

PARTICULAR ASPECTS OF JUVENILE DELINQUENCY IN THE COUNTY OF CLUJ

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Abstract

The phenomenon of juvenile delinquency is a complex one, which involves the analysis of both particular and environmental factors. The forensic pathologists from The Institute of Legal Medicine of Cluj in collaboration with experts from other specialties are put in the position to perform forensic psychiatric expertise on this subjects. For a better grasp regarding juvenile offenders, we need to draw a proper characterization of minors, by analyzing a series of data such as gender, environmental origin (urban or rural environment) and a series of particular characteristics such as age, both intelligence and education level, and the presence or the absence of discernment. We can proceed in this way by analyzing the existing cases in the county of Cluj in the last two years and to outline the profile of the delinquent minor aged between 14-16 years old. Theoretically, the purpose of this retrospective study is to understand whether there exists a causal link between delinquency and particular, environmental factors, and theoretically to be able to take the most indicated precautions in this way.

Key Words: *juvenile delinquency; medico-legal expertise*

JEL Classification: [K14]

1. Introduction

In our country, juvenile delinquency has increased dramatically since 1989. The concept itself comprises two distinct concepts to be included, namely the concept of „delinquency”, related to a series of illegal acts, which is not synonymous with the notion of deviance and the term „juvenile”, which refers only to the age group of minorities. (Pasca, 2005) Deviance is defined as a type of conduct that violates the rules accepted by a given society (*Postel*, 1998) or a form of behavior characterized by a significant abnormality from social norms established for a certain social status. (Tucicov, 1981) Dr. Matza, an Assistant Professor of Sociology at the University of California and a Research Associate in the Berkeley Center for the Study of Law and Society thinks that the juvenile becomes a drifter as a result of a deep feeling of injustice engendered by the way he is treated by the juvenile authorities and institutions. The legal approach to the juvenile apparently serves to neutralize episodically his moral restraints and his commitment to law and order. The resulting feeling of irresponsibility causes him

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deliberately to break society's rules, aware that he is so doing and aware of the nature of his deed. Many analysts agree with Dr. Matza completely on the question of the delinquent having a measure of „free will.” Current psychoanalytic theory makes much of the individual's ability to perform independent judgments and to exercise freedom of choice without interference from childhood-derived inner mental conflicts. (David, 1964: 199) Due to this theory, the main objective of this study was to establish the main factors that lead to juvenile delinquency, other than the psychiatry disorders. In our country, Under The New Criminal Procedure Code, Art. 113, Para. 1: Minors under age of 14 years old are not able to respond in front of the law, Para. 2: minors who are aged between 14 and 16 years old are criminally responsible only if it's proven they had discernment at the time of the act. Starting from here and according to the existent literature data, we will analyze the expansion of this phenomenon in the county of Cluj, the most common committed offences and we will try to outline a pattern of the delinquent minor in relation to environmental factors and particular characteristics.

2. Materials and Methods

For this retrospective study we analyzed all the forensic psychiatric expertise that have been performed in the last two years (2015-2016) at the Pediatric Psychiatry Clinic in Cluj-Napoca. During this period a number of 82 children aged 14 to 16 years old have been taken under observation for criminal offences. We collected data by following specific parameters such as gender, environmental origin, committed offences, criminal record, family background, school achievements, IQ, the presence or the absence of discernment at the time of the act.

Data analysis: Statistical interpretation of the results was conducted using the Microsoft Office Excel Software 2017.

3. Results

1. We noticed an increase of the delinquency phenomenon in the county of Cluj in the 2015-2016 interval, when the total number of juvenile offenders subjected to forensic psychiatric examination grew from 39 in 2015 to 43 in 2016.

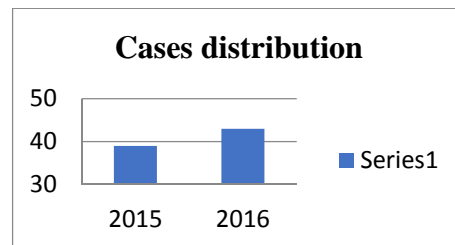


Fig. 1

2. Related to the committed offences, the first place is represented by theft, with the major incidence of 42.6 % of the cases, the second one by robbery, with a percentage of 35.3% of the cases, followed in descending order by:

- Physical violence 7.2%
- Driving without a driving licence 6%
- Attempted rape 4.8%
- Distruction and Disturbance of possession 2.4%.

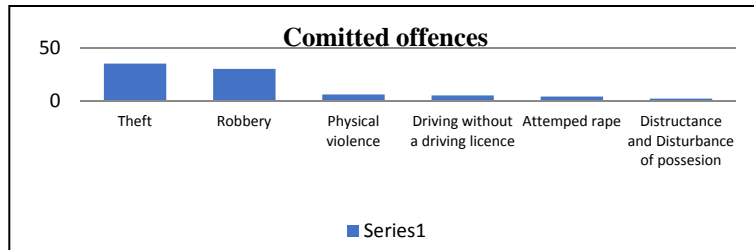


Fig. 2

3. An overview of the 82 cases taken into consideration revealed a marked incidence for antisocial offences committed by male 77%, compared to female 23%, mostly in urban areas 63%.

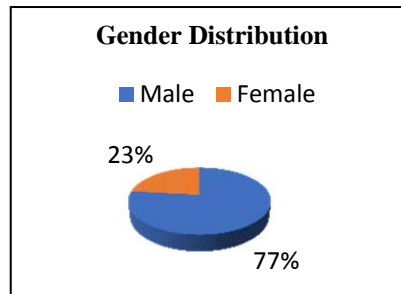


Fig. 3

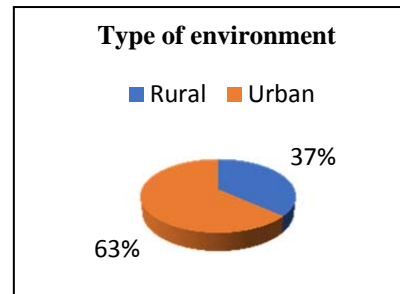


Fig. 4

4. Cognitive development of the included subjects led to the following distribution: Borderline intellectual level in 36.5% of the cases, followed by average intellectual level with a percentage of 32.9% and below average intellectual level in 30.4% of the cases.

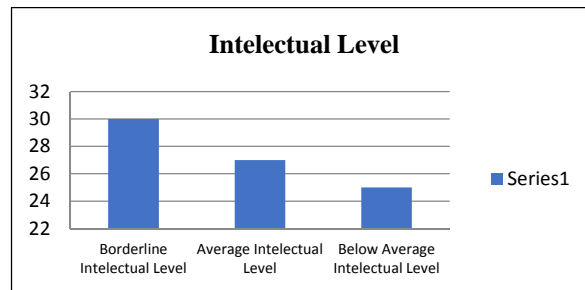


Fig. 5

5. The educational environment (school records) revealed a high incidence of those who dropped out of school, 79.2% of the cases, a percentage of 10.9% of those who were illiterate and only 8.5% of the cases who were still going to school.

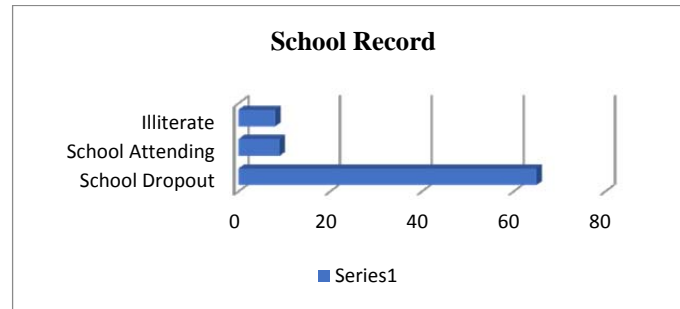


Fig. 6

6. The family background consists in a distribution of the cases in three categories:

- Disorganized families 43%;
- Organized families with poor living conditions 35%;
- Organized families with optimal living conditions 17%;
- Single parent families 5%.

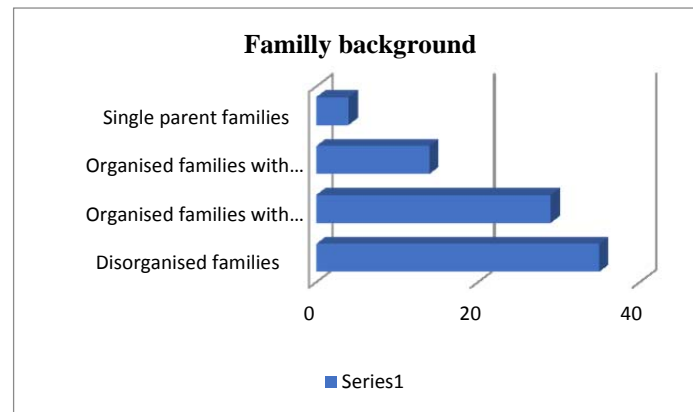


Fig. 7

7. Adequate judgment and discernment abilities were established in 100% of cases and none was considered to be abolished or absent at the time of the act or at the time of the examination.

8. None of the subjects was known with criminal record, at the time of the examinations, 90% of them declared they regret their illegal facts.

4. Conclusions

Based on these classifications we can highlight the portrait of the juvenile delinquent, male gender, living in the urban areas, as a product of a dysfunctional family, with educational deficiencies, with a borderline intellectual level, who is aware of his act and declaring to regret it. We can conclude by saying that there is a causal link between the individual particularities of the subjects and the external conditions that can lead to juvenile delinquency. There is a failure to provide adequate resources for preventing, spotting, diagnosing, treating and rehabilitating the delinquent and it's certainly contributing to the increase in juvenile delinquency.

Appropriate interventions can help juveniles overcome a number of developmental problems. Intensive and timely interventions such as family counselling, supportive, secured family environment, psychological support, reinsertion in school, or creating specialised programmes can improve the quality of life for many children considered at risk for cognitive, social and/or educational disturbances. Well-implemented programs can make a difference for preventing juvenile delinquency at this age.

5. Discussions

The specialty literature says that most common crimes committed by juveniles appear as a consequence due to pubertal disorders, behavioral disorders, many of which are episodic facts (Moraru, 1967) and it's been revealed in the study above as soon as the examined subjects were not known with a criminal record, they were aged between 14 and 16 years old and they were all aware of the facts they did. Statistic data collected from the Medico-Legal Institute of Bucharest shows that the most common offence committed by juveniles is represented by theft, classified on the first place (Moraru, 1967) another aspect that was proved in the study.

The specialty literature from abroad shows that there is a link between individual characteristics, environmental factors and juvenile delinquency. In the first place, juvenile delinquency occurrences by male are largely disproportionate to the rate of occurrences by females. (Shover, James & Thornton, 2011: 162–175).

Children with low intelligence may increase the chances of offending due to a low attachment to school and low educational aspiration (Norland, James & Shover, 1978: 545–554). Psychological theories, although not ignore the influence of the social environment, especially the family to determine delinquent behavior. The Cambridge Study in Delinquent Development established that Delinquency rates were higher among 75 boys who were living in permanently disrupted families on their fifteen birthdays, compared to boys living in intact families. (Comanor, Phillips, 2002: 209-232)

These are the most common particularities with a strong influence on juvenile behavior. In the US, for example, F.B.I. uses Profiling, a kind of portrait-

robot in order to switch more easily investigations on identifying offenders. (Schmallegger, 1991: 84)

In our study, we were also able to point out the most important features of the juvenile delinquent. From the juridical point of view, the educational measures that can be made for this group of subjects are pointed in the 115 Art. C.P. and consists of educational measures with no deprivation of freedom (civic training course, surveillance, daily assisting) and educational measures with deprivation of freedom (continuous surveillance in an educational center or in a detention center). Choosing the educational measure that is going to be taken will be made according to the 114 Art. by following the criteria pointed in the 74 Art. (Perju – Dumbravă D., (2015)

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