

# Research on Juvenile Cybercrime

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**Abstract:** With the popularization of the Internet and the rapid development of computer network technology, human beings have entered a brand new era - the information age. This kind of network technology beyond space not only brings well-being to people, but also subtly affects the ideas and behaviors of teenagers. It not only changes their lifestyle and values, but also quietly makes them mentally ill, resulting in an endless series of problems of juvenile cybercrimes. For the purpose of promoting the governance of Internet crimes among young people effectively and avoiding crimes among special groups of young people, this paper plans to base on the concept of Internet crimes of teenagers, summarize the characteristics of youth crimes in our country, analyze its influence factors and propose the measures to deal with it.

**Keywords:** Teenagers; Cybercrime; Characteristic; Influencing Factors; Preventive Measures

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## 1. The concept of juvenile cybercrime

Under the information age, the network crime rises gradually as a new kind of crime, which must be carried out by the network as the medium. In fact, Internet crime and juvenile Internet crime are not independent charges stipulated in criminal law, so far there is no clear and unified definition. It is generally believed that the juveniles in the study of juvenile delinquency are those who are over the age of 14 to 25. In the author's opinion, juvenile cybercrime refers to the behavior that jeopardizing network information security and violating relevant laws carried out by young students between the ages of 14 and 25, who take the network as the platform or take the network information as the object of attack, and has the intention to commit a crime subjectively.<sup>[1]</sup>

## 2. Characteristics of Juvenile Cybercrime

Criminal law stipulates that all crimes have the following basic characteristics: serious social harm, illegal behavior and should be punished by criminal law. However, due to the particularity of the subject of youth, youth cybercrime has the following characteristics:

### 2.1 Criminal subjects are moving towards a younger age

Due to the improvement of social and economic level, the penetration rate of home computers is obviously rising, and the age of teenagers to contact computers is getting younger and younger. According to the research data of China Youth and Children Research Center, teenagers account for a high proportion of Internet users. People between 20 and 40 years old account for 83.5% of the total number of Internet users, and more than half of them are college students.<sup>[2]</sup>

### 2.2 The means of crime is concealment and illusory

Because cyberspace is open and virtual, it can break through the limitations of places and extend everywhere. As long as the Internet is connected to any terminal, a crime can be committed at anytime, anywhere and possibly without a trace. This is particularly evident in transnational crime. In addition, on the Internet, people can speak freely in an anonymous way. Internet criminals can hide their real identity and seek stimulation and escape reality in the virtual space with a false mask. They have the psychology of luck and carry out self-suggestion. Because it is difficult to grasp the time and place of cybercrime, it is difficult to find the real information of the perpetrators, so there will be great difficulties in the detection of the case.

## **2.3 Criminals have the characteristics of high IQ**

Compared with traditional crimes, cybercrimes require the perpetrator to have a certain level of knowledge, and such subjects have a high degree of mastery of network information technology. Due to the continuous maturity of network technology, the contemporary society attaches great importance to the protection of information security, so many young cyber criminals often must master certain computer information technology, or even should be network experts. For example, the Shenzhen Public security organs arrested 23 young "hackers" between 1997 and 1998. All of them had a solid professional foundation of computer science and some of them even got professional certificates.

## **3. Current Situation of Youth Network Crime in Our Country**

Nowadays, cybercrimes infringing on information security are increasing, and the proportion of property crimes continues to rise. Among them, the juvenile gang crime caused by the Internet is increasing day by day, and the criminal means are various. Some reactionary and decadent ideology and culture are spread through the Internet, spreading all over the world, and causing great harm to crimes. Through information abuse, cyber theft and other means, many "teenage" hackers are the subject of various cyber related criminal behavior. The objects they violate are mainly in the political, financial and commercial fields, involving online fraud and extortion, online black market transactions and so on. But the current law of our means of departure is simple, the punishment degree is too slight.

## **4. Influencing Factors of Juvenile Cybercrime**

### **4.1 The personal factors of teenagers**

Teenagers are in a transition stage of rapid physiological changes and gradual maturation of physiological functions. They are energetic and physically vigorous, but often have poor control, high excitement, low ability to distinguish between right and wrong. They are prone to reverse psychology and solitary psychology. At the same time, they have a strong curiosity for things. At this stage, they are intellectually curious, expressive, impulsive and sensitive. In order to achieve self-actualization, they are easy to be immoral at this time. In addition, they have weak legal awareness and have not formed law-abiding habits, so that they are very easy to imitate the people around them. If they are not guided effectively, they will easily develop anti-social consciousness.

### **4.2 Family factors**

Many teenagers grow up without parental guidance. In a survey of more than 4, 000 families in six urban districts, Beijing education authorities found that more than 80 percent of the families had bought computers, but 47 percent of the parents didn't know the knowledge of computer and did not know how to use the Internet. Some parents even know nothing about the network. They do not know what the child is watching on the Internet and only feel that the child will not commit a crime at home. Some family structures have their own problems: some family members are incomplete, leading to inadequate education for children; Some families have violent elements and depressed family atmosphere; Some families indulge their children blindly, and the indulgence of children contributes to the occurrence of crimes.

### **4.3 School factor**

School is the main place for young people to learn knowledge and exercise their quality. However, many schools still carry out exam-oriented education and only focus on enrollment rate. Under the shadow of outdated educational methods and backward management mode, the ideological and moral education of students in schools is only superficial, and the psychological education and sex education of teenagers are despised, and corporal punishment exists.<sup>[3]</sup> Many students are labeled as "poor students" because their grades are not ideal, and the discrimination of teachers and classmates makes them lose their psychological balance and become tired of school, drop out of school and even commit crimes.<sup>[4]</sup> According to statistics of relevant departments, there are 30 million adolescents in the country in a state of mental sub-health, among which the prevalence of psychological and behavioral disorders among primary and middle school students is 21.6% -- 32%. The rate of psychological and behavioral disorders among college students is 16% -- 25.4%, and this rate is increasing year by year.<sup>[5]</sup>

## 4.4 Legal factors

The unsound network legal system is an important factor leading to juvenile network crime. The legal system plays a role in the creation of crime.<sup>[6]</sup>

There is no separate provision in the criminal law for youth cybercrime, nor is there any law specifically aimed at youth cybercrime. Although the crime of illegally invading the computer information system (Article 285), the crime of destroying the computer information system (Article 286) and the crime of using the computer to commit traditional crimes (Article 287) have been added to the ninth chapter of the Criminal Law, the computer information system and the network system have different concepts<sup>[7]</sup>, so these charges are not enough to combat the network crime.

The following specific problems exist in the provisions of criminal law on cybercrimes. First, juvenile cybercrime is very harmful to the society. The serious consequences will pose a threat to economic development and social stability, but from the current criminal law, the sentencing of computer cybercrime is too light, and does not clearly distinguish between different circumstances of the crime. It does not conform to the principle of crime and punishment in criminal law. For example, according to Article 285 of the Criminal Law, the crime of illegally invading computer information system "shall be sentenced to fixed-term imprisonment of less than three years or criminal detention". This degree of punishment cannot match its serious social harm. Secondly, the current criminal law of our country defines the subjective elements of the composition of this kind of crime as having subjective "intention". The negligence of computer crimes is not convicted. But in fact, this kind of behavior even just negligence may cause great impact, and generally speaking, the group of teenagers themselves are subjectively prone to produce criminal negligence rather than criminal intent. Hence, this cannot fight crime effectively. Thirdly, from the perspective of criminal subjects, the criminal subjects of these computer-related crimes are natural persons who have reached the age of criminal responsibility and have the capacity of criminal responsibility. Juveniles who do not reach the age of criminal responsibility will not be punished accordingly. "Due to the overemphasis on the negative impact of Criminal Law on the growth of teenagers in judicial practice, Chinese Criminal Law is rarely strictly applied to teenagers. In most cases, the way of 'substituting punishment for sentence' is adopted to deal with the relevant perpetrators." <sup>[8]</sup> Fourthly, in Article 285, "Crime of illegal intrusion into computer information system", the objects of crime are limited to three categories, including "state affairs, national defense construction and cutting-edge science and technology", but in fact, there are other important fields that should not be ignored. The narrow scope of the object of crime is not conducive to the comprehensive fight against this kind of crime.

In addition, the law can increase penalties for negligent crimes. Article 285 and Article 286 of the Criminal Law both subjectively require intent, which precludes the possibility of any negligence causing harm to constitute a crime. The author thinks that the negligent behavior is not all cannot investigate the criminal responsibility of negligence. To investigate criminal liability for negligence requires the doer to have the duty of care and the ability to pay attention subjectively. Therefore, if the professional computer system operator violates the regulations of the unit by using personal software with virus, causing serious damage to the network system, he or she can be investigated for negligence liability. This is because computer networks affect every aspect of people's lives. In today's world, computer virus is rampant, professional personnel should have the duty of care in this respect, to criminalize their negligent behavior is conducive to the protection of computer network.

## 4.5 Network factors

First of all, the network environment is bad. Young people are driven by a strong curiosity and thirst for knowledge to find out the information on the Internet. But because of the information in the network space is mixed, young people's ideas are very easy to be affected by bad information. In addition, the virtual Internet allows teenagers to have a lucky mind that "crimes will not be discovered", which encourages the appearance of crime. Finally, the regulation of network culture is not sound and lacks effective supervision.

## 5. Prevention and Control Measures of Juvenile Cybercrimes

Juvenile cybercrime has increasingly become a far-reaching social problem. The author believes that the prevention of juvenile cybercrime should make all parties form a joint force to create a good network environment.

## **5.1 Parents should pay more attention to online education for their children**

Families should cooperate with schools and society to strengthen the supervision of teenagers' Internet use. Parents should optimize and create a harmonious family environment and provide a warm and healthy environment for their children, which will be conducive to the cultivation of their sound personality and will not seek stimulation in cyberspace. In addition, parents should master certain knowledge of the Internet. With the popularization of the Internet, no one can continue to be a non-Internet person. Parents should also learn some network knowledge, so that they can not only keep up with the pace of The Times but also narrow the distance between their children. Finally, parents should treat their children's Internet correctly and change the way of family education. Fully understand the psychological characteristics of adolescents and have a friendly conversation with them rather than banning them from the Internet. The Times are advancing, but communication is never out of date.

## **5.2 Schools should strengthen ideological education and optimize management mode**

First, schools should strengthen the education of correct world outlook, outlook on life and values for young people, implement online legal education and moral education for young people, provide regular online mental health counseling, implement quality education, and advocate civilized Internet. Second, in the school computer class, teachers should emphasize the content of network security and focus on this scope, which can urge students to take the initiative to pay attention to network security and develop law-abiding consciousness. Third, schools can set extracurricular interest classes, one per week, including seal cutting, basketball, musical instrument, etc., which not only helps teenagers relax, but also helps them develop good interests and reduce their dependence on the Internet.

In a word, school leaders should pay attention to purifying the campus environment and change the backward concept of exam-oriented education. The content of education should be extensive, not just limited to Chinese, math and English classes. In addition to awards for academic excellence, students with good moral character should also be recognized and encouraged to find the best in themselves. The management and teaching mode of the school should be transformed from single type to diversified type. The school management mode should be transformed from closed to open. The management content of the school develops from hard to flexible direction. Finally, school is the main place for students' activities, and teachers are the people students often contact. The teacher's words and deeds often affect the students' speech and deportment imperceptibly. Therefore, the school should focus on the establishment of a high quality network ideological and political education team and strengthen the construction of the network era of teachers.

## **5.3 The State improves the cyber legal system and criminal legislation[9]**

First, the country should increase the number of cybercrimes. [10] In the "crime of illegally invading computer information system", the "social and economic construction field" is added to the existing field and the explanation of network crime is included in the explanation of "crime of computer information system". Secondly, increase the punishment for negligent crimes and specify the corresponding punishment for crimes of different degrees. Third, expand the scope of attack on the subject of crime. Article 17, Paragraph 2, of the Criminal Law of the People's Republic of China clearly stipulates that any person who has reached the age of 14 but not the age of 16 who commits the crime of intentional homicide, intentional injury resulting in serious injury or death, rape, robbery, drug trafficking, arson, explosion or poisoning shall bear criminal responsibility. "Computer and cybercrime" could be included in the article.

## **5.4 The society will strengthen management, prevention and control, and purify the network environment**

Network supervision and management departments should increase capital investment and introduce the latest technology. Strengthen the development and application of cyber security technology to seize the commanding heights of technology. At the same time, relevant departments should closely monitor the operation of network practitioners and network related institutions. Especially for the management of Internet cafes, the relative department should resolutely ban the illegal operation of Internet cafes, strengthen

rectification efforts and timely repair security loopholes. Internet cafes must be urged to implement the network laws and regulations and improve the management quality of Internet cafe operators to build a reliable Internet cafe. It is necessary to use the coercive power of the state to create a sound cyber environment, strengthen management of the Internet, improve cyber security management, and enhance prevention technologies.

## Conclusion

The Internet is a double-edged sword, which can not only bring good news to teenagers, but also may drag them into the abyss of no return. Teenagers are a special group. Due to the limitations of age and psychological factors, their physical and mental development is not fully mature, and they lack the correct judgment and cognition of social things. Moreover, teenagers are a special group that lacks social experience and is easy to be intimidated. It is because of these characteristics that they tend to commit crimes in social life because of frustration, novelty and other reasons. With the progress of science and technology, the harm of juvenile cybercrime to the whole society cannot be ignored. Therefore, effective prevention of juvenile cybercrime, through the cooperation of schools and society, and multi-party governance, has a great effect on the stability of the society. Juvenile cybercrime is a complicated social phenomenon. The prevention of juvenile cybercrime is not something that can be completed at one time. It needs a long and protracted process. Therefore, the prevention of juvenile cybercrime needs the common attention of all sectors of society. Starting from the growth of young people, we should give full play to the positive role of family, school and society, and help young people with problems from various aspects, so that they can grow up healthily and become builders and successors of the socialist cause.

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