

# The Future of Social Justice: The Juvenile Justice System in South Korea

Hailey Kim

Newton South High School, USA

## ABSTRACT

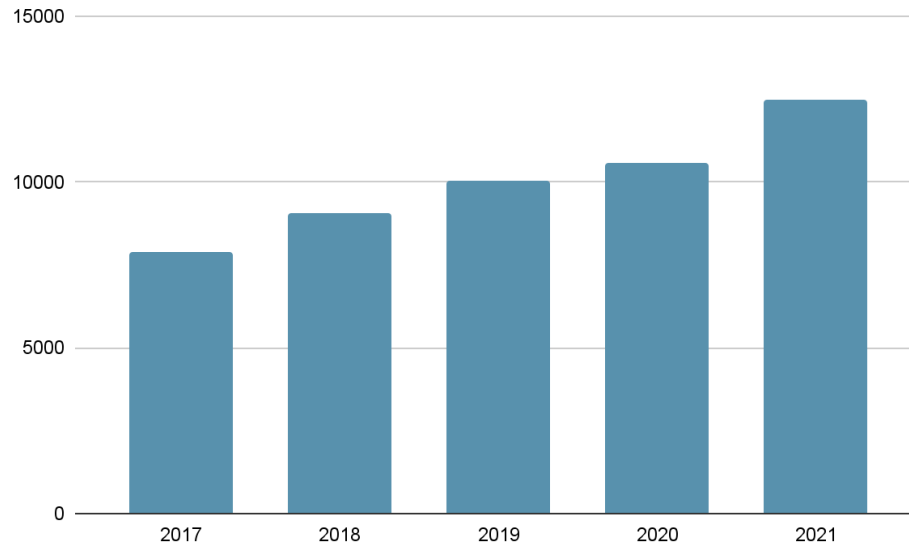
Due to the increase in juvenile crimes in South Korea, there has been a rise in voices claiming that the punishment for juveniles should be strengthened. Especially, as crimes committed by young children were shown in various media, some argue that children should get the same punishment that is for adults. This paper identifies the current juvenile justice system in South Korea, compares its problems with those of other countries, and suggests a solution.

## Introduction

In 2015, a brick fell from the top of an apartment, killing a woman in her fifties and causing a 29-year-old man to have a depressed skull fracture. After a police investigation, it turned out that a 9-year-old child dropped a 1.82-kilogram brick with his friends, who were also elementary school students (Chosun). In Gwangju, three teenagers, each sixteen, fifteen, and twelve years old, stole jewelry from a store, claiming they needed money after running away from home (Donga). Also, in Daejun, eight thirteen-year-old teenagers stole a car. While they were driving it, they hit an eighteen-year-old student, who eventually died at the hospital. The teenagers ran away until they were caught by the police (JoongAng). There is a similarity between these cases: the perpetrators did not receive any charges and were set free to return to their homes.

## Law of Adolescence in South Korea

This was possible by the South Korean law of adolescence: the police are not allowed to take any charges on children who are younger than 10 regardless of their crime. Even though they are older than 10, teenagers between 10 and 14 are not allowed to receive charges and are sent to youth detention centers or receive community service (Korean Law Information Center). Since there are no charges for those younger than 10, children believe committing crimes is fine since they are not responsible and do not go to jail. For instance, a middle school student attacked a clerk and the owner of a convenience store, causing severe injuries. He even threatened them after attacking, teasing them that he could not be charged since he was a teenager. Also, a group of teenagers drank and rioted in a hallway of a motel, they threatened the other guests that they could not receive charges because they were teenagers (Edaily News). This law has been an issue in South Korea for a long time due to the increase in crimes committed by children at a very young age.



**Figure 1.** Current status of juvenile crime reports by Edaily News

According to this graph, while 7,897 cases were registered in 2017, 12,502 cases were registered in 2021. The number almost doubled in 5 years.

## Controversy on the Juvenile Delinquency Law

Some voices suggest that the Korean government should lower the age at which they can receive charges, and some even say that the juvenile delinquency laws have to be removed and children should be sent to jail since their crimes were so deadly. On the National Petition to the Blue House, there was a petition pleading to heavily punish the teenagers who stole a car and hit an eighteen-year-old student. This petition was agreed upon by 1,007,040 people, causing public rage toward the juvenile delinquency law. Also, there has been a consistent controversy over whether the age at which the juvenile delinquency law is applied should be lowered. Those who agree with this statement claim that the low charges do not help with rehabilitation or prevention of crimes. Especially, they claim that the physical growth of teenagers has accelerated, allowing them to have behavioral control skills similar to adults. However, the United Nations Committee on the Rights of the Child, the Adolescent Human Rights Department, and the National Human Rights Commission of Korea deny this and refute that the fact that physical growth has accelerated cannot be said that the ability to discern problems or control behavior accordingly has increased (BBC Korea). However, removing juvenile delinquency may not be effective.

## The Statistics of Juvenile Crimes

The percentage of deadly crimes on the news is deficient, and most of the cases by children are subsistence crimes, which are crimes that are committed to make a living.

Total of Juvenile Crimes	54,017
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Total of Property Crimes	21,785
Theft	12,715
Total of Violent Crimes	17,220
Homicide	11
Robbery	178
Arson	178
Sexual Assault	3,341

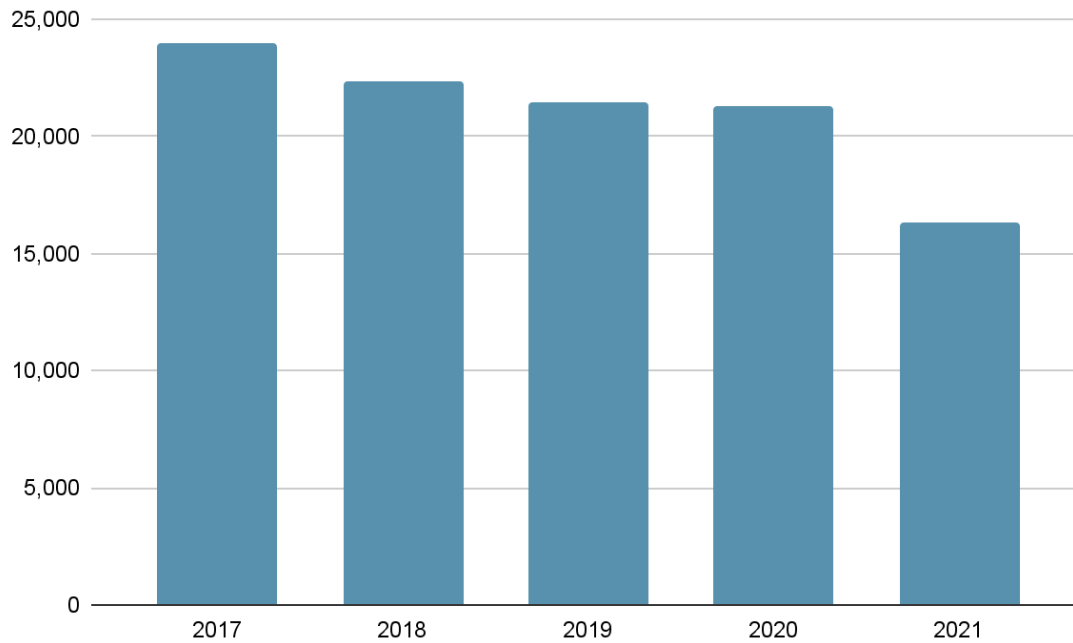
**Figure 2.** Types of Juvenile Crimes in 2022 by the Prosecution Service

According to this table, 40 percent of juvenile crimes were property crimes. However, only 3,606 cases were violent crimes including murder, sexual assault, and arson. That is only about 6.7 percent of the total crimes.

The fact that the majority of the crimes were related to maintaining a living indicates that most crimes committed by adolescents happened due to the lack of money or harsh living conditions. Additionally, Korean juvenile delinquency aims to rehabilitate and return adolescents to society (Korean Law Information Center). The Korean government believes that adolescents should receive a second chance since they are young and worries that they would receive social stigma from society if they have a record, which will interfere with getting into schools and jobs. However, not receiving any charges for children who are under 10 can lead to more serious problems; there is a high possibility that children will commit crimes again without fearing the consequences. Also, committing cruel crimes at a young age indicates that there is a serious problem with the child that needs to get attention and be fixed.

## The Problems of Neglect

Neglecting the problem would only lead to more serious troubles in the future. One of them is recidivism.



**Figure 3.** The Rate of Recidivism between 2017 and 2021 by Yonhap News Agency

In 2017, the number of recidivism cases was 23,989. In 2021, the number decreased to 16,350.

Even though recidivism decreased, all the percentages were around 30 percent of the total crimes. Also, 50 percent of the adolescents who committed recidivism committed crimes at least 3 times. Adolescents who committed at least 6 crimes were about 25 to 30 percent. For example, three sixteen-year-old teenagers stole money and assaulted two thirteen-year-old teenagers. They were beaten for 5 and 18 hours each. The teenagers who committed this brutal crime were found out that they were the same teenagers who hit an eighteen-year-old student with a car the year before (SBS News). However, recidivism is not the only problem of the juvenile justice system.

Due to the light punishment of teenagers, there have been cases where adults would use teenagers in their crimes. For example, a man in his 20s used two thirteen and fourteen-year-old teenagers to steal jewelry to avoid being punished, knowing that they would not get punished. They broke into a jewelry shop and stole about 25,000 dollars (Donga). There have been numerous cases where people would exploit the juvenile system in crimes.

## Youth Detention Centers in South Korea

The Korean juvenile law states that children between 10 and 19 are sent to youth detention centers. While teenagers from 14 to 19 may receive criminal penalties, the heaviest charge for teenagers between 10 and 14 is being sent to youth detention centers. Under 10, children do not receive any penalties and are sent home (Korean Law Information Center). Even though the youth detention center in Korea is a form of jail for minors, it also serves as a school having classes about professional development, mental and drug rehabilitation, and character education. They also give proper school education such as math, history, and science. After minors finish their time assigned by the judge, they are prepared to return to society and their families (Ministry of Justice).

## **The American Juvenile Justice System**

The American juvenile justice system is very different from South Korea. The law states that youth under 18 who are accused of committing a delinquent or criminal act are processed through a juvenile justice system. While similar to that of the adult criminal justice system in many ways—processes include arrest, detainment, petitions, hearings, adjudications, dispositions, placement, probation, and reentry—the juvenile justice process operates according to the premise that youth are fundamentally different from adults, both in terms of level of responsibility and potential for rehabilitation. Whereas sentencing for a serious crime following a guilty verdict in the criminal justice system often results in jail or prison time, the juvenile justice system seeks to avoid incarceration whenever possible. The notion that children and youth are not innately violent or cruel is the driving force behind the juvenile justice system. There exists a firm belief that youth can and will lead healthy and constructive lives if allowed to grow instead of being presumed irredeemable and segregated from their communities (youth.gov). Youth are entitled to educational programming while incarcerated. Educational and therapeutic programming may be provided in the child's community or the child may be placed out of the home in a residential treatment program and ordered to attend school on-grounds (Juvenile Law Center). Different from the South Korean juvenile justice system, the American system provides teenagers with education and rehabilitation for them to return to society.

## **The Need for a Youth Center for Ages Under 10**

However, young children receiving federal charges is not the best way to solve this issue since they are still very young and may need a clear standard of what is right or wrong. However, allowing the children to be set free without any education or therapy to solve the situation would only make things worse. To ensure that children will not commit crimes again and receive proper treatment, there should be a youth center for children between the ages of 7 and 10. In those centers, children who have committed crimes would live for a minimum of a week to a maximum of three months. Generally, they would receive education in morality and ethics, explaining how their actions were prohibited in society. Also, they would learn self-control skills, reduce aggression and anger, and recognize problematic behaviors. In addition to these classes, they would receive normal school education since they would not be allowed to return to their original schools. Since they are young, parents are an essential factor in their well-being. Parents would be allowed to meet with their children any time during the day, and if they were available, children would live with their parents in dorms in the detention centers.

## **The Benefits of a Youth Center**

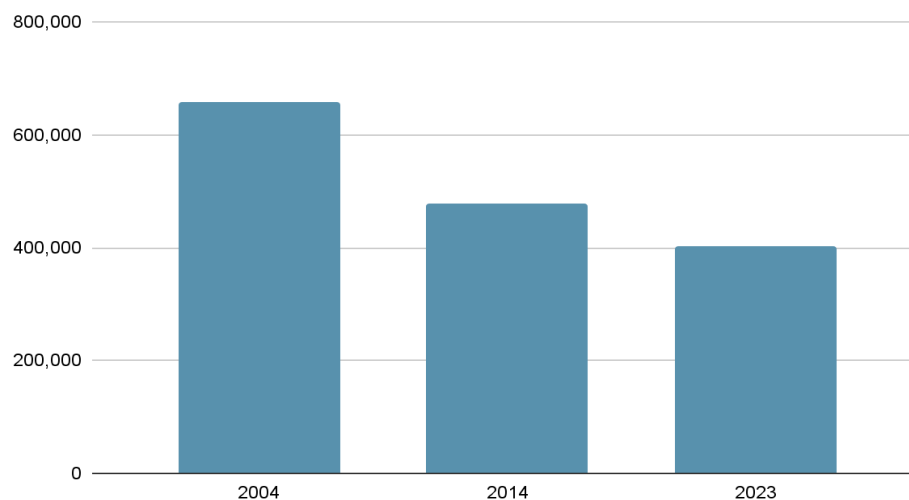
Furthermore, the cause of their crimes and the living conditions of the adolescents would play an important role in the education they would get at the youth detention center. If the cause of the crime is due to poverty or harsh living conditions, the government would provide the family with financial support and the children would be able to stay at the dorms for an amount of time to receive health care and fresh food. While staying at the center, they can learn basic skills needed to get a job in the future other than behavior classes. Also, if the cause of their crimes is due to mental illness, they would receive therapy that would help them learn to deal with their illness and fit into society. On the other hand, if the adolescent has issues with their family that are related to adult crime such as child abuse, they would be separated from the family and be allowed to stay at the center until they are safe. There would be a police investigation into their parents and living conditions. If it is determined that the children should be separated from their parents, they can stay at the center until they find foster parents.

## Problems of Building More Youth Centers

However, there could be potential problems when building this youth detention center for children between the ages of 7 and 10: the location, the presence of the building, the budget, and the need for workers who can teach the children. To build new buildings of youth detention centers, the government would have to construct new buildings, hire people who would teach the children, and most importantly have the budget to do everything that is needed at the center. However, the solution may come from an odd place.

## The Solution to the Possible Problems

The low birth rate issue in South Korea may cause these problems to be solvable. Due to the low birth rate, children entering school each year have been decreasing.



**Figure 4.** The number of children entering school by Yonhap News Agency

In 2004, about 650 million children were entering school, but in 2014, there were only about 470 million children. Also, in 2023, it decreased to about 400 million children.

In only about 10 years, there was a decrease in the birth rate of 70 million children. Due to the low birth rate in Korea, many schools have been closed, including 121 preschools. Also, teachers are threatened with having their jobs lost since there is a decrease in the birth rate. When hiring elementary school teachers, the amount of elementary school teachers decreased by about 11.3 percent. Also, Seoul hired not even one preschool teacher, Daejeon hired one, and Gwanju hired three (Yonhap News Agency). Low birth rates have become a serious issue in South Korea. Since many schools are closing in Korea due to low birth rates, the school buildings have become useless and the government would have to put down schools. Also, the unemployment rate of teachers would be a major problem, and teachers would have to find new jobs. Instead of putting down school buildings and fire teachers, the buildings and people can be used at the detention centers. The centers could use the closed school buildings to have classes and dorms, and teachers could work and direct children at the centers. Also, the budget that was used for the schools could be used to run youth detention centers.

## Conclusion

Even though the Korean juvenile justice system is developing, some laws have remained unchanged since they were first made. The parliament needs to make improvements in the system not only for juvenile crimes but also for other crimes that need improvement. Since children are the future of a country, it is essential to have a specific solution addressing these serious crimes committed by adolescents. This could prevent crimes and protect the safety of the country.

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