



## PUBLIC LAW

### Juvenile Delinquency

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**Abstract:** Juvenile delinquency, as well as drug or alcohol use among young people, is the main problem of modern society, as it is on the rise. These phenomena are important both for specialists in the field and for public actors who are involved in preventing and combating the phenomenon of juvenile delinquency. From this point of view, the knowledge of this field represents the most important point for the reduction of policies related to combating delinquency. The issue of the connection between drug and alcohol use and crime among young people has created a rich literature that outlines the contradictory results regarding the intensity and meaning of the association between these phenomena. To be able to describe and exemplify the principles of this relationship, numerous theoretical models were drawn up and confirmed to a certain extent, considering the way the manner of consumption and criminal behavior was described and depending on the investigated population. The clarification of the relationship between these phenomena and the certification of the theoretical models applicable in this matter requires both the resolution of methodological differences and the homogenization of the approach to the numerous existing research in this field, as well as the gathering of empirical data, regarding the replication of the research carried out in the Western space. In this context is the present article, which aims to respond to the needs of exploring the existing relationship between drug and alcohol consumption in the Romanian cultural space, but also to collect data that contribute to the testing of all existing methods in this field, but applicable in other cultural spaces. The results of this research are of great practical importance because they serve as arguments in the drafting of applicable public policies in the field of preventing and combating juvenile crime closely related to drug and alcohol consumption and the numerous social programs and projects that objectively contribute to combating this phenomenon.

**Keywords:** juvenile delinquency; crime; methods; society; young people

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## **1. Introduction**

Juvenile delinquency is a complex and multilateral phenomenon, which includes a wide range of realities, which requires an in-depth analysis. It is important to remember that both in treatises and specialty courses, as well as in practice, the notion of deviance, delinquency, deviant behavior, criminality, juvenile delinquency, criminality is very often encountered without a correspondent, which leads to the creation of confusion.

It is important to highlight that the term “delinquency” does not have the same meaning as the term “deviance”. The scope of the notion of “deviance” is much wider and includes the term “delinquency”. The concept of social deviance is defined as that behavior contrary to the term conformist or conventional. By extension, deviance is defined as “any conduct, act or manifestation that targets the written or unwritten norms of a society or of a particular social group” (Zamfir & Vlăsceanu, 1993, p. 167).

The concept of deviance encompasses all violations of the law, as well as any deviation from the essential rules of coexistence and the imperatives of any form of collective life (group, society, institution, organization, culture). So, deviance includes an amalgam of behaviors and acts, from the bizarre or eccentric ones incompatible with the cultural rules of society or the group, to the so-called immoral ones (obscenity, indecency), which are mostly not sanctioned by law and up to those that are antisocial (acts sanctioned by criminal law) or asocial (mental illnesses).

A. Giddens defines deviance as non-conformity to a set of norms, which are accepted by a significant number of people, within a community or a society (Giddens, 2001, p. 12).

Without entering a deeper analysis, it can be mentioned that in the specialized literature, three coordinates of the analysis of the concept of deviance are analyzed, respectively: deviance – behavior that violates legal norms; deviance as an effect of civil society; deviance – behavior that violates human rights (Gilinsky, 2004, p. 7).

The term deviance refers to the traits or behaviors that violate all applicable legislative norms at the level of a school group and are disapproved and rejected (Giddens, 2001, p. 12). Analyzed, deviance highlights the lack of belonging to the values and norms of the group, which leads to the violation of established behaviors and standards (exemplifying the situations how an individual should behave in a certain situation). So, deviant behavior is part of the category of atypical behavior that is lasting and has a mass character, which violates recognized social norms.

The term “deviant behavior” proves to be useful for sociological, psychiatric and criminological research, as it highlights the social reflection of all behavioral deviations that include psychopathological forms and sociopsychological forms.

These categories refer to the deviation from normality both in a psychiatric and psychological sense, as well as to the deviation from social norms, without a psychopathological motivation (Pop and Neagu, 2005, p. 44).

As for the notion of "juvenile delinquency", it should be noted that it includes two different notions, namely: the concept of delinquency and the juvenile concept.

Through the term delinquency, the researcher I. Pitulescu tried to highlight illegal acts, regardless of whether they have a criminal character (long and repeated absence from school courses, running away from home) (Pitulescu, 2002, p. 17).

Of particular interest is the psychological meaning of this phrase, which tries to exemplify the measure by which the individual can dispose of an affective, volitional, and intellectual capacity, able to keep his needs, interests and aspirations in balance, but also the means legitimate means by which this can be achieved. From this last analysis, the criminal is defined as an individual who has insufficient social maturation and shows deficiencies regarding social integration, which is continuously in conflict with the value-normative and cultural valences of civil society. In conclusion, this analysis aims to highlight the personality of the delinquent and the internal mechanisms that contribute to the commission of the delinquent act (Russu).

Some psychologists tend to consider that delinquency is a form of "adjustment" of a frustration or a physical inferiority, which leads to a person's predisposition to commit acts of violence and aggression (Rotari, 2010, p. 18).

## **2. Classification of Juvenile Delinquency**

The representative behaviors of juvenile delinquency are diverse, they are classified according to the consequences they produce:

1. Less serious behaviors - this category includes disobedience, being naughty at school, vulgarity in language;
2. Behaviors with serious consequences - this category includes alcohol consumption, theft, smoking, physical aggression (Foca, 2016).

In 1996, Becker classified juvenile delinquency into four categories, respectively:

1. Individual delinquency - which includes antisocial acts committed by a single child. The cause of individual delinquency includes delinquent behavior of a psychological nature that is determined by faulty family relationships (jealousy between family members, feelings of rejection). By committing acts or acts of delinquency, the child tries to attract the attention of his parents or those around him.

2. Group delinquency - which includes the behaviors committed by a group of children who spend a lot of time together, and their cause emerges from the models promoted in the family they come from or the areas of residence/residence.
3. Organized delinquency - which includes delinquent behaviors committed by an organized group of people, with a group life (which must be recognized by the other members), with well-established rules and accepted by all group members. The most important characteristic of delinquent groups is that they emphasize attitudes and values that encourage the commission of antisocial acts (pride, lack of respect for other participants in social life, criminal thinking).
4. Situational delinquency - which includes the criminal acts committed by children who do not emphasize committing delinquent behaviors, and the causes of this type of delinquency are poor supervision by the people responsible for their upbringing and care, low self-control.

Depending on the ways in which delinquent behavior manifests, other typologies of delinquent behavior in minors are also found. Therefore, depending on the severity of the deviant behavior (Banciu & Rădulescu, 2002, pp. 262-264) we find:

1. Unstructured, occasional, deviant behaviors that have a low degree of social danger (example - minors who are part of bad circles and who are not supervised by their parents and who have escaped from the control of the school or who participate in numerous antisocial actions out of fear or solidarity towards another group of minors with criminal specifics. So it can be stated that the sanctioning of such young people does not lead to their correction, but on the contrary would favor the state of recidivism and not their recovery.
2. Structured deviant behaviors, which present a high degree of antisocial danger. In this category are included the minors who are poorly prepared intellectually and who present adjustment difficulties and behavioral disorders. Minors in this category have committed criminal acts from a very young age. Although they were sanctioned it was not a primary factor in their recovery.
3. Recurrent deviant behavior, which presents an important social danger which is materialized by crimes of beatings or injuries causing death, murder, robberies, rapes, and serious bodily injuries, for which the application of the prison sentence is primary and essential because that is the only way stop the commission of new crimes.

Therefore, the notion of "juvenile delinquency" is not found either in specialized literature or in criminal legislation. In the numerous attempts to outline the specific definition of the term "juvenile delinquency", its specific features are considered, respectively: age, deviant behavior that presents certain particularities. In conclusion, it can be stated that juvenile delinquency represents the violation of all

criminal and extra-criminal rules that are committed in a predetermined territory and in a certain period, by people who have not reached the age of majority (Strulea and Gurev, 2014, p. 172).

Analyzing the characteristics of the personality of the juvenile delinquent who participated in the commission of the antisocial act, we can highlight the fact that these acts are committed because of marginal existence, inactivity, parasitism, rejection of moral values, absence of existential time horizon, dissociation between the personal self and the social self. So, all these characteristics lead to the commission of antisocial acts generating undesirable, dissocial behaviors.

### **3. Dimensions of Juvenile Delinquency**

From a multidimensional perspective, juvenile delinquency can be understood on different levels, namely:

- the statistical dimension that highlights the evolution and extent of the phenomenon (by making analyses, averages, calculation of percentages) according to numerous social indicators (cultural, geographical, economic);
- the legal dimension that highlights the types of legal norms that are violated, the seriousness of the damages created, the social danger, the ways of resocialization and the types of sanctions applied;
- the sociological dimension that puts juvenile delinquency in relation to the multiple phenomena of maladjustment, social disorganization and marginalization;
- the psychological dimension that highlights the structure of the delinquent personality, the motives for committing the act, the motivations, the attitude of the individual in relation to the commission of the act (discernment or irresponsibility);
- the economic dimension that indicates the cost of the crime, by highlighting the consequences (direct or indirect) of different criminal acts;
- the prospective dimension has the role of projecting the dynamics of the future contraventional phenomenon and the propensity towards committing criminal acts of individuals or social groups.

#### **4. The Functions of Juvenile Delinquency**

The main purpose of juvenile delinquency is to prevent and defend legal violations committed by minors. If we were to refer to the defense of social values protected by the norms in force, it is essential to highlight the fact that, above all, there is the defense of the right to life and health of the person, human property, fundamental rights and duties, the environment, state sovereignty, constitutional order, human security, peace, as well as any other values that are protected by criminal law, as well as by means of national or international normative acts.

The goal of preventing and combating juvenile delinquency is achieved through two main directions to follow. The first time there is the general prevention, which refers to all minors who must refrain from committing the acts prohibited by the legal provisions in force, and on the other hand, the special prevention which refers only to the category of minors who violated the provisions legal and is achieved by applying all coercive measures that can be applied to such persons.

Along with the purposes mentioned above, juvenile delinquency is also achieved through the following functions:

- The descriptive function that consists in studying, deepening, and recording all the data related to the number of juvenile crimes, globally, at the country level or for a certain geographical area or for a predetermined period of time. By means of this function, the knowledge of the criminal structure of minors, the type of crimes committed (murders, rapes, thefts, robberies, robberies), but also according to the place of their commission (rural crime or urban crime) is established.
- The explanatory function has the role of promoting the real knowledge of all the phenomena of juvenile crime, primarily of the conditions, the factors of their commission, the causes, as well as the etiology of the crimes.
- The predictive function has the role of establishing the direction of anticipating qualitative and quantitative changes regarding criminal typologies, over a certain predetermined period and in a certain space, in order to develop and implement the necessary measures to prevent and combat this phenomenon.
- The prophylactic function has the role of materializing the scientific elaborations of an effective system for preventing and combating the phenomenon of crime among minors, in accordance with the synthesis of theoretical and practical knowledge regarding the criminal phenomenon, the personality of minor criminals, the conditions of crime, as well as aspects related to minors as a victim of crimes.

In conclusion, the care of minors and their education must be the strength of the state, in order to prevent the commission of criminal acts and acts. Therefore, emphasis must be placed on the development of the child's social awareness,

responsibilities and educating him in the spirit of respecting all social values. The fight against juvenile delinquency emphasizes the complex approach of prevention factors within the appropriate social policies, which must ensure the correction of the behavior of minors, more precisely by non-custodial means because depriving them of the environment in which they live does not necessarily lead to the correction them and implicitly to stopping criminal phenomena.

## **5. Conclusions**

Nowadays, many of the juvenile problems tend to become, more and more, the problems of the entire civil society. The transformations that take place in the social dynamics determine the change of attitude. The major problems of society, in this case the problems of a prospective nature, are circumscribed as problems of the formation of the individual's personality. Respecting juvenile individuality, training and development in accordance with its own lines of development, become desirable with a tendency of permanent emphasis.

With certainty it is revealed that each young person has his own hereditary fund, and that his development takes place under the specific conditions of the environment to which he makes a continuous effort to adapt. The concerns of identifying and cultivating the individual specificity of the young person are also justified by the presence of science in the action of school and professional guidance, which contributes to the removal of chance, lack of information or whims in the choice of profession, at the same time facilitates the transition from a ascertaining criterion, dogmatic and statistical, to a formative, dynamic and interpretive one. In defining delinquency, we consider it useful to start from the concept of social maturation.

Social maturation has as its defining element the ability of the individual to maintain a dynamic balance between his interests and the interests of society, between his needs and aspirations and the projected needs of society.

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