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JUVENILE DELINQUENCY AND CRIMINAL JUSTICE IN EUROPE

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**JUVENILE DELINQUENCY AND
CRIMINAL JUSTICE IN EUROPE**

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Abstract

Juvenile delinquency has been explicitly documented since the organized societies of the 18th century and from early on, it has been incorporated into the letter of Criminal Law. In the past, juveniles convicted of serious crimes were subject to the full force of the law in the form of punitive measures. However, in the course of the history of civil society and the evolution of Penal Law, the European legal systems have developed security mechanisms that offer young offenders a second chance to repent and reform through a range of more rehabilitative and restorative approaches. In particular, Criminology has analyzed in depth the possible multifaceted situational and personal factors that lead young offenders to illegal activities.

Although there have been made sincere efforts to eliminate such acts through the administration of juvenile justice, juvenile delinquency continues to reach alarming rates across Europe. By understanding the typology of the committed crimes and the real motives behind unlawful behavior, this research paper aims to explore juvenile delinquency in recent years. After examining a number of case studies on the historical progress of juvenile delinquency in Europe, this paper focuses on the ways to effectively tackle juvenile delinquency through the lenses of the 11 Youth Goals established by the European Union. Regrettably, the current era is characterized by an insufficient discourse on this pathological phenomenon, resulting in a lack of comprehensive information. For this reason, this research paper aspires to accumulate recently collected data and conduct a brief sociological review.

Key Terms

Juvenile: “a child or young person who is not yet old enough to be regarded as an adult.” (Collins English Dictionary, n.d.). *Juvenile* is not used interchangeably with the term *Child*, which according to the UN Convention on the Rights of the Child, Article 1, is any human below the age of 18 (United Nations, 1989). The term “Juvenile” in Criminal Law is linked to the minimum age of criminal responsibility, which is differently interpreted in the context of the national Penal Code per country (Child Rights International Network, 2009).

Criminal Justice: Criminal justice refers to the system of institutions, practices, and processes established by governments and societies to uphold social order, deter and mitigate crime, and administer punishment and rehabilitation to individuals who violate the law. It encompasses various components, including law enforcement, the judiciary, corrections, and other agencies and practices involved in preventing, investigating, prosecuting and adjudicating criminal activities. Criminal justice systems can vary significantly, as they are influenced by different legal traditions, cultural norms and societal values.

Juvenile Criminal Justice: a system of laws, policies and procedures designed to regulate the processing and treatment of juvenile offenders and to provide legal remedies that protect their interests in situations of conflict or neglect (Shoemaker and Jensen, 2016).

Criminal Responsibility: a person’s mental capacity to distinguish between right and wrong at the time of the alleged offense and the ability to control their conduct accordingly (Louw, 2015). It is considered a legal obligation for a person to bear conscience of their acts and answer for their crimes.

Delinquency: Crimes that would be considered criminal offenses for adults are called delinquencies when committed by juveniles. In comparison to the term “Criminality”, the term Delinquency does not necessarily incorporate the element of the attribution of liability and lacks the negative connotations associated with “Criminality” (Konstantinou, 2015).

Juvenile Delinquency: a juvenile's conduct that violates legal statutes and falls under the jurisdiction of the juvenile criminal court, for which an adult could be prosecuted in a regular criminal court.

1. Introduction to the Topic

The evolution of the juvenile justice system has been a gradual process spanning centuries. In the past, juveniles convicted of serious crimes were subjected to punitive measures and were treated in the same manner as adult offenders. Nevertheless, a significant shift in perspective began to emerge around the 16th century in Europe and solidified during the 19th and 20th centuries, first in the United States. This shift marked a departure from viewing children as “miniature adults” to recognizing that they were gradually developing into adulthood (Deitch, n.d.). These changing perceptions laid the groundwork for pivotal reforms in criminal law, ultimately leading to the establishment of juvenile justice systems worldwide.

The first major code of laws was introduced as early as 1725 BC and it was called the *Code of Hammurabi*, named after the Babylonian King Hammurabi. The main principle of the code dictated that “the strong shall not injure the weak” and no capital punishment was imposed on juveniles younger than twenty years old (Kausar, 2023).

Later, in ancient Greece and Rome, the approach to dealing with juvenile offenders was generally less formalized and more closely tied to family and social structures (Archimandritou, 2012, p. 30-45, p. 102-112). A separate and specialized juvenile justice system, with its own set of procedures and protections for young offenders, did not exist. In ancient Greece, there was some recognition that children and adolescents were not fully responsible for their actions due to their age and immaturity. Greek society placed a strong emphasis on education and the role of guardians (usually the father) in shaping a young person's character. If a child committed a crime, the guardian could be held responsible for the child's actions. In ancient Rome, the head of the household, known as the “pater familias” held significant authority over all members of the family, including children. Pater familias could discipline and control the actions of juveniles within the family. Roman society also emphasized education and moral development, with the belief that proper upbringing would deter children from criminal behavior. According to Roman Law, children were held criminally accountable for their actions. Nonetheless, in many instances, the penalties they faced were milder compared to those imposed on adults.

In the United Kingdom, around the 19th century, the press was filled with stories of crime and violence, with juvenile crime being present and thriving. Concrete evidence has been collected from the courts and the newspapers of that era, which underlines the severity of the juvenile

crime at the time. Even Charles Dickens’ infamous “Oliver Twist”, which was published in 1837, played to this popular concern. It is said that the so-called “lads-men” were child gangs - including both boys and girls-, trained to pickpocket by criminal bosses, who would later sell the goods to make a great profit (White, 2014).

After 1800, a peculiar legal stance prevailed in the UK concerning children aged seven to fourteen. They were considered incapable of forming criminal intent, yet if undeniable proof of guilt existed, they could be declared guilty. In theory, young offenders convicted of severe crimes faced the full brunt of the law, including imprisonment, transportation or even death sentences. However, in practice, death sentences handed down to children were almost always commuted to lesser penalties due to leniency. Moreover, whippings or floggings were commonplace until the close of the century. These whippings could occur swiftly after guilty verdicts in court or as part of custodial sentences in prisons. In prisons, child offenders found themselves serving lengthy prison terms, often alongside more experienced adult criminals.

In the United States, it was not until 1825 that a significant development occurred in the juvenile justice system, when the pioneering penal reformers Thomas Eddy and John Griscom founded the Society for the Prevention of Pauperism. Their primary aim was to oppose the confinement of youth in adult jails and prisons and advocate for the creation of new facilities exclusively designed for young offenders.

It was then that the New York House of Refuge was established to house youth, who were considered by authorities to be destitute, impoverished, and vagrant, and were seen as potentially heading toward delinquent behavior. The New York House of Refuge became a historical point, starting a movement that later progressed into the Juvenile Justice System (Center on Juvenile and Criminal Justice, 2023).

The “Juvenile Offences Act” of 1847 in the United Kingdom signaled the beginning of a new era for juvenile justice on a global scale (Bateman, Hazel, 2014). It was the first piece of legislation to introduce separate trial procedures for young offenders under the age of 14, conducted in special courts designed for juveniles. It represented the first instance in history when youngsters were distinguished from adult offenders. As of 1854, the first Reformatory Schools were set up, where young people would spend several years, serving long sentences. The primary objective here was to remove children from the potentially negative influences of their home and social environment (The National Archives, 2019).

Later on, the world's first juvenile court was established in Chicago, Illinois (US) in 1899, making it the first of its kind globally. The “*parens patriae*” doctrine served as the legal basis for the court’s jurisdiction. This pioneering institution served as a model for the development of juvenile justice systems in various countries around the world. Both the establishment of the House of Refuge and the Juvenile Court of Chicago received worldwide recognition and played a crucial role in shaping a more effective juvenile justice system across the globe.

This brief historical overview of the highlight moments in the history of juvenile justice underscores the considerable time and concerted advocacy required to finally set some minimum legal standards of protection worldwide. As societies progress and socially evolve, there's a growing recognition of the importance of prioritizing human rights on national agendas with the aim of creating better living conditions for all, including the young delinquents, who deserve a second chance to repent and reform with the vital support of the welfare state.

2. Root Factors of Juvenile Delinquency

Juvenile delinquency is underpinned by a multitude of root factors that have undergone comprehensive examination by numerous scholars. These factors can be systematically categorized into three distinct dimensions: Individual-Level Risk Factors, Social Factors, and Community Factors (National Research Council Institute of Medicine, 2001). The Individual-Level Risk factors are personal, while the Social and Community factors are situational. Each dimension includes several subcategories.

2.1 Individual-Level Risk Factors

Firstly, for clarity purposes, it is necessary to define the term “risk factor”. Risk factors are typically characterized as traits, variables or circumstances that, when present in a specific individual, increase the likelihood of that individual developing a disorder when compared to an individual selected at random from the general population (Institute of Medicine (US) Committee on Prevention of Mental Disorders, 1994).

Commencing with a fundamental aspect, the Age of the juvenile emerges as a pivotal variable. Within the sensitive phases of adolescence and preadolescence, during the transitional period from childhood to adulthood, many teenagers exhibit tendencies toward *antisocial attitudes, aggression, hyperactivity* or *boredom* (Shader, 2003). These manifestations can potentially precipitate subsequent engagement in reactive, illicit behaviors that challenge prevailing societal norms and legal statutes.

Several researchers posit that empirical studies suggest the existence of Prenatal and Perinatal Factors, whose medical implications on the nervous system may lead to abnormal behavior. These factors exhibit a close association with the developmental challenges faced later in life by juveniles, particularly those raised in socioeconomically disadvantaged environments (Brennan et al, 1997).

The focus of particular interest pertains to Personality Traits and Tendencies, which, despite varying from one case to another, play a significant role in shaping a juvenile’s behavior. *Substance abuse*, including the use of drugs or alcoholic tendencies, constitutes a common cause for delinquency (Baysinger Henson Reimer & Cresswell PLLC, 2018). While there is an evident connection between alcohol and drug usage and criminal delinquency, it's important to note that not all delinquents engage in alcohol or drug consumption, and not all alcohol and drug users partake in delinquent activities, aside from their substance use. Nonetheless, individuals who are both serious delinquents and serious drug users may be heavily involved in criminal activities.

Lastly, within the same category, we find *nonattendance in educational settings*. Nonattendance, often referred to as truancy, is a factor closely related to the establishment of consistent routines and the development of healthy habits in children. Regrettably, when a child deviates from this routine by failing to attend school regularly, it often indicates a diminished interest in academic pursuits, ultimately resulting in *academic failure* and poor grades. This behavior further fosters a perception among juveniles that they possess a degree of autonomy that permits them to act without restraint, even in defiance of societal norms, reflecting a spirit of unrestrained liberation.

2.2 Social Factors

The Social Factors can be subdivided into two distinct categories: a) Family Influences and b) Peer Relationships. Concerning Family Influences, juvenile delinquency exhibits a strong correlation with instances of *broken households*, wherein *abusive parents* often manifest violent outbursts in the presence of their children (Smith and Thornberry, 1995). In such scenarios, family dynamics lack coherence and healthy interactions, typically accompanied by *diminished parental oversight* and a *dearth of moral guidance*. Additionally, the *socioeconomic status* of the family directly impacts the children, particularly those raised in *impoverished neighborhoods* within challenging social environments. *Financial hardships* constitute a primary contributing factor to juvenile involvement in criminal activities such as theft. Additionally, in Peer Relationships, the phenomenon known as *peer pressure* can exert a significant influence on juvenile involvement in criminal behaviors. Antisocial and delinquent peer groups may actively encourage their associates to partake in illicit activities collectively. This influence becomes notably pronounced in instances of *gang affiliation*, characterized by the presence of violence, including factors such as gun ownership, vendettas and adherence to the “Law of the Streets”.

2.3 Community Factors

In the context of Community Factors, two distinct categories encompass the social environments, where youth undergo socialization. The first category is the educational institution, in other words, the *School*. The poor educational standards that arise from overcrowded and underfunded schools or even strict school policies create a turbulent environment. This further leads to a lack of order and discipline. Under such circumstances, juveniles often adopt a

defensive demeanor and as previously noted, this situation can have adverse effects on their academic performance. In conclusion, another significant factor within the Community Factors category that profoundly impacts the lives of juveniles is their residential neighborhood. Research conducted by Clifford Shaw and Henry McKay identified distinct socio-ecological characteristics in high-delinquency neighborhoods, which encompassed elevated levels of poverty, ethnic diversity, and residential instability (Shaw, McKay 1942). It is noteworthy that communities exhibiting these characteristics demonstrated elevated rates of juvenile delinquency, irrespective of the specific ethnic groups residing in the area, underscoring the influence of neighborhood conditions on delinquent behavior (McNeeley, Wilcox, 2015).

3. Typology of the Perpetrated Crimes

According to the United Nations, youth are disproportionately represented in statistics on crime and violence, either as victims or as perpetrators (United Nations, n.d.). It is a difficult task to accumulate all the different crimes perpetrated by juveniles, as they vary. However, it is widely accepted that the most common are: *Larceny (commonly called Theft), Vandalism, Drug and Alcohol Violations, Reckless Endangerment, Sexual Offenses, Assault and Disorderly Conduct* (Touma Law Group, 2023; Ktenas Attorneys At Law, 2023).

Another classification related to the typology of the crimes perpetrated by minors can be bibliographically found in Howard S. Becker’s research (Becker, 1966, p. 226-238). According to Becker, there are behavioral patterns in the conduct of juvenile delinquency, which could be divided into four categories (Garg, 2023; Your Article Library, 2014):

3.1 Individual Delinquency

In this category, the juvenile acts independently. This implies that they autonomously plan, organize and execute the illegal act alone, without the involvement or assistance of any third party. This form of delinquency highlights the solitary nature of the delinquent behavior, with the individual solely responsible for the planning and execution of the unlawful actions, often driven by personal motivations and circumstances.

3.2 Group-Supported Delinquency

In this type of delinquency, the perpetrator is encouraged to perform violations by the social

group, where they belong. These antisocial behaviors unfold in the bays of friend groups, under the previously mentioned, peer pressure. Many juveniles feel the need to belong in a social group and in order to be accepted, they consider the opinions of their peers and don't hesitate to engage in delinquent acts.

3.3 Organized Delinquency

Organized Delinquency refers to criminal activities carried out by a formally structured group of young individuals. These organizations typically adopt a hierarchical framework and operate in accordance with established values and norms that govern the group. These groups often go beyond mere loose associations of individuals, with many being formal gangs or collectives that engage in coordinated criminal endeavors, thereby reflecting a more complex and structured approach to delinquent behavior.

3.4 Situational Delinquency

Situational delinquency describes an individual engaging in anti-social activities due to factors such as limited impulse control or external pressures stemming from familial and societal constraints. Compared to other forms of delinquency, situational delinquency is notably more manageable and controllable.

4. Protective Legal Framework

From an international standpoint, it is imperative to acknowledge the establishment of the “Beijing Rules” by the United Nations in 1985, which delineate the *Standard Minimum Rules for the Administration of Juvenile Justice* (United Nations General Assembly, 1985, A/RES/40/33). Subsequently, in 1990, the “Riyadh Guidelines”, comprising *Guidelines for the Prevention of Juvenile Delinquency*, underscored the requisite measures to address this issue (United Nations General Assembly, 1990, A/RES/45/112). Of particular significance is the Convention on the Rights of the Child, which came into force in 1990 and happens to be the most ratified treaty in the world (United Nations General Assembly, A/RES/44/25). Even at the international level, concerted endeavors are discernible in targeting the core factors of the problem and striving to identify apt solutions aimed at addressing its underlying factors.

In the European Union, a discernible inclination is observed towards the adoption of a

compassionate approach when dealing with young victims of crime, as evidenced by regulatory instruments such as the Victims' Rights Directive (Directive 2012/29/EU) and the Directive on procedural safeguards for children who are suspects or accused persons in criminal proceedings (Directive 2016/800/EU). This orientation contrasts with the absence of an all-encompassing legislative framework specifically tailored to address juvenile delinquency at the EU level (European Commission, n.d.).

As a result, this legislative gap combined with a dearth of comprehensive statistical data places the responsibility for formulating a national framework squarely within the purview of individual member states' national jurisdictions. Nevertheless, the Council of Europe has sought to address the issue of juvenile delinquency through a series of recommendations, endeavoring to propose solutions encompassing prevention, diversion and mediation strategies, legal proceedings involving minors and purposeful interventions aimed at ameliorating the problem (Council of Europe-Committee of Ministers, 1987; Council of Europe Committee of Ministers, 2003).

5. The 11 EU Youth Goals: An approach to combat Juvenile Delinquency

In the endeavor to formulate the EU Youth Strategy for the period 2019-2027, the European Union instituted the 11 EU Youth Goals, which aim to collectively voice the needs and interests of young people (European Union, 2018). It is imperative that these Goals garner widespread recognition and subsequently permeate the national legislative arenas as part of the ongoing reform efforts, pertaining to relevant national legislative frameworks. By offering better living conditions to the youth through the realization of the EU Goals, the states proactively address the core factors of the problem, by integrating youth actively into society by acknowledging and fulfilling their specific needs.

What are the EU Youth Goals and how do they relate to juvenile delinquency?

I. Connecting EU with Youth

A substantial number of young individuals, particularly within Eastern Europe, experience a heightened sense of detachment from the centralized European institutions and the European identity. This disconnect arises from an insufficiency of information regarding the direct impact of European influences on their national policies, which are intended to safeguard their

interests as EU citizens. Thus, the goal should be to enhance a sense of belonging through the European citizenship, in order to promote a broader perspective among young individuals against xenophobia and related delinquent behaviors. This imperative necessitates the implementation of a series of educational initiatives, exemplified by events such as the “European Youth Event”, aimed at fostering a deeper understanding and engagement among young individuals with respect to the European Acquis.

II. Equality of All Genders

Addressing gender equality in juvenile justice is crucial. Promoting gender equality means providing young people with diverse role models and opportunities. This can help reduce gender stereotypes and provide positive influences for youth, potentially lowering delinquent behavior. Furthermore, both male and female juvenile offenders need to have equal access to support services, rehabilitation programs and legal protections for fair and effective justice systems.

III. Inclusive Societies

Fostering inclusive and diverse societies enhances social cohesion and thereby diminishes sentiments of marginalization that may contribute to delinquent behavior. In such inclusive environments, individuals do not experience isolation, on the contrary they feel acknowledged and valued. Encouraging open communication about challenges and needs represents a significant stride in comprehending the concerns of young people and facilitating their resolution through strategic and well-coordinated initiatives.

IV. Information & Constructive Dialogue

Ensuring that young people are well-informed and engaged in societal issues can channel their energy toward constructive activities and civic participation, rather than delinquency. Increasingly aware of the significant challenges confronting their state, local communities or even the European Union, they may become more engaged in advocating for a better world. Young people, with a clear vision, see the world differently and deserve to be granted the opportunity to be heard through their engagement in politics and civil society.

V. Mental Health & Wellbeing

Caring for the physical and mental health of young people not only fosters their overall

Resilience, but also bolsters their capacity to make informed choices and navigate life's challenges. By proactively addressing health issues, societies can fortify the protective factors that deter involvement in delinquent behavior, promoting a safer and more nurturing environment for youth development. Thus, holistic well-being serves as a cornerstone in the comprehensive strategy to prevent and reduce juvenile delinquency.

VI. Moving Rural Youth Forward

Rural youth often face barriers to accessing quality education and vocational training. By improving educational opportunities, rural youth are less likely to engage in delinquent activities due to a lack of alternatives. Moreover, limited job prospects in rural areas can push young people toward illegal activities. Efforts to create economic opportunities, such as rural development programs and job training can reduce the appeal of delinquency. Last but not least, rural youth may have limited access to support services related to mental health, substance abuse and legal aid. Ensuring that these services are available in rural areas can help address the root causes of delinquency.

VII. Quality Employment for All

Providing young people with quality employment opportunities can reduce their vulnerability to delinquent activities, as stable employment can instill a sense of responsibility and purpose. Quality employment not only provides financial stability but also fosters a sense of personal accomplishment and self-worth. Moreover, engaging in meaningful work can instill a sense of belonging to the community and a commitment to societal norms and values. It encourages young people to invest in their future, pursue education and skill development, and develop a long-term perspective.

VIII. Quality Learning

As previously emphasized, investing in quality education and vocational training can equip young individuals with the skills and knowledge needed for better job prospects, reducing the likelihood of engaging in criminal activities due to limited opportunities. More specifically, it equips them with the cognitive abilities, technical proficiencies, and critical thinking skills required to secure stable and fulfilling employment. By imparting a solid educational foundation, societies empower youth to explore a wide range of career paths, thereby reducing the allure of criminal activities driven by economic deprivation.

IX. Space and Participation for All

Encouraging youth participation in decision-making processes can give them a sense of ownership in society, reducing the likelihood of engaging in criminal activities as a form of protest. The involvement in the decision-making processes of their communities and societies can nourish a profound sense of ownership, responsibility and empowerment.

X. Sustainable Green Europe

Fostering environmental awareness and sustainable practices can offer positive outlets for young people's energies and reduce delinquency associated with environmental crimes. By instilling a sense of responsibility toward the environment, young people are encouraged to engage in eco-friendly initiatives and conservation efforts. These endeavors not only serve the greater good, but also offer youth meaningful opportunities to channel their enthusiasm and creativity. It enhances their understanding of the interdependence between human activities and the environment by reinforcing their commitment to lawful and responsible behaviors.

XI. Youth Organizations & European Programs

As a natural extension of the first EU Youth Goal, participation in volunteer activities and community service can provide positive alternatives to delinquent behavior and foster a sense of responsibility. In this way, youth can channel their energy and enthusiasm into productive and socially beneficial endeavors. These experiences broaden their horizons and instill a deeper appreciation for social cohesion and collective well-being. These experiences enhance personal growth and contribute to the development of engaged and socially conscious citizens. While each goal may not directly address juvenile delinquency, they collectively contribute to creating an environment, where young people have better opportunities and support systems, thereby reducing the risk factors associated with delinquency.

6. Conclusion

Juvenile delinquency persists as a longstanding social phenomenon, tracing its roots to a long list of factors. The paucity of comprehensive research materials, underscored by a notable absence of pertinent statistics, underscores the pressing need to readdress this issue on a national and European level. For evidence-based policy making, it is vital to foster a deeper understanding of the complexities inherent in juvenile delinquency within our modern societal framework. Through the development of more effective strategies for prevention and intervention, the European states will be finally able to mitigate its presence in the society.

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