

Defense Dilemmas for Juvenile Offenders and Corresponding Solutions—A Case Study of the Two-Tier People’s Courts in City D, Province Y

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Abstract

The issue of effective legal representation for juvenile offenders in China remains at the exploratory stage in both legislation and judicial practice. Therefore, through an empirical study of a representative region, this paper seeks to infer broader patterns from specific observations. It identifies several current dilemmas in realizing effective defense for juvenile offenders in China. These include: a fragmented and unclear legal and regulatory framework; a lack of unified guiding principles for judicial practice; a shortage of qualified defense counsel; the ineffectiveness of defense efforts; excessive caseload pressure on trial organizations impacting defense quality; and the influence of the juvenile offenders’ own circumstances on their legal defense. The root causes are analyzed as: a criminal procedure ethos overly focused on crime suppression; issues of professional ethics among defense lawyers and the risks associated with criminal defense work; and excessive social control pressures on criminal prosecution authorities. Consequently, measures should be implemented to further safeguard the effective legal representation of juvenile offenders in China. These include improving the legal framework concerning the right to defense for juveniles, establishing a specialized defense force for juvenile delinquency cases, optimizing judicial philosophies and systems related to juvenile trials, and strengthening legal aid mechanisms for minors.

Keywords: Juvenile Court, right to defense for minors, realization of the defense right, Juvenile Delinquency

1. Problem Statement

The right to defense, as a fundamental right stipulated in the Criminal Procedure Law, is not only granted by the Constitution but also represents an essential requirement of social progress. Minors constitute a relatively vulnerable and special group within society, making the safeguarding of their rights a persistent focal point of research in the field of

criminal procedure. While China has endeavored to regulate the realization of the defense right for minors through legislative efforts in 2020, including the enactment of the *Amendment (XI) to the Criminal Law of the People’s Republic of China* and the revisions of the *Law of the People’s Republic of China on the Protection of Minors* and the *Law of the People’s Republic of China on the Prevention of Juvenile Delinquency*, these provisions remain

insufficient. The realization of the defense right for minors differs significantly from that for adults in terms of underlying philosophy, treatment approaches, and professional requirements; thus, simple and generalized regulations fail to meet the practical needs of protecting minors' right to defense. Furthermore, given that public authorities wield state coercive power and occupy a dominant position, accused individuals inherently face a weaker stance during defense proceedings. For minors involved in cases, compared to mentally mature adults, the realization of their defense right is more susceptible to the adverse effects of procedural inequality. Therefore, conducting empirical research on the difficulties in realizing the defense right for minors holds significant practical relevance.

This paper primarily employs methods such as interviews and statistical analysis, taking a representative region as a case study. Based on empirical research data, it aims to extrapolate broader patterns from specific observations, identify the current dilemmas in legal defense for minors in China, analyze the causes of these dilemmas, and propose corresponding solutions.

The sample region selected for this study, City D, is a prefecture-level city under the jurisdiction of Province Y. Located in the eastern part of Province Y, it sits at the junction of three provinces/regions and is the second-largest economy and city in Province Y. As of 2022, City D administers 1 county-level city, 3 districts, and 5 counties, with a built-up area of 103.5 square kilometers. According to the Seventh National Population Census, as of 00:00 on November 1, 2020, the permanent resident population of City D was 5,765,775.

The primary data source for this paper is the Intermediate People's Court of City D (hereinafter referred to as the D Intermediate Court). Its Juvenile Court has been awarded honors such as national and provincial "Outstanding Youth Rights Protection Post," "National Women's Civilization Demonstration Post," "Advanced Collective in Safeguarding Women and Children's Rights," and "National Advanced Collective in Juvenile Court Work." In 1989, the D Intermediate Court established a "Collegiate Panel for Adjudicating Juvenile Criminal Cases" within its criminal division. In 1992, approved by the staffing authorities, it formally established the "Criminal Division for Juvenile Cases." In 1997, it was renamed the

"Juvenile Cases Division." In 2006, the D Intermediate Court was designated by the Supreme People's Court as one of the first batch of 17 pilot courts nationwide to conduct "comprehensive adjudication of juvenile cases." Subsequently, its nine subordinate basic-level courts successively established independently structured Juvenile Courts. Following judicial reform, some of its subordinate basic-level courts adopted methods such as establishing internal collegiate panels or adding nameplates for Juvenile Courts within People's Tribunals. In May 2021, the D Intermediate Court established a "Leading Group for Juvenile Trial Work" headed by its president to comprehensively strengthen organizational leadership and coordinated planning for juvenile trial work. Ten Juvenile Courts were officially established across the city's courts. From 2012 to 2022, the D Intermediate Court adjudicated 3,919 criminal cases involving infringement of minors' lawful rights, punishing 7,905 offenders. It also adjudicated 3,217 juvenile delinquency cases involving 4,103 minors. According to law, it applied non-custodial sentences or exempted 338 minor defendants from criminal punishment. Some adjudicated cases were selected as typical examples of judicial protection of minors by the Supreme People's Court. Furthermore, it handled 3,933 civil cases concerning the protection of minors' rights, 93 administrative cases related to compulsory education for minors, and 2 administrative cases. From 2013 to 2022, it sealed the criminal records of minors in 630 cases.

The aforementioned data indicates that City D's economic development maintains steady growth and occupies a distinctive geographical position, representing most moderately developed regions in China. Moreover, the two-tier courts in City D possess rich experience and notable practical achievements in the field of juvenile adjudication. In view of this, this paper selects the two-tier courts of City D as the empirical research sample.

2. Defense Dilemmas for Juvenile Offenders

2.1 Dilemmas in the Legal Basis for Defense

2.1.1 Fragmented and Unclear Legal and Regulatory Framework

The criminal procedural rights of minors in China are stipulated across multiple laws and regulations. For instance, the right to defense is one of the fundamental criminal procedural rights for minors. An examination of the current normative landscape for realizing this right must

start from the issue of juvenile delinquency itself. China's criminal legislation concerning minors has consistently adhered to the basic principle of combining punishment with education, prioritizing rehabilitation, education, and reform. The relevant laws have continuously undergone refinement and development.

At the level of legal and regulatory provisions, as early as the beginning of the 1990s, the state enacted the *Law of the People's Republic of China on the Protection of Minors* (hereinafter referred to as the "Minors Protection Law"), followed by the *Law of the People's Republic of China on the Prevention of Juvenile Delinquency* (hereinafter referred to as the "Juvenile Delinquency Prevention Law"). The Minors Protection Law was subsequently revised three times in 2006, 2012, and 2020, with the revised version coming into effect on June 1, 2021. The Juvenile Delinquency Prevention Law was revised twice in 2012 and 2020, with the revised version also taking effect on June 1, 2021. These provisions, together with laws and regulations such as the *Criminal Law of the People's Republic of China* and the *Criminal Procedure Law of the People's Republic of China*, constitute the current criminal legal system applicable to minors involved in cases in China. Furthermore, the *Interpretation of the Supreme People's Court on the Application of the Criminal Procedure Law of the People's Republic of China*, issued on February 4, 2021, and implemented on March 1, 2021, includes provisions for the protection of minors' rights and interests, further strengthening their safeguards. This interpretation carries forward the legislative spirit and institutional concepts of the newly revised Minors Protection Law and Juvenile Delinquency Prevention Law.

Specific provisions regarding how minors involved in cases can obtain defense are found in Article 104 of China's Minors Protection Law and Article 15 of the *Several Provisions of the Supreme People's Court on Trying Juvenile Criminal Cases*. Compared to its predecessors, the 2012 revised version of the *Criminal Procedure Law* added content allowing legal aid intervention from the investigation stage onwards in criminal proceedings. However, it remains difficult to construct a dedicated legal system for the protection of minors' rights and interests that comprehensively covers all matters related to juvenile justice.

Regarding the promulgation and implementation of relevant laws, regulations,

and judicial interpretations, primarily the Minors Protection Law and the Juvenile Delinquency Prevention Law, their provisions are often unclear, relatively vague and abstract, and lack strong practical operability. Consequently, these specialized laws fail to realize the value intended by their legislative essence. In essence, the realization of the right to defense for juvenile offenders lacks a "core legislation" – a central, foundational law upon which a complete legal and regulatory framework can be built to further safeguard the due legal interests of this group. (Luo, Y., 2010)

2.1.2 Inability to Unify Guiding Principles in Current Judicial Practice

Currently, there is a lack of specialized legislation guiding judicial practice regarding juvenile delinquency in China. From the perspective of stipulations on juvenile delinquency, apart from special provisions related to the *Criminal Law*, the regulations concerning criminal responsibility and punishment for juvenile offenders are essentially the same as those for adults. However, as discussed earlier, minors constitute a special group that requires differentiation from adults. Furthermore, although the criminal procedure for minors is legislated as a separate part, it still lacks a unified and independent procedural framework in form. This leads to an inability to unify the guiding principles in China's current judicial practice, which is also a normative dilemma hindering the effective realization of the right to defense for minors. Specifically, the "best interests of the child" principle lacks concrete criteria for determination; the operational standards for "education as the primary approach, supplemented by punishment" are unclear; and the definition of defense standards that are "commensurate with the circumstances of the case" remains ambiguous.

2.2 Dilemmas Arising from Internal Factors in Legal Defense

2.2.1 Insufficient Number of Defense Practitioners

By the end of 2022, there were over 651,600 practicing lawyers nationwide in China. Twenty-three provinces, autonomous regions, and municipalities directly under the central government had more than 10,000 lawyers, among which eight provinces/municipalities had over 30,000 lawyers (namely Guangdong, Beijing, Jiangsu, Shanghai, Shandong, Zhejiang, Sichuan, and Henan). In 2022, lawyers across the country

handled over 12.744 million legal matters of various types. This included handling over 8.244 million litigation cases and over 1.416 million non-litigation legal affairs. They also served as legal advisors for over 876,000 party and government organs, people’s organizations, enterprises, and public institutions. As shown in Figure 1, among the over 8.244 million litigation cases handled by lawyers, criminal defense and representation accounted for just over 990,000 cases, representing only 12.01% of all litigation cases. Civil litigation representation accounted for over 6.975 million cases (84.61% of litigation cases), administrative litigation representation for over 254,000 cases (3.09%), and representation in petitions for retrial for over 23,000 cases (0.29%). (Ministry of Justice of the People’s Republic of China, 2023). From the perspective of lawyer distribution, the current allocation of

lawyer resources across provinces shows a significant imbalance closely tied to economic development levels. Economically developed provinces hold a distinct advantage in terms of lawyer numbers, while the quantity of lawyers in less developed provinces is generally lower. The province where the sample region of this study is located does not rank among the top nationally in terms of lawyer count.

Analyzing the data on the composition of legal practice, the proportion of lawyers specializing in criminal defense and representation is significantly lower compared to those handling civil litigation representation. This disparity in the distribution of practice areas further exacerbates the scarcity of specialized defense lawyers focused on juvenile criminal cases.



Figure 1. Statistics on Types of Litigation Practice by Lawyers in 2022

Meanwhile, by searching with the keyword “juvenile delinquency” on the China Judgments Online website and compiling the available data, the following figure is obtained. From 2019 to 2022, among the publicly available judgment documents related to juvenile delinquency in China, when categorized by province, the top five

provinces with the highest number of juvenile delinquency cases, in descending order, are the Guangxi Zhuang Autonomous Region, Guangdong Province, Yunnan Province, Shaanxi Province, and Sichuan Province. The province where the sample region of this study is located ranks among the top three.

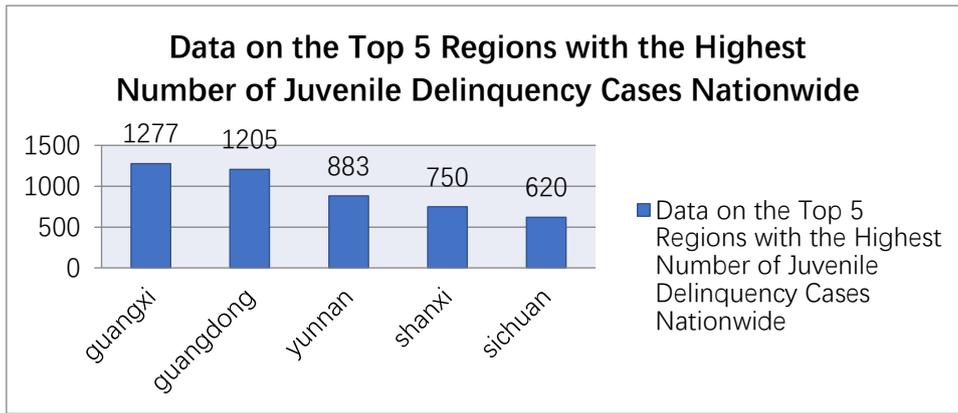


Figure 2. Data on the Top 5 Regions with the Highest Number of Juvenile Delinquency Cases Nationwide

From the comparison between the aforementioned data and Figure 2, it can be observed that in provinces with a high number of juvenile delinquency cases (excluding Guangdong Province and Sichuan Province), the number of criminal defense lawyers is disproportionate to the volume of juvenile delinquency cases. This phenomenon is particularly evident in the province where the sample region of this study is located. The above data reflects the issue of a shortage of defense lawyers specializing in juvenile cases, which is one of the typical dilemmas hindering the effective realization of the right to defense for minors in China.

2.2.2 Dilemmas in Defense Effectiveness

The original intent of effective defense refers to legal representation that yields tangible results and meaningful impact. Defense that produces actual outcomes is an inherent requirement for safeguarding the legitimate rights and interests

of the accused. (Zuo, W., 2019). Therefore, based on the aggregated data from the two-tier courts in City D for the years 2020-2022, this paper examines defense effectiveness from the perspectives of both defense content and defense outcomes.

Regarding the content of defense arguments, due to the relatively low caseload at the Intermediate People’s Court of City D, this discussion is grounded in data from the district courts of City D, which holds greater significance for sample representativeness. Figure 3 indicates that defense arguments in juvenile cases predominantly focus on two aspects: pleading statutory mitigating circumstances and arguing for the constitution of a lesser offense. In contrast, defenses based on discretionary mitigating circumstances—which often carry greater advocacy value—and procedural defense arguments constitute a noticeably smaller proportion.

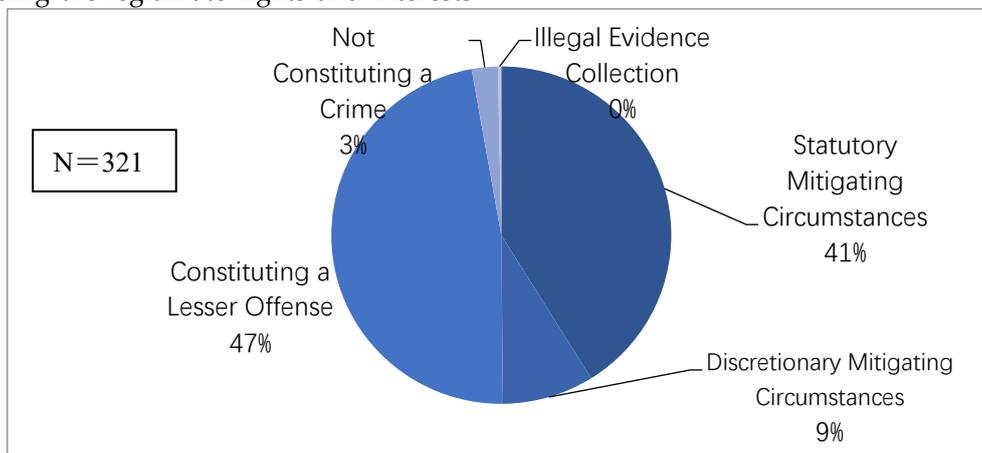


Figure 3. Statistics on the Content of Defense Arguments in Cases Handled by the Juvenile Courts of City D

D City District Courts (2020-2022)¹

Regarding defense outcomes, this paper discusses the situation from two aspects: the adoption rate of defense arguments and the sentencing outcomes in cases where defense arguments were adopted.

First, from 2020 to 2022, among the cases heard by the Juvenile Court of the D Intermediate Court, there were no instances where defense arguments were fully adopted or completely rejected. Only 8 cases involved partial adoption of defense arguments. In contrast, during the same period, the Juvenile Courts of the D City District Courts recorded 120 cases with partial adoption of defense arguments and 30 cases where defense arguments were not adopted.

Notably, the number of cases where defense arguments were not adopted was three times the number of cases where they were fully adopted.

Second, from 2020 to 2022, among the cases heard by the Juvenile Court of the D Intermediate Court, there were no instances where defendants were acquitted after the adoption of defense arguments, nor were there any cases where punishment was mitigated, leniently applied, or exempted. In the Juvenile Courts of the D City District Courts during the same period, there were 90 cases with mitigated punishment after the adoption of defense arguments, 56 cases with lenient punishment, 12 cases with exempted punishment, and 2 cases resulting in acquittals.

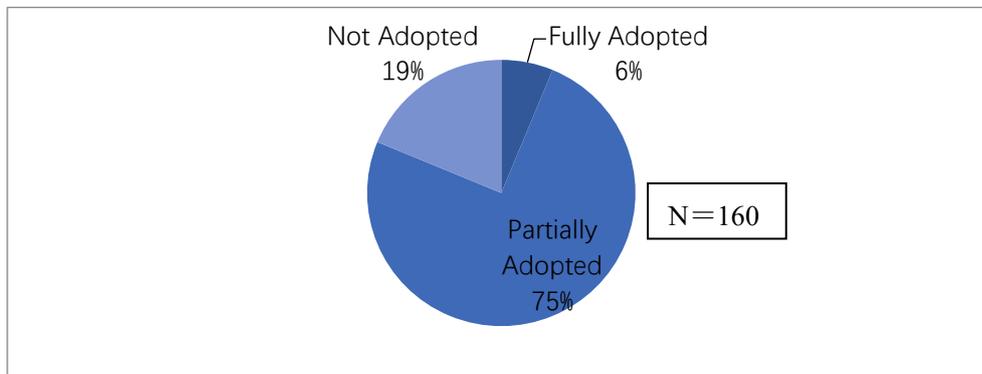


Figure 4. Statistics on the Adoption of Defense Arguments in Cases Handled by the Juvenile Courts of D City District Courts (2020-2022)

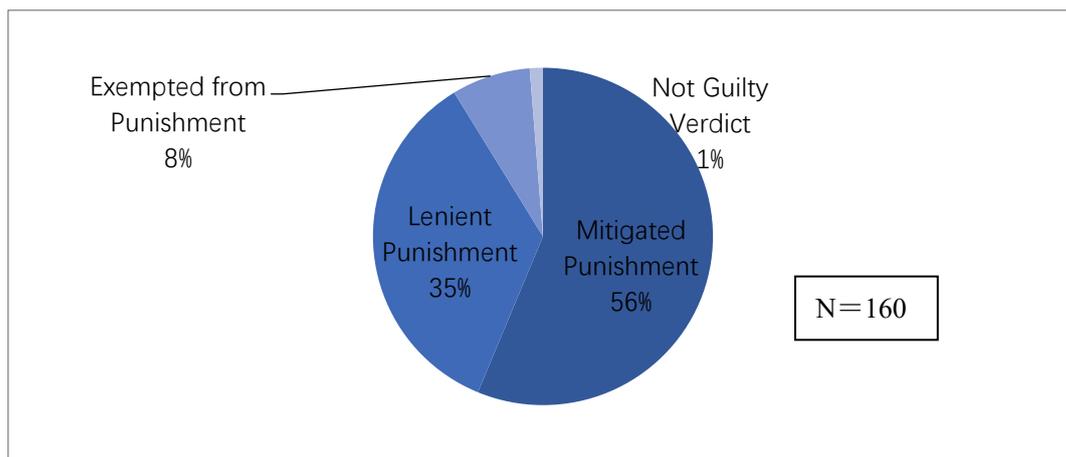


Figure 5. Statistics on Sentencing Outcomes for Defendants in Cases Where Defense Arguments Were Adopted by the Juvenile Courts of D City District Courts (2020-2022)

Based on the aforementioned data and Figures 4 and 5, it can be concluded that regarding the

content of defense arguments, lawyers often tend to present more conservative defense strategies in

¹ All of the following data are obtained from empirical research.

juvenile cases, rather than opting for arguments that hold greater defensive value but are more challenging to assert. In terms of defense outcomes, the compromise scenario of partial acceptance of defense arguments constitutes the vast majority of total cases. By comparing Figures 3 and 4, it is revealed that even when defense arguments are accepted, sentencing leniency or mitigation for the defendant is mostly attributed to statutory mitigating circumstances. Therefore, a significant dilemma in the effective realization of the right to defense for minors in China lies in the lack of substantial effectiveness in defense outcomes.

2.3 Other Dilemmas

2.3.1 Excessive Caseload Pressure on Judicial Bodies Undermines Defense Effectiveness

The effective realization of the right to defense for minors relies not only on the “effective defense” provided by lawyers but also on the joint safeguarding by judges, who are integral participants in the trial process. However, in practical judicial proceedings, judges in juvenile courts often face more complex case-handling requirements than their counterparts in regular criminal tribunals. The principle of “integrating education into adjudication and combining education with punishment” demands the creation of a warm and harmonious courtroom atmosphere during trial procedures to alleviate the psychological pressure on juvenile offenders. It advocates for a conversational or dialogic approach to eliminate negative and confrontational emotions in minors, proceeding step-by-step with assistance, education, and guidance. This method aims to persuade through reason and appeal through empathy, enabling juvenile offenders to genuinely repent, reform themselves, personally recognize the dangers of their actions, and consciously restrain their misconduct.

Simultaneously, this principle requires juvenile court judges to avoid mechanically applying legal provisions. Instead, they must apply the law reasonably and scientifically based on an understanding of the legislative intent, incorporating elements of education, rehabilitation, and a sense of responsibility into

the trial process in consideration of the physiological and psychological characteristics of minors. The ultimate goal is to achieve the rehabilitation of juvenile offenders. (Zi, Z., 2018) These case-handling requirements undoubtedly increase the workload for judicial personnel in juvenile courts. As of 2022, the criminal division of the D Intermediate Court had 11 judges with adjudicative authority, while the juvenile court had only three such judges. In addition to the pressure of adjudicating cases, judges also face various other burdens, such as the alienating “red tape” stemming from performance evaluation pressures. (Zhang, Q., 2018)

During the research conducted at the two-tier people’s courts in City D, a judge with over ten years of experience and a Juris Master degree in law stated, “Excessive caseload pressure may reduce the deliberation time we can devote to each case, posing a potential threat to the effective realization of the right to defense.”

2.3.2 Impact of Juvenile Offenders’ Personal Circumstances on Legal Defense

Criminal offenses committed by juveniles in China exhibit distinct natural structural characteristics, including a relatively large scale and a trend toward younger offenders. From a socio-structural perspective, most juvenile offenders have attained only a junior high school education level and are predominantly unemployed or from rural backgrounds. The primary forms of juvenile criminal offenses in China include theft, robbery, intentional injury, affray, picking quarrels and provoking trouble, and rape. Property-related crimes mainly involve violent methods such as robbery and forcible seizure, as well as the two types of theft and fraud. (Song, Q., 2021) From 2012 to 2022, the Intermediate People’s Court of City D adjudicated 3,217 criminal cases involving minors, with 4,103 juvenile offenders implicated. Furthermore, as illustrated in Figure 6, the charges in juvenile delinquency cases in City D are predominantly concentrated in crimes such as offenses against social management order and crimes infringing upon citizens’ personal rights and democratic rights. Both the number of juvenile offenders and the social harmfulness of these cases present a concerning picture.

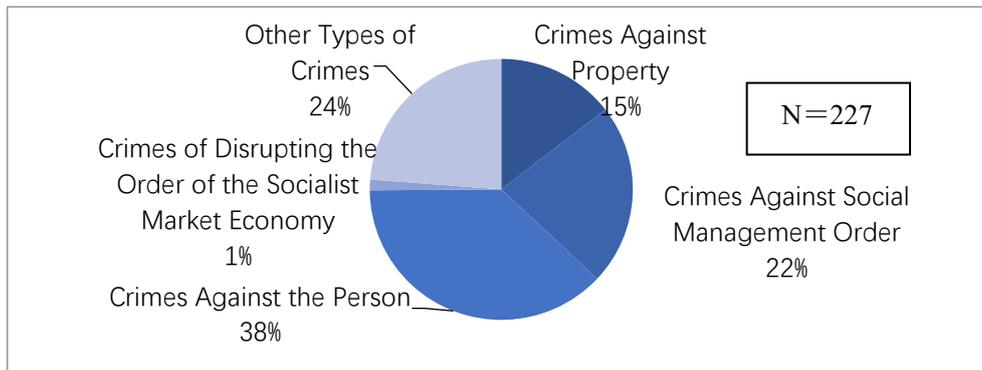


Figure 6. Statistics on Types of Juvenile Cases Handled by the Intermediate People’s Court of City D (2020-2022)

Based on the analysis of the aforementioned dilemmas, the primary reasons for the difficulties in realizing effective legal representation for juvenile offenders in China are identified as follows: criminal procedure values overly focused on crime suppression, issues concerning the professional ethics of defense lawyers and the risks associated with criminal defense, and excessive social control pressures on criminal prosecution authorities.

3. Causes of Defense Dilemmas for Juvenile Offenders

3.1 Overemphasis on Crime Suppression in Criminal Procedure Values

Combating crime and maintaining social stability have always been the primary mission of public security and judicial organs, and also constitute one of the fundamental values of China’s Criminal Procedure Law. After the revision of the Criminal Procedure Law in 1996, “the fundamental philosophy of criminal procedure, which aims at uncovering substantive truth and effectively suppressing crime, has not fundamentally changed. The traditional concept of crime control continues to occupy the foremost position in the hierarchy of procedural values.” Due to the failure to achieve a reasonable balance between the value conflict of punishing crime and protecting human rights, the litigant status and procedural rights of the accused are often diluted. Defense lawyers struggle to assume the role of protectors of the accused’s lawful rights and representatives upholding social justice, and even more so to act as supervisors of the legitimate exercise of state power within criminal proceedings. Conversely, public security and judicial organs expect defense lawyers to serve as assistants to investigative organs in uncovering the truth of cases. The vertical structure of

criminal procedure, aligned with the value system that prioritizes crime suppression, assumes a linear form characterized by procedural inertia. (Zheng, X., 2021) Investigation, prosecution, and trial form the sequential main stages of the “assembly-line” process in criminal procedure, while defense is at most an auxiliary and secondary step in this chain. In the perception of some criminal justice practitioners, the activities of defense lawyers in criminal proceedings are seen as “speaking for” the accused. Consequently, effective defense by lawyers in juvenile delinquency cases inevitably faces de facto suppression from practical judicial and enforcement departments.

3.2 Ethical Issues of Defense Lawyers and Risks in Criminal Defense

The ethical and professional attitude of lawyers is undeniably linked to the causes of the defense dilemmas faced by juvenile offenders in China. First, the relatively low income of criminal defense lawyers affects their motivation to engage in effective defense. If a lawyer dedicates full effort to criminal defense, the financial return is often low compared to the substantial input required. The income derived from criminal defense is also lower compared to other legal services they might provide. Consequently, some lawyers are reluctant to undertake defense work, while others fail to fulfill their duties diligently in criminal defense cases. “Due to the low income from criminal defense, some lawyers do not devote their full efforts to the defense appointments they accept. They may not carefully review case files, have others ghostwrite their defense statements, and their courtroom performance often clearly gives the impression of merely going through the motions.” (Chen, W., 2004) Secondly, the occurrence of irregularities or

illegal activities within the legal profession persists, with some lawyers even committing criminal offenses. This has led public security and judicial authorities to maintain a guarded attitude toward criminal defense lawyers. Thirdly, the inherent risks in criminal defense discourage and deter lawyers from engaging in such practice. Article 306 of the Criminal Law, which targets defense lawyers specifically and contains ambiguous objective criteria for criminal liability, increases the risk of lawyers violating this provision and consequently dampens their enthusiasm and motivation to pursue effective defense.

3.3 Excessive Social Control Pressure on Criminal Prosecution Authorities

Since the reform and opening-up, alongside the transformation of China's social structure, the original mechanisms of social control have also been undergoing a transition. During the period when new mechanisms of social control are still taking shape and the social control functions of grassroots organizations are not yet fully realized, "a growing body of research indicates that, whether in traditional or modern societies, the backbone of crime control mechanisms is not the macro power of state criminal justice (though it is the most visible form of power), but rather the micro power of daily social control." (Zuo, W., 2003) The social control function of criminal litigation has been burdened with excessively high expectations, and criminal judicial authorities bear an excessive load of social control responsibilities. Criminal prosecution authorities hope that defense lawyers can assist in enhancing the state's capacity to prosecute crimes, rather than impede it. However, the statutory obligation of defense lawyers to safeguard the lawful interests of the accused inevitably conflicts with the duties of criminal prosecution authorities. Under the pressure of excessive social control, state prosecution authorities often restrict the rights of defense lawyers to minimize what they perceive as the potential adverse impact of defense lawyers on the state's prosecution of crimes. This adverse influence inevitably extends to the defense process for juvenile offenders.

4. Countermeasures to the Defense Dilemmas for Juvenile Offenders

4.1 Improving the Legal Framework Concerning the Right to Defense for Minors

The effective realization of the right to defense for

minors depends on a well-established legal framework. Both substantive and procedural laws must be structured around a foundational "core legislation." Therefore, the most pressing task is to clarify the "core legislation" for safeguarding the judicial rights and interests of minors. (Luo, Y., 2010) and to construct a comprehensive system of laws and regulations for safeguarding the judicial rights and interests of minors on this foundation. This system should be guided by unified and scientific principles to direct the practice of defense for minors. At the same time, it is essential to enhance relevant procedural laws to ensure the effective operation of supervisory mechanisms across all agencies and institutions involved in juvenile criminal proceedings. This includes examining the timeliness of case handling, the smoothness of transitions between various stages of the criminal process, and whether defense lawyers provide effective representation, among other aspects. From the structural framework of the criminal justice process for minors, this approach aims to achieve effective protection of their right to defense.

4.2 Establishing a Specialized Defense Force for Juvenile Delinquency Cases

Currently, from the perspective of defenders, the effective realization of the right to defense for minors in China faces obstacles such as a shortage of specialized defense counsel and suboptimal defense outcomes. To address these obstacles directly, it is recommended to professionalize and specialize the legal profession by establishing an accreditation system for lawyers defending juvenile delinquency cases. This would involve selecting a group of lawyers who possess both the capability and passion for juvenile criminal defense to specialize in consulting on and defending minors in criminal cases. They should receive regular specialized training to master the specific characteristics and nuances of defending juvenile criminal cases, thereby enhancing the quality of defense in such proceedings and ultimately contributing to the effective realization of the right to defense for minors.

4.3 Optimizing the Philosophy and System of Juvenile Adjudication

Improving the criminal trial procedures for minors is primarily reflected in two aspects: philosophy and system. With respect to philosophy, it is essential to be guided by the

concepts of *parens patriae*, the welfare of minors, and restorative justice, while adhering to the principles unique to juvenile trial procedures. These principles include integrating education into trial, conducting comprehensive investigations, maintaining confidential proceedings, ensuring procedural affinity, and prioritizing non-custodial measures. The trial process must consistently uphold the paramount interest of protecting minors.

In terms of institutional design, the system must align with the procedural objectives of prioritizing the protection and special education of minors, thereby fulfilling the original intent of facilitating their reintegration into society.

4.4 *Improving the Legal Aid Platform for Minors*

Collaboration among relevant departments to establish and optimize the legal aid platform for minors is crucial in ensuring the effective realization of the right to defense for juveniles. To improve the juvenile legal aid platform, the following steps must be taken: First, the conditions and procedures for appointing lawyers by legal aid institutions should be refined, and the resources for juvenile legal aid must be expanded. Second, within the framework of the comprehensive social support system for juvenile justice, a rapid assignment mechanism must be established. This can be achieved through measures such as information sharing and multi-departmental collaboration to enhance the operational efficiency of juvenile legal aid. (Song, Z., 2019) Third, it is essential to enhance the specialization of juvenile legal aid by cultivating dedicated teams of lawyers and volunteer networks, thereby strengthening the professionalization and targeted nature of aid services. Fourth, a quality supervision and evaluation mechanism for juvenile legal aid must be improved. This includes refining the assessment indicator system, establishing an information platform for evaluating the quality of legal aid, and rationally utilizing the results of such evaluations to fully leverage the normative and guiding functions of the assessment mechanism. Finally, appropriate increases in funding are necessary to provide an economic foundation for juvenile legal aid activities. Additionally, the rules for calculating and disbursing legal aid subsidies must be improved.

5. Conclusion

China's legislative provisions and judicial practices regarding juvenile delinquency have

consistently adhered to the principles of education, rehabilitation, and redemption, establishing a relatively mature framework for safeguarding the procedural rights of minors. The protection of the right to defense, which lies at the core of safeguarding minors' criminal procedural rights, has evolved into a fundamental criminal procedural right for minors based on constitutional rights, primarily realized through a special procedure focused on providing legal aid for defense. This is evidenced by a series of legislative efforts: Article 104 of the Law on the Protection of Minors addresses access to legal aid services for minors; Article 15 of the Several Provisions of the Supreme People's Court on Trying Juvenile Criminal Cases stipulates the right to defense for juvenile offenders; and the 2012 revision of the Criminal Procedure Law introduced provisions allowing legal aid intervention from the investigative stage onwards.

However, current practices in realizing the right to defense for juvenile offenders in China still reveal numerous dilemmas: a fragmented and unclear legal framework; a lack of unified guiding principles in judicial practice; a shortage of defense counsel; ineffectiveness of defense efforts; excessive caseload pressure on judicial bodies undermining defense quality; and the influence of juvenile offenders' personal circumstances on legal defense. Ensuring the effective realization of the right to defense for minors remains a long-term and challenging endeavor, requiring multi-dimensional collaboration across various societal institutions. By improving the legal system concerning the right to defense for minors, establishing a specialized defense force for juvenile delinquency, optimizing the philosophy and systems of juvenile adjudication, and enhancing the legal aid platform for minors, stakeholders can work together to alleviate the difficulties in realizing the right to defense for juveniles, thereby achieving the common goal of safeguarding their judicial rights and interests.

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