



# Juvenile Community Corrections in China: the Quest for a Restorative Approach

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## Abstract

Community-based treatment has long been a major component of the criminal justice system in most Western jurisdictions; however, this is not the case in China. Based on a review of academic journal articles and legal documents, this paper highlights the evolution of community correction programs for juvenile offenders in China. Reflecting on its development over the past two decades, the existing community correction programs in China are not restorative in facilitating an offender's effective reintegration into the community. This paper aims to address the existing gap by examining the historical roots and characteristics of Chinese juvenile community corrections and analyzing how restorative justice can be incorporated into the youth rehabilitation system. In this regard, this paper advocates for a restorative juvenile community correction model that motivates social capital and actively engages all concerned parties in meeting various correctional goals of victim reparation, accountability taking, capacity building, and maintaining community safety. With the momentum of the recent criminal justice reform alongside the continued open-door policy in China, it is hoped that the Chinese government may be more willing to include restorative ideas for offender reintegration in the future. With more frequent applications of restorative justice, we are confident that effective intervention models could be put into practice in the years to come.

**Keywords** Community Corrections · China · Restorative Justice · Juvenile Offending · Youth Justice

## Introduction

Community-based treatment for offenders has long been a major component of the criminal justice system in most Western jurisdictions, encompassing a wide range of measures such as community services, electronic monitoring, probation, and parole

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(Wodahl & Garland, 2009). However, it was only in 2003 that community treatment, in the form of “community corrections” (*shequ jiaozheng*), was considered an alternative to incarceration in China. There are two major reasons behind such a shift. From an ideological perspective, this shift is considered an integral part of the reform of China’s criminal justice system—moving from a total “strike-hard approach” (*yanda*) to an approach that upholds the principle of “balancing of leniency and harshness” (*kuanyan xiangji*) (Li, 2015; Trevaskes, 2010, 2015). From a practical perspective, community correction is generally seen as a cost-effective solution to the problem of overcrowding in Chinese prisons (S. D. Li, 2014a, b). From 2003 to 2019, there was an increase in community correction sentences in China, amounting to a total number of 4.78 million offenders in 17 years (Jiang, 2020).

Interestingly, apart from the growing attention to community corrections, restorative justice (RJ) has been commonly recognized as an impetus for community corrections in China (Li & Shan, 2012; Ma, 2012). With the amendments of the *Criminal Procedural Law* and *Criminal Law* in 2011 and 2022, respectively, a substantial number of academic researchers have advocated for the nexus of RJ and community corrections (e.g., Ding & Dou, 2016; X. Li, 2017a, b; Ma & Di, 2017; Shi, 2021). Recently, a vast majority of literature has focused on how to further refine correction procedures in China, suggesting concrete ideas for improving cooperation among different statutory departments and discussing how RJ should be incorporated into community corrections (e.g., Jiang, 2018; Liu & Cai, 2019; Mou, 2020; Peng, 2017; Shi, 2021; Tang, 2019). Despite a large volume of Chinese-language articles on community corrections and an emerging body of English-language literature related to Chinese community corrections (e.g., Jiang et al., 2014; Jiang et al., 2020; E. Li, 2017a, b; Yang, 2017), there is still the lack of a comprehensive analysis regarding the way forward for juvenile community corrections (JCC). To bridge this existing gap in literature, this paper aims to examine the historical roots and characteristics of Chinese JCC and analyze how RJ can be incorporated into the JCC system.

## Juvenile Community Corrections (JCC) in China

Analogous to Western practices, Chinese community corrections refer to non-custodial sanctions imposed upon offenders for “correcting their criminal mentality and behavior, and facilitating their reintegration into the society” (Supreme Court of the People’s Republic of China, 2003). Community corrections includes three primary correctional tasks: (1) supervision (*guan zhi*) that ensures the smooth implementation of punishment; (2) education (*jiaoyu*) that strengthens offenders’ moral, ethical, and legal awareness to foster law-abidance; and (3) support (*bangfu*) that assists their reintegration into the community.

Unlike the adult criminal justice policy, juvenile justice policy adheres to the principle of “fewer arrests, careful prosecutions, fewer imprisonments” to minimize the labeling effect that may lead to negative self-degradation and reoffending (Becker, 1963; Li, 2021). In China, the rates of severe punishment (more than 5 years of imprisonment) for youth offenders have been relatively low, at around 15% (Yao, 2015). To avoid stigmatization and contamination effects in statutory institutions, juvenile delinquents who meet the correction conditions are generally placed in the community as far as possible. Echoing the principle of “educating, reforming, and rescuing,” community correction has increasingly been recognized as a crucial practice for youth rehabilitation and reintegration in China (Wong & Kwan, 2020; Wong & Mok, 2013). With the joint efforts from various

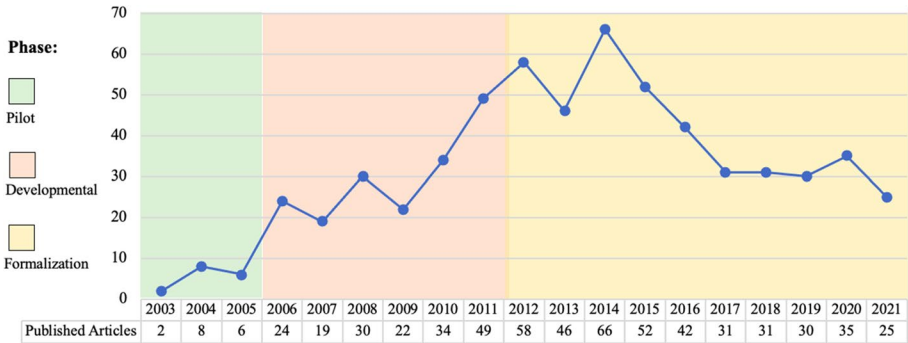
state organs such as the public security bureau, the People's Procuratorate, the People's Court, and the judicial bureau, community corrections aim to eliminate the criminogenic mentality and reform adolescents' offending behavior through monitoring, re-socialization, and assistance (Li, 2015; Zhu & Wang, 2011).

In dealing with juvenile delinquents, the Chinese government tends to adopt a balanced instead of a harsh approach. Notably, the phrase "*kuanyan xiangji*" (balancing of leniency and harshness) became more commonly used among government bodies and academics after the Fourth Plenary Session of the 16th Communist Party of China (CPC) Central Committee held in 2004. Wong and Kwan (2020) have asserted that *kuanyan xiangji* was seen as an overarching policy for treating youth offenders with the key aims to accelerate criminal court procedures, reduce the use of detention, and balance leniency and severity. Such an approach implies a revisit of the basic principle of "double protection" underlying the two laws—*The Law of the People's Republic of China on the Protection of Minors (LPM)* (Standing Committee of the National People's Congress, 1991) and *The Law of the People's Republic of China on the Prevention of Juvenile Delinquency (LPJD)* (Standing Committee of the National People's Congress, 1999). In China, the minimum age for criminal responsibility is 14 years according to Article 17 of the *Criminal Law* (National People's Congress, 1979). However, not all offending juveniles (or minors) who have reached the age of 14 years are liable for all types of offenses. Juvenile offenders between 14 and 16 years are only responsible when they have committed eight types of serious crimes including homicide, rape, possession or detonation of an explosive device, and poisoning. A juvenile older than 16 years shall bear full criminal responsibility but remain exempt from the death penalty if he or she is younger than 18 years old. However, in 2020, in response to the alarming rise of underage crimes and public concern regarding a high-profile sexual homicide case committed by a 13-year-old teenager, the Amendment XI of the *Criminal Law* lowered the minimum age of criminal responsibility to 12 (Mao & Ji, 2022). But this amendment only applies to two serious crimes, i.e., homicide or serious assault that results in severe injury and death by extremely cruel means.

## Attention to JCC in the Chinese Academia

Based on a keyword search of "minor" (*weichengnian*) or "juvenile" (*shaonian*), and "community corrections" (*shequjiaozheng*) in the China Academic Journals Database (CNKI), a total of 610 Chinese-language articles<sup>1</sup> from 2003 to 2021 were obtained. The vast majority of the articles are non-empirical studies, mostly related to the policy, legal, and administrative issues of the JCC system. The increasing interest of researchers over the past two decades reflects the growing significance of JCC in China (Fig. 1). In addition, Table 1 provides readers with information on the policy evolution of JCC system. Three progressive stages are noted, namely, the *pilot stage* (2003 to 2005), the *developmental stage* (2006 to 2011), and the *formalization stage* (2012 to 2021).

<sup>1</sup> Excluding article excerpts, editorials, reports, unidentified authors, and gray literature.



**Fig. 1** Published Chinese academic journals with keywords = “minor (*weichengnian*)” OR “juvenile (*shaonian*)” AND “community corrections (*shequjiaozheng*)” from CKNI database (2003–2021)

### Pilot Stage

In 2003, the Supreme People’s Court, the Supreme People’s Procuratorate, the Ministry of Public Security, and the Ministry of Justice jointly promulgated the *Notice on Implementing Experimental Work of Community Corrections* (the *Notice*) to initiate community corrections in China. Starting as a pilot project in six provinces—Beijing, Jiangsu, Shanghai, Shandong, Tianjin, and Zhejiang—targeted offenders were included for five types of community-based sanctions: (1) public surveillance (*guanzhi*), (2) probation (*huanxing*), (3) parole (*jiashi*), (4) temporary execution of sentences outside prison (*zhanyu jianwai zhixing*), and (5) deprived of political rights (*boduo zhengzhi quanli*). Among the offenders that meet the basic conditions, youth who commit transgressions with limited intentional harm are specified as the targets of community corrections<sup>2</sup> (Sect. 2(1), the *Notice*). This first *Notice* upholds youth delinquents’ accountability for their wrongdoings while giving them the opportunities to rehabilitate and reintegrate into society. To expand the scope of the pilot scheme, a subsequent notice (*Notice on Expanding Experiment of Community Corrections*) was issued in 2005 to extend community corrections to 12 additional provinces.<sup>3</sup>

As shown in Fig. 1, there was scant scholarly discussion regarding community corrections during the pilot stage, and only a few studies focused on juvenile offenders. These studies mainly explored the nature of JCC and compared the correctional systems of developed countries such as the United Kingdom, Japan, and the USA, to identify an indigenous correctional system model for China (Fan, 2004; Wang & Zhen, 2005; Xi, 2004).

### Developmental Stage

Since 2006, JCC has received growing attention in Chinese academia. Specifically, when the *Suggestions on Experimenting Nationwide Community Corrections* was announced in 2009, the national implementation of community corrections triggered a significant rise

<sup>2</sup> Under the *Notice* (2003), other targeted offenders include those old, vulnerable, and disabled, who commit first-time minor offenses.

<sup>3</sup> Anhui, Chongqing, Guangdong, Guangxi, Guizhou, Hainan, Hebei, Heilongjiang, Hubei, Hunan, Inner Mongolia, and Sichuan.

**Table 1** Developments of juvenile community corrections (JCC) in China

Stage	Year	Government documents	Key developments of JCC
Pilot	2003	Notice on implementing experimental work of community corrections ( <i>Guanyu Shequjiaozheng Shidian Gongzuo de Tongzhi</i> )	<ul style="list-style-type: none"> <li>- Officially initiating CC practices in China; starting out as a pilot in six provinces</li> <li>- Juvenile offenders were clearly stated as one of the primary targets for CC</li> </ul>
Developmental	2005	Notice on expanding the scope of community correction pilot ( <i>Guanyu Kuoda Shequjiaozheng Shidian Fanwei de Tongzhi</i> )	<ul style="list-style-type: none"> <li>- Further promoting CC programs in China; expanded to 12 more provinces</li> </ul>
	2009	Suggestions on experimenting nationwide community correction ( <i>Guanyu zai Quanguo Shixing Shequjiaozheng de Yijian</i> )	<ul style="list-style-type: none"> <li>- Building on the achievements of the pilot; CC was launched at a national level</li> </ul>
Formalization	2011/2012	Amendment VIII to the Criminal Law of the People's Republic of China and Revised Criminal Procedural Law	<ul style="list-style-type: none"> <li>- CC was recognized as a formal form of punishment in the legislations</li> <li>- Emphasizing lenient treatments of juvenile delinquents to ensure their rehabilitation</li> </ul>
	2012	Measures for implementing of community correction ( <i>Shequjiaozheng Shishi Banfa</i> )	<ul style="list-style-type: none"> <li>- Setting out the regulations for standardizing the nationwide implementation of CC</li> <li>- Focusing on the principle of 'education, reform, and rescue' in youth corrections (Article 33)</li> </ul>
	2014	Opinion on organizing social participation in community correction work ( <i>Guanyu Zuzhi Shehui Shehui Liliang Canyu Shequ Jiaozheng Gongzuo de Yijian</i> )	<ul style="list-style-type: none"> <li>- Encouraging the involvement of diverse social networks to support CC</li> <li>- Advocating the contract-out services to NGOs</li> </ul>
	2020	Community Corrections Laws ( <i>Shequjiaozheng fa</i> )	<ul style="list-style-type: none"> <li>- Adding a separate chapter that prescribes special provisions for JCC (Chapter 7)</li> <li>- Highlighting a 'whole-of-society' approach in juvenile; corrections and reintegration</li> </ul>

in Chinese-language publications about JCC. At the same time, scholars started identifying emerging problems in current JCC practices. For example, Ding et al. (2009) argued that most provinces and municipalities did not provide separate correctional programs for juvenile and adult offenders. Other studies pointed out that the effective implementation of countrywide correctional programs was hindered by the lack of legal frameworks (Guo, 2009; Q. Li, 2009a, b).

The National People's Congress formally incorporated community corrections into the mainstream criminal justice by amending the *Criminal Procedural Law* and *Criminal Law* in 2011 and 2022, respectively. Article 258 of the revised *Criminal Procedural Law* and Articles 38(3), 76, and 85 of the revised *Criminal Law* provided specific provisions for community corrections<sup>4</sup> (Li, 2015). In addition, Amendment VIII of the *Criminal Law* highlighted the importance of leniency and reform of juvenile delinquents. For instance, Article 11 states that 'offenders aged under 18 should be sentenced to probation,' and correspondingly, Article 13 declares that 'convicts on probation shall be subject to community corrections.' Fig. 1 indicates that the number of Chinese-language articles related to JCC reached a new high during the period of law revision. General views supported that the substantive amendments offered the legal basis for JCC and reflected China's efforts to promote youth rehabilitation through more lenient and community-based penalties (Hu, 2011; Jia & Zhao, 2011). Nonetheless, many considered the Chinese JCC system to be far from effective. During the developmental stage, the call for specialized laws and programs for juvenile corrections, the establishment of a well-structured community corrections system, and a formalized operational framework were the recurring themes of discussion (M. Li, 2014a, b).

## Formalization Stage

After years of JCC implementation in China, different provinces and municipalities have developed their distinct community correction operational frameworks. There has been a significant upsurge in the number of published articles related to JCC service operation. Some of these studies have examined a few of China's exemplars such as the Beijing Model, the Shanghai Model, and the Guangdong Model (Jiang et al., 2014; Li, 2015; Yang, 2017). A large body of literature asserted that the lack of a clear set of regulations on community corrections had undermined the JCC program effectiveness, and many requested a set of standardized guidelines to reduce cross-regional disparities in the supervision, management, and implementation of JCC (Jiang, 2010; S. D. Li, 2014a, b). In response to the same, the *Measures of Implementing Community Corrections* (the *Measures*) was issued in 2012 to establish the 'standard stipulations' for implementing nationwide community corrections in China. The *Measures* was the first operational guide for community corrections in China, covering four main areas: (1) general principles, (2) responsibilities of state administrative agencies and social support networks, (3) procedures of implementation, and (4) supervision of offenders. Article 55 specifies the provision of individualized treatment to ensure that correctional practices are tailored to juveniles' needs, and records must be confidential for avoiding stigmatization. Despite being the most comprehensive JCC

<sup>4</sup> Under the Amendment VIII of the *Criminal Law* (2012), offenders who are deprived of political rights are excluded.

guide at that period, many critics have pointed out the vague definitions of rules regarding division of labor among statutory agents when JCC is under operation (Qi, 2018).

Building on the foundation of the *Measures*, many scholars contended that the formulation of a specialized law was necessary to ensure the legal status of community corrections in China (Fu & Lin, 2012; Zhao, 2011). In 2014, the *Community Corrections Law* (CCL) was publicly announced to be included in the 12th National People's Congress Standing Committee's and the State Council's Legislative Workplans (China News, 2014). In November of this year, the Ministry of Justice, the Central Comprehensive Management Office, the Ministry of Education, the Ministry of Civil Affairs, the Ministry of Finance, and the Ministry of Human Resources and Social Security jointly issued the *Opinion on Organizing Social Participation in Community Corrections Work (the Opinion)*. This Opinion encourages the involvement of social networks to support community correction work, including the use of contract-out services. Figure 1 reflects that the number of JCC literature was at its peak and continued to reach new heights until the released draft of CCL in 2016. In light of the experiences from other countries, a substantial number of literature discussed the establishment of an independent legal framework for strengthening social participation and empowering the law enforcement agencies in supervision in order to enhance the effectiveness of Chinese JCC system (Du, 2017; Gan, 2015; Sun, 2019; Wang & Yang, 2020).

The *Community Corrections Law* (CCL) eventually took effect in July 2020, and it is China's first specialized law—with nine chapters and 63 articles—to provide the legal basis for community correction work. The highlight of the CCL is the seven JCC-related provisions prescribed in a separate chapter (Chapter 7). Apart from the pre-existing regulations, Article 56 explicates a 'whole-society' approach to JCC by mobilizing a variety of social capitals, including the Communist Youth League, the Women's Federation, and volunteers from other relevant social organizations. Generally, the CCL was heralded as a 'landmark legislation' by Chinese scholars and a positive force to promote the professionalization of community corrections and reflects the authorities' dedicated attention to JCC (Xiao & Wu, 2021). However, the CCL received a mixed reception in the academic field, with a group of scholars indicating that the content of the CCL does not differ much from the previous *Measures*, and that the new legislation mainly served as state propaganda without much essence for consolidating a 'harmonious society' (Li, 2015; Qi, 2018).

## Bottlenecks of Effective Implementation of JCC

The large pool of literature on community corrections has confirmed the rapid development of the JCC in China in the last decades. However, the literature also revealed two critical issues that limit the effectiveness of JCC work. From the perspective of those who cause harm (i.e., juvenile offenders), current correctional practices lack targeted measures that actively engage them in 'genuine corrections.' From the viewpoint of those who have been harmed (i.e., victims and communities), their roles have been constantly neglected in the correction process.

## Lacking Individualized Therapeutic Interventions

Under the current policy, common forms of JCC interventions in China include supervision, counseling, moral and legal education, community service, and vocational training. A

majority of these programs are delivered uniformly, regardless of the offender's age, characteristics, perceived risks, and needs (Liao, 2020; Zi, 2020). A recent study found that monitoring and general education are the most widely endorsed JCC measures across 36 judicial offices in different provinces, with no apparent differences from their adult counterparts (K. Zhang, 2021a, b). Given the lack of a specialized team of professionals such as psychologists and social workers and the incompetence and ignorance of offenders' risk assessment procedures, the quality of community corrections in China is in serious crisis (Yuan, 2019). Most JCC programs in China adopt a one-size-fits-all approach that fails to accommodate the differences within and among offending individuals.

In addition to the dearth of individualized treatments, offenders are mostly confined to the 'passive client' roles during JCC interventions. Juvenile offenders are viewed as the *objects* of change, rather than the *agents* of change. Existing intervention measures seldom provide lawbreakers with opportunities to take responsibility and actively make amends and most programs turn into 'one-way preaching' formats. Such correctional programs are considered unfavorable for the genuine rehabilitation of juvenile offenders and may even provoke youth delinquents' rebellious mentality (Peng, 2017). Community services, also known as welfare labor (*gongyi laodong*) in China, often involve sanitation duties such as sweeping streets and clearing garbage. Instead of fostering a sense of social responsibility and promoting self-worth, many studies found that youth often consider these menial low-skilled tasks to be mundane and meaningless; some even found mandatory services to be humiliating to their self-esteem (Liao, 2020; Zhang, 2016). Zhao & Zhou (2019) expressed concerns about the existing regulation of 8 h of community services per month having become superficial, as it hardly inspires delinquents' intrinsic motivation or facilitates long-term positive behavioral changes. In many cases, delinquents only consider themselves as 'paying their debt' by accepting the punishment and abiding by the regulations under the perception of 'authoritarian accountability' (Bazemore & Day, 1998). Hence, many scholars argue that JCC programs have increasingly become a mere formality, which deviates from the objectives of community corrections (Shi, 2021).

### **Neglecting Victims' Role in the Process of Rehabilitation**

Another common criticism of the current JCC system is its overemphasis on offender-oriented intervention, which fails to balance the diverse needs of other stakeholders related to the crime, especially the victimized individuals and community members. Although the CCL emphasizes the need to mobilize a variety of social capitals in JCC, the current system fails to engage delinquents and communities in meaningful ways. Sun (2019) pointed out that the deep-rooted retributive belief in penalties and the inadequate understanding of community corrections in China have often led to a low acceptance of JCC. The limited opportunities for concerned stakeholders to engage in the corrections process may amplify their misconception of the current JCC system as an 'overindulging' treatment program. Given their heightened fear of public safety, members of the community are discontent with delinquents' presence in their neighborhoods, leading to ostracizing behavior that is not conducive to youth reintegration (Chen, 2020). Such a public misconception is ineffective for repairing ruptured relationships caused by the crimes. Juvenile delinquency affects more than just the offenders; however, the offender-focused JCC policies tend to perpetuate a 'closed system' that falls short of identifying and addressing the intertwined needs of the community, victims, offenders, and family members in the correctional process (Byrne, 1989; Tang, 2019).



## The Quest for Integrating Restorative Justice Into Community Corrections

To most RJ proponents, restorative justice is an approach to achieving justice that is victim-focused and aimed at repairing the harm caused by a criminal act (Braithwaite, 2002; Johnstone, 2002; Van Ness & Strong, 2006; Wong & Mok, 2013; Zehr, 1990). In China, RJ is generally conceived as a new approach to integrating mediation practices into the criminal justice system with the aim of crime control, offender rehabilitation, and victim support (Di & Cha, 2007; Dong, 2012; Shen & Zou, 2010; Wong, 2016; Wong & Mok, 2011; Yao, 2007; Zhai, 2011).

In the last two decades, research on the benefits of RJ in China has been popular. Hundreds of Chinese-language articles on RJ could be identified via a keyword search using the keywords ‘restorative justice’ (*huifuxing sifa*) and ‘mediation’ (*tiaojie*) in the CNKI (Wong, 2016; Wong & Mok, 2013). Major research themes identified include the origins of RJ, similarities and differences between Western and Chinese RJ concepts, the feasibility of RJ in China, RJ models, victimology, and Chinese philosophy and RJ (Yao & Gao, 2011; Yue, 2012; Zhang, 2012). Interestingly, the number of English-language articles on RJ in China is relatively small compared to the number of Chinese-language articles. Nonetheless, the English-language articles are comparatively more informative and empirical. The major themes of these articles span across different areas of focus including connections among RJ models, Chinese legal traditions, and Chinese cultural heritage (He & Ng, 2013; Liu & Palermo, 2009; Mok & Wong, 2013); the application of RJ to youth justice or criminal justice in China (Shen & Antonopoulos, 2013; Shi, 2008; Wong, 2016; Wong & Kwan, 2020); empirical studies and research limitations and implications (Berti, 2016; Deng & Xu, 2014; Yuan & Di, 2015); systematic analysis of policies and service models (Di & Wu, 2009; He & Ng, 2013; Shi, 2008; Xiang, 2013); historical analyses and policy challenges in RJ development (Huang, 2006; Liu & Palermo, 2009; Wang, 2009); practice notes and practice wisdom of mediation practices (Faure, 2011; J. Li, 2009a, b); and possible connections between community corrections and RJ (Liu et al., 2012; Lu et al., 2018; Shen, 2016). Some research focus on RJ along the Silk Road (Braithwaite, 2017; Braithwaite & Zhang, 2017). Recently, there are also empirical studies that examined the use of RJ adopted by street-level police in China as a diversion for minor criminal cases (Y. Zhang & Xia, 2021; Zhang, 2021a, b).

Till today, RJ has been developed into various types of community-based measures, both informal and formal, that could enable the victim, the offender, and related stakeholders to develop a better solution to interpersonal and community conflicts (Di & Wu, 2009; Yao, 2007; Yuan & Di, 2015). Restorative practices have been adopted at various levels of the criminal justice system including at pre-court, during-court, and post-court levels. In terms of both civil and legal applications, RJ is connected with the arrangement of measures for youth delinquents with conditional non-prosecution under the administration of the People’s Procuratorate, measures in the form of people’s mediation under People’s Mediation Committees, measures in the form of judicial mediation (or court-based mediation) under the People’s Courts, and measures in the form of criminal mediation referred by statutory agents (Wong, 2016; Wong & Kwan, 2020).

In recent years, there has been a continuing quest for developing a closer nexus between RJ and JCC in China. There are at least five areas that JCC and RJ have in common:

1. A humanistic vision that crimes are not just a violation of statutory regulations but a violation of human relations (Huang, 2014; Li & Shan, 2012; Ma, 2012);
2. Community safety and youth rehabilitation are the primary goals (Ding & Dou, 2016; Peng, 2017; Shi, 2021);
3. Emphasizing social capital, such as commercial, community, and family networks to support youth reintegration into society (Huang, 2014; Li & Shan, 2012; Tang, 2019);
4. A belief that stakeholders who were affected by the criminal or conflictual incidences should be involved in the reparation of the harm caused by the offenders (Ding & Dou, 2016; Mou, 2020; Shi, 2021; Tang, 2019; Wang, 2020); and
5. Contributing to the construction of social stability and community harmony (Li & Shan, 2012; Ma, 2012; Shi, 2021; Wang, 2020).

Such a quest further suggests that the rejuvenation of community correctional practices is deemed necessary in China. As perceived by Bazemore and Day (1998, p. 8), an offender's sanctioning needs are best met when the following three conditions are achieved: (1) offenders take ownership for the criminal offense and harm inflicted on victims, (2) offenders take action to make reparations by restoring the loss, and (3) communities and victims play active roles in sanctioning and are satisfied with the process. Given the fact that the current community correction system in China does not provide effective platforms that facilitate dialogue between the victims, communities, and offenders, such insular responses are unfavorable to restoring community harm and broken relationships (Mou, 2020; Shi, 2021; Wang, 2020). Community corrections can neither communicate to the delinquents about their obligations and responsibilities to those victimized nor alleviate the adverse effects on those affected by the criminal incident. Crime victims often feel frustrated and alienated, as they cannot seek reparation or express their feelings directly to the offenders, which impedes their recovery through mutual understanding and forgiveness (Bazemore & Day, 1998; Johnstone, 2002; Van Ness & Strong, 2006). Similarly, young offenders are unable to comprehend the impacts of their behavior on victims and the communities, and therefore, the JCC is unlikely to advance the rehabilitative goals by inspiring empathy and remorse (Wong, 2016; Wong & Tu, 2018).

Bear in mind that mediation has long existed in China and is considered one of the customary ways of dispute management (Cloke, 1987; Cohen, 1966). In Chinese societies, including Hong Kong, Macau, Taiwan, and mainland China, Confucianism is the common cultural root; scholars generally believe that Confucian values might catalyze the development of restorative justice (Liu & Palermo, 2009; Wong, 2016). The salient Chinese values of 'harmonious society and stability,' 'peace comes first,' and 'avoiding litigation' may no longer be new to readers because academics have translated these values into English and discussed them in literature (Di & Wu, 2009; He & Ng, 2013; Liu & Palermo, 2009; Trevasques, 2010; Yuan & Di, 2015; Zhang & Xia, 2021). In particular, two merits of Confucianism, such as the practice of self-restraint and interpersonal harmony, are believed to be conducive to sustaining the common use of mediation (Faure, 2011; Kahn, 1979). Apparently, the Chinese are pondered to have shaped a mediatory society over the history of the dynasties (Wong & Mok, 2013). Such a cultural background definitely provides fertile soil for integrating restorative practices into JCC. For instance, in providing individual or group counseling services to supervisees, JCC officers can invite desisted ex-offenders to be pro-social models to share how Confucian values such as self-restraint, think-twice, and shame management facilitate them

to free away from crime (Au & Wong, 2022). In the long run, purposeful use of the merits of Confucianism may further enhance positive development of a restorative model of JCC in China.

The idea of integrating RJ and JCC is further encouraged by the empirical findings of two Chinese scholars (Yuan & Di, 2015), who conducted an exploratory study to examine the experiences of victims who were involved in criminal reconciliation in China. The study was conducted with the help of a non-governmental body in Nanjing, China. Based on research results from seven in-depth interviews of crime victims, the study discovered that although these victims had been seriously harmed, they were still able to produce a meaningful reflection after attending the mediation sessions. A substantial number of the victims reflected that not only were they affected by the crime but also they were aware that the community was hurt and that the offenders and their families had also suffered from the incidence. In their study, the researchers concluded that Chinese people generally believe that people commit crimes not just because of personal failures in personality but also because of the presence of familial, social, and undesirable environmental factors (Yuan & Di (2015). Although few victims actively interacted with perpetrators during mediation sessions, under the Chinese RJ model, offenders are forgiven by victims and relevant authorities with the aim of maintaining social harmony. Ultimately, an offender's guilt could be induced by such an ethos, and the RJ process could eventually enable offenders to take responsibility for their actions, and therefore, human relationships could be restored to a certain extent.

## Restorative Juvenile Community Corrections: Challenges and the Way Ahead

As both JCC and RJ continue to gain favorable attention and progress towards professionalization in China, the development of the restorative JCC approach seems the most logical way forward. This integrative approach responds to the current bottlenecks of JCC by engaging stakeholders to play active roles in the youth rehabilitation process and offering opportunities for a balanced strategy for holding juvenile offenders accountable. Nevertheless, such an approach may face practical challenges arising from the pre-existing shortfalls in the dearth of resources and community involvement for JCC. As discussed earlier, although the recent CCL stipulates that JCC programs should be tailored to match each juvenile's case profile, in actual practice, there is an absence of specialized and professional programs that meet the diverse situations of the offender population in China. This is largely attributed to the lack of funding and qualified probation workers. A study identified that the budget for JCC varies significantly based on the resource allocation by the local administrative agencies (Ma & Tian, 2016). The problem of insufficient funding greatly impacts the recruitment and retention of dedicated professionals to implement JCC programs. Today, community correction practitioners at the local justice offices face crises regarding understaffing, large caseloads, and innumerable responsibilities apart from JCC-related work (Jiang et al., 2014; Qi, 2018). In addition, social workers and volunteers are highly mobile and may have inadequate knowledge in psychology, law, education, and other relevant professional fields (Chen & Qiu, 2021; Zhao & Zhou, 2019). Hence, the lack of systematic training, precarious professionalism of the workforce, and resource shortage make it difficult to develop and carry out appropriate JCC programs on a case-by-case basis.

To address these problems, the Chinese government is advised to take pro-active steps at various levels to move restorative practices from the periphery to the mainstream. First, raising public awareness of both RJ and JCC is essential for building robust community support. Despite the presence of proponents of RJ in academia, many scholars argue that the prevailing retributive ideology among policymakers in China rendered humanism in penalties implausible (Liu, 2014; Liu & Yan, 2020). Therefore, a fundamental revisit of the dominance of the current authoritarian approach is a prerequisite for incorporating restorative practices into the JCC system. To build a broad social acceptance and support for a restorative JCC model, communities and practitioners must have a clear understanding of its practices and principles (Li & Shan, 2012; Wang, 2020). Publicity campaigns should be launched in traditional media (radio, television, and local press) and social media (WeChat and Weibo official accounts) to promote RJ in the community. Entertainment education can also be used to increase public knowledge, create favorable attitudes, and change overt behavior pertaining to RJ (Pali & Pelikan, 2010). Real-life success stories of restorative JCC are vital to the education process to help communities realize the potential of RJ for building a supportive and cohesive environment for effective youth corrections (Wong & Tu, 2018).

Second, in-service training should be provided to youth justice-related personnel, including administrators and professionals in various statutory agencies such as the public security bureau, the People's Procuratorate, the People's Court, and the judicial bureau. Enhancing lawmakers' and practitioners' knowledge and skills in RJ practices can help them overcome their reservations about the use of RJ and promote their willingness to recognize RJ as an effective option. A sub-team at a higher level of the Chinese Communist Party (CCP) should also be created to formulate targeted efforts to incorporate RJ into the current criminal justice framework in addition to adding a special provision related to the application of RJ in legal documents (Liu, 2014; Liu & Yan, 2020). Furthermore, practitioners can closely monitor cases suitable for receiving RJ services starting from the intake to discharge stages and facilitate multi-sector engagement in the process.

Third, identifying different sources of social capital for supporting youth offenders is another useful strategy. As the CCL explicates the critical role of community involvement in appointing a 'correction committee' (*jiaozheng xiaozu*) for offenders, building a partnership between state agencies and civil society is essential to community empowerment (Liao & Liao, 2021). Under the restorative JCC approach, different types of social capital such as volunteers, family networking, ex-offending pro-social models, and commercial resources could be solid forces for supporting youth rehabilitation and reintegration. In particular, both professional and volunteer mediators could be incorporated into restorative JCC provided that they are well-trained in contemporary RJ practices. Another good practice is recruiting university students as volunteer probationers working in partnership with probationees under JCC to utilize the university students' capacity to assist probationees in looking for a path to desistance. Many local studies have found that college students constitute a pool of potential facilitators of JCC (Lin, 2020; Wang, 2018; Wang & Wang, 2020). In recent years, there have been collaborative efforts between law students and the People's Court in regions such as the Liwan and Luogang Districts in the Guangzhou Province (Chen, 2013; Huang, 2010). The wide range of educational backgrounds, flexible schedules, and strong enthusiasm make college students an invaluable resource in the JCC workforce, and their participation can alleviate the scarcity and burden of JCC personnel. In addition, the age similarities between the probationees and volunteers may foster peer relationships that benefit rapport-building and genuine dialogue in the rehabilitation process. To reiterate, building an effective team of volunteer mediators and probationers in

JCC is deemed crucial. To monitor their service quality, regular assessments of volunteers' work performance and provision of incentives should be ensured to sustain the continued motivation of their contribution.

## Conclusion

Based on a comprehensive review of academic articles and government documents, this paper begins by summarizing the evolution of JCC in China. Reflecting on its developments over the past two decades, it has been observed that the existing community correction system fall short of its rehabilitation and reintegration goals—with juvenile delinquents being passive clients in one-size-fits-all correctional programs inside a 'closed system.' In this regard, this paper advocates for a restorative JCC model that motivates social capital and actively engages all concerned parties in meeting various correctional goals of victim reparation, accountability taking, capacity building, and maintaining community safety. This paper discerned the compatibility and synergy of integrating RJ into JCC and shared the results of an indigenous study of an RJ program. With the momentum of the recent criminal justice reform alongside the continued open-door policy in China, it is hoped that the Chinese government may be more willing to consider the application of RJ for offender reintegration in the future. With frequent applications of RJ, more favorable and effective intervention models could be put into practice in the years to come.

Readers may wonder whether there are good practices of restorative community correction programs for China to learn about. Perhaps, Liebmann (2007)'s book could provide some useful references on how RJ and community supervision be integrated. For instance, there are detailed descriptions of the uses of direct and indirect mediation in different youth offending teams (YOT) in the UK (Liebmann, 2007, pp. 74–77). There are also case descriptions of how family group conferencing or circles be adopted for the rehabilitation of youth offenders under referral or supervision orders (Liebmann, 2007, pp. 86–89). An updated description of restorative justice in youth offending teams can be found in the Information Pack published by Restorative Justice Council (2015). Interestingly, Lo et al. (2006) present an account of how young offenders in five Asia Pacific jurisdictions are diverted from being prosecuted in the youth courts to where they are diverted. The five cases, including Queensland of Australia, New Zealand, Hong Kong, Singapore, and mainland China, demonstrate that diversionary measures in the Australasian jurisdictions tend to be more restorative in their practices than those in Chinese-dominated jurisdictions, which adopt welfare responses. In suggesting some good practices and effectiveness of restorative community correction programs, the Australian's and New Zealander's RJ experiences should not be overlooked (Joudo-Larsen, 2014; New Zealand Ministry of Justice, 2004).

Despite a growing body of RJ proponents and advocacy for the use of RJ, the way ahead for further integrating RJ into community corrections is rough. In particular, emerging concerns about RJ practices being subsumed under the community-based sanctions should not be neglected. A substantial amount of foreign research has cautioned that the increasing institutionalization of RJ within the traditional criminal justice system might lead to the risks of RJ principles and 'best practices' being co-opted for program benchmarks (Wood & Suzuki, 2016). Some common pitfalls of RJ practices may include inadequate preparation due to the limited timeframe of case processing (Jones & Creaney, 2015), the marginalized role of victims, with some feeling pressured to accept apologies or feeling intimidated by

the offenders and their supporters during the process (Choi et al., 2013), and the redefinitions of RJ to fit in the system goals and indicators of ‘success’ (Hoyle & Rosenblatt, 2016; Hoyle & Young, 2002). There is no denying that the successful administration of RJ programs requires effective practices and adjustment of the roles of both justice personnel and the victims, such as possessing unbiased attitudes, assuming an impartial role, and actively participating in the RJ process. Wong (2016) stated that future RJ development in China remains promising. With the hope of establishing a clear set of transparent procedures for implementing RJ, a coordinated structure for screening and matching cases with appropriate staff or mediators, and a checks-and-balances mechanism to avoid conflict of interests, the Chinese restorative JCC will definitely be up to internationally acceptable standards in civil and criminal justice.

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## Declarations

**Conflict of Interest** The authors declare no competing interests.

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