

# The Research on the Application of Community Correction in the Field of Administrative Punishment

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**Keywords:** Community, Community Correction, Administrative Punishment, Application

**Abstract:** the community correction system is an open form of punishment for punished persons outside the prison. It is only a method of punishment execution, not the punishment itself. The birth of community correction is a symbol of the continuous progress of our society, and it is the change of the way of execution of our punishment from “inside the prison” to “outside the prison.” However, the emergence of community correction as a new thing, its advantages and disadvantages are becoming increasingly obvious. Its subject status is unclear, its responsibilities are unclear, the significance of separation from the penalty itself, and the lack of enforcement, have severely restricted the better future development of community corrections. Therefore, the clarification of the status and powers of law enforcement officials, the closeness to penalties, and the increase in the enforcement of community corrections have a profound impact on the development of community corrections in China.

## 1. Introduction

Community correction started relatively late in China. Since 2003, community correction pilot work has been implemented in our country. After 15 years of vigorous development, China's community correction has achieved some excellent results and played a role in alleviating the pressure of prison detention. The positive effect of the system has also achieved good results in improving the reform results of criminals.

As a major change in the concept of penalty enforcement in China, community correction pilots are in full swing in some large and medium cities in China. The characteristics of mobilizing community forces to transform criminals, as reflected in community corrections, and the humanistic spirit contained in the correction process have made it a highlight in China's penalty enforcement work. However, due to the late start of community correction work in China, people's lack of understanding of community correction work, and the immature community correction legal system have all restricted the further promotion of community correction work [1]. Without a ready-made model to draw on, we must closely connect with the actual situation in the region in accordance with the spirit of the relevant documents, comprehensively analyze various factors, and make a thorough scientific planning and solid preparation in order to ensure the successful completion of community corrections [1]. Community correction is a “no fence” mode of correction. In addition to keeping correction objects under control, relying on the masses, and establishing a sound management system, the most important thing is to continue to innovate education methods in combination with the actual situation, use them flexibly, and closely.

## 2. Community Correction Concept

Community corrections have been around for more than a century. However, so far, what exactly is community correction and what are its scopes of application, no matter in the theoretical or practical world, there are still different opinions in various countries, and there are also major differences in the definition and scope of community correction in academia. Professor Du Fei, a professor at the State University of New York's School of Criminal Justice, believes that it is difficult to draw an official definition of community corrections because changes in criminal practice, prison

policy, probation supervision, and parole supervision have greatly blurred community corrections and noncommunity corrections once a clear line [2]. In particular, the use of probation detention centers, return centers, and military training correction centers has expanded the definition of community corrections.

Some countries call community correction “community correction”, which is a method that does not isolate criminals from society and uses community resources to educate and reform criminals. It is a general term for all ways to manage and educate criminals in a community environment. More common abroad include probation, parole, community service, temporary release, halfway home, work release, study release, etc.

In China, the so-called community correction refers to placing criminals that meet the conditions for community correction in the community. It is determined by a judgment, ruling or decision by a specialized state agency with the assistance of relevant social groups and civil organizations and social volunteers [2]. Within the time limit, correct their criminal psychological and behavioral vices and promote their non-custodial punishment enforcement activities for a smooth return to society. Community correction is to make full use of social resources and actively use various methods and methods to integrate the forces of political and legal departments, communities and other parties, and focus on parole, community execution, control, deprivation of political rights, probation and other criminals within the community.

### **3. The Value and Development of Community Correction**

#### **3.1 The Value of Community Correction**

Community corrections are the means by which qualified prisoners serve their sentences in a given community outside the prison. Adjust the way of thinking and behavior through the methods of consultation and assistance of relevant departments, government teams, and the community. For society and the state, the value of community correction is immeasurable [3].

##### **3.1.1 Reduce the Cost of Penalties in the Country**

The emergence of community corrections can greatly reduce the places and hardware equipment required for prisoners. In addition, it will greatly reduce the human, material and financial resources required to supervise criminals.

##### **3.1.2 Reasonable Allocation of Execution Resources**

In judicial practice, prison sentences are generally adopted. For community corrections, bail and other non-essential prison executions, the actual application is less. As a result, the management of imprisonment is difficult, and the cost of serving a sentence is high [3]. At this time, the benefits of community corrections of this kind of punishment enforcement are slowly emerging.

##### **3.1.3 Community Correction is Needed to Improve the Quality of Criminal Reform**

The ultimate goal of punishment is to be able to change criminals to become a law-abiding citizen. Adopting a community correction approach can reduce the mutual influence when serving a sentence in prison, and also help criminals to reduce or eliminate hatred for society through contact with social life and reduce their chances of re-offending. In addition, it also creates a pleasant and harmonious atmosphere for the reform of criminals [1]. Without the constraints of high walls, it has great benefits for the active reform of criminals and shows the humanitarian feelings of the original legislation.

### **3.2 Development and Evolution of Community Correction System**

#### **3.2.1 Historical Development of British and American Community Corrections**

Community correction started in the United States. Around the 1780s, the United Kingdom began to implement community corrections. Over time, British community corrections have gradually become a form of punishment with specific laws and regulations. There are also people who

supervise, manage and lead this non-custodial sentence [3]. The participation of citizens has gradually increased, which has had a certain impact on the innovation of the penal system.

### **3.2.2 The Historical Development of Chinese Community Correction**

In the early 1940s, China appeared in the execution of non-custodial penalties such as bail during military service in foreign countries; a decision on several major issues in the construction of a harmonious socialist society in the 2006 Chinese journal "State Council Bulletin of the People's Republic of China 2006-33" "Points out that" community correction system should be proactively initiated "; the 18th National Congress of the Communist Party of China in 12 years put forward" to further improve the law enforcement system, guarantee the fairness and justice of the trial and prosecutorial power, improve the judicial power implementation system, and improve the human rights judicial protection system. " From the contents of these two reports, we can see that the party attaches importance to building a stable society and promoting the rule of law and a society based on law [4]. It also shows that the community correction method has a certain degree of enforceability from a legal perspective, and the government supports this.

## **4. Problems in the Chinese Community Correction System**

### **4.1 The Main Status and Responsibilities of Community Correction Are Unknown**

In China, the judicial office is the main body of community correction, but the judicial office is not solely responsible for community correction. People's mediation and legal publicity also fall within the jurisdiction of the judicial office. Community corrections have not received the government's attention for a long time due to the lack of specialized institutions for responsible leadership. The second is that the community corrections staff are generally ordinary staff of the judicial organs and the police. Most of these police officers are prison guards, labor camp police, and drug police. They are all organized in different units, so they do not have detailed responsibilities for specific corrections. distribution [4]. For the community correction law stipulated in the criminal law, the powers and identities of the executive personnel should be clearly stated.

### **4.2 The Significance of Community Correction from the Penalty Itself**

First of all, community correction has emerged due to the need to strengthen the efficiency of criminal justice work, reduce the cost of serving prison sentences, and reduce the congestion of prisons. It has made the implementation of non-custodial sentences more diverse and can also be implemented [5]. However, at present, the phenomenon of escaping and leaking pipes is serious, and the provisions of punishment cannot be well implemented in actual work, which is contrary to the significance of its existence.

### **4.3 The Lack of Support for Community Corrections**

Community corrections lack the funds for team implementation. Because of this, the funds for community corrections are not fixed and there is no guarantee of strength. This has caused the shortage of community correction funds, resulting in less motivated staff and reduced work efficiency. Poor supervision and management, and poor infrastructure also make communities lack the ability to enforce enforcement. The lack of community infrastructure has a great impact on the development of the community corrections execution team [5].

### **4.4 The Professionalism of Community Corrections Executives is Not Strong**

The quality of community correction workers is generally not high. Although the judicial administrative team in each region has specific regulations on the work tasks of judicial staff, the specificization of the duties of community correction people's police, social groups, volunteers, and the people is not perfect, even if it is implemented for community correction practitioners, but without a clear system, it is difficult to proceed [6].

#### **4.5 Difficulty in Community Correction Supervision**

Community corrections, as non-custodial sentences, allow qualified criminals to undergo transformation and supervision within the community. For criminals, the implementation of non-custodial sentences is actually a very tolerant punishment for them. Community corrections are under the jurisdiction of the judiciary, but the judiciary does not have the right to implement them. In the case of violations such as criminals' disobedience of management and management in accordance with the regulations of community correction, they can only be punished by public security organs. The operation process is complicated and the time is too long. The public security organs also do not have a police that specifically targets community corrections, which makes it difficult to implement punishments in a timely and effective manner, reduces the credibility of the law, and reduces the awe of prisoners in non-custodial sentences, thereby increasing their sentences [6].

### **5. Application of Community Correction in the Field of Administrative Punishment**

#### **5.1 Probation and Parole System**

Probation refers to a system of conditional suspension or punishment of criminal elements. Britain was the earliest country in the world to implement the probation system. As early as in the medieval common law judicial practice, judges were allowed to release offenders in the form of disciplinary punishment, and the condition that the offenders promised to maintain good deeds and be quiet. The United Kingdom has also been regarded as the birthplace of the parole system [7]. In 1790, the United Kingdom had implemented a parole ticket system. From the British Labour Service Act, which initially stipulated the parole system in 1853, the British parole system has undergone development for a century and a half. .

#### **5.2 Open Prison**

In the wave of prison reform in the UK, there have been some new types of prisons-open prisons. Compared to closed prisons, this type of prisons are mainly implemented by removing prison walls and reducing restrictions on the freedom of criminals to enhance them [1].

#### **5.3 Large-Scale Imprisonment Measures for Juvenile Offenders**

Although during this period Britain made some progress in exploring improvements in the imprisonment system and achieved a step towards community correction, this non-custodial sentence was not widely promoted nationwide. By the 1880s, the British began to implement large-scale alternatives to imprisonment for juvenile offenders, such as fines (equivalent to fines in Chinese penalties), the reformatory system, and parole. At the time, the British Parliament also introduced the Children's act to reduce the imprisonment of minors. Since then, the British formally adopted large-scale imprisonment instead of probation (also known as protection watch) and suspended detention [6]. The community service penalty was also the earliest developed in Britain, that is, the court issued an order requiring criminals to complete a certain number of hours of unpaid labor. If the offender fails to complete the assigned work on time, he will be handed over to the Magistrates' Court to fine or continue to execute the original sentence.

#### **5.4 Non-Custodial Sentences Enter the Field of Judicial Practice**

At the beginning of the 20th century, the community correction system was established in British criminal legislation and justice, and various non-custodial sentences entered the field of judicial practice. In 1973, the United Kingdom created a "community service" penalty in the Criminal Court Powers Act, which means that a judge can order a defendant with minor crimes to perform unpaid community work to make up for the damage caused to society and individuals by his crime [7]. In 2000, the United Kingdom formally introduced the "Criminal Court Judgment Law (Judgment) 2000", which provides complete provisions for the establishment, correction measures, systems, types, and applications of community corrections.

## 6. Summary

This time community corrections are clearly stipulated in the criminal law, and the concept of socialization of executions is clearly established from the legislative perspective, so that socialized executions have rules to follow and laws to follow. The establishment of community corrections is not only a reform of the penalty enforcement system, but essentially involves the reform of the entire penalty system. This reform can be described as a long way to go and cannot be completed overnight. In the process of implementation, many new problems will be encountered. We must combine the outstanding results of the pilot with advanced foreign practices and continue to gradually explore a community correction system that suits China's national conditions. With the development of the rule of law in China, the legalization, scientificization, standardization, concreteness and diversification of the community correction system are finally realized.

## Acknowledgement

Fund Project: This paper is supported by the Foundation of the Crime Prevention and Control Center of Sichuan Province. The Project Number is 17sd0143.

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