Abstract

The problem of the school violence of the youth is not merely the deviation of the individual, but the social problem that our community must solve as a top priority. In recent media reports on juvenile school violence, newspapers and portal sites have spread. People who were angry at the school violence filed a petition to abolish the Juvenile Law on the Cheongwadae homepage, and more than 270,000 people have complained about it, resulting in a huge societal aftereffect. It does not mean that they do not understand community members’ sympathy. Although they trust the strong national obedience as a measure against school violence, they do not have a great effect. At the end of 2011, Daegu’s suicide incident became publicized, causing a great social shock.

The government announced that it would eradicate school violence in 2012, and announced the “Comprehensive Measures for the Elimination of School Violence”. After the announcement of the measure, it was reported that the violence was reduced by simple numerical figures. However, after several years, we can not help asking whether the measure emphasizing unilateralism is effective. This shows the limitations of not being able to create a healthy community and not fundamentally reducing school violence and juvenile delinquency as a powerful imperative of the current judicial system in which the punishment of the perpetrator punishment = problem solving is widespread in our society. Therefore, in this study, how is the direction of school violence and genuine restorative justice defined in the current situation, where the national criminal justice system paradigm is shifting from the victim-centered traditional criminal justice system to the offender-centered criminal justice system?

The current Criminal Justice Review examines the meaning and effectiveness of the traditional national criminal right to combat and complement the ideology of restorative justice as a preventive measure against serious school violence. It is necessary to plan ways to bring about substantial change.

[Keywords] School Violence, Prevention of School Violence, Restorative Justice, Severe Punishment, Perpetrator

1. Introduction

All students have the right to learn in an equitable and pleasant educational environment. The school violence problem, which has been forgotten for some time, has once again become a serious social problem in our society, raising a tremendous resentment beyond the patience of our community. The problem of school violence, which has evolved from the shadows to the aging of the aged, the fog, and the brutality of the group violence, is emerging as a social problem, not merely a deviation of the individual. As a result, in March 2004, the government adopted the School Violence Prevention and Countermeasures Act (abbreviated as "School Violence Act"), and as a solution to the school violence in 2012, And the school violence law and the enforcement decree that it is punishment. Recently, a number of policies have been proposed in order to fundamentally solve the problem of school violence nationwide by promulgating amendments to the
10th revision of the Law No. 15044 (Law No. 15044, recently revised). However, it has been criticized as a tinkering type of provisional policy and has failed to fundamentally solve the problem of school violence including juvenile crime. In order to establish effective preventive measures against school violence at the Korea Educational Development Institute in December 2017, the Ministry of Education, Culture, Sports, Science and Technology We are conducting surveys on school violence. The main purpose of this study is to examine the main contents of the survey and to propose measures to prevent school violence based on the results.

In recent years, "Restorative Justice", a concept that focuses attention on many people as a good alternative to traditional criminal justice in school juvenile justice including school violence, is enough to discourage a new transition to school violence prevention and countermeasures. It is worthy of discussion, and it is also considered to have a high level of currentness. 'Restorative Justice(Jus
tice)' calls for reconciliation efforts to restore victims' injuries and sufferings based on the reflection and reflection of the perpetrator, rather than imposing simple discipline and punishment on the perpetrator's severe punishment. In addition, the victim accepts and forgives himself / herself for a real relationship restoration. Therefore, it is a proactive and developmental concept that enables the transition of a new paradigm in the prevention and control of school violence. Therefore, in this study, we review the countermeasures that contain the concept of restorative justice among the excellent precedent studies on the prevention and countermeasures of the existing school violence, examine practical alternatives by expanding the concept of restorative justice. There is a purpose in presenting.

2. Principles of School Violence Concept, Characteristics and Prevention of School Violence

2.1. Concept of school violence in school violence prevention law

In the 21st century, our educational reality is, in short, a crisis of school violence. "School violence" as defined in Article 2, Paragraph 1 of the "School Violence Act" refers to the violence of the school violence(injury, assault, detention, abduction, incentives), violence Psychological or property damage by means of violence, intimidation, money laundering, forced errands, sexual violence, bullying, cyber bullying, and information or communication network. As for bullying, two or more students from inside and outside the school are subjected to a physical or psychological (emotional) attack or attack on a specific person or a group of students to make them feel pain Cyber bullying"(No. 1, No. 2) (using information and communication devices such as the Internet, mobile phones, etc.) Or any act that causes a person to feel pain by spreading personal information or false facts related to a specific student. There are also various types of violence in schools. ① Language violence includes nicknames, insults, dislike jokes, rude speech, scribbling, threats, sarcasm, mobbing, and mocking. ② Physical violence includes actions such as stabbing, pushing, hitting, kicking, and improperly touching, obstructing the path, holding, touching with objects that can be used as weapons. ③ Social violence includes behaviors such as bullying or insult the cycle by peer rejection from transparent to human handling Rigi spread bad rumors, to gossip, to force the behavior of peers, Sunder side with the other points. ④ Cyber violence the Internet, e-mail, letters sent to harass the victim via a wireless telephone, dialing, picture or audiovisual transmission, chat, action such as a Web page, published in the Bulletin, the scene plague victims Rigi spread the video. ⑤ View staring into non-verbal violence, and to send the eyes of disdain, scooping narrowed his eyes racially offensive, to follow behavior to control behavior to intimidate, to control a gesture to invade the personal space, keep silent, spitting, attend along, Resisting to reach, and playing a psychological game. In addition, it is necessary to establish the scope of school violence law and current law(juvenile law) and reestablish the concept[1].
2.2. Characteristics of school violence

2.2.1. Low-age actors(addicts) and objects (victims)

Article 9 of the Criminal Act, which distinguishes under age 14, cannot impose criminal punishment on students who do not reach the age of 14 because they are generally, systematically, physically and mentally immature regardless of the individual's de facto ability, and therefore cannot be held liable for biological abnormalities. In particular, low age, crime, crime, crime, and cruelty are among the major issues in Korean society, as some cases involving low-age tactile boys have been suggested for punishment, and whether they will be ignored in a blind spot of violence on the grounds of their normative incompetence, and thus even lowered the age of criminal underage.

2.2.2. The presence of a large number of anstiftung and beihilfe

School violence can be said to occur in a bystander who is distracted by the fear of retaliation and retaliation among many students in the same group. There are also cases where the violence in the school is borrowed from the power or indirectly from the back of the group(violent sail organization). It is difficult for school violence to take place if the absolute majority of students do not tolerate school violence and actively respond to preventive measures[2].

2.3. Principles of school violence prevention(restorative justice)

Introduced as the most generalized definition of restorative justice today is the definition of "the process by which the affected parties affected by the crime are gathered together to form an agreement on how to recover the damage caused by the crime have[3] Or "the process of collectively collecting and resolving how all parties involved in the offense are to deal with the consequences of the offense and what it means in the future"[4]. On the other hand, if these definitions emphasize the procedural aspect of consultation between the parties, it emphasizes the resultant aspect of recovery and broadly defines it as "any activity aimed at realizing justice in order to recover the damage caused by crime"[5]. Restorative Justice(Jus tice) has emerged since the latter half of the 20th century as part of an effort to overcome the limitations of the traditional Western criminal justice system in resolving conflicts among members of a complex and diverse group. The crime of restorative justice is a new paradigm that seeks to find ways to rectify the mistakes among such people, focusing primarily on the infringement of people as a starting point and eventually as a conflict between individuals. In order to resolve the conflicts that arise here, victims and perpetrators are freed from anger and fear by expressing their misfortune in front of the mediator acting on behalf of the community. Through the real conversation of the parties, the victims' Facilitating healing should be a key aspect of restorative justice.

The first purpose for realizing the content of restorative justice should be restitution and healing of the victim and the second should heal the relationship between the victim and the perpetrator[6]. The idea of a restorative justice is to solve the problem in the social relation involving the perpetrator, the victim, the family and the community together, and ultimately to recover the psychological and material damage caused by the crime. The goal is to contribute to the prevention of crime by healing the relationship and restore legal peace[7]. Restorative justice has emerged as a paradigm shift from traditional criminal law to criminal law in the midst of these discussions[8]. Criminologists refer to this as the "Renaissance of Victims" in criminal policy in preparation for the "Renaissance of the Criminal Law"[9].

Therefore, in this study, we try to find a way to expand the application of restorative justice to the criminal justice actively by studying its role based on the definition of restorative justice as described above. In addition, the practical application of restorative justice for developing students' problematic behaviors such as juvenile school violence as educational opportunities for "offender-victim reconciliation and adjustment system and social community-friendly crime prevention and
correction policy" And to provide measures for preventing and coping with school violence.

3. The Legal Nature of the School Violence Prevention Act and Its Relationship to Other Laws

The concept of "need for protection" in juvenile justice is sometimes interpreted as protection from criminal justice[10]. In this sense, the restorative justice program in the context of ‘recovery concept for viewing’ is not a criminal justice act and becomes a solution to private conflicts. For example, if the case of minor boys is resolved in the case of a minor boys' case, if the conflict between the perpetrator and the victim is resolved, the general public Rather, it is a claim that it will accept the state's penal servitude as a meaningful act[11]. This claim seems to be inextricably linked to the claims of purely analysts who want to separate and operate the existing criminal justice system in order to adhere to the nonspecificity and spontaneity of the restorative justice program. However, the claim of restorative justice for grieving is rather risking the restorative justice program to be a blind program that can avoid the harsh penalties of criminal justice and ensure the effectiveness of control. Such an approach is no different from a 'criminal consensus' that dismisses the ideology of restorative justice. To prescribe juvenile justice as a traditional retributive criminal justice system and to refer to the juvenile justice system as a restorative justice program for the elimination and separation of the juvenile justice is not intended to recover the damage but to literally look at it. Crime victims participating in the Restorative Justice Program will work with the perpetrator in restorative justice programs, including mediation, to restore the damage. The victim is not involved in the program in order to escape the abuse of criminal justice. There is another argument that emphasizes the effect of community reintegra-

4. Measures to Prevent and Prevent School Violence

4.1. School violence perpetrator-victim reconciliation recommendation system

In the case of school violence, it is perceived as a minor mischief and disguised, and because of the paternalistic view of school violence, it is more educational than the punishment[12]. Therefore, the lack of awareness of the seriousness of school violence, The perceived right of the perpetrator's reflections on the victim, rather than the victim's side, amplifies the damage and leaves a greater heartfelt scar from the nightmare of school violence. In this respect, this system still has limitations in preventing school violence, and as mentioned above, there is a problem. First of all, the recommendation for reconciliation is only applicable as long as the school violence incident is a problem in the juvenile protection process, so the possibility of restoring the violence incident on the school site is lacking in the school[13]. As school violence is common in the school scene, it is important that the possibility of restorative justice can be practiced at school immediately after school violence. Therefore, in order for this system to be truly respected as a system that contains the will to practice restorative justice, it is necessary for the school to be rooted in school violence, It is necessary to supplement the institutional weaknesses that can expect effects.

4.2. Police dismissal system, minor case reduction system and leading conditional indictment system

With the advent of the School Violence Act in 2004, many public and private efforts to resolve school violence autonomously and educationally came to the fore. As of July 2018, 15 revisions have been made to reflect the demands of changing times and school realities since the enactment. After more than a decade, will the voices of expectation opinion be numerous? Considering the fact that there are many opinions of concern, the community agrees with the urgency of preparing the measures. Especially in March 2013, the scope of school violence expanded from pre-
vious "student-to-student" incidents to "student-related" incidents, expanding student protection by expanding student violence cases out of school and by adults respectively. In this chapter, we focus on the practice of restorative justice for school violence prevention and countermeasures, the court-level reconciliation recommendation system, the leading conditional probation system of the prosecution phase, the police discipline system of police stage and the ministry case reduction system. And the role of mediator or adviser in the case of school violence as well as professional counseling activity of professional counselor.

5. Conclusion and Suggestion

There is no doubt that school violence is more important than preventative measures. Several studies in Korea and abroad have demonstrated the importance of preventive education. As a method to solve the school violence problem, the intervention after the occurrence of school violence requires a lot of time and effort, but its effectiveness is negligible. In order to prevent such violence, it is necessary to look for measures to improve the situation or environment where the occurrence of school violence is anticipated, and to approach and resolve preemptively if any signs are found. It is also important to intervene early in the event of school violence. In view of the nature of such school violence, the government has established and operates special laws including school violence prevention and countermeasures. However, after examining the main individual clauses of the Act, it is found that there are few inadequate parts of the current law system considering the specificity of school violence and the specific cause of the violence. First of all, it seems that more confusing parts related to the basic concept should be removed to make it clearer.

And the relationship between the juvenile law and criminal adjustment system and the law should be clearly established. Efforts should be made to prevent the second and third damages by introducing a system of helping the victims in the judicial process. In addition, it is necessary to restore the damage after the psychological counseling and the financial support of the professional counselor to the victim in a direction of the reasonable criminal policy. The adolescents 'aggravation of school violence' or 'juvenile offenders' were 'irrevocable misfortunes' in their youth. However, if a criminal is the subject of free personality and is the subject of human dignity and the right to pursue happiness, let him be the plural object of the victim or the potential victim, or restored as a member of an open society, The community will have to ask themselves if they will let them go.

6. References

6.1. Journal articles


6.2. Books


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