

# **BORDER CRIMINAL OFFENCES COMMITTED BY MINORS**

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„ The understanding of a person`s behaviour in one or another way to know its reasons and purposes that preorientate the behaviour. By mediation of reasons and purposes is the human behaviour in a direct connexion with the conscience.”

## **Abstract:**

*In the absence of the family life and of one or both parents, there may show up some alterations of the teenager`s affective life and personality` development behaviour alterations characterized by antisocial manifestations, the refusal to obey to subordinate to any rules, the frustration feeling, the (discomfort) regarding a need or an aspiration with by some reasons never was satisfied.*

*Practice showed that the minors arked about what they intended to do in a foreign contry, if they would have knew it, the most frequent answer is that they would have worked to earn money, but they do not know what, where, on what conditions, where will they live; but out of the wish to accomplice themselves materially and socially they minimize or even accept the risks they are exposed at in a foreign contry, they just want to live.*

**Key words:** behaviour alterations, border criminal offences

The prolonged transition of Romania from a totalitary system to a market economy generated big social-economic unbalances (disorders) with direct and immediat repercussions on the family and children.

The diminution of de living level, the growing of the inequality between different families incomes, the job absence makes more and more Romanians work illegally in countries like Spain, Italy etc. leaving their children at home at their grandparents , relatives or even neighbours` care which are taking less or even at all care of their education.

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The insuccesses at school (giving up school, the studying in a high school), the missing of a material situation wich could cover the teenager`s needs according to the position that he/she wants to have in the society, the reaction of the company

(his isolation in the social field) can establish through their traumatic character, behaviour troubles by the devaluation of social values, the incapacity of imagining acceptable solution, the refusal to subordinate to social rules (laws) , the frustration.

There are two tendencies in minors' motivation to illegally cross the border to get into a foreign country, on one side an economical one where the minor hopes to obtain material advantages and appears like an expression of an emotional straining state, social –economic dissatisfaction, reflects the tendency of a willing evasion, a state of misfit to the minors' life environment, on the other the irresistible desire of the parents who are working legally in foreign contries to have their children near themselves in the desire to unify their families.

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Because the actual legislation allows the minors to cross the border together with their parents, or in the absence of one or both parents, with their written concent (accord) expressed in front of the public notary, the juvenil delinquents detected while trying to illegaly cross the Romanian border use a large variety of ways and methods.

From the cazuistry of the Bihor Border Police Inspectorate, I'll present a few cases of juvenil delinquency and a few of the methods they used for the illegal crossing of the border.

Named V.Narcisa, age twelve from Gura Humorului presented at the border control her mothers identity card. This was living with her son in Italy for a while and lives with another man. The child received the identity card from her natural father who intended to take her with him to Italy where he could take care of her. The natural father is also living with another woman in Italy and has with her two children. Named V. Narcisa has never had an identity card of her own.

Named M.Marius, age seventeen from Constanta was detected when he entered Romania with a Romanian Embassy from Bruxelles released travel title. Asked about the way he arrived in Belgium, he declares that he was returned by the Belgium authorities and he had interdiction to leave Romania, so he contacted a friend of his parents asking him to help him cross the border.

So, M. Marius together with his parents' friend D.Vasile presented themselves at the Passport Service Bacau where M.Marius was included in D.Vasile's passport as beeing his son , on the name of D.Cristinel, after they left to Belgium.

Named M.Camelia, age fourteen, sister of M.Marius was detected when she entered Romania presenting a Romanian Embassy from Bruxelles released travel title. She declared that she was returned by the Belgium authorities and she was forbidden (had interdiction) to leave Romania but in a short time her mother contacted I.Marius and I.Laura who pretended at the Passport Service Constanta

that M.Camelia is their daughter, presenting in this sense the birth certificate of their real daughter and getting a passport.

M.Camelia crossed the border illegally using somebody else's passport, because she didn't have in fact any identity documents, because she was born in Belgium where her parents lived illegally.

Named S.Irina, age fifteen from Roman-Neamt was detected while trying to illegally cross the border presenting at the border control somebody else's identity card. S. Irina declared that she wanted to get to her mother in Italy but she hadn't any authorization to legally leave Romania.

Named S.Fraga, a neighbour gave her little sister's identity card but the name of S.Zina, to present it at the border control, and obtained a notarial authorization by which her mother authorized her to accompany S.Zina at the border crossing.

Named S.Zoltan, age sixteen and P.Csaba-age seventeen-both from Odorheiul Secuiesc were detained on a field near the border while trying to illegally cross it in Hungary using a touristic map. The minors left from home without their parents' consent and they intended to get to Budapest and look for jobs.

Named B.Anca, age seventeen from Bacau, was detained on a field near the border line while trying to illegally cross it in the Hungary. She declared that she wanted to arrive in Italy together with her boyfriend and look for work. She had not any passport or notarial authorization from any of her parents.

Named M.Csilla, age seventeen from Targu Mures was detained while trying to illegally cross the border presenting for the border control her sister's M.Beata passport. She claimed she did this because she has not a passport or money necessary for its release. She intended to reach Spain to some friends and look for work.

Named B.Ciprian Cosmin, age fifteen was detained at the border control presenting the personal passport and a notarial declaration in copy, given by his father.

During the morning his father B.Sorinel announced the Border Crossing Point that his son left home to Italy without his parents' agreement.

Named D.Alexandru, age fifteen and N.Sergiu age sixteen from Moldavia entered illegally Romania and after crossing the country with occasional transporting vehicles they managed to cross illegally the border one more time. They have been caught, detained and returned by Hungarian authorities. They declared that they intended to reach Italy at some friends who promised them places to work.

From the analysis of the presented cases, the conclusion is that the minors that mostly commit criminal offences at the border come from disorganised families, without jobs or with low incomes from different regions of the country, being helped or guided-in most of the cases to break the law even by the persons who should educate them.

As a result, the minors with ages between fourteen and seventeen try to reach the middle class's social and material status by their own ways, a target impossible to reach (accomplice) in they break the law for.

Considering the complexity of the minor criminal researches that suppose their hearing by special rules being assisted by a chosen or office defender, by his parents or the Tutelar Authority, the psychiatric experts establish if the minor, discerns or not, the participation of other institution that fight for kids protection , in the Bihor Border Police Inspectorate there are special offices who take care of the minor criminal research.

In cases of criminal offences committed by minors at the border , the officer in charge with the criminal research suggest to the prosecution by the criminal research ending refferate, the discharge of criminal pursue, because the crime that the minors committed is not a big public danger and it has not the social danger of a real crime, and to apply an administrative penalty.

A different situation when the minor is sent in front of the judge.

The law is specific though that a penalty will be applied just if an educational measure is considered not to be enough for the adjustment of the minor.

This very important fact is presented in the one hundred article, second paragraph from the Penal Code because the punishment of the minor criminal should be an exception. The jail punishment without enough reasons for it could lead a young man to permanent outlaw.