

REBALANCING EDUCATION AND PUNISHMENT: A
DOCTRINAL INQUIRY INTO AND PRACTICAL
APPLICATION OF THE JUVENILE-RELATED
PROVISIONS IN THE 2025 PUBLIC SECURITY
ADMINISTRATION PUNISHMENTS LAW

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Abstract

The Law on Public Security Administration Punishments, revised in 2025 and entering into force on January 1, 2026, makes systematic adjustments to its juvenile-related provisions. While retaining the basic framework that exempts minors under fourteen from punishment and grants leniency to those between fourteen and eighteen, the revision substantially reshapes the rules on the non-enforcement of administrative detention, introduces a mandatory bridge to corrective education, clarifies the public security response to student bullying, and establishes safeguards, including the presence of an appropriate adult, hearings for minors, and the sealing of violation records. Through these changes, the law moves the governance of juvenile public security violations away from the dichotomy of either single-track punishment or single-track non-intervention and toward a dual structure in which education and punishment operate in parallel. The core question is not whether to punish, but how to sustain intervention. This Article argues that the principle of the best interests of the minor must serve as the overarching. The policy of “education, persuasion, and rehabilitation”, together with the principle of “education-first, punishment-supplementary” must remain the basic stance. Doctrinally, protective disposition should enjoy priority of consideration, public security punishment should retain a residual but necessary space, and the concurrent application of both should be strictly confined. Operationally, case handling should proceed in the sequence of assessment first, discretion second, and continued disposition third, supported by case-based corrective education and the institutional construction of juvenile policing.

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I. INTRODUCTION

Public security violations constitute a critical stage in juvenile delinquency intervention. Past research indicates that the progression from minor misconduct, through serious misconduct, and ultimately to criminal offenses rarely occurs abruptly. Rather, it accumulates gradually through repeated public security violations, failed educational interventions, breakdowns in guardianship, and inadequate social support.³ On this view, public security violations are not a marginal phenomenon in juvenile law but a critical vantage point from which to assess whether the entire system of juvenile protection, delinquency prevention, and tiered intervention is functioning.

Hence, the newly revised LPSAP,⁴ adopted in 2025 and entering into force on January 1, 2026, is therefore worthy of study. In recent years, cases in which young minors repeatedly engage in theft, assault, bullying, picking quarrels and provoking trouble, and disturbance of public order have continued to attract public attention.⁵ Public opinion has questioned the past non-enforcement of administrative detention for certain age groups, contending that this arrangement objectively

3 See Yao Jianlong (姚建龙), *Fanzui Hou de Disanzhong Falü Houguo: Baohu Chufen* (犯罪后的第三种法律后果：保护处分) [The Third Legal Consequence After Crime: Protective Disposition], 1 FAXUE LUNTAN (法学论坛) [LEGAL FORUM] 40, 40–43 (2006); Yuan Ningning (苑宁宁), *Lun Weichengnianren Fanzui Sanji Yufang Moshi de Falü Jiangou—Yi “Yufang Weichengnianren Fanzui Fa” de Xiuding Wei Shijiao* (论未成年人犯罪三级预防模式的法律建构——以《预防未成年人犯罪法》的修订为视角) [On the Legal Construction of the Three-Tier Prevention Model for Juvenile Delinquency: From the Perspective of the Revision of the Law on the Prevention of Juvenile Delinquency], 2 YUFANG QINGSHAONIAN FANZUI YANJIU (预防青少年犯罪研究) [JUVENILE DELINQUENCY PREVENTION RESEARCH] 43, 43 (2021).

4 Zhi'an Guanli Chufa Fa (治安管理处罚法) [Public Security Administration Punishments Law] (effective Jan. 1, 2026) (China). The revision process lasted more than a decade and underwent three readings before adoption in 2025.

5 See Zuigao Renmin Jianchayuan Fabu “Weichengnianren Jiancha Gongzuo Baipishu (2024)” (最高人民法院发布《未成年人检察工作白皮书(2024)》) [The Supreme People's Procuratorate Releases the White Paper on Juvenile Procuratorial Work (2024)], SUP. PEOPLE'S PROCURATORATE (June 16, 2025), https://www.spp.gov.cn/xwfbh/wsfbt/202506/t20250616_698278.shtml. The White Paper reports that, in 2024, the Supreme People's Procuratorate approved the prosecution of 34 juveniles for serious violent offenses; nationally, procuratorial organs received 65,198 juvenile suspects for review of arrest, a 1.1% year-on-year decrease, and approved arrests in 34,329 cases, a 27.8% year-on-year increase. The five most common offenses—theft, fraud, group affray, rape, and robbery—together accounted for 69.4% of juveniles received for prosecution review.

produced improperly low costs of violation. Authorities have responded to this critique, arguing that the old law denied public security organs adequate leverage in situations of “arrest, release, re-arrest, and release again”, rendering effective discipline of repeat-offending minors impossible.⁶ Yet practical experience also suggests that administrative detention does not necessarily bring about favorable results because of the carceral nature of detention facilities, the risk of cross-contamination among juveniles, the consequences of stigmatization, and the deficit of follow-up educational support.⁷ The old law has exposed two opposing yet equally imbalanced risks. One is a *release-and-forget* outcome, in which non-punishment leaves the case unsettled. The other is a *punish-and-be-done* outcome, in which punishment is treated as the primary tool of governance.

The 2025 revision is significant in two respects. First, it reflects the latest direction of juvenile legislation in China. When confronted with juvenile delinquency, Chinese law does not simply choose between protection and punishment, but seeks to integrate education, rehabilitation, procedural safeguards, and a measured recognition of responsibility within a unified institutional framework. Second, the revision shows the typical feature of legal modernization in China, which means legislative texts often provide broad principles and general directions, while institutional efficacy depends on how provisions are interpreted, how enforcement agencies operationalize them, and how the various norms, departments, and fields establish a stable interface.

This Article, therefore, does not confine itself to either praise or criticism of the revision. Instead, it seeks to answer several specific questions: What exactly has the revision changed in the juvenile-related provisions, and how should those changes be located within China’s juvenile legal system? What is the relationship between public security punishment and juvenile protective disposition, and in what sense are they mutually competing, supplementary, or capable of joint application? Additionally, different subjects should cultivate concrete

⁶ Field interviews conducted across multiple provinces and municipalities in China indicate that public security organs broadly support legislative changes that authorize administrative detention of juveniles in qualifying cases, on the grounds that age should not function as a *free pass* for repeat offenders.

⁷ Yao, *supra* note 2, at 40.

processes and rules in light of specific provisions.⁸ On these questions the revised law has already generated abundant practical perplexity and doctrinal disagreement.

The basic claim of this Article is that the 2025 LPSAP is not a simple punitive turn, but rather a *rebalancing of education and punishment*.⁹ That is also the basic principle articulated for the revision itself, which means to combine education with punishment, to ensure that punishment is commensurate with the violation, and to set rationally calibrated penalties according to the differing nature and circumstances of unlawful conduct.¹⁰ This rebalancing does not entail the displacement of education by punishment. Rather, in the wake of the limitations exposed by the rigid exemption and the subsequent failure of follow-up management under the old law, it represents the legislature's attempt to convert "education-first, punishment-supplementary" from a slogan into an operable institutional structure. The real difficulty posed by the revised law is not whether it is more severe, but how the necessary affirmation of responsibility, timely educational correction, and continued social support can be woven into a single process of disposition under the principle of the best interests of the minor.¹¹

8 Specific provisions, such as "serious circumstances and egregious impact" (情节严重、影响恶劣), "two or more violations within one year" (一年以内二次以上违反治安管理), or "the presence of an appropriate adult" (合适成年人到场), will be tough for public security organs, schools, guardians, social workers, and specialized education guidance bodies to arrive at a relatively clear set of operating rules.

9 See He Ting (何挺), *Weibao Gongzuo Yao Pingheng Jiaoyu Weizhu Yu Chengfa Weifu* (未保工作要平衡教育为主与惩罚为辅) [*Juvenile Protection Work Must Balance "Education-First, Punishment-Supplementary"*], FAZHI RIBAO (法治日报) [LEGAL DAILY], July 14, 2025, at 4.

10 See Zhang Yijian (张义健), 2025 Nian "Zhi'an Guanli Chufa Fa" Xiuding Jiedu (2025年《治安管理处罚法》修订解读) [*An Interpretation of the 2025 Revision of Law of the People's Republic of China on Public Security Administration Punishments*], 4 ZHONGGUO FALÜ PINGLUN (中国法律评论) [CHINA LAW REVIEW] 33, 33 (2025).

11 The principle of the best interests of the minor occupies a paramount, governing position in juvenile justice. For representative scholarship, see Wang Guangcong (王广聪), *Lun Zui Youliyu Weichengnianren Yuanze de Sifa Shiyong* (论最有利于未成年人原则的司法适用) [*On the Judicial Application of the Best Interests of the Minor Principle*], 3 ZHENGZHI YU FALÜ (政治与法律) [POLITICAL SCIENCE AND LAW] 134, 134-147 (2022); Tong Jianming (童建明), *Zui Youliyu Weichengnianren Yuanze Shiyong de Jiancha Lujing* (最有利于未成年人原则适用的检察路径) [*The Procuratorial Path of Applying the Best Interests of the Minor Principle*], 1 ZHONGGUO XINGSHI FA ZAZHI (中国刑事法杂志) [CHINESE JOURNAL OF CRIMINAL LAW] 3,

On this foundation, this Article is divided into four substantive Parts. Part I provides the introduction and set out the legislative background. Part II offers a systematic interpretation of the juvenile-related provisions of the revised LPSAP, focusing on Articles 23, 24, 48, 60, 98, 112, and 117. Part III turns to doctrinal analysis, concentrating on the relationship between public security punishment and protective disposition. Part IV moves from doctrine to application, the activation of corrective education, the disposition of student bullying, the implementation of procedural safeguards, and the operation of case-based corrective education. The general position of this Article is that protective disposition should occupy a place of priority consideration, public security punishment should retain a necessary space, and concurrent application can be sustained only under strictly confined conditions.

II. INTERPRETATION OF JUVENILE-RELATED PROVISIONS IN THE NEWLY REVISED PUBLIC SECURITY ADMINISTRATION PUNISHMENTS LAW

A. Article 23: Administrative Detention of Minors

In its treatment of juvenile unlawful conduct, the 2025 LPSAP embodies unshakable principles with marginal breakthroughs. Article 12 fully retains the existing framework of liability based on age,¹² continuing the basic principle of protection aligned with the developmental rhythms of minors. Simultaneously, the legislature has responded to extreme cases by adjusting in Article 23 to include the rules governing administrative detention.¹³ One important driver for

3–15 (2023); Song Yinghui (宋英辉), *Zui Youliyu Weichengnianren Yuanze Zai Shaonian Shenpan Zhong de Shiyong* (最有利于未成年人原则在少年审判中的适用) [*The Application of the Best Interests of the Minor Principle in Juvenile Adjudication*], 2 FALÜ SHIYONG (法律适用) [JOURNAL OF LAW APPLICATION] 74, 74–89 (2026).

12 Zhi'an Guanli Chufa Fa (治安管理处罚法) [Public Security Administration Punishments Law] art. 12 (China) (providing that those under fourteen are exempt from punishment, while those between fourteen and eighteen are subject to mitigated punishment).

13 *Id.* art. 23 (providing that where any of the following persons is to be administratively detained under the Law, detention shall not be enforced: (1) those aged fourteen but under sixteen; (2) those aged sixteen but under eighteen who violate public security administration for the first time; ... however, where the persons described in items (1)–(3) of the preceding paragraph commit acts in violation of public security administration with serious circumstances or egregious impact, or where those described in items (1) and (3) commit two or more such violations within one year, the foregoing provisions shall not apply).

the revision was that certain minors deliberately exploited their juvenile status and the rule of non-enforcement of detention to repeatedly violate public security administration, while corrective-education measures failed to bridge the gap, leaving public security organs trapped in an enforcement cycle of “arrest, release, re-arrest, re-release”.¹⁴

Article 23 has attracted the most attention in this revision. The previous one-size-fits-all rule of non-enforcement for certain age groups has been supplemented by a strict set of exceptions. Minors between fourteen and sixteen, as well as first-time-offending minors between sixteen and eighteen, who would otherwise be subject to administrative detention, shall not have detention enforced. However, where such minors between fourteen and eighteen commit acts with serious circumstances and egregious impact, or where minors between fourteen and sixteen commit two or more violations within one year, the rule of non-enforcement no longer applies. The most important change is not that detention is now permitted for those between fourteen and sixteen, but that an essentially rigid exemption rule has become a conditional model of non-enforcement as the rule, enforcement as the exception.

As a matter of institutional structure, this change contains two categories of exception. The first is the recidivism-type exception, where minors between fourteen and sixteen who commit two or more violations within a year may be subject to detention. The legislature has identified the repeated nature of conduct as a basis for piercing the protective exemption. The second is the severity-based exception, where minors between fourteen and eighteen whose acts attain the level of “serious circumstances and egregious impact” may, even as first-time offenders, be subject to detention. The legislature has not abandoned its protective stance that minors should, as a matter of principle, not be detained. Rather, in a small number of cases involving recurrent violations or particularly grave harm, it has restored the practical availability of punishment.

This adjustment reflects a reassessment of the consequences of the old regime. Under the old law, the design of “decision to detain but no enforcement” was intended to prevent minors from entering detention facilities prematurely. Yet, in the absence of a stable follow-up corrective-education mechanism, this design will be incapable of

¹⁴ Zhang, *supra* note 9, at 36–37.

interrupting the progression from ordinary violations to more serious deviance. Existing scholarship remains divided between strengthened-control¹⁵ and child-welfare approaches.¹⁶

Article 23 should accordingly not be read as a provision that simply strengthens punishment. It is better understood as a risk-classification provision. The vast majority of first-time, occasional, and minor-violation cases involving juveniles remain on the protective track of non-enforcement, and only a small number of repeat offenders or those whose conduct produces particularly grave consequences are identified as subjects requiring more severe intervention. Only on this premise can Article 23 cohere with the principle of the best interests of the minor.

B. Article 24: Bridging Administrative Detention and Protective Disposition

Article 24 is the most structurally significant provision of the revision. It provides that, for minors exempt from punishment under Article 12 or whose administrative detention is not enforced under Article 23, public security organs shall, in accordance with the Law on the Prevention of Juvenile Delinquency, take corresponding corrective-education and other measures. The importance of this provision lies not merely in adding one further measure, but in reshaping the overall logic of response to juvenile public security

15 See Shi Quanzeng (史全增) & Sun Wenxi (孙文夕), *Lun Zhi'an Guanli Chufa Fa Zhong de Jiaoyu Yu Chufa Xiang Jiehe Yuanze* (论治安管理处罚法中的教育与处罚相结合原则) [On the Principle of Combining Education with Punishment in Law of the People's Republic of China on Public Security Administration Punishments], 6 ZHONGGUO RENMIN GONG'AN DAXUE XUEBAO (SHEHUI KEXUE BAN) (中国人民公安大学学报(社会科学版)) [JOURNAL OF PEOPLE'S PUBLIC SECURITY UNIVERSITY OF CHINA (SOCIAL SCIENCES EDITION)] 127, 127–28 (2020); Gao Weijian (高维俭), *Lun Shaonian Yuegui Fenji Ganyu Zhidu de Jiben Yuanli* (论少年越轨分级干预制度的基本原理) [On the Basic Principles of the Tiered-Intervention System for Juvenile Deviance], 6 ZHONGGUO QINGNIAN SHEHUI KEXUE (中国青年社会科学) [CHINA YOUTH SOCIAL SCIENCE] 118, 118 (2024).

16 For representative writings reflecting the child-welfare position, see SONG YINGHUI (宋英辉) ET AL., *WEICHENGNIANREN BAOHU YU FANZUI YUFANG WENTI ZHUANTI YANJIU* (未成年人保护与犯罪预防问题专题研究) [SPECIAL STUDIES ON THE PROTECTION OF MINORS AND CRIME PREVENTION] 75–76 (2020); ZHONGGUO WEICHENGNIANREN SIFA ZHIDU YANJIU (中国未成年人司法制度研究) [A STUDY OF CHINA'S JUVENILE JUSTICE SYSTEM] 111 (Sun Qian (孙谦) ed., 2021); Yao Jianlong (姚建龙), *Lun "Yufang Weichengnianren Fanzui Fa" de Xiuding* (论《预防未成年人犯罪法》的修订) [On the Revision of the Law on the Prevention of Juvenile Delinquency], 5 FAXUE PINGLUN (法学评论) [LAW REVIEW] 112, 112 (2014).

violations. Under the old law, many cases that ended with a decision of non-punishment or non-enforcement lacked any clear statutory follow-up, so the disposition formally ended even as the underlying risk continued. For the first time, Article 24 connects, through a clear statutory duty, “non-punishment” with “the obligation to continue intervention”, such that non-punishment and non-detention no longer mean non-management.¹⁷

Article 24 effects two transformations. First, corrective-education measures under the Law on the Prevention of Juvenile Delinquency are no longer a parallel set of measures existing outside public security punishment, but the legal next step following the disposition of a public security violation. Second, the relationship between public security punishment and protective disposition is no longer one of dispersed parallelism but one that must be considered jointly.¹⁸ Once Article 24 takes effect, no public security case in which a minor is exempt from punishment or whose detention is not enforced can any longer be regarded as “closed”, and every such case must continue to be processed within the framework of tiered prevention, intervention, and correction.

This provision also brings into the open a long-implicit question of the relationship between public security punishment and protective disposition. To understand Article 24 merely as a residual supplement following non-punishment is to underestimate its institutional significance. Although the text of Article 24 expressly contemplates only the situations of non-punishment and non-enforcement of detention, the institutional spirit it embodies does not foreclose, in appropriate circumstances, the inclusion of minors who have actually been detained within the corrective-education system.

C. Article 48: Organizing or Coercing Minors into Paid

17 See Wang Zhenhui (王贞会), *Weichengnianren Zhi'an Weifa Chengjie Jiaoyu Zhidu de Tixi Chongsu* (未成年人治安违法惩戒教育制度的体系重塑) [*The Systemic Reshaping of the Disciplinary-Education System for Juvenile Public Security Violations*], 1 BEIJING LIANHE DAXUE XUEBAO (RENWEN SHEHUI KEXUE BAN) (北京联合大学学报(人文社会科学版)) [JOURNAL OF BEIJING UNION UNIVERSITY (HUMANITIES AND SOCIAL SCIENCES)] 79, 79–87 (2026).

18 See Gao Weijian (高维俭), *Weichengnianren Xingzheng Juliu Bu Zhixing Zhidu Mianlin Tiaozheng* (未成年人行政拘留不执行制度面临调整) [*The Non-Enforcement Regime for Juvenile Administrative Detention Faces Adjustment*], SHANGHAI FAZHI BAO (上海法治报) [SHANGHAI LEGAL DAILY], Jul. 9, 2025, at B3.

Companionship

Article 48 establishes “organizing or coercing minors into paid companionship” as an independent category of administrative violation, subject to administrative detention of ten to fifteen days together with a fine of up to 5,000 yuan; in lesser circumstances, detention of up to five days or a fine of up to 5,000 yuan applies. Although prior regulation could be effected through administrative regulations such as the Regulations on Control of Public Places of Entertainment, the normative hierarchy and basis for application were comparatively scattered. The new law gives this predicate illegality a clearer and more stable legal foundation.¹⁹ The provision responds to the real-world risks of economic exploitation, sexual exploitation, and entanglement in further unlawful or criminal activity that minors face in mixed-use commercial venues such as bars, KTVs, and private cinemas. It also strengthens the bridge between administrative violations and criminal offenses.

D. Article 60: Student Bullying

Article 60 provides that, where student bullying is committed by means of beating, humiliation, intimidation, or similar acts in violation of public security administration, public security organs shall impose public security administration punishments and adopt corresponding corrective-education measures. Where a school knowingly fails to report or properly handle a serious case of bullying or another crime against a minor student, the school shall be ordered to make corrections, and disciplinary measures shall be recommended for the directly responsible personnel. School bullying, long handled primarily through internal school discipline and *ad hoc* coordination, now formally enters the domain of public security regulation. As scholars have noted, an overly broad understanding of campus bullying may actually infringe on children’s right to play; the determination should accordingly be approached from a position of restrictive construction.²⁰

19 See Sun Pengqing (孙鹏庆) & Luo Ying (罗莹), *Zuzhi Weichengnianren Jinxing Youchang Peishi Xingwei de Sifa Rending* (组织未成年人进行有偿陪侍行为的司法认定) [Judicial Determination of Acts of Organizing Minors to Engage in Paid Companionship], RENMIN FAYUAN BAO (人民法院报) [PEOPLE’S COURT DAILY], Dec. 11, 2025, at 8.

20 See Shen Changzheng (申长征) & Yao Jianlong (姚建龙), *Chongxin Dingyi Xiaoyuan Qiling: Yizhong Fanxixing Yanjiu* (重新定义校园欺凌：一种反思性研究) [Redefining Campus Bullying: A Reflective Study], 2 ZHONGGUO FALÜ PINGLUN (中国法律评论) [CHINA LAW REVIEW] 188, 188–203 (2025).

The application must avoid two extremes. Not every conflict among students should be treated as bullying or mechanically elevated to a public security case; otherwise, school life will be excessively penalized. On the other hand, the habit of regarding internal school handling as sufficient must not be perpetuated, lest acts of beating, humiliation, intimidation, sustained degradation, or collective harassment that have attained the level of public security violations be internalized within school walls. A more reasonable approach takes the persistence, humiliating quality, collective dimension, and concrete harm of the conduct as the baseline for distinguishing school-based educational handling from formal legal response.

E. Procedural Safeguards for Minors

The important advances of the new law are not limited to punishment and extend to procedural safeguards. Paragraph 3 of Article 98 provides that, when questioning a minor under eighteen, the public security organ shall notify his or her parents or other guardians to be present; where the parents or guardians are unable to be present, an adult relative or a representative of the school, work unit, grassroots organization, or juvenile protection organization may be notified as an appropriate adult. Article 112 requires that, before imposing a public security administration punishment on a minor, the public security organ shall inform the parents or guardians of the proposed penalty as well as the supporting facts, reasons, and legal basis, and fully hear their views. Article 117 provides that, where a minor may be subjected to administrative detention pursuant to paragraph 2 of Article 23, the public security organ shall inform the minor and the guardian of the right to request a hearing, which shall not be public.

These provisions raise the level of procedural legitimacy in juvenile public security cases. The participation of guardians or appropriate adults is no longer a mere convention but a statutory requirement. The participation of the minor and the guardian in the formation of the punishment decision is enhanced, particularly where detention may be enforced, and the dedicated right to a hearing brings administrative detention within the realm of legitimate procedure. The rules that the hearing be non-public and that violation records be sealed further demonstrate that, even as the legislature restored the practical availability of detention in particular cases, it has not abandoned the protection of minors' privacy, reputation, and right to future reintegration.

That said, procedural safeguards on the books do not

automatically translate into procedural safeguards in practice. The appropriate-adult system, in particular, can easily lapse into the mere formality of “notification and presence”. Unless the role of the appropriate adult can be elevated from passive accompaniment into substantive participation, rights support, and follow-up assessment, the system risks remaining on paper. A further question is whether the priority given to guardians is always consistent with the principle of the best interests of the minor. In cases involving parent-child conflict, controlling family environments, or particularly stigmatizing matters, the presence of guardians may instead suppress the minor’s candid testimony.

III. A DOCTRINAL ANALYSIS OF THE RELATIONSHIP BETWEEN PUBLIC SECURITY PUNISHMENT AND JUVENILE PROTECTIVE DISPOSITION

The genuine controversy generated by the juvenile-related provisions goes beyond whether the scope of administrative detention has been broadened. It concerns what kind of response, of what nature, intensity, and sequence, should be adopted when confronting juvenile public security violations. Once Article 24 introduces the corrective-education measures of the Law on the Prevention of Juvenile Delinquency into the disposition of public security cases, public security punishment ceases to be a self-contained administrative-punishment system, and protective disposition ceases to be a set of educational measures standing entirely outside the public security regime. How the two are bridged, which should take priority, and when they can run in parallel will directly determine whether the new law steers toward the rebalancing of education and punishment or lapses into the old quandary of either “punish-and-be-done” or “release-and-forget”.

Viewed normatively, the LPSAP and the Law on the Prevention of Juvenile Delinquency do not stand in a simple superior-subordinate relationship, nor in the typical relationship of *lex specialis* to *lex generalis*. The former primarily attaches disciplinary consequences, such as warnings, fines, administrative detention, etc., to public security violations. The latter constructs a system of prevention, intervention, correction, and education around minor misconduct, serious misconduct, and law-violating conduct. The two laws respond to two facets of the same subject from different vantage points. One delivers a formal negative evaluation of conduct already committed, the other addresses the future risks and developmental deviations of the actor.

Precisely because neither institution can wholly substitute for the other, the relationship between protective disposition and public security punishment has become an unavoidable threshold question.

A. The Institutional Nature of Juvenile Protective Disposition and Public Security Punishment

Protective disposition refers to a body of educational measures specifically designed for delinquent minors, founded on a protectionist stance, that function as early intervention and as substitutes for punishment, and that differ in kind from those imposed on adults. The essential feature of protective disposition is that educational measures take the place of punitive measures and exclude their re-application.²¹ Such educational measures are not entirely devoid of compulsory content, but the compulsoriness is oriented toward the developmental needs of delinquent minors and bears the distinctive marks of being child-centered and welfare-oriented. Compared with criminal sanctions and public security punishment, protective disposition may also restrict a minor's liberty, range of activity, or modes of conduct to some extent, but such restrictions have a clear educational and protective orientation and do not aim at the production of pain or the expression of condemnation. To treat protective disposition and public security punishment alike, as a single class of unfavorable consequences, would obscure the educational and welfare essence of protective disposition. Existing scholarship generally regards protective disposition as a *sui generis* mode of State response, drawing on both the *parens patriae* logic of the State's responsibility for the development of minors and the substantive protective stance demanded by the principle of the best interests of the minor.²²

Public security punishment, by contrast, possesses a clear disciplinary character. Warnings, fines, and administrative detention are premised on conduct having violated the public security administrative order; their institutional purpose is to issue, through the coercive public power, a formal negative evaluation of unlawful conduct, and thereby to restore order, protect the rights of victims, and

21 See Yao Jianlong (姚建龙), *Weichengnianren Weijing Xingwei de Tichu Yu Lifa Bianzheng* (未成年人违法行为的提出与立法辩证) [*The Proposition of and Legislative Dialectics on Juvenile Delinquent Public-Security Conduct*], 3 *ZHONGGUO FAXUE* (中国法学) [*CHINA LEGAL SCIENCE*] 269, 276 (2022).

22 See Hou Yanfang (侯艳芳), *Weichengnianren Baohu Chufen Zhidu de Fansi Yu Gaijin* (未成年人保护处分制度的反思与改进) [*Reflections on and Improvements to the Juvenile Protective Disposition System*], 4 *FAXUE LUNTAN* (法学论坛) [*LEGAL FORUM*] 98, 98–100 (2022).

deter ordinary persons from emulation. Administrative detention, as a measure of short-term deprivation of personal liberty, exhibits a degree of compulsoriness and punitiveness far exceeding ordinary educational measures. Because public security punishment is centered on the formal assumption of responsibility, it does not share an inherent homogeneity with protective disposition. The former focuses on responsibility and order; the latter focuses on educational transformation and future prevention. The most important doctrinal question is therefore not which of the two is the “heavier”, but whether their institutional aims are identical, mutually exclusive, or capable of independent function within the same case.

B. A Tiered Understanding of Delinquent Conduct

Existing scholarship offers theoretical classifications of juvenile delinquent conduct. Both three-tier²³ and four-tier²⁴ classifications

23 For representative three-tier classifications, see Song Yinghui (宋英辉) & Yuan Ningning (苑宁宁), *Weichengnianren Zui Cuo Xingwei Chuzhi Guilü Yanjiu* (未成年人罪错行为处置规律研究) [A Study of the Patterns of Disposing of Juvenile Delinquent Conduct], 2 *ZHONGGUO YINGYONG FAXUE* (中国应用法学) [CHINA JOURNAL OF APPLIED JURISPRUDENCE] 51, 51–52 (2019); SONG YINGHUI (宋英辉) & YUAN NINGNING (苑宁宁), “WEICHENGNIANREN BAOHU FA” “YUFANG WEICHENGNIANREN FANZUI FA” XIUDING CAO’AN ZHUANJIA JIANYI GAO YU LUNZHENG (《未成年人保护法》《预防未成年人犯罪法》修订草案专家建议稿与论证) [EXPERT RECOMMENDATIONS AND ARGUMENTS ON THE DRAFT REVISIONS TO THE LAW ON THE PROTECTION OF MINORS AND THE LAW ON THE PREVENTION OF JUVENILE DELINQUENCY] 273–74, 280–81 (2021); Xiao Shanshan (肖姗姗), “Zui Cuo Weichengnianren” Gainian Xuanze Yu Shiyong de Lixing Zhengcheng (“罪错未成年人”概念选择与适用的理性证成) [A Rational Justification for the Selection and Application of the Concept of “Delinquent Minors”], 4 *YUFANG QINGSHAONIAN FANZUI YANJIU* (预防青少年犯罪研究) [JUVENILE DELINQUENCY PREVENTION RESEARCH] 70, 70–71 (2020); TONG JIANMING (童建明), WAN CHUN (万春) & SONG YINGHUI (宋英辉), *WEICHENGNIANREN JIANCHA SHIWU* (未成年人检察实务) [JUVENILE PROCURATORIAL PRACTICE] 311–12 (2022).

24 For representative four-tier classifications, see Ma Liya (马丽亚), *Zhongguo Weichengnianren Zui Cuo Xingwei Sifa Chuyu Zhidu de Wanshan* (中国未成年人罪错行为司法处遇制度的完善) [Improving China’s Judicial Disposition System for Juvenile Delinquent Conduct], 4 *YUNNAN SHEHUI KEXUE* (云南社会科学) [YUNNAN SOCIAL SCIENCES] 118, 118–24 (2017); Yao Jianlong (姚建龙), *Lun “Yufang Weichengnianren Fanzui Fa” de Xiuding* (论《预防未成年人犯罪法》的修订) [On the Revision of the Law on the Prevention of Juvenile Delinquency], 5 *FAXUE PINGLUN* (法学评论) [LAW REVIEW] 120, 120–21 (2014); Yao Jianlong (姚建龙), *Weichengnianren Fa de Kunjing Yu Chulu—Lun “Weichengnianren Baohu Fa” Yu “Yufang Weichengnianren Fanzui Fa” de Xiugai* (未成年人法的困境与出路——论《未成年人保护法》与《预防未成年人犯罪法》的修改) [The Predicament of and Way Out for Juvenile Law: On the

have been proposed, but each has difficulty fully accounting for why conduct violating the same public security norms can elicit different State responses across different age groups. The five-tier theory addresses this gap by distinguishing, within conduct that violates public security norms, between law-violating conduct (*chufa xingwei*, “触法行为”), which does not give rise to administrative liability because the actor is below the age of responsibility, and public security misconduct (*weijing xingwei*, “违警行为”), which enters the field of public security punishment because the actor has reached the age of responsibility.²⁵ This Article supports the five-tier classification, which most clearly captures the fact that conduct of the same kind may give rise to different liability premises. For law-violating conduct, protective disposition becomes the principal mode of response by default. For public security misconduct, because the actor remains a minor, his conduct may still lie within a stage at which educational correction can effect transformation. Protective disposition and public security punishment are therefore neither inherently antagonistic nor inherently substitutable; their relationship depends on the premise of liability, the type of case, and the stage of intervention.

C. Normative Concurrence Between Protective Disposition and Public Security Punishment

A fundamental reason that the relationship between protective disposition and public security punishment becomes a problem in the first place is that the “serious misconduct” of the Law on the Prevention of Juvenile Delinquency overlaps substantially, in normative scope, with the “public security violations” of the LPSAP. Group affray, picking quarrels and provoking trouble, beating, insulting, or intimidating others, theft and looting, dissemination of obscene materials, and participation in gambling may all enter the evaluative system of the LPSAP as public security violations and, at the same time, enter the intervention system of the Law on the Prevention of Juvenile Delinquency as serious misconduct. The same conduct, in other words, is often visible simultaneously in two normative

Amendment of the Law on the Protection of Minors and the Law on the Prevention of Juvenile Delinquency], 1 QINGNIAN YANJIU (青年研究) [YOUTH STUDIES] 14, 14 (2019).

25 See Zhu Liang (朱良), *Jiegou Yu Jiangou: Weichengnianren Zui Cuo Xingwei Fenji Zhidu Yanjiu* (解构与建构：未成年人罪错行为分级制度研究) [Deconstruction and Construction: A Study of the Tiered Classification System for Juvenile Delinquent Conduct], 4 XUEXI YU SHIJIAN (学习与实践) [STUDY AND PRACTICE] 75, 75 (2022).

domains.²⁶ Indeed, the new LPSAP has produced concurrence problems across multiple bodies of law.²⁷

Existing scholarship has produced *exclusion*, *inclusion*, and *equivalence* theories.²⁸ Despite their differences, all three share a common implication. In the case of juvenile public security violations, the administrative-violation framework applicable to adult cases can no longer be transposed without modification.

D. Four Theories on the Relationship Between Protective Disposition and Public Security Punishment

First, the priority of protective disposition theory. This view contends that, when the Law on the Prevention of Juvenile Delinquency and the LPSAP come into concurrence, protective measures should be applied first. Its core rationale is that the basic policy on juvenile delinquency is one of education, persuasion, and rehabilitation, and of education-first, punishment-supplementary, and protective disposition embodies the concrete realization of that policy. The principle of the best interests of the minor, moreover, requires the State to give priority to measures more conducive to the minor's long-term development. The merit of this view lies in foregrounding the protectionist stance of juvenile law. If absolutized, it may weaken the practical significance of public security punishment in a small number of recurrent-violation cases.²⁹

26 Associate Professor Yuan Ningning of China University of Political Science and Law was an early proponent of this view. See Yuan Ningning (苑宁宁), *Weichengnianren Baohu Chufen Yu Zhi'an Chufa de Jinghe Guanxi Tanxi* (未成年人保护处分与治安处罚的竞合关系探析) [*An Analysis of the Concurrence Relationship Between Juvenile Protective Disposition and Public Security Punishment*], FALÜ SHIYONG (法律适用) [JOURNAL OF LAW APPLICATION] (Jun. 26, 2025), <https://mp.weixin.qq.com/s/IrJv7bLf3--yhZHAACm0A>.

27 See Cao Liu (曹鏊), *Xin Zhi'an Guanli Chufa Fa de Zhidu Chuangxin ji Shiyong Qianzhan* (新治安管理处罚法的制度创新及适用前瞻) [*The Institutional Innovations and Application Outlook of the New Public Security Administration Punishments Law*], 3 FALÜ SHIYONG (法律适用) [JOURNAL OF LAW APPLICATION] 125, 125–29 (2026).

28 Yuan, *supra* note 25.

29 See Yao, *supra* note 20, at 269; Yuan, *supra* note 2, at 43. The Chongqing Municipal Implementing Measures on the Tiered Correction of Delinquent Minors (Trial) (Guanyu Zuicuo Weichengnianren Fenji Jiaozhi Shishi Banfa (Shixing) (关于罪错未成年人分级矫治实施办法(试行)) [Implementing Measures on the Tiered Correction of Delinquent Minors (Trial)]) classify “delinquent minors” into four categories: minors who violate the Public Security Administration Punishments Law; minors who commit acts that would constitute crimes but for being below the

Second, the supplementary application theory³⁰ holds that protective disposition should be considered only as a supplement when public security punishment cannot be applied in practice.³¹

Third, the independent application theory maintains that the same conduct cannot be made the subject of both public security punishment and protective disposition, lest the principle of *ne bis in idem* be infringed.³² Both views capture aspects of the institutional architecture but, in operation, either invite arbitrary discretion or risk depriving minors who have already been subjected to public security punishment of the opportunity to enter educational correction.

Fourth, the concurrent application theory emphasizes that public security punishment and protective disposition differ in nature and complement each other in function, so that their concurrent application under specified conditions is not inherently inconsistent with the principle of *ne bis in idem*. Administrative detention, fines, and other public security punishments are oriented toward the affirmation of responsibility and the deterrent expression of disapproval, while corrective education and specialized education are oriented toward educational transformation and the prevention of recidivism. So long as each serves its distinct institutional aim, and so long as the application is necessary and proportionate, the two may operate in parallel within the same case. The theory escapes the binary

age of criminal responsibility; minors for whom the people's procuratorate makes a non-prosecution decision; and minors sentenced or ruled to non-custodial punishment.

30 See Yao, *supra* note 20, at 275; Song Yinghui (宋英辉) & Qian Wenxin (钱文鑫), *Woguo Zui Cuo Weichengnianren Fenji Ganyu Jizhi Yanjiu—Yi Zhuanmen Jiaoyu wei Hexin Zhuashou* (我国罪错未成年人分级干预机制研究——以专门教育为核心抓手) [A Study on the Tiered Intervention Mechanism for Delinquent Minors in China: With Specialized Education as the Core Lever], 6 YUNNAN SHIFAN DAXUE XUEBAO (ZHEXUE SHEHUI KEXUE BAN) (云南师范大学学报(哲学社会科学版)) [JOURNAL OF YUNNAN NORMAL UNIVERSITY (PHILOSOPHY AND SOCIAL SCIENCES EDITION)] 63, 63 (2022).

31 See Jiang Guohua (江国华) & Sun Zhongyuan (孙中原), *Lun Xingzheng Chufa Zhidu zhong de Jiaoyu Cuoshi* (论行政处罚制度中的教育措施) [On Educational Measures in the Administrative Punishment System], 11 XUEXI YU SHIJIAN (学习与实践) [STUDY AND PRACTICE] 80, 80 (2022).

32 See WU YAN (吴燕) ET AL., *WEICHENGNIANREN JIANCHA SHIWU CAOZUO* (未成年人检察实务操作) [PRACTICAL OPERATIONS OF JUVENILE PROCURATORIAL WORK], 286 (2021); Sun Qian (孙谦), *Zhongguo Weichengnianren Sifa Zhidu de Jiangou Lujing* (中国未成年人司法制度的建构路径) [Pathways for Constructing China's Juvenile Justice System], 6 ZHENGZHI YU FALÜ (政治与法律) [POLITICAL SCIENCE AND LAW] 12, 12 (2021).

of “punish or educate, but not both”, recognizing that some cases genuinely require both. For the theory to hold, however, it must be premised on strict limitation, lest it degenerate into a theoretical wrapping for the cumulative imposition of unfavorable consequences on minors.³³

Synthesizing the foregoing, this Article takes the following position. First, the principle of the best interests of the minor must serve as the supreme interpretive standard. Whether the question is the enforcement decision under Article 23 or the activation of corrective education under Article 24, every determination must return to the question of which State response is more conducive to the minor’s long-term development and social reintegration. Second, a protective disposition should occupy a position of priority consideration, which does not mean that public security punishment is categorically inapplicable. However, education, correction, family intervention, and social support should be implemented to address the risk, rather than relying solely on administrative detention. Third, public security punishment retains a necessary space for cases involving recurrent violations or concrete threats where educational measures are manifestly insufficient. Where some minors have developed a clear sense of impunity, measured discipline can interrupt behavioral inertia and create conditions for subsequent education. Fourth, concurrent application is theoretically defensible but must be strictly confined. Only where public security punishment alone is insufficient to achieve the goals of education and recidivism prevention, and where protective disposition possesses an independent function, should the two be considered in parallel. Concurrent application is not a general rule; it is an exception demanding rigorous assessment, full reasoning, and strict control.

IV. APPROACHES TO APPLYING THE JUVENILE-RELATED PROVISIONS

A. *Overall Approach*

What most needs to change in juvenile public security cases is the approach to handling them. If the inertial logic of adult cases that first finds a violation, then directly determining the punishment continues to govern, the special character of juvenile law cannot truly be reflected, no matter how heavy or light the resulting sanction. The more

³³ Yuan, *supra* note 25.

reasonable sequence, anchored in the principle of the best interests of the minor, is to identify the nature of the conduct first, then conduct an individualized assessment, and only then choose the disposition. Identifying the nature of the conduct entails not only determining whether it constitutes a public security violation, but also whether it simultaneously qualifies as serious misconduct and whether it approaches the boundary of criminal evaluation. Individualized assessment encompasses family guardianship, school performance, mental status, prior conduct records, behavioral motivation, peer relationships, social-support conditions, and the risk of recidivism. Local practice has shown that this sequence is workable³⁴, and its concrete operation is discussed in Section C below.

B. Application of the Administrative Detention Provisions

The phrase “serious circumstances and egregious impact” should be applied through a combination of a high threshold, typological criteria, and case-by-case judgment. First, this phrase performs the exceptional function of piercing the rule of non-enforcement of detention. It cannot be construed in the broad manner of ordinary “aggravating circumstances”. Second, typological criteria should be used to reduce arbitrary discretion. The following factors may inform the framework of judgment: whether the conduct exhibits manifest violence, humiliation, coercion, or persistence; whether it targets vulnerable persons such as other minors, persons with disabilities, or the elderly; whether it has caused physical injury, serious psychological trauma, or significant property loss; whether it has produced widespread negative impact on campus, online, or in public spaces; and whether the actor occupies a higher position of subjective culpability as organizer, director, or instigator within joint conduct. Third, even where certain typological features are met, a necessity review must be conducted on the facts of the individual case.

As to “two or more violations within one year”, greater weight should be placed on the recurrent nature of the conduct than on the mere number of formal punishments. So long as a prior act has been

34 The case-based corrective-education model adopted by the Public Security Sub-Bureau of X District, K City, Y Province, places individualized assessment at the early stage of case handling, so that the case is no longer a matter of “punish first, consider rehabilitation later”, but rather one in which protective disposition is treated as a possible outcome from the moment the case is opened. This approach effectively translates the “rebalancing of education and punishment” into an adjustment in procedural sequence: not punishment first and education second, but assessment first, discretion second, and continued intervention third.

verified by the public security organ and clearly recorded, it may serve as an important basis for determining a renewed violation. A prior formal punishment decision should not be mechanically required. Otherwise, many acts ascertained but not punished due to age would be excluded from consideration. Recurrence supplies the premise for further discretionary inquiry, not an automatic conclusion that detention is required. For minors who have violated the law again, the inquiry must ask why the prior intervention failed and take stock of failed family guardianship, disengagement from school, untreated psychological problems, or persistent peer influence.

C. Application of the Bridging Provision Between Administrative Detention and Protective Disposition

The crux of Article 24 lies in the word “shall”. If this duty cannot be translated into a concrete procedure, the provision will remain at the declaratory level. Four rules should be established. First, cases in which a minor is exempt from punishment or in which detention is not enforced should not terminate with a punishment decision or non-punishment decision alone; they should simultaneously be transferred into the corrective-education process. Second, a written assessment mechanism should be established, producing a formal opinion on whether the minor falls within the category of “delinquent minor with serious misconduct”, whether activation of corrective education is appropriate, and whether subsequent transfer to a specialized school is warranted. Third, the receiving entity and the responsibility for execution must be clearly designated, lest public security organs find themselves knowing further handling is required but not knowing who is to do it. Fourth, a results-feedback mechanism should ensure that the effects of subsequent correction flow back into front-end case judgments.

Local practice already offers a relatively mature path for case-based corrective education. In handling juvenile cases, one District Public Security Sub-Bureau no longer leaves corrective education for after-the-fact treatment; from the moment a case is opened, it activates a sequence of steps including notification of the appropriate adult, preliminary assessment, completion of an assessment form, preparation of a request-for-approval report, review and approval, and service of the decision notice. The greatest significance of this approach is that it formally incorporates educational correction into the procedure, rather than relying on the personal experience or extra zeal of the case-handling officer.

D. Application of the Provision on Organizing or Coercing Minors into Paid Companionship

Although Article 48 is not the central focus of this Article, because it concentrates on the new law's absorption of new juvenile-protection scenarios, its method of application is itself paradigmatic. The phrase "business venues unsuitable for minors" should not be determined mechanically by reference to the name on the business license or to traditional industry classification; substantive review is essential. Where the operational content, spatial structure, mode of management, and actual operating state of a venue collectively suggest manifest risks to minors, the venue should fall within the scope of the provision. "Organizing" should be understood in a tiered fashion. In practice, many cases involve not centralized control but covert relationships of dominance constructed through online order-posting, commission-taking, arrangement of receptions, rule-setting, and control of access. The inquiry should focus on whether the actor has established a relatively stable business chain between the minor and the consumer, and whether persistent control has been formed through recruitment, arrangement, management, distribution, and revenue extraction. Only in this way can the core conduct of "organizing" be accurately distinguished from the peripheral conduct of "introducing or assisting".³⁵

E. Application of the Student Bullying Provision

The focus in applying Article 60 lies in establishing a division of labor between school governance and formal legal response. One of the past problems has been that serious cases of student bullying have often been internalized within schools, mitigated through mediation, criticism, or in-house disciplinary measures. Yet for sustained encirclement, humiliation, beating, intimidation, or the dissemination of degrading videos that have attained the level of public security violations, continued internal handling not only damages the rights of the victim but also generates, in the perpetrator, the expectation that the school will smooth things over. Where student bullying reaches the level of a public security violation, public security organs should accordingly intervene in a timely manner, with corrective-education measures applied in tandem.

At the same time, it would be misguided to drift toward a model in which all student conflict is brought into the public security sphere.

³⁵ Sun & Luo, *supra* note 18.

The governance of student bullying remains inseparable from school education, family supervision, and social support. The more prudent approach is to handle matters in tiers. Ordinary conflict at the level of minor misconduct should be addressed primarily through school education and family guidance; bullying that has reached the level of a public security violation should receive a formal legal evaluation by public security organs, accompanied by corrective education; and where conduct approaches the boundaries of crime, criminal procedures should be invoked.

F. Application of the Procedural Safeguards

First, the substantive operation of the appropriate-adult system. Its value lies in on-site support, emotional reassurance, rights advisement, and assistance in self-expression. Should the appropriate adult be understood merely as a witness or sign-in attendant, the system will degenerate into a mere formality.³⁶ A more advisable practice is to combine the appropriate-adult system with social-work institutions, so that professional social workers participate in the questioning process, assist with preliminary assessment, and continue to play a role in subsequent execution. Additionally, although guardian presence should in principle be safeguarded, this does not entail that the guardian is preferable to other appropriate adults in every case.³⁷ In cases involving family conflict, abusive guardianship, or particularly stigmatizing matters, the presence of guardians may suppress the minor's candid testimony. Future legislation might consider whether, in particular cases, public security organs should be entitled to prefer other appropriate adults over guardians.

Second, the deepening of case-based corrective education. A

36 See He Ting (何挺), "Heshi Chengnianren" *Canyu Weichengnianren Xingshi Susong Chengxu Shizheng Yanjiu* ("合适成年人"参与未成年人刑事诉讼程序实证研究) [An Empirical Study of the Participation of "Appropriate Adults" in Juvenile Criminal Proceedings], 6 *ZHONGGUO FAXUE* (中国法学) [CHINA LEGAL SCIENCE] 146, 146–65 (2012); He Ting (何挺), *Heshi Chengnianren Xunwen Shi Zaichang: Xingshihua Beihou de "Wuyong Lun" Fansi* (合适成年人讯问时在场：格式化背后的“无用论”反思) [The Presence of an Appropriate Adult During Questioning: Reflections on the "Uselessness Theory" Behind Its Formalization], 6 *HUANQIU FALÜ PINGLUN* (环球法律评论) [GLOBAL LAW REVIEW] 121, 121–33 (2019).

37 See Song Yinghui (宋英辉) & Sun Pengqing (孙鹏庆), *Weichengnianren Jiancha de Xushi Huayu Yu Tixi Jianshi* (未成年人检察的叙事话语与体系检视) [The Narrative Discourse and Systemic Examination of Juvenile Procuratorial Work], 6 *GUOJIA JIANCHAGUAN XUEYUAN XUEBAO* (国家检察官学院学报) [JOURNAL OF NATIONAL PROSECUTORS COLLEGE] 76, 76–96 (2024).

relatively complete closed loop comprises identifying the minor's status at the time of case acceptance, immediately notifying the appropriate adult and the guardian, forming an assessment opinion on the suitability of protective disposition once the facts are established, deciding through request and approval whether to activate corrective education, transferring the relevant materials to the community for execution, and at the community level, signing an assistance-and-supervision agreement, organizing a corrective-education team, formulating an individualized plan, and dynamically assessing and adjusting the plan during execution.³⁸

Third, the construction of juvenile policing and complementary institutions. Many case-handling officers presently lack a systematic understanding of the content, activation procedures, and receiving entities of specialized education and specialized corrective education. Going forward, complementary construction and more refined enforcement guidelines unifying standards for terms such as "serious circumstances and egregious impact" will be needed. These measures should include a mandatory individualized assessment system for juvenile public security cases; improved file-based management of minor and serious misconduct; advancement of specialized schools, specialized corrective education, and transitional social-supervision resources; a stable mechanism of police-school-community-family coordination; and strengthened procuratorial supervision, administrative reconsideration, and judicial review to correct deviations in application.

V. CONCLUSION

The true significance of the juvenile-related provisions of the revised LPSAP lies not in any simple breach of the rigid rule of non-enforcement of administrative detention under the old law. It lies, rather, in their attempt to correct the limitations of an old regime in which rigid exemption coexisted with subsequent failures of management, and to move the governance of juvenile public security violations away from the alternatives of one-shot punishment or simple release toward a dual structure that combines the affirmation of

38 See Zhang Hanyu (张寒玉), Sheng Changhong (盛常红) & Sun Pengqing (孙鹏庆), *Lun Weichengnianren Zui Cuo Xingwei de Anjianhua Banli Jizhi* (论未成年人罪错行为的案件化办理机制) [On the Case-Based Handling Mechanism for Juvenile Delinquent Conduct], 6 YUFANG QINGSHAONIAN FANZUI YANJIU (预防青少年犯罪研究) [JUVENILE DELINQUENCY PREVENTION RESEARCH] 78, 78–83 (2024).

responsibility, educational correction, and continued intervention. The most pressing question raised by this transition is not the abstract debate over leniency or severity, but how, under the overarching guidance of the principle of the best interests of the minor, to clarify the relationship between public security punishment and protective disposition, and to develop a stable, fine-grained, and operable set of interpretive rules and case-handling routines. This Article has argued that protective disposition should occupy a position of priority consideration, that public security punishment should retain a necessary space, and that concurrent application should be strictly limited. Translated into application, this entails a high-threshold reading of Article 23, the substantive realization of the duty of continued intervention under Article 24, and reliance on case-based corrective education, community-based execution, follow-up specialized education, and police-school-community-family coordination as the basic infrastructure, so that the handling of juvenile public security cases may genuinely produce the effects of educational transformation and recidivism prevention. For international readers, what this revision demonstrates is not a simple punitive turn in China's juvenile governance, but rather Chinese law's effort to seek a more complex and more difficult balance: education is not permissiveness, but punishment is not the answer either. Eventually, there will be a workable path that holds child welfare and public order together.

