

A brief analysis of the crime constitution of disabled youth committing property offenses

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Abstract: Disabled adolescents, compared to healthy adolescents and adults, are a vulnerable group and are also part of the youth team; they are the future builders and enjoyers of the nation's development and prosperity. Since the enactment and implementation of the "Law of the People's Republic of China on the Protection of Persons with Disabilities," it has played an important role in promoting the development of the cause of disabled persons and protecting their legal rights and interests. However, with the development of society and economy, new issues and situations have arisen in the protection of the rights and interests of persons with disabilities, among which the property offenses committed by disabled adolescents are quite prominent and have their own unique characteristics of crime composition. By studying the crime composition of property offenses committed by disabled adolescents, exploring the problems and challenges faced in the process of protecting the rights and interests of disabled adolescents, and reducing the re-occurrence of such crimes, we can thus contribute to maintaining a harmonious and legal Chinese Dream.

Keywords: Disabled Youth; Property Offenses; Crime Constitution

1. Introduction

China's "Law on the Protection of Persons with Disabilities" defines people with disabilities as those who have lost or do not properly function in some tissues or functions in terms of psychology, physiology, or human body structure, and have entirely or partially lost the ability to engage in certain activities in a normal manner. The "United Nations Convention on the Rights of Persons with Disabilities" Article 1 describes the scope of persons with disabilities, which includes people with long-term physical, mental, intellectual, or sensory impairments, and these impairments interact with various barriers that may hinder the full and effective participation of persons with disabilities in society on an equal basis with others. Both emphasize that, apart from the lack of certain physical, organ, or functional aspects, they possess all the rights that able-bodied people have on an equal basis. Since people with disabilities are naturally or artificially at a disadvantage compared to able-bodied people due to such deficiencies, they are considered a vulnerable group. Therefore, there are some targeted provisions and measures in the legislative, application, and law enforcement processes. Adolescents generally refer to people who are over 13 years old and under 20 years old. According to the "Criminal Law of the People's Republic of China," the age of criminal responsibility in China starts at 14 years old, including the eight major crimes involved. It also stipulates that: people who commit crimes at the age of 14 but under 18 years old should be given lighter or mitigated punishment; crimes committed by both deaf and mute people or blind people can be given lighter, mitigated, or exempted punishment; crimes committed by mentally ill people who have not completely lost the ability to recognize or control their behavior can be given lighter or mitigated punishment. It can be seen that crimes committed by adolescents with disabilities involve special situations such as people with disabilities and minors, but this does not mean that the criminal behavior of adolescents with disabilities should be indulged or tolerated, because anyone who commits a crime must abide by the three principles of China's criminal law: the principle of legality of crime and punishment, the principle of equality before the criminal law, and the principle of adapting punishment to the crime committed. Therefore, only deaf and mute people, mainly including those who are congenitally and deaf and mute in childhood, and blind people, that is, those

who are congenitally and blind in childhood, can appropriately judge whether to lighten, mitigate, or exempt punishment based on the nature of the crime and the degree of social harm according to the circumstances of the crime. However, for deaf and mute people and blind people whose knowledge and intellectual level are not lower than that of normal people, and who are fully capable after reaching adulthood, the crime is of a serious nature and the consequences are severe, they should not be given lenient punishment.

Crimes committed by adolescents with disabilities against property refer to the intentional illegal possession, use, or destruction of public and private property by adolescents with disabilities. It also meets the general characteristics of property crimes in China's criminal law: the object of infringement is the ownership of public and private property; the object of the crime is the property owned by citizens or public property; the objective aspect is the implementation of a variety of statutory actions infringing on public and private property; the subject is natural persons over the age of 16 with criminal responsibility, but those who are over the age of 14 and commit robbery crimes should also bear criminal responsibility. Some property crimes require special subjects, such as company employees; the subjective aspect is intentional, but the purpose of the crime varies. Property crimes generally include three major categories: aimed at illegal possession, misappropriation, and destruction. It specifically covers 13 specific crimes: robbery, theft, fraud, snatching, mass looting, embezzlement, corruption, misappropriation of funds, misappropriation of specific items, extortion, intentional destruction of property, destruction of production and business, and refusal to pay labor remuneration.

2. The subject of property crime committed by disabled adolescents

The subject of such crimes is the right to property ownership, both public and private. This includes the property owner's rights to possess, use, benefit from, and dispose of their property. Sometimes it manifests as a complex subject, meaning that a single criminal act infringes upon objects that include two or more specific social relationships. For example, in the crime of robbery committed by disabled adolescents, the rights to property ownership and personal rights are violated. In the crime of extortion, the rights to property ownership and the personal rights or other interests of others are violated. In the crime of disrupting production and business operations, the rights to property ownership and the normal order of production and business operations of the state, collectives, or individuals are violated. In the crime of refusal to pay labor remuneration, the national labor order and the workers' right to obtain labor remuneration are violated. The object of these crimes is the material manifestation of the right to property ownership. According to relevant provisions of China's Criminal Law, private property of citizens includes: citizens' legal income, savings, housing, and other means of subsistence; means of production legally owned by individuals or families; legal property of individual businesses and private enterprises; shares, stocks, bonds, and other properties legally owned by individuals. Public property includes: state property; property collectively owned by the working masses; property of social donations or special funds for poverty alleviation and other public welfare undertakings. In addition, private property managed, used, or transported by state organs, state-owned companies, enterprises, collective enterprises, and people's organizations is considered public property. It also includes the proceeds of illegal activities and contraband. The objects of property crimes committed by disabled adolescents are generally tangible movable property, immovable property, corporeal objects, intangible property, etc. Some crimes involve specific objects, such as: the object of the crime of mass looting is usually property that is in the process of transportation, storage, and storage. The object of the crime of misappropriation of funds is limited to the funds of the unit itself. The object of misappropriation of specific articles is only funds and materials specifically used for disaster relief, flood control, emergency rescue, poverty alleviation, preferential treatment, relief, and relocation. The object of the crime of disrupting production and business operations is property closely and directly related to production and business operations.

3. Objective aspect of disabled youth property crime

The objective external factual circumstances that cause damage to the social relationships protected by criminal law in such crimes include harmful acts, harmful results, the timing of criminal acts, location, methods, means, the causal relationship between harmful acts and results, etc.

Firstly, in terms of timing, because disabled adolescents often commit property crimes in conjunction with healthy adolescents or adults, or are lured, coerced, or instigated by others to do so, and some disabled adolescents commit property crimes alone due to factors such as poverty, ignorance of the law, revenge, or the urgency to make money, they generally choose times that are conducive to completing the crime. Since most people are resting, relaxing their vigilance, or just waking up at night, early morning, and in the early morning, disabled adolescents tend to commit crimes during these periods. The times that are conducive to disabled adolescents committing property crimes are in the afternoon or evening when there are more suitable targets for crimes, such as committing robbery or fraud at this time. Researchers have also found that the season is closely related to the property crimes committed by disabled adolescents. The main reason is that some adults want to make a lot of money before the New Year to support their family for the New Year, so the rate of property crimes increases in the autumn and winter seasons. At this time, some of these adults use disabled adolescents to commit property crimes, which leads to an increase in the rate of property crimes committed by disabled adolescents. However, minors, including some disabled adolescents, receive more red envelopes during the New Year, so their demand for public and private property is relatively small. Therefore, after the winter and the beginning of spring, the rate of property crimes increases in the spring and summer seasons because the previous money has been used up. During the summer vacation, since students from various schools are on vacation, the number of targets for disabled adolescents to commit property crimes decreases, so the crime rate will drop slightly for a period.

Secondly, in terms of location, since more disabled adolescents are minors, with a smaller portion being adults, coupled with the fact that disabled adolescents have long-term physical, limb, mental, intellectual, or sensory impairments, although these adverse conditions hinder the disabled adolescents themselves from committing criminal acts, some of these deficiencies are exploited by others to commit more covert and despicable crimes. For example, some unscrupulous individuals take advantage of people's compassion to instigate disabled adolescents to engage in fraud and extortion. Some exploit the fact that although disabled adolescents are blind, they have keen hearing and movements to commit theft. The locations where disabled adolescents commit property crimes generally follow the range of activities of healthy adolescent offenders or other adult offenders, and also have characteristics of blindness, lack of planning, and accidental selection. Disabled adolescents involved in financial crimes usually do not plan the entire crime process and lack overall consideration before the crime, and because they are young, they lack tool preparation, condition preparation, planning, and escape route planning. They generally focus on places with many people and confusing sounds that facilitate the crime, such as bus stations, buses, intersections, downtown areas, overpass passages, shops, shopping malls, parks, residential areas, alleys, markets, internet cafes, entertainment venues, residential buildings, etc. Some commit crimes using the internet, school students, telecommunications, etc. They mainly focus on stealing movable property. There are also cases where adult disabled individuals are involved in crimes such as embezzlement, job embezzlement, misappropriation of funds, and misappropriation of specific articles within state organs, state-owned companies, enterprises, collective enterprises, and people's organizations.

Thirdly, in terms of behavior and methods, due to the inherent congenital or acquired physical and mental deficiencies of disabled adolescents, coupled with the characteristics of being minors and going through adolescence, their emotions are changeable, and they are psychologically and physiologically susceptible to external negative influences and control. As a result, they exhibit naivety, impulsiveness, simple thinking and judgment, susceptibility to exploitation, and blind obedience in their methods of financial crime. They can also easily commit crimes for trivial gains or personal desires, such as snacks, internet access, playing games, or satisfying their self-esteem. Some may actively or passively participate in violent crimes, serving as preparers or assistants in such criminal acts, for example, by committing theft with violence, verbal threats, brandishing knives, or using other tools to threaten violence. Once successful in a crime, some will exploit disabled adolescents to commit further offenses. Some disabled adolescents, due to their rural origins, inability to attend school, unemployment after graduation, idleness after being unemployable, family poverty, discrimination by others, lack of medical care, and other factors, also embark on the path of financial crimes. Due to the poor ability of minors to distinguish right from wrong and their weak self-control, recidivism occurs. Some disabled adolescents passively follow others to commit multiple crimes across regions and age groups. Due to their age and physical and mental limitations, they generally

adopt primitive and crude methods of financial crime that are easy to operate, such as using pliers for theft, wall climbing, acting as a conduit for stolen goods in robbery crimes, and assisting in posing as victims of extortion and blackmail.

Fourthly, in terms of organizational forms, due to the inherent characteristics of disabled adolescents, in addition to committing crimes individually, there are also instances of joint crime and criminal group activities. Some disabled adolescents are coerced into joining, while others actively participate for specific purposes. Compared to their non-disabled peers, disabled adolescents are in a more vulnerable position, making them more likely to be overlooked or sympathized with by others. As a result, some criminal gangs exploit the immaturity, desire for attention, and the sympathy of disabled adolescents to carry out malicious property crimes. There are also instances where organized crime and terrorist groups utilize disabled adolescents for criminal activities, which must be taken seriously. The majority of these property crimes are general joint crimes. Scholars attribute this to the contradiction between the independence and dependency of minors. [1] Since there are also minors among disabled adolescents, they are immature in all aspects of their growth and development, especially financially dependent on adults. However, they are also skeptical and rebellious against adult authority, and rely on forming small groups with peers to commit crimes to satisfy economic desires. Adolescents in puberty find it difficult to resist the negative influences of undesirable social culture, materialism, hedonism, and peer pressure, leading them to participate in joint property crimes. Additionally, due to their physical disabilities, they have a psychological tendency to seek protection, care, and respect from society and groups. [2] Some seek compensation and satisfaction for their own physical and mental conflicts, deficiencies, traumas, and damages from others. [3] Some of these disabled adolescents who are minors suffer discrimination, making it difficult for them to complete their education normally or live in straitened circumstances. Some disabled youths struggle to achieve self-worth and ideals, so they join gangs to alleviate feelings of inferiority, loss, and dissatisfaction, seeking the excitement and sense of achievement from illegal and criminal activities.

4. Disabled Youth as the Subject of Property Crime Offenses

Due to the provision in China's Criminal Law that the minimum age for criminal responsibility for property crimes is 14 years old, disabled youth, despite their acts of theft, robbery, fraud, extortion, or intentional destruction of property, have not been held criminally responsible. The current age range for disabled youth involved in property crimes is primarily between 16 and 18 years old. Male disabled youth are more frequently involved in property crimes than females, but there are also instances of females being exploited for criminal activities. The majority of disabled youth involved in property crimes are students, including those currently enrolled, graduated, or have dropped out, from various levels of education such as primary school, junior high school, high school, vocational school, technical college, undergraduate, and higher education institutions. Their family backgrounds also vary, including those from farming, working class, unemployed or self-employed families, high-level intellectuals, individual businesses or those working in companies, enterprises, social organizations, public servants, institutions, and the military. However, the personal and family backgrounds of the main subjects of disabled youth property crime generally involve workers, farmers, students, and unemployed individuals, with a slightly higher proportion of the unemployed, and higher crime rates among those who have dropped out, particularly at the primary and junior high school levels, but there are also some cases of disabled youth with higher education becoming involved in crime. Due to the lack of supervision, education, and rehabilitation from schools and social authorities, these disabled youth are more likely to turn to crime given their already vulnerable physical and mental conditions. Therefore, in the prevention and control of property crimes among disabled youth in the future, schools should strengthen the management of educational content and time, provide convenience and ensure measures for disabled youth to complete their studies smoothly, and enhance their legal education. Relevant national departments, agencies, institutions, and all sectors of society should eliminate discriminatory attitudes towards disabled youth and take action to ensure their equal enjoyment of employment rights, education rights, labor rights, and social security rights, in order to minimize the adverse factors that induce such crimes. For disabled youth who reoffend, it is essential to strictly comply with the provisions of the "United Nations Standard Minimum Rules for the Administration of Juvenile Justice" and the "Law on the Protection of Minors" that China has signed and joined, focusing on the protection of the

physical and mental health of disabled youth, prioritizing corrective education, and supplementing with strict law enforcement.

5. Disabled youth's subjective role in property crime

The subjective aspect of these crimes is always intentional, with varying purposes. Some aim to illegally convert public and private property into unlawful possession for themselves or others, some are for embezzlement, and others for the purpose of damaging property. Since disabled youth have experienced childhood, minority, adulthood, and adolescence, coupled with the fact of their disability, they are still lacking in discerning right from wrong, and in recognizing and controlling their own behavior. Especially in terms of criminal motivation, they are more diverse, sporadic, changeable, and monotonous. For example, some disabled youth only develop the mentality of committing property crimes for fun under the strong instigation of others, and then commit crimes with others; some out of revenge for physical discrimination against themselves; some to attract attention to themselves, to deliberately demonstrate that their abilities are the same as those with full capabilities and deliberately commit property crimes; some, due to strong emotional or mood stimulation, become angry and take the road of crime; and some for very simple purposes, such as shopping and entertainment. The crime of disabled youth infringing on property generally manifests as an intention to harm the social outcome, including direct and indirect intention, with both pursuit and hope, as well as a permissive attitude. However, compared with the subjective aspects of property crime committed by healthy youth and adults, it has its own characteristics. Since most disabled youth are minors, their cognitive and volitional factors are relatively weak compared to adults and those with full capabilities who have rich life experience, comprehensive analysis ability, reasoning judgment ability, and logical thinking ability. Therefore, the social harm caused is relatively smaller. Although in the implementation or being used by others to commit property crimes, the volitional factors of disabled youth have less premeditation, less detailed content, less depth, less strong targeting, less rigorous planning, and weaker counter-national and social nature, if they meet the conditions for the crime, and at the same time there are no conditions for mitigation or exemption, they still need to be held criminally responsible, which is a reflection of the principles of criminal law.

6. Conclusion

The issue of property crime committed by disabled adolescents involves special legal regulations concerning persons with disabilities and minors, as well as provisions of China's criminal law and international law. The focus for adolescents and minors is predominantly on protection, education, rescue, reformation, and correction, while for persons with disabilities, it is more about eliminating discrimination and safeguarding their equal status and treatment in all aspects. No individual possesses privileges that surpass the authority of the state's laws. By analyzing the object, objective aspects, subject, and subjective aspects in the crime composition of property offenses committed by disabled adolescents, we expect to identify the characteristics and underlying causes of such crimes. This study aims to lay the groundwork for reducing the incidence of such criminal acts in the future and to assist disabled juvenile offenders in reforming and returning to a legal and healthy path. It also seeks to uphold the legal rights and interests of disabled adolescents and to strengthen the ranks of the builders of the nation's future.

7. References

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