



Research on the Construction Value and Path of China's Adult Misdemeanor Sealing System–Based on the High Incidence of Misdemeanors

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Abstract

In view of the increasing incidence of minor offenses committed by adults, the proper management of adult criminal records has become a pivotal issue in the reform of China's criminal justice system. This paper undertakes a theoretical inquiry into the normative foundations for establishing a record sealing system for adult minor offenses, drawing upon the theory of social defense, the concept of human rights protection, and the principle of penal minimalism. Through a comparative analysis of the legal frameworks in countries such as the United States, Germany, and Japan, the study identifies valuable insights regarding the scope of record sealing, procedural safeguards, and mechanisms for the restoration of rights. On this basis, the paper puts forward a series of proposals for the design of a record sealing system tailored to China's legal context, including clarification of the system's objectives and guiding principles, delineation of its scope of application, procedural design, the legal effects and limitations of sealing, as well as supporting mechanisms. The

implementation of such a system would not only contribute to a more humane and precise model of social governance, but also facilitate a shift in criminal policy toward a balanced approach that integrates both severity and social reintegration.

Keywords: minor crimes committed by adults, misdemeanor sealing system, construction value and path, scope of record sealing.

1 Introduction

In recent years, with the advancement of the modernization of China's social governance system and governance capacity, the country's criminal justice policy has increasingly moved toward greater scientific rigor and precision. However, amid the growing complexity of criminal structures and the evolving public security landscape, the continuous rise in minor offense cases has become a pressing and undeniable issue within China's criminal justice system. According to data released by the Supreme People's Procuratorate of China, the proportion of minor offenses among all criminal cases has increased year by year, with charges primarily involving crimes such as theft, fraud, traffic violations, illegal



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business operations, assisting information network criminal activities, and concealing or disguising criminal proceeds—offenses generally characterized by relatively low social harm. While these acts do not typically rise to the level of severely endangering public safety or infringing upon individuals' personal or property rights, their high frequency places a significant strain on judicial resources and poses new demands on social management and criminal justice policy.

At the same time, with the deepening implementation of the criminal policy of "combining leniency and severity," judicial authorities have increasingly emphasized the assessment of the offender's subjective culpability and the substantive evaluation of social harm when handling minor offenses [3]. This has led to the gradual adoption of non-custodial measures, probation, reconciliation, and mediation as flexible alternatives to traditional punitive responses. While such measures have, to a certain extent, contributed to the decriminalization or mitigation of penalties for minor offenses, the enduring social exclusion effects of a criminal record—the "label" attached to the offender—remain largely unaddressed. In particular, for first-time, incidental, and genuinely remorseful offenders, the criminal record resulting from a single minor offense can have long-lasting adverse consequences in areas such as employment, education, credit access, and social relationships. These obstacles hinder social reintegration and may even elevate the risk of recidivism.

Currently, under China's legal framework, only juvenile offenders are entitled to a criminal record sealing mechanism. Article 275 of the Criminal Procedure Law explicitly stipulates that the criminal records of eligible juvenile offenders shall be sealed. In practice, this system has played a positive role in safeguarding the development of minors and facilitating their reintegration into society. However, adult offenders—those who have reached the age of 18—remain subject to the enduring negative implications of a criminal record, even when their offenses are minor and isolated. This "one-size-fits-all" approach to criminal record retention diverges from the principle of individualized treatment in criminal law and fails to reflect the values of humanistic care and rational governance within the justice system. Therefore, in the context of the rising prevalence of minor offenses, the introduction of a record sealing mechanism applicable to certain adult minor offenders has become an imperative and unavoidable issue in

the reform of China's criminal justice system [10].

2 Methodology and Procedures

In examining the construction of an adult minor offense record sealing system against the backdrop of the increasing prevalence of minor offenses, this paper employs a combination of legal research methodologies to ensure scientific rigor, systematic analysis, and practical relevance. Specifically, the study adopts normative analysis, comparative research, and empirical methods. These approaches complement one another and collectively provide a robust foundation for the theoretical inquiry and institutional design presented in this paper.

2.1 Normative Analysis

Normative analysis is one of the most fundamental and widely used methods in legal research. This paper extensively applies this method in reviewing China's current legal framework concerning the treatment of minor offenses, the management of criminal records, and the record sealing system for juveniles. By conducting a provision-by-provision examination of key legal instruments—such as the "Criminal Law", the "Criminal Procedure Law", the "Law on the Protection of Minors", and the "Regulations on Procedures for Handling Criminal Cases by Public Security Organs"—the study clarifies the normative structure and institutional logic underpinning the existing system for managing adult minor offense records in China [11].

For example, in exploring the differences between the juvenile record sealing system and the treatment of adult offenders, this paper analyzes Article 275 of the "Criminal Procedure Law", which provides for the sealing of juvenile criminal records. It highlights the absence of a comparable protective mechanism for adults, revealing a clear institutional gap in the current legal framework. In addition, this study conducts a detailed examination of the "Regulations on the Administration of the Credit Reporting Industry", particularly the provisions concerning the inclusion of criminal information in credit reports, to assess how minor offense records may exert long-term effects on individuals beyond the judicial system.

Through normative analysis, this paper not only elucidates the current legal status of minor offense record management in China but also lays a necessary jurisprudential and empirical foundation for the subsequent design of a more comprehensive sealing system.

2.2 Comparative Research Method

As an essential tool for institutional innovation, the comparative research method plays an irreplaceable role in this study. This paper focuses on the adult minor offense record sealing or criminal record management systems of the United States, Germany, and Japan. It systematically reviews their legislative backgrounds, conditions of application, procedural frameworks, and operational effectiveness, and conducts a comparative analysis with China's current legal system to extract elements of potential reference.

In the section on the United States, the paper highlights the diverse legislative approaches taken by various states toward *record sealing* and *expungement*, with case studies from California, New York, and Texas. It emphasizes the functional mechanisms of these systems in protecting employment rights, safeguarding privacy, and supporting resocialization. Regarding Germany, the paper analyzes provisions such as Articles 46a and 47 of the German Criminal Code concerning record deletion periods and their stringent procedural safeguards. It also underscores the profound influence of Germany's commitment to the concept of "social reintegration" on the design of its legal system. In the case of Japan, the paper explores its legal restrictions on the social use of criminal history information and the mechanisms for "restoration of social credit," revealing how Japan balances the protection of individual privacy with the maintenance of public order.

Through horizontal comparison, this study not only reveals the institutional diversity present in international practices but also highlights the value judgments each country makes based on its unique legal culture and social governance philosophy. This, in turn, provides structural models and institutional logic that can inform the design of a localized and operational adult minor offense record sealing system in China.

2.3 Empirical Research Method

Empirical research, which incorporates both quantitative and qualitative data into legal studies, serves as a crucial approach in this paper. By collecting, organizing, and analyzing data related to minor offense cases handled by China's criminal justice authorities in recent years, the study presents a realistic depiction of the growing prevalence of minor offenses and provides an evidence-based and problem-oriented foundation for institutional

construction.

First, utilizing data from China Judgments Online, this study conducts keyword-based searches and classification-based statistical analysis to examine indicators such as the number of minor offense cases (e.g., theft, fraud, picking quarrels and provoking trouble, assisting information crimes, concealing or disguising criminal proceeds), types of penalties imposed, probation rates, and recidivism rates. The findings reveal a sustained increase in the number of minor offenses and a clear trend toward lighter punishments.

Second, the paper draws on field research and third-party reports (such as those from the China Law Society and local courts) to demonstrate the negative impact of minor offense records on various aspects of social life, including employment, access to education, and civil service examinations. For instance, some studies point out that even when a minor offense results in probation or exemption from criminal punishment, the complete criminal record is retained in public security systems, becoming a "stain" in background checks and causing long-term obstacles for individuals [16].

Additionally, this paper includes preliminary interview-based investigations into exploratory local practices in minor offense record management, such as the "graded information management mechanism" implemented by public security authorities in cities like Shenzhen and Hangzhou. These local practices provide preliminary models that offer meaningful insights for future institutional design [6].

Through empirical research, this study not only enhances the practical relevance of institutional proposals but also provides data-supported arguments for policy recommendations.

3 Results and Discussion

3.1 Theoretical Foundations for Establishing an Adult Minor Offense Record Sealing System in China

3.1.1 Definition and Legal Characteristics of Minor Offenses

The term "minor offense" is not codified as a statutory concept under Chinese criminal law. However, a consensus has been formed in both judicial practice and academic discourse. It generally refers to criminal conduct characterized by relatively low social harm, limited subjective culpability, and comparatively

lenient punishments. Although China's *Criminal Law* does not explicitly distinguish between major and minor offenses, several approaches can be employed to delineate the category of minor offenses:

First, from the perspective of penalty severity, Article 69 of the *Criminal Law*, which governs the application of combined punishment for multiple offenses, uses the benchmark of "imprisonment of not more than three years" as a significant indicator of a light sentence.

Second, in terms of the nature and social danger of the offense, non-violent crimes, first-time offenses, incidental crimes, and offenses of attempt that do not result in serious consequences are generally categorized as minor offenses.

Third, from the perspective of sentencing trends in judicial practice, cases frequently punished with non-custodial penalties such as public surveillance, criminal detention, suspended sentences, or fines are often regarded as falling within the scope of minor offenses.

Although minor offenses are criminally unlawful and punishable, their degree of harm and social impact is significantly less than that of major crimes. As such, they warrant differential treatment in institutional design, reflecting the spirit of a criminal policy that combines leniency with severity. This paper adopts the following working definition: minor offenses are criminal acts committed with minimal subjective malice, resulting in limited harmful consequences, and punishable by relatively light sanctions—particularly those involving imprisonment of not more than three years, criminal detention, public surveillance, fines, or the application of suspended sentences.

3.1.2 Theoretical Justifications for Constructing an Adult Minor Offense Record Sealing System

First, the principle of individualized sentencing provides a foundational rationale. As a core tenet in the evolution of modern criminal law, individualized sentencing seeks to tailor penalties and their execution to the particular circumstances of each offender, thereby maximizing the rehabilitative and preventive functions of punishment. Chinese criminal law has already embodied this principle through its sentencing provisions, suspended sentences, and community correction systems. The proposed adult minor offense record sealing system represents an extension of this principle into the post-sentencing phase. Its essence lies in permitting the sealing of criminal records for individuals who have been adjudicated and served

their sentence (or received non-custodial punishment), provided they meet legally prescribed conditions. This facilitates a "legal new beginning" for such individuals, promoting the humane application of punishment and aligning with the policy objective of offender reintegration [1].

Second, the system embodies the deepened application of China's criminal policy of combining leniency with severity [4]. This long-standing policy emphasizes differentiated treatment of crimes based on their nature and severity—strict punishment for crimes that endanger national security or involve serious violence, and leniency and corrective measures for lesser offenses. The establishment of a record sealing system for adult minor offenses is a concrete expression of this policy in the post-criminal stage. On one hand, the system does not negate the illegality or culpability of the conduct; on the other, it permits the limited disclosure of criminal records for offenders who have served their sentence and demonstrated genuine remorse. This dual approach facilitates reintegration and conforms to the broader development trend of humanizing and softening social governance.

Third, the system reflects the institutional implementation of criminal human rights protection. As the concept of human rights gains traction, modern legal systems increasingly prioritize the protection of individual rights in criminal justice. Particularly in the handling of minor offenses, preventing excessive punishment, stigmatization, and the social consequences of a criminal label has become a key design consideration. Although a criminal record is not a direct form of punishment, its collateral effects—such as barriers to employment, education, and access to credit—constitute a form of "invisible punishment." This de facto extension of penal consequences contradicts the principle of proportionality and undermines the rehabilitative aims of criminal justice. Accordingly, the record sealing system serves as a targeted institutional response to the protection of fundamental rights, including privacy, reputation, and equal access to employment [12, 15].

Lastly, the theory of social reintegration provides real-world support for the system. According to this theory, offenders should be guided away from criminal identities and toward law-abiding lives through social support, educational interventions, and the provision of meaningful opportunities. The focus of institutional design should therefore extend beyond punitive

responses at the moment of the offense to include post-criminal rehabilitation and integration. The adult minor offense record sealing system represents a practical implementation of this theory. By limiting the dissemination of criminal records, it reduces the long-term social impact of a criminal identity and prevents the marginalization that may trigger recidivism. Moreover, it incentivizes self-restraint and behavioral improvement, fostering a virtuous cycle within the justice system and contributing to crime prevention through enhanced social governance.

3.1.3 Legal Functional Positioning of the Adult Minor Offense Record Sealing System

First, the system reduces labeling effects and helps prevent recidivism. Criminal labeling is a significant psychological and social factor contributing to repeat offenses. Individuals with a criminal record often face social stigma, which persists even after genuine rehabilitation, leading to difficulties in employment, education, and social reintegration. This marginalization, in turn, increases the risk of reoffending. The adult minor offense record sealing system restricts access to criminal records under legal conditions, thereby preventing sustained harm from minor offenses and disrupting the spread of the labeling effect. It reduces the systemic conditions that foster "institutional recidivism."

Second, the system represents a shift and extension in the purposes of punishment. While traditional penology emphasizes retribution, deterrence, prevention, and reform, contemporary criminal justice increasingly values education and moral transformation. The focus shifts from punitive responses to rehabilitative and preventative strategies. The sealing of criminal records serves not only as a gesture of leniency for past conduct but also as a motivational mechanism for future lawful behavior. It signifies a transition in the function of the penal system—from combating crime to preventing it, from excluding offenders to reintegrating them—demonstrating the humanistic evolution of the criminal justice system.

Third, the system enhances the legitimacy of the judiciary and the coherence of criminal policy. Currently, China's criminal justice framework exhibits a structural gap between the treatment of juvenile and adult minor offenders. While juveniles may benefit from a record sealing mechanism, adults are not afforded a comparable legal safeguard. This asymmetry undermines the consistency and

perceived fairness of the legal system. Instituting a sealing system for adult minor offenses would help remedy this disparity, strengthen judicial authority, and bolster public trust in the legal system. In today's information-driven society, public sensitivity to judicial records is heightened. Any perceived loophole in institutional design may be magnified as a symbol of injustice. The development of an adult minor offense record sealing system thus serves as a meaningful reinforcement of the completeness and fairness of the criminal justice system [7].

In summary, the high incidence of minor offenses necessitates a reexamination of governance strategies from a broader, more human-centered, and refined perspective. The establishment of a record sealing system for adult minor offenses is supported by robust theoretical foundations and reflects the contemporary legal commitment to a more scientific and humane orientation in criminal policy. In the following sections, this paper will further explore the feasibility and implementation of such a system through comparative legal analysis and an assessment of China's current legal landscape.

3.2 Comparative Study and Lessons from Foreign Adult Minor Offense Sealing Systems

In the process of constructing a sealing system for adult minor offenses in China, systematically drawing upon beneficial international experiences holds significant referential value. Especially among common law and civil law jurisdictions, the institutional designs rooted in different legal traditions offer distinctive characteristics. By conducting a comparative analysis of the systems in the United States, Germany, and Japan, China may draw valuable insights in areas such as legislative logic, procedural design, and the balancing of rights, thereby forming an institutional framework aligned with its domestic legal philosophy and social realities.

3.2.1 The United States: A Pluralistic System Balancing Institutional Design and Individual Rights

Institutional Overview.

The United States employs a state-led model for sealing minor offense records, with considerable legislative variation among states regarding the mechanisms of "sealing" and "expungement." Despite such diversity, there is a common underlying rationale emphasizing the restriction of criminal record dissemination through technical and legal mechanisms. Sealing typically means the record remains in official databases but is inaccessible to the public, whereas expungement

refers to the complete removal or legal nullification of the record [20].

Scope of Application and Conditions.

In most states, eligibility for sealing or expungement of minor offenses applies primarily to cases where charges were dismissed, not prosecuted, or resulted in acquittal; first-time or occasional offenses; non-violent and non-sexual crimes; and offenses for which a designated "waiting period" (usually 3-5 years) has elapsed following sentence completion without recidivism. State-level specifics vary. For example, California's Penal Code Section 1203.4 allows individuals to petition for dismissal after completing probation or sentence, while Illinois provides an "automatic sealing" process for minor offenses to facilitate swift record relief for first-time offenders.

Procedures and Rights Protection.

Petitions for sealing or expungement typically require submission of a written application to the court, accompanied by documentation demonstrating compliance with statutory requirements. Judicial review criteria include absence of further offenses, assessment of public safety risk, and evidence of rehabilitation. Some states permit hearings, allowing petitioners to personally testify regarding their reformation while granting prosecutors the right to contest. Such procedural arrangements reflect a strong commitment to procedural justice.

Effectiveness and Challenges.

The U.S. model demonstrates a robust orientation toward protecting individual rights. Successful sealing or expungement significantly mitigates the adverse effects of criminal records in employment, lending, education, and housing, thus facilitating reintegration. However, due to inconsistent standards and procedural complexity, the actual application rate remains low. Additionally, private background check agencies sometimes circumvent sealing mechanisms, triggering ongoing concerns about data security and privacy.

Implications for China.

The U.S. model illustrates that sealing minor offense records functions not only as an expression of criminal leniency but also as a policy instrument aimed at social reintegration. For China, emphasis should be placed on clearly defining the scope of application, establishing objection procedures, and employing robust privacy protection technologies to ensure that the system provides substantive rather than merely formal protections.

3.2.2 Germany: Unified Legal Framework Coupled with Rigorous Procedures

Institutional Structure.

Germany, a civil law country, maintains a codified and centralized system for managing criminal records, primarily regulated under the Federal Central Criminal Register Act (Bundeszentralregistergesetz, BZRG). This statute stipulates mechanisms for storage, disclosure, and deletion of criminal records, applying differentiated retention periods based on the nature and severity of the offense, thereby establishing a clear hierarchical structure.

Conditions for Sealing and Deletion.

Although Germany does not use the term "sealing" per se, it has developed functionally equivalent mechanisms. Retention periods are determined based on the type of offense and sentence: monetary penalties and suspended sentences are retained for 3 years; custodial sentences of less than one year are retained for 5 years. For other minor offenses, if the individual commits no further crimes during the retention period, the record is automatically deleted.

Once the legally prescribed period expires without subsequent offenses, the criminal record is automatically removed from the Federal Central Register and becomes "inaccessible" except to judicial authorities; no organization or individual outside the judiciary may access such records.

Procedural Operation and Impact.

Automatic deletion removes the need for individual application, thereby preventing rights restoration from being hindered by informational asymmetry or procedural burdens. The system is predicated on institutional trust, reinforcing confidence between the state and the individual.

Germany also imposes strict limits on data accessibility. For example, only under specific circumstances—such as new criminal investigations or vetting for sensitive professions (e.g., police, teachers, early childhood educators)—may designated authorities request access to deleted records from defined time periods.

Strengths and Limitations.

Germany's model is highly unified, features strong automation, and imposes minimal burdens on individuals, reflecting the traits of a rule-of-law society. However, it may limit the public's "right to know," especially in high-risk professional contexts where

the absence of accessible information could lead to decision-making blind spots.

Implications for China.

Germany's emphasis on tiered record management and statutory deletion timelines offers a clear model for China's institutional design. In particular, the concept of an "automatic sealing mechanism" aligned with time-based triggers and information system coordination could help reduce human subjectivity and administrative hurdles.

3.2.3 Japan: Emphasis on Privacy Protection and Social Harmony

Institutional Overview.

While Japan's criminal law framework does not contain a dedicated chapter on "record sealing," it effectively manages minor offense records through restrictive access to zenka (criminal history) information and through supportive resocialization policies for certain groups. The central aim is to achieve de-labeling governance through institutional silence and societal support.

Management of Criminal Records.

The National Police Agency and Public Prosecutors Office manage criminal records with a graded system. For minor offenses, information is typically not disclosed following completion of sentence. Employers and the general public cannot easily access such records, unless through special judicial authorization.

Furthermore, the government actively discourages employers from using criminal records as employment criteria and supports ex-offenders through vocational training and reintegration programs.

Judicial Discretion and Societal Norms.

Japan places a high degree of discretion in the hands of judges and administrative authorities regarding the use of criminal records. For example, in cases involving minor traffic offenses, judges may use summary orders to conclude proceedings without generating a full criminal record. This flexibility significantly mitigates the long-term negative impact of minor offenses.

Additionally, Japanese media observes strong ethical norms regarding crime reporting, contributing to a broader social culture of "de-stigmatization."

Issues and Challenges.

Japan's system, while prioritizing privacy, may over-restrict access to criminal information. This can be

problematic in cross-sector contexts (e.g., international visa processing, financial credit assessments), where the absence of relevant information may lead to systemic blind spots.

Implications for China.

Japan's system highlights the importance of "governance with empathy." In designing its own system, China should not only focus on statutory provisions but also consider how to incorporate judicial discretion and shape public perceptions. Integrating employment policies, public awareness initiatives, and sealing mechanisms in a coordinated manner may foster a more holistic resocialization ecosystem.

3.2.4 Comparative Analysis and Integrated Insights

An analysis of the minor offense record handling mechanisms in the United States, Germany, and Japan (as summarized in Table 1) reveals that each country exhibits distinctive characteristics in terms of institutional structure, scope of application, procedural design, and underlying social values.

Based on the comparative analysis, the construction of a record sealing system for adult minor offenses in China should be guided by the following principles:

Scientific Definition of Scope

The scope of offenses eligible for record sealing should be clearly defined, taking into account factors such as the type of crime, nature of punishment, and risk of recidivism. This approach avoids both overly rigid uniformity and disproportionate leniency or severity [9].

Balance Between Procedural Efficiency and Rights Protection

A dual-track mechanism that integrates both application-based and automatic sealing should be established. Applicants' rights to information and hearings must be guaranteed, along with the provision of accessible remedies for objections and appeals.

Technological Support and Privacy Safeguards
Advanced information technologies should be employed to manage sealed records effectively. Measures such as access control, record traceability, and data encryption should be implemented to prevent information leakage or misuse.

Legal and Social System Integration

The promotion of the sealing system should be

Table 1. Comparison of the minor offense record handling mechanisms in various countries.

Country	System Type	Sealing Conditions	Application Mechanism	Rights Protection
United States	Pluralistic	Determined by state legislation; primarily individual application-based	Judicial review; partial automation	Strong rights protection, though application procedures are complex
Germany	Statutory	Determined by offense type and sentence; primarily automatic deletion	Unified legal framework; automatic expiration	High degree of legal formalization and operational efficiency
Japan	Restrictive	No explicit statutory sealing system	Relies on judicial discretion and societal mechanisms	Strong emphasis on privacy protection and high societal tolerance

aligned with the development of complementary social support structures, including vocational counseling, psychological services, and public education campaigns, in order to maximize the system’s rehabilitative and reintegrative effects.

4 Suggestion

Font: Conclusions In contemporary society, minor offenses have become increasingly frequent and widespread, reflecting not only the governance challenges inherent in a period of social transition, but also exposing deficiencies in the criminal justice system’s protection of individual rights. As demands grow for a more humane and scientific approach to criminal policy, the establishment of a well-structured, standardized, and operational record sealing system for adult minor offenses has become an urgent priority. Consequently, the design of such a system in China should be comprehensively discussed from multiple dimensions, including its institutional goals and foundational principles, scope of application, procedural framework, legal effects and limitations of sealing, and accompanying support mechanisms, in order to provide both theoretical foundations and practical guidance for implementation.

4.1 Institutional Goals and Fundamental Principles

4.1.1 Defining Institutional Objectives

The primary objective of the adult minor offense record sealing system is to mitigate the adverse consequences of criminal records on the future lives of individuals convicted of minor offenses through structured information management [2]. At its core, the system aims to minimize the so-called "punishment beyond punishment," thereby facilitating the reintegration of such individuals into society following the completion of their sentences or other legal sanctions. By reducing

stigmatization, discrimination, and marginalization, the system serves to prevent recidivism and foster a virtuous cycle in national social governance.

4.1.2 Establishing Core Principles

The design and implementation of the system should adhere to the following foundational principles:

1. The Principle of Tempered Leniency and Severity: The system must balance leniency with necessary restraint—providing second chances to minor offenders while clearly defining its boundaries to prevent abuse and uphold public safety and social justice.
2. The Principle of Balancing Rights Protection and Public Interest: While safeguarding the privacy, reputation, and employment rights of individuals with sealed records, the system must also respect the public’s right to know and the state’s supervisory authority, thereby ensuring the protection of collective societal interests.
3. The Principle of Procedural Due Process: A fair, transparent, and just application and review mechanism must be established, ensuring openness, predictability, and a robust commitment to the rule of law.
4. The Principle of Information Minimization and Functional Restriction: Access to sealed records should be strictly limited to necessary entities within appropriate contexts, in order to prevent excessive dissemination or misuse of sensitive information.

4.2 Scope of Application of the Adult Minor Offense Record Sealing System

The construction of an adult minor offense record sealing system must begin with a clear delineation of

substantive standards for its application. The criteria must strike a balance between effective differentiation and inclusivity, avoiding excessive stringency that would render the system ineffective in practice.

4.2.1 Nature of the Offense and Applicable Offense Categories

Priority should be given to the inclusion of non-violent, non-sexual, and low social-harm offenses within the scope of record sealing. Examples include minor theft, first-time fraud involving a small amount of money, traffic-related offenses, refusal to comply with court judgments, and minor public order disturbances. Certain negligent offenses, such as causing minor injury by negligence or fleeing the scene of a traffic accident under minor circumstances, may also be incorporated into the system [13].

4.2.2 Types of Penalties and Completion of Sentences

Record sealing should apply to minor offenses for which sentences have been fully executed. The basic scope of eligibility should include non-custodial penalties (e.g., control, detention, fines), individuals who have completed probation without reoffending, and persons who served short custodial sentences (e.g., under one year) with good behavior. Full completion of the sentence is a fundamental prerequisite—applications for sealing must not be permitted during the period of sentence execution.

4.2.3 Subjective Malice and Recidivism

An assessment of the offender's subjective malice and remorse is essential. Offenders whose crimes are occasional, who are first-time offenders, or who demonstrate sincere remorse should be prioritized for eligibility. Conversely, individuals with records of recidivism, manifest malice, or those who pose an ongoing threat to society should be excluded from the scope of the system.

4.2.4 Waiting Period and Performance Evaluation

Drawing from international practice, a "waiting period" mechanism may be introduced. That is, applicants may submit for sealing only after a designated period (1 to 3 years) following sentence completion, during which they must remain free from any new offenses or violations. A performance evaluation mechanism should also be established, whereby community corrections agencies or relevant institutions provide behavior assessment reports to support the judicial review process [17].

4.3 Procedural Design of the Adult Minor Offense Record Sealing System

Sound procedural design is essential to the effective operation of the sealing system. Emphasis should be placed on simplicity, standardization, and a robust system of legal remedies.

4.3.1 Application Subjects and Initiation Mechanisms

The following parties should be granted the right to initiate an application for record sealing: the offender themselves; their relatives or legal representatives in special circumstances; and community correction personnel or social service agencies may provide supporting documentation. The system should adopt a model combining "application initiation + judicial review," thereby avoiding the misuse of information control powers by administrative departments.

4.3.2 Review and Decision-Making Authority

It is recommended that the people's courts serve as the final adjudicating body for sealing decisions, thereby ensuring judicial neutrality and legitimacy. Public security and prosecutorial authorities may be responsible for providing criminal records and behavioral assessments, but should not have discretionary decision-making power [8].

4.3.3 Review Standards and Supporting Evidence

Judicial review should rely on a combination of sources: case materials (judgments, proof of sentence completion); current behavior (community correction records, evaluations from local police); and social reintegration indicators (employment status, family relationships). A comprehensive assessment should be conducted to determine whether sealing is substantively justified in each case.

4.3.4 Hearing and Objection Mechanisms

Applicants should be afforded the opportunity to express their views during the review process. In cases where interested parties raise objections, a closed hearing should be held. If the court denies the sealing application, mechanisms for appeal or reconsideration should be provided to safeguard procedural justice.

4.4 Legal Effects and Limitations of Record Sealing

The construction of the system must go beyond simply "concealing records"; it must also clarify the specific legal consequences and permissible scope of sealed information.

4.4.1 Restrictions on Information Access

Sealed criminal records should, by law, be inaccessible to the general public, employers, or commercial institutions [5]. Only the following entities may access sealed information under strictly defined circumstances: public security agencies during investigations of new cases; courts during sentencing; and relevant authorities in matters involving national security or major public interests. Employers, financial institutions, and routine government agencies must not proactively access or utilize sealed records.

4.4.2 Restoration of Legal Qualifications

Upon record sealing, offenders should regain eligibility in the following areas: applying for public office (excluding positions involving state secrets), employment in public institutions or major enterprises, access to credit and property registration, participation in educational testing, and qualification certifications. Exceptions may be made for certain sensitive professions (e.g., military, police, judiciary), where limited access to sealed records may be retained to ensure occupational safety and integrity.

4.4.3 Information Protection and Accountability

A “Sealed Record Protection Registry” should be established, recording details of who accessed the information, when, and for what reason. Legal accountability mechanisms must be established: any unauthorized access, disclosure, or use of sealed records resulting in harm to the individual should entail civil liability as well as administrative or criminal penalties.

4.5 Construction of Supporting Mechanisms for the Sealing System

The success of the sealing system depends on a comprehensive support framework encompassing legislation, information management, and social reintegration services.

4.5.1 Legal Framework Support

The following legislative actions are recommended to institutionalize the sealing system: amendments to the Criminal Law or inclusion of a dedicated chapter in a proposed Criminal Record Law to define application criteria and legal effects; coordination with the Criminal Procedure Law to standardize processes for application, review, and reconsideration; and specific provisions within the Personal Information Protection Law to delimit the use of sealed information and clarify legal responsibilities [14].

4.5.2 Information Systems and Technical Infrastructure

A unified record sealing management platform should be developed at the national level under the political-legal system. Key features must include data encryption and technical safeguards, hierarchical access controls with audit trails, and automated processing of sealing and unsealing procedures. The goal is to achieve technical functionality that ensures records are “sealed but not dead,” “sealed yet controllable.”

4.5.3 Social Services and Reintegration Support

The social function of the sealing system must extend beyond the concealment of information to include behavioral rehabilitation and reintegration support. This includes building community support networks to offer vocational training, legal consultation, and psychological counseling; encouraging employers and public institutions to participate in “Second Chance Employment Programs”; and guiding public opinion through the media to reduce stigma and discrimination against individuals with sealed records [19].

5 Conclusion

In conclusion, the establishment of a record sealing system for adult minor offenses in China constitutes a complex and systematic undertaking. It requires not only a clear legal framework and operational roadmap, but also the support of well-designed procedures and complementary institutional mechanisms to effectively balance the reintegration of offenders with the protection of the public interest. Only through such a comprehensive approach can the sealing system be translated from a theoretical construct into practical reality, thereby providing strong support for the modernization of China’s criminal justice system [18].

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Data will be made available on request.

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Conflicts of Interest

The authors declare no conflicts of interest.

Ethical Approval and Consent to Participate

Not applicable.

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