

# JUVENILE DELINQUENCY – AN ANTISOCIAL PHENOMENON

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## **Abstract:**

*In order to efficiently fight against the juvenile delinquency, an educational – coercive intervention is necessary, coming from certain specialised institutions of the state, exercised by a strict social control, and in cases of exception, in closed institutions, especially created, profiled on a correspondent educational system, of professional preparation and moral, on a period that could be individualised by the courts of law, depending on the gravity of the deed and the individual particularities of the minor.*

*The educational institutions must co-operate in a great matter with the family, the community institutions and all the factors that are involved in the educational system of the society. The education must respond to the actual and future social professional units, so that all the young would be able to enter in the working field.*

*Within the general education there must be certain moral, juridical, educational activities and also programs that would prevent and fight the antisocial phenomena.*

*When we observe a negative change in the underage behaviour, we must motivate him/her in order to solve the problem that he or she confronts, and if the situation seems to get out of control, we must address to those who can be helpful (teachers, policemen, non governmental organisations etc.) that can counsel and support the solving of problems.*

**Key words:** juvenile delinquency, family environment, social and juridical norms.

This phenomena, named in the specific literature as “juvenile delinquency”, confronts a large debate in different fields like: psychology, sociology, law, medicine etc. This one has many denominations: the medical concept used: “children with deviation of conduct”, the sociological term “non adapted young”, the juridical term “infant delinquents”, the psycho-educational term “problem children”. The juvenile delinquency problem consists in all the social norms breaking, done by underage, which are sanctioned as crimes.

In the juridical Romanian system, the penal responsibility of the minors is different, according to the age, as: the underage that have reached the age of 14 do not criminally respond, for these there are certain measures like institutional re-education centres; the underage between the age of 14 and 16 criminally respond,

but in a limited way, only if the existence of the judgement is proved; the minors between 16 and 18 criminally respond, having a certain amount of judgement.

Starting from the specific characteristics of the underage delinquent personality, a psychological profile was contoured: the tendency to aggression based on a hostility over the social values; the emotional instability generated by the educational lack; the social lack of adaptation manifested by avoiding norms and social conduct, accepted by the society etc.

There are two categories of factors involved in determining the antisocial behavior of the minor, meaning: individual factors, that belong to the personality of the minor and external factors, social factors. In the first category of factors we mention: the psychological particular structure of the minor, the intellectual possibilities, the emotional-temperamental particularities etc. In the second category we mention factors that belong to the family, the social and emotional factors, educational factors, social and cultural factors, economic factors etc.<sup>1</sup>

### **1. Types of offences committed by underage**

It is very hard to specify the moment in which the minor experiments an anti social conduct. This one makes sense in a certain family environment, educational, social environment, representing a deviance of the relations between the child and objects, persons, being always an answer to the conduct of the others. Before the age of school certain manifestations are relatively contoured, almost all in the family, manifested by hostility towards certain family members, a hostility manifested by rudeness, cursing, injuries, even battering sometimes etc. At the age of school, some conducts that start from the pre-infraction stage to the so called infraction. Even if the minors do not commit in each cases antisocial actions, their undesirable conduct, their attitudes against the school exigencies, allow or even fasten the possibility of committing this kind of antisocial actions. At this age, certain deviant conduct seem to appear: rudeness towards teachers, violence towards colleagues, absences at school, lies, wandering, theft etc.

The cases of theft from the public places, committed by minors, present certain particularities:

- ◆ The thefts committed by minors are distinguished, firstly by the small value of the stolen goods. They steal small and easy to sell objects (radio-audio players, audio and video cassettes, small computers etc.), manifesting a certain predilection for candies, fine cigarettes and fine alcoholic beverages;

- ◆ They manifest a lot of fantasy being very ingenious in thefts, entering in places that are pretty inaccessible for an adult offender;

- ◆ Usually, they do not use instruments or specific tools like those of professional burglars, but they improvise and do use random instruments;

- ◆ In very few situations, they become violent; in the conditions in which they are discovered or they run;

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<sup>1</sup> Buș, I. & David, D. (2003). *Psihologie judiciară: Poligraf și Hipnoză*. București: Ed. Tritonic.

◆ Do not manifest very much care in order to protect their traces, that lead to their fast discovery;

◆ Minor offenders manifest hurry in order to get rid of the stolen goods, so that they can be easily found, at a short time after the deed, offering for sale the stolen goods, at small prices;

◆ Usually, the thefts are committed with the participation of many minors lead by professional offenders.

Another category of offences committed by underage is that that threatens life and human integrity (homicide, murder attempts, and injuries causing death). The majority of these infractions were done in group, having as mobile the robbery, theft, rape etc. usually, old people are targeted, having no defence, living in isolated homes.

Another category of violent infractions that have recorded a constant evolution is that of robbery. It was noticed that many infractions of this type are committed by minors, organised in groups, that, during night time or day time, in different situations, action with violence over other persons that are supposed to have money or other valuable objects. The robbery is committed especially in urban places, on the street, in country sides or in buildings, sometimes being accompanied by aged offenders.

The rapes committed by underage record also, alarming increases, gaining certain specific particularities:

◆ The number of offenders is usually greater than those of the offences, that reveal the existence of many participants during the rape;

◆ In major percentage of the cases, the offenders have not known the victims before the deed;

◆ The number of rapes committed in buildings belonging to offenders is smaller, comparing with that of the rapes committed in abandoned houses, in the field or in other places;

◆ In a small percentage, the rapes were followed by sexual perversion;

◆ The rapes were committed over victims both very young and very old.

## **2. The prophylactics of the juvenile delinquency**

The prophylactics of the juvenile delinquency is made by the intervention over the causes, the condition and the circumstances that could generate offences, over underage and over the micro and macro social environment that they belong to. The prevention and the fight against the juvenile delinquency, require a scientific research of the phenomena, the perfecting of the legal frame of sanctioning the deviant behaviour of minors and the elaboration of a unitary and coherent prevention system.

The scientific research of underage delinquency implies complex studies, interdisciplinary studies that approach the aetiology of the delinquency conduct at individual level, in groups and at global and social level. There must be taken under consideration social control factors, social assistance factors and educational factors that lead to the prophylactic activity and the protection of the underage being in situations to commit offences. Depending on the complexity of the factors

that generate the delinquent behaviour of underage, the prevention measures must be orientated and shaped.

The efficient prevention of the juvenile delinquency can be realised by an educational and coercive intervention of a series of specialised institutions, exercised by a social strict control, and in cases of exception, in closed institutions, especially created profiled over an adequate educational system, of professional preparation and moral rehabilitation, on a period that could be individualised by the courts of law, depending on the gravity of the deed and the individual particularities of the minor.

The prevention of the juvenile delinquency requires the necessity to elaborate a new and unitary strategy, with focused actions coming from all the institutions, authorities and organisations that can contribute for the minimisation of the phenomena, considering:

- ◆ The establishment of national and local authorities, that should contribute to the exact information over the situation of families having many children, especially those having material problems and morally insufficiently consolidated;

- ◆ The information over the situation of the families that neglect their duties over the children, abandoning them, abusing them or exposing them to certain social risks;

- ◆ Considering the deficit of pedagogic experience at the moment, inside a family, especially the young ones, the specialised institutions will have to elaborate together with other educational factors, actions that are meant to teach the parents regarding the duties of children education and care, the relations that should characterise a family, the critical periods in the children lives, the methods that must be used in order to pass over the difficult moments etc.;

- ◆ The strict information over each town and territory unit of the minors that present conduct deviation, non adaptation tendencies, so that they could be able to take all the measures needed (medical, educational etc. );

- ◆ The information based on analysis of the delinquency state among the underage and the conception of strategies for its diminishing;

- ◆ The construction of a preparation system for specialists in prevention problems and fights against the juvenile delinquency;

- ◆ To ensure a right number of institutions, especially created for the protection of minors, that due to certain motivations have no shelter, living in street;

- ◆ The public authorities must organise actions to integrate within the educational system the children belonging to families of Rroma.

At the moment, more than ever, the educational institutions must co-operate more with the families, the community's organisations and all the factors that are involved in the educational system of the society. The education must respond to social-professional units, actual and for perspective, so that all the young would be able to be integrated in the work field.

The media has a great influence over the personality of the underage, which is a process of formation. For this reason, it is imperative even the interdiction of

some materials (scenes, cases) that emphasise theft, violence, immorality, abnormality and eccentricity in relation with normality, that degrades the image of the interpersonal relations, that contaminate in a very dangerous way the life and conduct of the minor.

Within the high schools and elementary schools, there must be activities of moral education, juridical and also programs that could prevent and combat the antisocial phenomena.

The police units must have distinctive, specialised units for the underage problems, that must have specialists in sociology, psychology, pedagogy, criminology etc., in order to be able to study this phenomena over all the aspects (aetiology, evolution and its tendencies) to start the most appropriate measures to prevent the juvenile delinquency.

In order to understand this very complex phenomena the notice of certain elements in the underage psychology is very important, in his/her quality of witness, injured person, accused or offender, and also the necessity to individualise the psychiatric medical and legal expertise of the minor depending on how he/she participated to the crime. We must mention that independently on the quality of the minor, during the examination, he/she has the tendency to lie or omit some details, a tendency that is more accentuated when the minor is the victim. For this reason, it is very important to be interviewed in the presence of a trustful person, obligatory at those under 14. As a defender or offender, the underage will have the tendency to diminish the gravity of the action, omitting certain aspects that incriminate him/her.<sup>1</sup>

Among the risk factors that determine the apparition of juvenile violence, we mention firstly, the adolescence period, with the numerous conduct deviations between 14-16 years, with the tendency to decrease until adult age, especially affecting the masculine gender, coming from bad social and economical areas.

Another group of determining factors in the juvenile violence, is represented by the family, friends, education level and culture, with a series of situational factors represented by the place where the violence started, drug and alcohol consumption that favours the action, the use of guns, and also the association with other persons or other offences (theft for example). The families intervene in the formation of an aggressive behaviour especially by the parental behaviour, meaning the maternal emotional lack, associated with the lack of the father behaviour or the abuse of authority of the latter. To this we can add the influences of the familiar environment (conflict within the family members), the lack of affection generating a violent behaviour. A familial unbalanced environment, with no affection, especially from the mother, will generate adaptation problems and communication problems of the child in the social environment, that could turn into depression, autism and aggressively.

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<sup>1</sup> <http://www.legmed.ro/files/revista/2006-1/08-Delincventa%20juvenila.pdf>

The second factor that intervenes in the contouring of a deviant behaviour is represented by the individual's personality, meaning an abnormal conduct resulted by the combination of certain negative personality values, manifested mostly by the lack of affection, sensibility, impulses, egotism.

The last factor that determines the antisocial conduct of the minor is the situational factor that realises the pass from the antisocial act: the alcohol and drugs consumption, from intolerance to frustration, to uncontrolled impulses.

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