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A Study on the Imbalanced Application of "Moral Sanctions" and "Legal Sanctions" in Juvenile School Bullying

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Abstract. China's legal norms including the Minor Protection Law and the Law on the Prevention of Juvenile Delinquency have established a legal framework for governing school bullying. A tiered disposal mechanism has been set up for school bullying of varying severity, covering relatively flexible educational measures as well as rigid legal sanctions. Nevertheless, in real-world school governance practices, numerous malignant school bullying cases that meet the criteria for legal sanctions end with moral and social disciplinary measures such as critical education, written self-criticisms and apologies. Legal sanctions remain largely idle and nominal, giving rise to the application imbalance characterised by "over-reliance on moral sanctions and absence of legal sanctions". This imbalance does not stem from deficient legislation but cognitive deviations at the societal-perception level: the general public, school administrators and some parents misinterpret the juvenile-justice principle of "education first, punishment supplementary", equating the protection of minors with unrestrained tolerance for perpetrators. Coupled with schools' stability-maintenance inclination and victims' insufficient willingness to safeguard their rights, social perceptions override legal norms in practice and prevent legal provisions from translating into real-world binding force. Starting with conceptual definition, this paper sorts out the proper applicable boundaries of moral sanctions and legal sanctions, illustrates practical manifestations of disciplinary imbalance, explores the internal mechanism whereby social perceptions override the law, assesses multiple hazards brought by such imbalance, and puts forward optimisation proposals including reshaping public perceptions and clarifying disciplinary hierarchies. It expects to realise the coordinated operation of moral education and legal sanctions in school-bullying governance.

Keywords: School bullying, moral sanctions, legal sanctions, minor protection, nominalisation of law

1. Introduction

As public attention toward school bullying keeps growing, it is no longer simplistically regarded as trivial squabbles among students. Multiple high-profile malignant school-bullying cases in recent years demonstrate that bullying acts feature persistence, violence and online perpetration, inflicting severe and long-lasting physical and mental trauma on victims. The Minor Protection Law, revised and implemented in 2021, added special provisions on school bullying [1]. The Law on the

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Prevention of Juvenile Delinquency refined intervention and correction measures for undesirable behaviours and serious undesirable behaviours [2]. The Guiding Opinions on the Prevention and Control of Student Bullying in Primary and Secondary Schools issued by the Ministry of Education further specified schools' obligations in investigation, reporting and disposal [3]. From a legislative perspective, China has in fact built a complete set of regulatory systems for school-bullying governance. It distinguishes minor conflicts from severe bullying and reserves room for applying legal sanctions.

Nevertheless, a notable gap exists between legal texts and real-world governance. In practice, most school-bullying incidents are settled through in-school mediation. Even for cases involving repeated assaults, personal injury, insult and defamation that satisfy statutory conditions for activating reprimands, mandatory correction-education and public-security penalties as well as civil compensation, schools and parents tend to resort to moral sanctions such as verbal criticism, written self-criticisms and in-person apologies while avoiding formal legal procedures. Sanctions stipulated by law are seldom invoked, leading to the phenomenon of "legislative provisions exist yet remain unapplied". Perpetrators bear extremely low costs for unlawful conduct; victims can hardly obtain legal remedies, and school bullying recurs [4].

The core research questions of this paper are as follows: first, what are the connotations, functions and statutory applicable boundaries of moral sanctions and legal sanctions within school-bullying governance; second, what concrete manifestations mark the current imbalance between the two types of sanctions; third, why can social perceptions override the law and hinder the implementation of legal sanctions even with well-established legal norms; fourth, how to rectify cognitive biases and construct a school-bullying governance mechanism featuring tiered application and mutual coordination of moral and legal sanctions.

Existing studies on school bullying mostly focus on institutional improvement and the building of school prevention-and-control systems. Few analyse how social perceptions obstruct law enforcement from the perspective of "nominalisation of law". By differentiating moral sanctions from legal sanctions and clarifying their applicable logics, this paper explains why "law on paper" fails to become "law in action" from a sociological-of-law perspective and enriches theoretical discussions on school-bullying governance. In addition, current governance practice is marked by an entrenched tendency of "prioritising education over accountability". It over-emphasises education and rehabilitation of juvenile perpetrators while neglecting the protection of victims' rights and the exemplary role of legal rules. By analysing deep-seated perceptual triggers, this paper proposes solutions balancing education and bottom-line sanctions, facilitates the return of school-bullying disposal to the track of rule of law, and strikes a balance between rehabilitation education for juvenile perpetrators and protection of victims' rights.

2. Definition of core concepts and jurisprudential basis of the dual sanction system

2.1. Definition of core concepts

2.1.1. School bullying

Per the definition of China's Ministry of Education, student bullying refers to acts perpetrated intentionally or maliciously among students through physical, verbal or online means to harass or insult others, resulting in personal injury, property loss or mental harm to another party. Distinct from accidental, non-malicious student horseplay, its core elements include subjective malice, behavioural persistence and harmful consequences. School bullying constitutes not only a violation

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of school rules and disciplines; when reaching a certain level of gravity, it amounts to civil tort, or even public-security violations and serious undesirable behaviours subject to legal accountability [5].

2.1.2. Moral sanctions

Moral sanctions in this paper refer to flexible, non-coercive disposal measures centred on moral edification and character discipline, mostly implemented by school teachers. Their forms include verbal criticism and education, written self-criticisms, reflection in class meetings and home-school talks as well as mandatory apologies. Rooted in moral exhortation, moral sanctions aim to awaken perpetrators' moral conscience, help them recognise right and wrong, and realise behavioural correction via self-reflection [6]. Boasting the merit of mildness, moral sanctions suit minor, occasional student conflicts with no substantial harm inflicted. Devoid of coercive binding force and reliant on perpetrators' voluntary repentance, they lose substantial restraining efficacy in the face of malicious and repeated bullying.

2.1.3. Legal sanctions

Legal sanctions are rigid disposal measures grounded in legal norms and backed by state coercive power. In the context of juvenile school bullying, legal sanctions are not equivalent to criminal punishment. Specific types include civil compensation for damages; administrative measures such as reprimands and public-security warnings issued by public-security organs; mandatory correction-education stipulated in the Law on the Prevention of Juvenile Delinquency; as well as criminal accountability and conditional non-prosecution when circumstances are severe and the perpetrator has reached the age of criminal responsibility. The core function of legal sanctions lies not merely in punishment, but in drawing behavioural bottom lines, clarifying that unlawful acts must entail legal consequences, correcting serious undesirable behaviours by virtue of state coercive power, and providing legal remedies for victims.

2.2. Proper application logic of the sanction system

Moral sanctions and legal sanctions are not mutually exclusive alternatives but a tiered, progressive and complementary governance system. The presupposed application logic under the law is as follows: moral sanctions prioritise education and edification for accidental and minor student conflicts without physical or mental harm. Where bullying acts are subjectively malicious, repeatedly committed and cause victims' mental trauma or personal injury, exceeding the restraining scope of moral edification, legal sanctions shall be triggered. Moral sanctions address issues of "right versus wrong", whereas legal sanctions uphold the bottom line of "lawful versus unlawful". Moral sanctions serve as front-end educational tools, and legal sanctions act as fallback safeguards [7].

2.3. Basis in current legal norms

Article 39 of the Minor Protection Law requires schools to establish student-bullying prevention-and-control systems, stop bullying acts in a timely manner, and provide psychological counselling and educational guidance for involved students. For severe bullying, schools shall report to public-security and educational authorities without delay. The Law on the Prevention of Juvenile Delinquency differentiates undesirable behaviours from serious undesirable behaviours. For serious

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undesirable behaviours such as gang-based bullying and repeated insult or harm inflicted on others, public-security organs may impose reprimands or order perpetrators to receive correction-education.

The foregoing legal provisions clearly demonstrate that China's legal system for minor protection adheres to the principle of "education first, punishment supplementary", yet never abandons legal accountability. Edification and education serve as the guiding principle, yet non-negotiable legal bottom lines exist. While the law permits moral-educational measures for minor bullying, it explicitly demands that malignant bullying enter statutory disposal procedures and trigger legal sanctions. No legislative rule stipulates that school bullying shall invariably be handled merely through criticism and education.

3. Practical manifestations of imbalanced sanction application in juvenile school bullying

Despite the tiered sanction framework built by legal norms, notable application imbalance emerges in practice, manifested chiefly in unlimited expansion of moral sanctions and the contraction as well as nominalisation of legal sanctions.

First, misaligned sanction application: moral sanctions comprehensively replace legal sanctions. Regardless of bullying severity, schools almost invariably resort to internal moral sanctions as the primary disposal option. In some cases, perpetrators commit long-term, gang-based bullying including assault, non-consensual explicit-photo recording and online rumour-mongering. Such acts constitute serious undesirable behaviours under the law and ought to be reported to public-security organs for legal sanctions. Nevertheless, seeking quick resolution of incidents, schools organise private mediation between families of involved parties and close cases with apologies and written self-criticisms from perpetrators. Cases eligible for legal sanctions are downgraded to moral-education incidents. Legal sanctions are suspended, and moral sanctions become the sole disposal approach.

Second, extremely low application rate of legal sanctions translates into near-zero unlawful-act costs. Numerous school-bullying cases satisfying statutory conditions never enter public-security or judicial procedures. Influenced by the perception that school bullying merely involves "conflicts among minors", public-security organs frequently suggest in-school mediation and education instead of applying measures such as reprimands or public-security penalties. Civil compensation is equally difficult to initiate. Victim families often go through protracted negotiations, and many ultimately abandon claims. The absence of legal sanctions prevents perpetrators from perceiving the unlawfulness of their conduct, fosters the mindset that bullying carries no grave consequences, and emboldens opportunism.

Third, single reliance on moral sanctions yields limited effects and facilitates recurring bullying. Moral sanctions hinge on perpetrators' voluntary remorse. Mere criticism and education hardly restrain juveniles lacking empathy who engage in malicious, repeated bullying. Some perpetrators resort to more covert bullying tactics after receiving in-school sanctions such as self-criticism and apologies [8]. Throughout disposal proceedings, victims obtain no legal justice. Their psychological trauma is hard to heal; private settlements may even subject them to secondary harm.

Therefore, multiple students at a middle school persistently ostracised and beat a female classmate, repeatedly slapping her in restrooms and distributing assault footage online, triggering severe depression in the victim. After the incident drew public attention, the school secured apologies from perpetrators' parents and written self-criticisms from the juvenile offenders, and imposed in-school disciplinary sanctions. No report was filed with public-security organs, nor were reprimands or correction-education procedures initiated. The case was closed solely with moral

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sanctions. This example shows that even when bullying inflicts severe mental harm, practice tends toward in-house resolution and evasion of legal sanctions.

4. Root causes of sanction imbalance: internal mechanism whereby social perceptions override legal sanctions

Superficially, sanction imbalance stems from defects in schools' disposal mechanisms. Its deep-rooted source lies in systematic deviations in social perceptions. Misunderstandings regarding juvenile-justice principles and the nature of school bullying among the general public, educational practitioners and parents permeate case-disposal processes. Consequently, legal rules on paper fail to take effect, and social perceptions override the law [9].

4.1. One-sided generalised interpretation of the principle of "education first, punishment supplementary"

"Education first, punishment supplementary" represents the core principle of China's juvenile justice system. Its original intent is that given minors' mental immaturity, educational-rehabilitation measures shall be prioritised. That said, this principle presupposes inviolable bottom lines and does not mean that all unlawful acts committed by minors exempt perpetrators from legal liability. A prevalent biased view holds that juveniles act improperly due to mental immaturity and ought to receive tolerance no matter how egregious their misdeeds are, as legal punishment would ruin their prospects.

Such perceptions conflate "protection of minors" with "protection of juvenile perpetrators". Minor-protection laws safeguard all minors--perpetrators as well as victimised minors. Yet in public opinion and practical disposal, the public tends to empathise more with juvenile perpetrators' future development while downplaying harm sustained by victims. When handling cases, schools and parents prioritise perpetrators' futures, voluntarily forgo legal accountability, and substitute legal liability affirmation with moral tolerance. Moral compassion dilutes legal rigidity.

4.2. Schools' stability-maintenance-oriented governance mindset rejects legal sanctions

As primary subjects handling school bullying, schools pursue not merely rule-of-law education but also public-opinion risk control, safety assessment and prevention of home-school disputes. Once malignant-bullying cases are reported to public-security organs and legal-sanction procedures are activated, in-school incidents evolve into social events. Schools may face accusations of managerial dereliction, public-opinion storms and downgrades in superior assessments.

Driven by stability-maintenance considerations, schools develop an entrenched disposition toward "in-house resolution and downplaying incidents". Confronted with bullying cases, schools prioritise conflict appeasement rather than statutory assessment of whether reporting is required. They tend to frame malignant bullying as peer conflict and close cases via moral sanctions and private reconciliation, evading formal legal procedures. School administrators are not ignorant of legal provisions [10]. Instead, they deliberately refrain from applying legal sanctions out of risk-management considerations, so that stability-maintenance aspirations override legal obligations.

4.3. Cognitive deviations among parents hinder activation of legal sanctions

Parents of perpetrators commonly hold misconceptions: they view school conflicts as mere children's horseplay and deem clashes among juveniles non-criminal. Even when their children

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commit assault or insult, parents attribute misdeeds to verbal altercations among peers, refuse to acknowledge the unlawfulness of such conduct, and strongly oppose intervention by public-security organs or legal sanctions for fear of criminal records for their children.

Victims' parents also face practical concerns. On one hand, influenced by the notion that "children will remain in the same school", some fear escalated tensions and further retaliation against their children on campus. On the other hand, legal proceedings are time-consuming and labour-intensive, and evidence collection poses challenges. Many victim families ultimately accept apologies and private settlements, voluntarily abandoning legal recourse. Combined misconceptions among parents of both sides deprive legal sanctions of triggering opportunities.

4.4. One-sided public empathy for minors narrows the scope for applying legal sanctions

Public opinion naturally inclines toward sympathy for minors. When malignant school-bullying cases enter public view, discussions frequently centre on perpetrators' family backgrounds and developmental deficiencies while stressing their capacity for reform. Insufficient attention is paid to victims' long-term physical and mental trauma. Once authorities impose legal sanctions such as reprimands or correction-education, they risk being labelled harsh and inhumane by public opinion.

Public-opinion pressure transmits to law-enforcement and educational authorities, prompting staff to adopt conservative disposal approaches favouring lenient moral sanctions to avert controversy. Moral and evaluative considerations outweigh legal rules, creating a situation where human-sentiment perceptions prevail over legal norms and lead to the nominalisation of legal-sanction institutions.

5. Optimisation pathways for improving the dual-sanction application mechanism for school bullying

To resolve the imbalance in sanction application for school bullying, the priority lies not in introducing new legislation or institutions, but in rectifying misplaced social perceptions, standardising disposal workflows and clarifying sanction boundaries. It must eliminate the governance anomaly of "social perceptions overriding the law" and build a rule-of-law-based governance system in which moral sanctions and legal sanctions are appropriately tiered and operate synergistically.

First, reshape society-wide rule-of-law awareness and correct one-sided interpretations of juvenile-justice concepts. Conduct regular legal-popularisation campaigns targeting teachers and students, parents and the general public. Accurately interpret the core connotation of "education first, punishment supplementary", and clarify that minor protection entails dual protection: it safeguards juvenile perpetrators' rights to rehabilitation and development, and also protects personal and personality rights of underage victims. Popularise the law through typical cases to help the public understand the unlawful nature of school bullying, dismantle stereotypes such as "juveniles bear no accountability for misdeeds" or "horseplay causes no grave harm", and foster consensus on the rule of law featuring "tolerance without indulgence, education with bottom-line constraints, and accountability for wrongdoing". This fundamentally dispels misconceptions that substitute legal accountability with moral leniency.

Second, refine tiered disposal criteria and clarify statutory applicable boundaries for dual sanctions. Educational administrative departments shall work with public-security organs to formulate quantifiable, implementable tiered disposal rules for school bullying. School bullying shall be categorised into minor, moderate and severe levels based on subjective malice, frequency of

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perpetration, behavioural patterns and harmful consequences. Checklist-style disposal standards shall be formulated. Moral sanctions and in-school education shall apply exclusively to occasional minor bullying. For malignant conduct including repeated bullying, gang-based harassment, physical violence, online distribution of bullying footage and severe mental harm inflicted on victims, mandatory provisions shall require schools to report incidents to competent educational authorities and public-security organs. Private mediation and in-house settlement shall be prohibited, narrowing discretionary space for deliberate evasion of legal sanctions.

Third, break schools' stability-maintenance inertia and enforce schools' statutory governance obligations. Optimise assessment systems for campus safety, discard the single stability-maintenance metric of "zero incidents and zero reports", and incorporate law-compliant disposal and standard reporting of bullying cases into positive assessment indicators. This relieves schools of concerns that "reporting equals accountability and exposure leads to downgrades". Meanwhile, establish accountability mechanisms. Sanction school administrators and relevant personnel in accordance with laws and regulations for concealing bullying incidents, suppressing reports, substituting statutory accountability with moral sanctions, or aggravating bullying problems, so as to compel schools to fulfil statutory governance obligations and uphold rule-of-law disposal bottom lines.

Fourth, improve supporting guarantee mechanisms and lower victims' thresholds for exercising legal rights. Simplify evidence-collection, case-reporting and rights-protection procedures for school-bullying cases. Clarify schools' statutory obligations to preserve bullying-related evidence and cooperate with judicial investigations, and prohibit prevarication or cover-ups. Open green channels for legal aid for minor victims, offering free legal consultation and agency services to reduce time-related and economic costs of pursuing remedies. Meanwhile, improve supporting systems for perpetrators' correction-education. On the premise of lawfully applying legal sanctions, synchronously implement moral edification, psychological intervention and behavioural correction, so as to realise the organic integration of "rigorous sanctions and flexible education". This safeguards legal bottom lines while fulfilling the core objective of educational rehabilitation for minors.

6. Conclusion

The core predicament of school-bullying governance is not an imperfect rule-of-law system, but deficient law-enforcement efficacy: misplaced social perceptions override well-established legal norms. The imbalance between moral sanctions and legal sanctions essentially represents governance misalignment marked by excessive generalisation of flexible education and severe absence of rigid rule-of-law constraints. One-sided notions of leniency toward minors, schools' stability-maintenance inertia, parental cognitive deviations and one-sided public empathy jointly spawn the governance anomaly of "replacing punishment with education and forgiving unlawful conduct without accountability". To curb recurring school bullying, it must avoid merely stacking institutions. Instead, it shall focus on perceptual rectification and mechanism implementation. Only by reshaping society-wide rule-of-law perceptions, clarifying boundaries for dual-sanction application, enforcing governance obligations of responsible parties and improving supporting mechanisms for rights protection can it strike a balance between educational leniency for minors and rule-of-law bottom-line constraints. It shall translate law "on paper" into real-world governance efficacy, build a campus rule-of-law environment balancing compassion and rigour, and comprehensively safeguard minors' sound growth.

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