the degree of physical disability of the bullied. Judging from the cases

of school bullying in China and other countries in the world, the bully's methods are cruel and cruel, and they even upload the bullying behavior to online media for dissemination. The social harm is heinous. Compared with traditional bullying, online bullying among teenagers is more frequent and more harmful [5]. Therefore, for school bullying behaviors of minors who have not caused more than minor injuries or have reached grades but are minor injuries, only relying on mild punishment methods such as education probation and civil compensation will give the bully the illusion. Feeling that bullying will not be severely punished, and it is not conducive to the protection of the bullied. Therefore, we should combine the subjective viciousness of the bully and the degree of psychological trauma of the bullied, and perfect the constituent elements and conviction standards of the crime of intentional injury in the criminal law.

On the other hand, it is recommended to revise the relevant provisions of the Criminal Law to increase the cost of crime. In addition to eight serious crimes, minors who have reached the age of 14 and under the age of 16 should also be held criminally responsible for compulsory indecent and insulting school bullying behaviors. From the perspective of the composition of the crime, it is intentional subjectively; the object of the crime is the physical health, personal dignity, and sexual autonomy of the person being bullied. The objective aspect of the crime is campus bullying with a compulsive indecency and insult. Moreover, minors at this age have been able to recognize and control their behavior, and can clearly recognize the nature and consequences of their bullying behavior. Therefore, based on the analysis of the constitution of the crime, minors who have reached the age of 14 and under the age of 16 should be held criminally responsible for the compulsory indecent and insulting school bullying behavior, which is also a manifestation of the principle of zero tolerance. Regarding the age of criminal responsibility, on October 13, 2020, the draft amendment to the Criminal Law was submitted to the Standing Committee of the National People's Congress for deliberation. For minors who have reached the age of twelve and under the age of fourteen, if they commit malicious acts of intentional homicide, intentional injury or death, the Supreme People's Procuratorate shall be subject to criminal responsibility. This is a legislative adjustment of the age of criminal responsibility for minors, a perfection of the socialist legal system with Chinese characteristics, and an in-depth advancement of the modernization of national governance.

2.2. Learning from Foreign Experience in Judicature

The New Jersey Anti-bullying Bill of Rights Act. (P.L.2010, chapter 122) established the principle of zero tolerance. Any form of school bullying must be punished. If it meets the elements of a crime, the bully must bear criminal responsibility. The United States emphasizes the need to severely sanction group crimes, and all those who commit campus bullying must bear criminal responsibility.

South Korea promulgated the "School Violence Prevention and Countermeasures Act" in 2004, which stipulates that schools should set up a school violence response center with professional counseling teachers on duty. Schools should take certain measures to punish perpetrators of school bullying. South Korea revised Article 2 of the "School Violence Prevention and Countermeasures Act" in 2012. Through enumeration legislation, campus violence is further divided into multiple forms, and comprehensive clauses are set. As long as the student's body, personality or property is damaged, it constitutes campus violence. South Korea's bill clarified the concept of school bullying by enumeration and stipulated the school's punishment measures for the perpetrators of school bullying.

In the judicial field of our country, based on the principles of education and protection, we should explore the legal governance path of school bullying by minors from the following three aspects. First, to protect the privacy of minors, a juvenile court was opened to hear cases of campus bullying; Second, the Supreme People's Procuratorate appropriately introduces a subjective and malicious supplementary age system for minors who have a bad school bullying behavior and has obvious social harm, and through scientific analysis of their subjective maliciousness to supplement their age of criminal responsibility [6], and then determine whether their behavior constitutes a crime; The third is to explore the compulsory and judicialization of parental education and work-study education.

2.3. Exploring Administrative Punishment Measures that are Beneficial to the Protection of Minors

The first is to provide mandatory community services, such as voluntary labor in nursing homes or community streets, which have a certain length of time; the second is to restrict the verbal or physical communication between underage campus bullying perpetrators and school classmates; The third is to set up off-campus learning institutions by the Education Bureau to isolate under-age perpetrators of

campus bullying. At the school level, legislation should first be passed to clarify the school's safety management and education responsibilities, and the principal is the primary responsible person in incidents of minor bullying. Second, the "Anti-School Bullying Law" stipulates that schools have a legal obligation to prevent and punish school bullying. After school bullying occurs, it is afraid of exposing and dealing with school bullying and affecting the school's reputation, so it is reluctant to stop and punish school bullying as necessary. In this regard, it should be clearly stipulated in the Anti-School Bullying Law that if the school fails to fulfill this obligation, the school and the bully shall bear joint tort liability [7]. Third, a special anti-school bullying committee was established in the school to specify the basic procedures for the school to deal with school bullying: Reporting-acceptance-investigation-announcement of the handling decision, establish a complete school bullying prevention, intervention, and handling mechanism to ensure that school bullying incidents are fairly and reasonably resolved within a reasonable period of time [8]. For software platforms that broadcast vulgar, violent and other bad videos on Internet platforms, the relevant Internet platform management agency will punish them, and take punishments such as disconnecting links, stopping uploading, and fines.

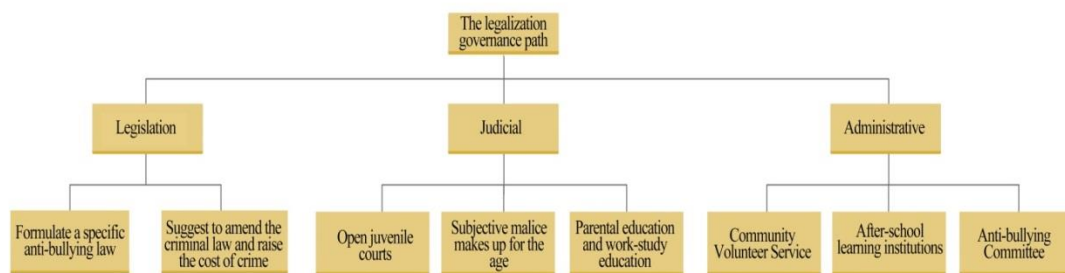


Figure 1: The legalization governance path of juvenile school bullying

In the era of Internet new media, school bullying by minors is a complex social problem. The most efficient way to prevent and punish school bullying by minors is to use legal thinking and methods [9]. However, the law is not enough to be self-sufficient. To obtain the perfect manifestation of the effect of the rule of law, the state, schools, and Internet new media platforms need to be coordinated to scientifically and effectively prevent and punish school bullying. Only in this way can we build a strong and effective legal barrier to isolate campus bullying for the healthy growth of minors, and can continuously promote the modernization of the national governance system and governance capabilities [10].

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