

THE CONDUCT IN CONTRADICTION WITH THE SYSTEM OF VALUE – JUVENILE DELINQUENCY

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Abstract: *Over the last 40 years, juvenile delinquency has become one of the major social problems that contemporary society has faced and continues to face. This problem is present in both developed and developing societies. In this period, the theoretical interpretations that considered crime as a phenomenon that appears on the outskirts of society, are considered outdated. Currently, the phenomenon is interpreted as a crucial social problem, determined by other social factors: the way the community manages its resources, the processes of education and socialization of societies, the way society works and is conducted, sanctioning and social rehabilitation.*

Keywords: *Juvenile delinquency, juvenile delinquency, juvenile delinquency prevention*

General aspects

The multitude of social, economic and political problems, such as: unemployment, poverty and the parents' departure to work abroad, worsened a lot the situation of children, who remain unsupervised or are left to their relatives to take care of them. They spend their time on the streets experimenting the "freedom" they enjoy. Although developed countries elaborated monitoring, supervision programmes and imposed measures in order to reduce juvenile crime, it reached quite alarming levels. It is, for example, the case of the United States of America, one of the richest country in the world, which faces an extremely high rate of adult crime and crime committed by minors or young people, and also the case of England, Sweden, other developed or developing countries (M, 2002). The situation of children involved in criminal actions is particularly unsure because of the faulty laws, the institutional framework is developing with few spaces, there are weak or even nonexistent policies of psychological training, financial, material and human deficiencies, their school performance is visibly worse than that of their colleagues, frequently school dropouts appear.

The American sociologist Walter Miller (M, 1970) defended the idea that "juvenile acts and conduct of young people who come from poor environment cannot be considered as "deviant", because they, actually, comply with the cultural models of this environment". A healthy family relationship, between children and parents, may hinder or reduce the consequences of sanctions that may appear in the case of minors in conflict with the law. The lack of education is another reason which lays at the basis of juvenile delinquency. In the case of sentences involving deprivation of liberty, in the case of minors between the age of 16 and 18, a working day is the equivalent of a day less in detention. If during detention they graduate a year of school, the detention decreases with 30 days. As a consequence, the legislator encourages work to the detriment of education.

Also, the psychological and psychiatric support of minors should be mandatory at least in the centers which limit the liberty of delinquent minors. The staff in the centers for minors should be trained and lead to specializations which may help develop their capacity to mediate the conflict that appears between minors as well as between minors and the employed staff. In order to become aware of the consequences of their acts, the minors should be given permanent contact with the external world, the aggrieved person or the consequences of their acts. Of course, all these should be done under surveillance.

Legal framework

In Romania there are only 4 centres for minors in conflict with the law or with behaviour problems. Each centre has a capacity of about 20 places (80 places in total). In many cases, the minors who are in conflict with the law are placed in residential centres together with other young people with a different profile, such as homeless children, abandoned children etc. Most of institutionalized children are convicted for theft. For example, 54 out of 100 children who were institutionalized in 2016 had been convicted for theft. The new penal Code, which reduced penalties for most of crimes and eliminated the sentence of imprisonment in the case of minors, lead to a decrease in number of the prosecuted children, without meaning a decrease in the number of crimes committed by minors. Law no.284/2020 which amended the Code of penal procedure, following a European Directive regarding the criminal case of minors, has introduced the following amendments:

- when the minor is detained or arrested, their parents or tutor is informed. If they are not found, then an adult named by the minor is informed, and if this thing cannot be done either, an adult is chosen by the judicial body;
- the same adult is summoned with the minor when there are carried out acts of prosecution;
- in the case of people aged 18 to 21, the prosecution rules specific to minor may apply, if the police/prosecutor considers it adequately and if they were minors when they became suspects;
- before the minor is heard for the first time by the police/prosecutor, they are informed about the rights they have – which are expressly mentioned by the law – in a language they can understand;
- the rules regarding minors under prosecution also apply to the young people aged less than 21, if when they were declared suspects they were minors;
- the person, who when committing the deed was minor, is prosecuted after the age of 18, will be judged according to the rules valid for minors only if the instance considers this thing appropriate.

More and more minors are involved in committing criminal deeds. Mass-media is full of news regarding minors who assault other minors and adults (teachers, parents, etc.). There are minors who steal, rape or even kill other persons. The acts of aggression sometimes are against homeless people, parents, teachers, and other children. It is also very serious the fact that these minors are helped, surrounded by other minors who, although they do not take part to committing crimes, with their passive attitude, are considered accomplices to actions, as is, for example, to film or register violence scene instead of informing the authorities about acts inconsistent with the law.

Romanian legislation mentions that only the persons already aged 14 will be prosecuted, and even in this case only if they have discernment, which has to be proved through a psychic medical and legal expertise. In the case of persons older than 16 of age, it is supposed to have discernment. Because of this regulation, minors younger than 14 of age who commit serious deeds should be put under family surveillance or, eventually, placed in a specialized centre, at the proposal of the General Directorate of Social Assistance and Child Protection. The members of VeDem Just consider that reality should not be ignored: nowadays many minors reach a degree of psychic development at a younger age than that of minors who lived a few decades ago. This is the reason why, in many countries, the age for criminal responsibility starts sooner compared to Romania: for example, in England it is 10 years old.

That is why the members of VeDem Just propose that no matter the minor's age they should be held liable for criminal offence as long as it was proved by psychic medical and legal expertise that they have discernment. This fact would allow minors younger than the present legal age, who committed serious deeds, to be institutionalised in special places for criminal minors, not to be let free, as it is the case in the present. An amendment of the Penal Code which has been valid since June 2021, is to sentence the deed of failing to denounce or inform the Police or the Public Prosecutor's Office, as soon as they have the possibility, when they witness or find out about the fact that a minor was sexually abused, a minor was put to beg, someone stimulated themselves in front of a minor younger than 14 of age, someone sent them a meesage text to a minor younger than 14 of age to invite them visualise a pornographic movie or someone invited at their place a minor younger than 16 of age to have intimate sexual relationships. Another amendment consists in increasing the penalty if someone does not immediately inform the authorities when they heard or witnessed a deed against life (articles 188-192) or a deed which had as a result the death of a person. A new crime was introduced which sentences to prison between 6 months and 2 years the person that witnesses, hears or finds out in any other way about a minor's trafficking or exploitation of vulnerable persons (articles 209-217) or against sexual freedom and integrity (articles 218-223). Also, beginning with year 2020, the rape crime and sexual conduct with a minor have become imprescriptible.

Study case

From the date supplied by the Public Ministry, in the Yearly reports of activity, it is noticed that every day 9 to 10 minors are prosecuted for committing crime. Every day, about 2 minors commit a crime against the person, and every five days a minor is brought in front of the judge for conducting a sexual act against another minor or for having committed rape. From a statistical point of view, about 7% of all crimes are represented by the criminal act whose author is a minor. Of all crimes against persons committed by natural persons, about 5.6% of them are committed by minors (Table 1).

Table 1 – Number of prosecuted cases when the accused are natural persons and minors, data taken from the Report activity of the Public Ministry

Year	prosecuted natural persons	prosecuted minors (through indictments and agreements to recognize guilt)	prosecuted minors in temporary custody	natural persons prosecuted for crimes against persons	minors prosecuted for crimes against persons
2010	56,949	3,955	424	10,624	559
2011	60,980	4,148	492	10,262	506
2012	59,739	4,035	603	9,781	497
2013	65,711	4,431	517	10,730	545
2014	50,342	2,966	371	9,462	481
2015	58,909	3,548	446	11,539	572
2016	63,722	3,883	445	12,694	704
2017	59,839	3,882	480	11,868	739
2018	58,737	3,704	473	11,590	741
2019	62,072	3,850	460	11,733	766
2020	59,865	3,451	368	11,680	763

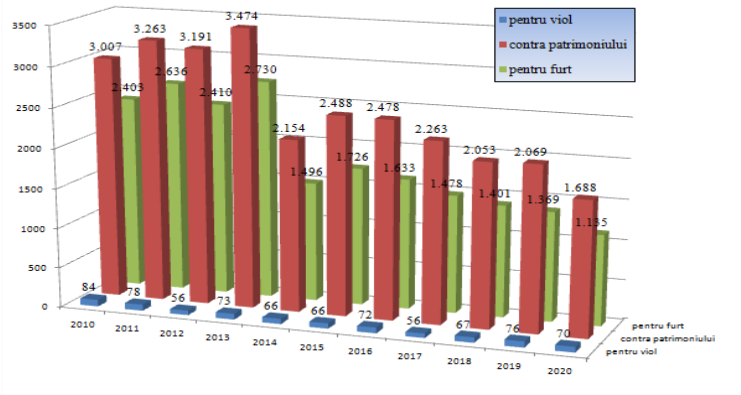
If we analyse the statistical data supplied by the Public Ministry, it seems that the number of crimes against patrimony decreased by a half: if in 2010 there were registered 3,000 crimes (Table no. 2), in 2020 their number decreased to 1,688 cases. In fact, it is this amendment of the law as well as the softening of penalties for minors. In exchange, the number of rape cases remained almost constant in the analysed period (Table no. 2).

Table 2 – Number of minors prosecuted cases, data taken from the Report of activity of the Public Ministry Report of activity of the Public Ministry - The Public Prosecutor's Office attached to the High Court of Cassation and Justice

Year	minors prosecuted for <i>rape</i>	minors prosecuted for crimes against <i>patrimony</i>	minors prosecuted for <i>theft</i>
2010	84	3,007	2,403
2011	78	3,263	2,636
2012	56	3,191	2,410
2013	73	3,474	2,730
2014	66	2,154	1,496
2015	66	2,488	1,726
2016	72	2,478	1,633
2017	56	2,263	1,478
2018	67	2,053	1,401
2019	76	2,069	1,369
2020	70	1,688	1,135

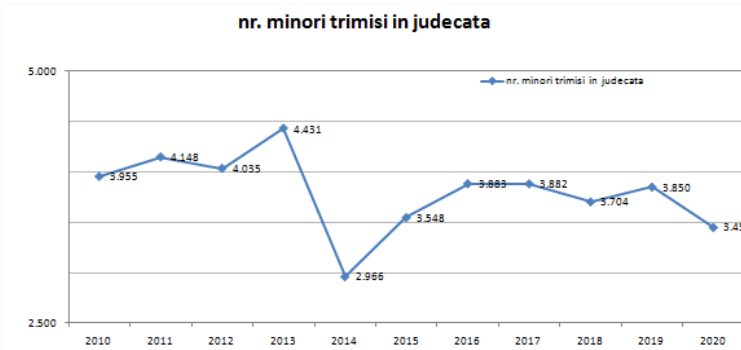
In the graphical representation it can be noticed that the largest number of crimes committed by minors are represented by the crimes against patrimony, followed by the theft (Graph 1).

Graph 1 – Minors prosecuted for rape (in blue), crime against patrimony (in red) and theft (in green), between 2010 and 2020



If we analyse the evolution of the total number of crimes committed by minors, it can be noticed in Graph no. 1 that their number didn't decrease very much. We can state that it is approximately constant. It is an alarming fact taking into account the fact that penalties for crimes committed by minors were reduced, and the sentence of imprisonment no longer applies in the case of minors.

Graph 2 - Number of prosecuted minors, through indictments and agreements to recognize guilt, between 2010 and 2020



Psychological analysis

As we have stated before, the development of an individual is influenced by several external factors: entourage, family situation, school. There are multiple causes for a minor's deviant behaviour. A first cause may be the desire to draw attention on themselves, causing thrill to their parents as well as to their entourage. A teenager who has a hesitant behaviour to the rules they have to obey is introverted, not open to dialogue, does not accept ideas which may direct them to an appropriate behaviour. Also, the imagination of these young people lacks consistency. The young people from this category have a short memory. Affective memory is more developed than the verbal memory. Because of this, a certain state of opposability towards certain persons may persist, prevailing the feelings of rebellion and hate.

In general, a minor who has a behaviour which doesn't comply with the rules of good behaviour is not open to communication, the interaction with the entourage is intermittent. A young person with a deviant behaviour cannot control themselves, loses concentration, isn't coherent, and presents verbal as well physical aggressiveness. The imagination of these minors is not connected to reality, it doesn't have a solid basis. The vision of a teenage with such a behaviour is concealed, living with an imagination not connected to reality.

From a psychological point of view, in the case of a teenage with a deviant behaviour, the capacity to analyse and summarise is less developed. Regarding learning, they are based on imitating the negative behaviour of the persons in their entourage: friends, relatives, parents. They have low school results, not paying attention to education. This attitude, in some cases is encouraged by the family environment, the parents not supporting education, considering it a waste of time. The financial support of the family is produced by begging, theft, day labor, obligation to watch younger brothers, household works, etc.

Teenagers with a deviant behaviour do not pay a special attention to the hygienic and sanitary rules, are not taken care of, with a repulsive appearance in many cases. They have shortcomings in organising their own activities, in many cases they don't have their own activities, but imposed activities. In general, these teenagers have a wrong perception regarding their present and future role in society, that is why they do not pay attention to education. They have an emphasized tendency to stand out with a wrong behaviour, emphasized on lies, megalomania, directed to extremes, thus, in certain situations, worrying their family. And all these behaviours and attitudes are made in order to attract more fans. There are teenagers with deviant behaviour who have an intelligence quotient over average or superior. Nowadays, mass-media has an overwhelming influence on their behaviour having as a consequence the increase in the level of intelligence of juvenile delinquents

Measures to prevent juvenile delinquency

Before preventing a phenomenon, it must be identified and there must be an interest in fighting or reducing its effects. A part of the teenagers with a deviant behaviour is due to the family who always compares the teenager with such a behaviour with other teenagers who have an appropriate behaviour, who lack excessive incidents. These teenagers are avoided by the mass of those considered "normal", being regarded as "weird", although in some cases this behaviour is adopted exactly in order to draw the attention of these teenagers, those from the "opposite side". That is why prevention is very important. Lately, the phenomenon of "bullying" is mentioned more and more. It could be discovered if parents would pay more attention to minors, if they would spend more time with them and would watch them attentively. On the other side, the child generally imitates what they see, what is easy to imitate. Physical or verbal aggressive behaviours are immediately adopted by children, noticing in this way that in a short time and very easily they get what they want. Thus, the teenager adopts this behaviour which becomes normal.

In many cases the parents humiliate their children without becoming aware of it. In many cases, through violence, they make their children do some things, considering that in this way they educate them. Other parents feel the need to show who they are and thus they

apply violence. The parents must make the child trust himself, must bring their contribution to the psychological formation of the child and the future teenager. The parents must assign more time to this “job”, that of being a parent. They must assign a lot of time to the child, be patient, and always have availability to move, be flexible in decisions, and leave to the child the impression that he is not always guided, supervised and restricted. They must be given the feeling of freedom. In exchange, the parent must always be informed by the child or teenager regarding their activities, friends, places they attend and the daily realities of the teenager. Because childhood events mark us and define the psychology of the future adult, the children who are the victims of bullying in family, society or school, show a lack of trust in themselves. On the other side, recent researches [8] show that bullying causes changes at brain level which have as an effect psychic disorders which influence memory. This aggressive behaviour of minors, at an early age, if it persists, may get worse and become a daily behaviour. That is why it is very important to discover the phenomenon at an early stage, and with a specialised help, be treated and eliminated. Aggressors must be taken seriously, must continuously discuss with them and they must understand the consequences of their actions.

To this goal, the society as well as the state must work together, adopt measures and support the actions of prevention and fight against aggressive deeds committed by minors. Nowadays, at European level, it is desired to statistically centralize the phenomenon from the member states, in a European Observer for Juvenile Delinquency, and apply some guiding measures to fight this phenomenon.

At school level, the persons who may have a positive effect on child regarding their socialisation (parents, teachers, colleagues, etc) must be involved in order to grant Prevention methods and techniques for juvenile delinquency, assistance for homeworks and to realise class activities on issues related to communication, networking with friends, conflict resolution etc.

Conclusions

Juvenile delinquency in Romania is, in general, insufficiently researched and still at an early stage. Most of studies identified on the etiology of juvenile delinquency are based on quantitative methods (surveys and experiments) and offer few information on the social world of minor offenders. Although this phenomenon is alarming and unwanted, juvenile delinquency spread very much. The fact that the opportunities of young people are greater, information is more accessible, mass media always have news with and about minors, the fact that many of these children are the victims of adult diverse abuses, the development of nowadays children takes place much more rapidly than in the past, outdated legislation which do not take into account present times, all these lead to the increase in number of the cases in which minors break the law.

The legislation should be also strengthened regarding the crimes against children, thus limiting some rights of the offenders such as: parole, bail or suspended sentence, reduction of sentence for good behaviour, etc. Also, family must become more aware regarding the influence they have on children, the need to get involved in the life of children not only to increase their quality of life from the point of view of meeting their material needs, but also meeting their emotional needs, understanding and accepting them. The real number of crimes committed by minors cannot be known. Some crimes are never

discovered, other crimes cannot be proved, and in the case of others prosecutors consider that their prosecution is not necessary.

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