Abstract

Recently, a growing number of cases of school violence at school sites have become contentious and become legal problems, and the phenomenon is deepening beyond what teachers can solve. In line with these social changes, the Act on the prevention of and countermeasures against violence in schools was enacted in 2004. However, a number of complementary points are being discussed regarding the formation and operation of an autonomous committee for countermeasures against school violence under the current law. As the autonomous committee, which plays the most direct role as a response to school violence, needs to operate efficiently, the study explored the development direction through the analysis of current statutes and prior studies. The preceding studies presented various conclusions, but in common they suggested a lack of expertise in the formation of autonomous committees. It also said it lacked counseling and other support for the victims.

Based on these problems, the study presented the following improvement directions. The first is the strengthening of the professionalism of the autonomous committee. The results of the preceding studies show that non-professional parent representatives include a majority, weakening their professionalism. Therefore, the need to expand the participation of external members in order to secure expertise is recognized.

The second is the expansion of exclusion and recusal and the broad-basedization of the autonomous committee. It will be necessary to expand the system of exclusion and recusal in conjunction with the strengthening of professionalism. In order to eventually resolve this issue, the broad-basedization of the autonomous committee should also be considered.

The third, parents' education closest to students should be required so that education can be conducted within the home. However, since such parents' education cannot be enforced under the current law, there is a need to establish a rule to supplement it.

Finally, it is necessary to bring the victims' support to reality. In order to make the support of the victims a reality, it may be possible to activate the counseling function, including professional social workers, in the form of autonomous committees. Another is the use of the expertise of the Korea Crime Victim support Center.

This improvement will serve as a positive aspect of the autonomous committee's activities to reduce school violence.

[Keywords] Criminal, School Violence, Autonomous Committee, Crime Prevention, Strengthening of the Professionalism

1. Introduction

At present, our society is becoming longer, more violent and less aged, with sexual violence occurring between teenagers, bullying by friends, bullying by school violence, which leads to serious illness or death. Moreover, with the development of smartphones and the Internet, the forms of school violence are becoming diverse[1].
Recently, a growing number of cases of school violence at school sites have become contentious and become legal problems, and the phenomenon is deepening beyond what teachers can solve. In line with these social changes, the Act on the Prevention of and Countermeasures against Violence in Schools (hereinafter referred to as School Violation Prevention Act) was enacted in 2004[2].

With the enactment of the law, countermeasures for efficient and open handling of school violation problems without concealing them, but school violation still exists in various forms[1].

Many contents of the school violence prevention law have been revised and supplemented through 22 revisions, including the revision of other laws and the revision of the school violence prevention law, until the revision in 2017. The need for such a revision shows the importance of understanding and preventing more essential school violence through the law[3].

However, a number of complementary points are being discussed regarding the formation and operation of an autonomous committee for countermeasures against school violence (hereinafter referred to as “autonomous committee”) under the current law. As the autonomous committee, which plays the most direct role as a response to school violence, needs to operate efficiently, the study will explore the development direction through the analysis of current statutes and prior studies.

2. Analysis of Previous Studies

Previous studies generally share the need for an autonomous committee. However, there are features that suggest a variety of improvement measures.

First, Kim LJ (2013) proposed a revision to the composition of the autonomous committee in his study on prevention of school violence. She said it would be desirable to use the autonomous committee as a kind of advisory body consisting of parents and some experts. It also suggested giving much power to elected superintendent of offices of education. It also said that because there is a lack of professional counseling personnel for school violence and limited protection measures, the government should seek ways to strengthen support for the victims[1].

And Chang MH (2014) conducted an analysis of elementary school teachers’ perception of the operation of the autonomous committee. The study first suggested that teachers should be required to provide education on the operational regulations of the autonomous committee. She suggested for the second time that there was a problem with the rule that requires a majority of the autonomous committee members to be parents, and finally reported a lack of consultation bodies and professional counselors to protect the victims[2].

Lee CB (2015) studies surveyed school resource officers about their perception towards the function of the autonomous committee, its member, and the response of the principal to school violence.

The results indicated that the officers thought the autonomous committee did not very well for the function of protecting the victim’s rights. In addition, he believed that the participation of parents needs to be limited in the membership, and more experts should be included in the membership of the autonomous committee. He also thought the principals should be tough in dealing with school violence. The discussion includes ideas about improving professionalism of the membership and making changes on the related regulations[4].

In the study by Jung HG (2017), the following points were presented.

First, it needs to establish regulations of system and operation for improvement of dedicated organizations and to strengthen the support and counseling activities for healing students to protect the victims.

Second, it is necessary to improve the dispute conciliation system to transfer the tasks
related to the dispute mediation and to ensure professionalism of the autonomous committee as well as clearly define the functions and roles of the autonomous committee.

Third, in the case of victims’ protection and guidance and education for aggressors rather than punishment, the dedicated organization must handle it without opening the autonomous committee if it is judged that there is no problem as a result of the violence or damage[3].

And Han JK(2018) analyzed the procedures for handling school violence in order to prevent school violence. The analysis results are as follows:

First, in case of Non-serious violence school violence, it is necessary to give an opportunity to terminate the matter through the period of conflict adjustment between stakeholders at the stage of the Exclusive Units for School Violence, which is the stage before the autonomous committee.

Second, in order to ensure the fairness and professionalism of the school violence handling procedure, the current regulation, which consists of a majority of the members of the autonomous committee, should be revised. In addition, she proposes a plan to establish the autonomous committee at the Education Support Office instead of installing it at each school. This will enable school teachers to focus on education, and the committee will be able to maintain a consistent process based on uniform standards[5].

There are also studies that have been approached in terms of restorative justice. Yun TH(2017) argued the present efforts cannot be free from some negative evaluation that the measures to prevent school bullying taken so far by the government seem to be too formal and slipshod to take effect. He also stressed that both perpetrators and victims, through their own self-reflection efforts, should establish a system to safely return to society, forming a new paradigm in the field of general criminal justice[6].

In Lee HJ(2017)’ study, the procedure of school violence prevention, the detailed standard and the autonomous committee were examined, and the following improvement measures and legislative examples were presented based on the problems.

She argued that the autonomous committee should be fair and professional, however there was a problem that parental committee accounts for a majority, and it is difficult to appoint specialists at the unit school. Therefore, she insisted that the committee should be established by the Education Support Agency to secure fairness and professionalism and to reduce the burden on the unit school[7].

The above preceding studies presented various conclusions, but in common they suggested a lack of expertise in the formation of autonomous committees. It also said it lacked counseling and other support for the victims. Based on this awareness of the problem, I am looking at the current statutes and am trying to find ways to improve them.

3. The Act on the Prevention of and Countermeasures against Violence in Schools

3.1. Purpose and definition

The purpose of the School Violation Prevention Act is to protect the human rights of students and raise students as healthy members of society through the protection of victim students, the guidance and education of aggressor students, and mediation between victim students and aggressor students, by providing for matters necessary for the prevention of and countermeasures against violence in schools[8].

The school violence means any action committed against students inside or outside of school premises resulting in a physical or mental injury, or damage to property through a battery, assault, confinement, threat, kidnapping, abduction, defamation, insult, extortion, coercion, forced errand, sexual violence, bullying, or cyber-bullying, or with obscene or violent information via an information and communications network[8].
3.2. Establishment and functions of autonomous committees

Each school shall establish an autonomous committee for countermeasures against school violence to deliberate on matters related to the prevention of and countermeasures against school violence: provided, that at least two schools may establish a joint autonomous committee after filing a report with the superintendent of the relevant office of education on any ground prescribed by Presidential Decree. Ground prescribed by Presidential Decree means where the victim student and the aggressor student in a school violence case are enrolled in different schools.

Each autonomous committee shall deliberate on the following matters for the prevention of and countermeasures against school violence.

- Establishing a school system to prevent school violence and to develop countermeasures against school violence;
- Protecting victim students;
- Guiding and punishing aggressor students;
- Mediating disputes between victim students and aggressor students;
- Other matters prescribed by Presidential Decree. Other matters prescribed by Presidential Decree means measures suggested by the responsible teacher or the representative of the student council regarding prevention of and countermeasures against school violence.

Each autonomous committee may request the head of the relevant school and the chief of the competent police station to provide data concerning school violence that has occurred in the relevant area.

3.3. Composition and operation of autonomous committees

An autonomous committee shall be comprised of at least five to up to ten members, including one chairperson; a majority of the total members shall be commissioned from among representatives of parents directly elected at a parents conference, as prescribed by Presidential Decree: Provided, That if it is impracticable to elect representatives of parents at a parents conference due to any extenuating circumstance, representatives of parents may be elected at a conference consisting of representatives of every class.

Members of an autonomous committee shall be appointed or commissioned by the head of the relevant school, from among the following persons:

- The deputy head of the relevant school;
- Teachers with work experience in student guidance and counseling, among teachers of the relevant school;
- Representatives of parents elected in accordance with Article 13(1) of the Act;
- Judges, prosecutors, and attorneys-at-law;
- Police officers of the police station having jurisdiction over the relevant school;
- Licensed physicians;
- Other persons who have abundant knowledge and experience in prevention of school violence and protection of juveniles.

Meetings of an autonomous committee shall be held at least once a quarter, and the chairperson of an autonomous committee shall call a meeting under any of the following circumstances:

- Where requested by at least 1/4 of the members registered with the autonomous committee;
- Where requested by the head of a school;
- Where requested by a victim student or his/her parents;
- Where the occurrence of school violence is notified or reported to the committee;
- Where the fact that an aggressor student has threatened or retaliated against a victim student is notified or reported to the committee;
- Other cases deemed necessary by the chairperson.

Each autonomous committee shall prepare and keep meeting minutes stating the date, place, members present, discussion and matters for resolution of the meeting.

3.4. Composition and operation of autonomous committees

If an autonomous committee deems it necessary for the protection of a victim student, it may request the head of the relevant school to take any of the following measures (or several concurrent measures) for the victim student: Provided, That the head of a school may take any measure under subparagraph 1, 2, or 6 before the autonomous committee requests such measure, if he/she deems that an urgent measure is required for the protection of a victim student or receives a request for urgent protection from a victim student:

1) Psychological counseling or advice by experts from within and outside school;
2) Temporary protection;
3) Treatment and recuperation for treatment;
4) Change of class;
5) Other measures necessary for the protection of a victim student.

3.5. Mediation of disputes

An autonomous committee may mediate a dispute arising in connection with school violence. The duration of mediation of a dispute shall not exceed one month.

The mediation of a dispute arising in connection with school violence shall include the following matters:

- Mediation for settlement of damages between the victim student and the aggressor student or his/her guardian;
- Other matters the autonomous committee deems necessary.

If an autonomous committee deems it necessary for the mediation of a dispute, it may investigate into the facts relevant to a case of school violence with the cooperation of related authorities. Also, if an autonomous committee intends to mediate a dispute, it shall notify its intention to the victim student, the aggressor student and his/her guardian.

4. The Direction of Improvement of the Autonomous Committee

Based on the above preceding studies and current laws, I intend to present the development direction of the operation of the autonomous committee.

4.1. The strengthening of the professionalism of the autonomous committee

The results of the preceding studies show that non-professional parent representatives include a majority, weakening their professionalism[1][10][11]. Therefore, the need to expand the participation of external members in order to secure expertise is recognized. In order to make participation of outside experts a reality, the committee should be formed with experts in criminal justice, including professors in relevant departments. To this end, the government should revise the rules for the composition of the autonomous committees, which comprise a majority of the committee members as parents. Specifically, more than two-thirds of the experts will have to be organized. This should include the person with the relevant degree.

4.2. Expansion of exclusion and recusal and the broad-basedization of the autonomous committee

It will be necessary to expand the system of exclusion and recusal in conjunction with the strengthening of professionalism. Many parents in the same area are linked to school ties and delays. This is because it is difficult to expect fairness from the committee members who are highly relevant to the perpetrators and the victims even if they are not linked by blood.

In order to eventually resolve this issue, the broad-basedization of the autonomous committee should also be considered. It can be expected that there will be less likelihood
of recusal among members of the broadened autonomous committee. It would be appropriate to open it as a unit of the Educational Support Agency.

4.3. The strengthening of parental education

The beginning of students' violence and flight often comes from families, not from their school days. And with current education taking place in a short period of time, it is hard to expect the effect of reducing school violence. Therefore, parents' education closest to students should be required so that education can be conducted within the home. However, since such parents' education cannot be enforced under the current law, there is a need to establish a rule to supplement it. The effectiveness of the system should be ensured by introducing the contents of the crime not prosecuted against objection[5] as claimed in some studies or by including parental education condition measures.

4.4. The Realization of victims' support

In order to make the support of the victims a reality, it may be possible to activate the counseling function, including professional social workers, in the form of an autonomous committees[12].

Another is the use of the expertise of the Korea Crime Victim support Center. Using the Korea Crime Victim support Center, which is set up by region, could achieve the realization of support for victims. These points should be further defined in the law.

5. Conclusion

The reality of Korean education is that despite various efforts being made on the issue of school violence, the seriousness of it has not decreased. To reduce school violence, the School Violation Prevention Act was enacted in 2004 in line with these social changes.

Although the autonomous committee under the law is in operation, various operational problems are being discussed.

The preceding studies presented various conclusions, but in common they suggested a lack of expertise in the formation of autonomous committees. It also said it lacked counseling and other support for the victims.

Based on these problems, the study presented the following improvement directions.

The first is the strengthening of the professionalism of the autonomous committee. The results of the preceding studies show that non-professional parent representatives include a majority, weakening their professionalism. Therefore, the need to expand the participation of external members in order to secure expertise is recognized.

The second is the expansion of exclusion and recusal and the broad-basedization of the autonomous committee. It will be necessary to expand the system of exclusion and recusal in conjunction with the strengthening of professionalism. In order to eventually resolve this issue, the broad-basedization of the autonomous committee should also be considered.

The third, parents' education closest to students should be required so that education can be conducted within the home. However, since such parents' education cannot be enforced under the current law, there is a need to establish a rule to supplement it.

Finally, it is necessary to bring the victims' support to reality. In order to make the support of the victims a reality, it may be possible to activate the counseling function, including professional social workers, in the form of an autonomous committee. Another is the use of the expertise of the Korea Crime Victim support Center.

Through the improvement of school violence procedures, such as the above, the current school violence prevention law will be able to secure practical validity and procedural equity, and will positively affect the recovery of the victims' damages.

6. References

6.1. Journal articles


### 6.2. Thesis degree


### 6.3. Additional references
