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THE ETIOLOGY OF JUVENILE DELINQUENCY

ABSTRACT: In contemporary societies characterized by advanced information technology and widespread accessibility to various resources, social and psychological factors leading to adverse personal and societal consequences significantly influence minors, providing fertile ground for the emergence of juvenile delinquency. Juvenile delinquency is a serious problem for all contemporary societies, encompassing different forms of deviant behaviors among minors, including criminal acts that trigger legal proceedings and sanctions. Since there are a lot of theories and studies which focus on the distinctions between delinquency and criminality, this paper does not deal with that in greater detail. Instead, it focuses on elucidating juvenile delinquency as a foundational concept for understanding diverse forms of deviant behavior from criminal, psychological, and sociological perspectives. The paper identifies causes of juvenile behavior and early indicators for identifying young offenders. The primary research objective is to explore delinquency prevention strategies tailored to offenders. The examples illustrate the most frequent criminal acts perpetrated by reported, accused, and convicted minors, categorized by gender, age, and type of criminal sanction.

Keywords: *juvenile delinquency, causes of criminal behavior, early indicators for identifying young offenders, delinquency prevention.*

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1. Introduction

Delinquency is certain criminal behaviour which is reflected in the violation of legal norms, and for the violation of which there is the sanction determined by law. Juvenile delinquency is a form of the criminal behaviour which represents a characteristic of the juvenile population. According to the legislation of the Republic of Serbia, more precisely, according to the LJOCA (the Law on the Juvenile Offenders of the Criminal Acts and on the Criminal-Law Protection of the Minors, 2005), as well as according to the Criminal Code (the Criminal Code of the Republic of Serbia, 2005), all individuals up to the age of 18 are considered minors. With the fact that there is a classification in relation to this statement that:

- individuals who have reached the age of 14 and are not 16 years of age are considered minors,
- and individuals who have reached 16 years of age and are not 18 years of age are considered older minors.
- Individuals under the age of 14 are considered children and are not subject to criminal-law liability.

The criminality of young people is treated separately from the criminality of adults, because there is the attitude that the criminal responsibility of the minors is reduced due to their immaturity. We are going to determine the negative indicators in the society that contribute to the increasing prevalence of juvenile delinquency. We are going to describe how it is shown from the side of the determining of the psychological concept of delinquency, because every criminal act first starts in the head, by creating an idea, a possibility for the execution of a criminal act, and then by developing the further stages that precede the completion of the criminal act, which means, the creation of the consequence of the criminal act. In the paper, a statistical and comparative method is applied and the available literature is analyzed in order for us to determine how important the family is as a factor in the development and the encouragement or the restraint of the criminal activity, and to also determine to what extent the education, the Internet and the media influence young people, and certainly how to influence young people in order for them not to commit criminal acts and how to direct them to positive things, sports, education and self-improvement, and certainly to consciously choose the people that would contribute to the elevation of the personality of the minors, but in a positive direction.

2. The conceptual determination of the juvenile delinquency

2.1. *The criminal-law definition of the term*

“The appearance of socially maladjusted behaviour of the special population structure of the inhabitants who are no longer considered children, but in their development they have not reached the stage of full age is a type of an offence which is called the juvenile delinquency” (Bošković & Marković, 2015, p. 315).

As we said in the introduction, there is a special classification of juvenile offenders according to the legislative practice. That division is based on the anatomical and psychological development, which means, on the mental maturity of the certain structure of the juvenile population, that is, the real foundations of the possible alignment of their attitudes towards the acquisition and respect of legal, moral and social norms. Minors generally belong to the most dangerous groups which have tendencies towards delinquent behaviour.

One of the most common delinquent behaviours is certainly the violence. According to the Republic Institute of Statistics of the Republic of Serbia (2023), in 2022, only 132 disciplinary measures were applied to juvenile offenders, of which 78 were the warning and guidance measures, 53 were the measures of enhanced supervision and 1 was the institutional measure. All these measures were imposed for the criminal offence of violent behaviour which is in the scope of the criminal acts against public order and peace.

All the forms of the delinquent behaviour of young people can be classified into four categories:

- The actions destructively directed against the integrity of other individuals,
- The actions destructively directed against the property and material goods of others,
- The withdrawal actions and
- The actions of self-destruction.

Some of the expressions that are in use, and more closely clarify the concept of the juvenile delinquency, are:

- neglectful upbringing,
- uninvolved upbringing,
- endangered upbringing,
- young people with antisocial behaviour,
- moral deviation,
- moral defect,

- behavioural disorder,
- a disorder of habits,
- social maladjustment,
- asocial, antisocial, sociopathological behaviour of young people,
- juvenile delinquency,
- juvenile crime,
- bullying and
- hooliganism (Jašović, 1978, p. 21).

The opinion that the juvenile delinquency represents the violation of legal and moral norms that are valid in the society at a certain time is also accepted. This understanding leads to the perception of the juvenile delinquency through individual and collective morality at a certain age, which represents the significant violation of any social norm (Kostić, 2012, p. 223). We come to the conclusion that, from the criminal-law point of view, the juvenile delinquency comprises the heavier forms of asocial behaviour which reflect in the violation of the legally set limits, by committing criminal acts, the most common of which are violent, and they are: theft, robbery, the intentional provoking of the damage, fire, hooliganism, armed robbery, and we even have murders.

Nowadays, it is increasingly reported from the media that a minor has tried to stab his friend with a knife after a difficult argument, as it is stated by Nova RS (2023), “a minor from Preševo, arrested for the attempted murder, stabbed another minor three times. Five minors took part in the fight, and after the fight, he stabbed the minor with a knife, one stab was in the chest area, and two stabs were in the area of the back. Although less serious physical injuries were found, this act is qualified as the attempted murder for the reason that injuries were inflicted near vital organs.”

2.2. The psychological determination of the term

In terms of psychology, “risk factors are the variables which are connected to the large probability of occurrence, severity and longer duration of the juvenile delinquency.” Risk factors can be divided into 5 groups:

1. Individual,
2. Family,
3. Factors related to the peer group,
4. School and
5. The wider community.

Still, experts think that in the early life, the most important are individual factors (for example, complications during childbirth, hyperactivity, difficulties related to temperament), and family risk factors (for instance, parents' criminal or antisocial behaviour, substance abuse), (Marković, Mitrović, Ivanović-Kovačević, Šobot & Srđanović, 2008). A family is a universal human community consisting of adults, reproductively capable partners and their offspring.

In addition to that basic reproductive, economic and social role, the family also has a significant psychological, parenting and socializing role. It is an important primary group and one of the most significant agents of socialization (Vidović, 2006, p. 300). Therefore, when there is the disturbance within the family and the failure to fulfill all the roles which are important for the preservation and socialization of family members, there is the appearance of deviant behaviour, and the inclination towards criminal activities.

Thus, we have the examples from practice where children grew up in broken families, where parents were often under the influence of opiates, drugs or alcohol, where the relationships between parents were broken, and which were accompanied by frequent arguments and fights, which could lead to inadequate socialization of children, and therefore, to their delinquent behaviour. The frequency of psychiatric disorders among delinquents is higher than among non-delinquent and non-clinical youth population.

For example, among delinquents who have been sentenced to institutional sanctions, the rate of mental disorders ranges from 50 to 100%. Among the disorders, behavioural disorders, disorders in the form of opposition and defiance, developmental disorders and hyperkinetic disorder are the most common disorders (Šobot, Ivanović-Kovačević, Marković, Srđanović-Maraš, Mišić-Pavkov, 2010, p. 54).

2.2 The sociological definition of the term

As we saw from the summaries regarding the defining of the term "juvenile delinquency" from a criminal-law and psychological point of view, we have another important defining of the term "juvenile delinquency", and it has to do with the sociological view of this term, and while defining it, we stated that there are three groups of authors in sociology who defined the term "juvenile delinquency".

1. "The first group, that is, the sociologist Davis gave the example where a six-year-old girl was found in the Indian jungle, who, until the day she was found could neither speak nor walk, nor did she

show any signs of intelligence or expression of feelings. The causes of this condition are certainly not hereditary factors, but the conditions in which the girl grew up and was completely separated from the human society and the environment in which her peers lived" (Pešić-Golubović, 1966, p. 320).

2. "The second group of authors, as opposed to emphasizing hereditary factors, started with social factors, that is, the factors of the environment in which an individual forms himself, matures and lives. Namely, the main or the only influence on personality development is the influence of the immediate environment. This theoretical orientation is better known as empirical, it unilaterally defines the factors which determine the deviant and generally delinquent and criminal behaviour of an individual" (Nikolić & Joksić, 2011, p. 15).
3. By observing these two theories, we come to the conclusion that there is the third theory, that is, the so-called mixed theory or convergence theory. The point of this theory is in its premise that the personality development is influenced by both internal (hereditary) and external (social) factors (Nikolić & Joksić, 2011, p. 15).

By observing these three aspects, criminal-law, psychological and sociological aspects, we come to the conclusion that the most common reason for the appearance of delinquency and deviant behaviour among the minors belongs to individual, family factors, and to the unsuccessful socialization of young people, as well as to the influence of external factors and to the influence of the environment in which the minor lives. Certainly, we cannot help but look back at the economic factor that is of great importance nowadays, especially for young people, where there are certain divisions between young people from economically stronger and more stable families, and young people from economically weaker (poorer), destructive families. Between these two divisions there is a big gap and also a burden on young people that because of the desire to fit into the society and get closer to young people from economically "stronger" families, they are ready to commit various misdemeanour and criminal acts, just to be a part of the society. Also, the minors who were ostracized and ridiculed by the environment in some period of their lives will start with even worse negative behaviour in order for them to attract the attention of their friends, but often this negative behaviour does not lead to the attracting of the attention of friends in the direction the minor actually wanted, and then he turns to other people, usually older ones, who, in some period of their life lived the same thing that he is going through.

3. The causes of the juvenile criminal behaviour

In this part, we are going to single out some of the internal factors that are essential for the functioning and socialization of every minor, and we are going to see, according to statistical data which criminal acts most often result from dysfunctional internal factors.

Certainly, internal factors include:

1. the influence of the family,
2. the influence of the environment,
3. intelligence,
4. the Internet and social networks,
5. alcoholism,
6. drug,
7. leisure,
8. hooliganism – supporters' groups,
9. education and
10. material status.

3.1. The influence of the family

One of the most important factors in the socialization of the minors is the influence of the family that is a universal human community that, in addition to the reproductive role, has an important psychological, parental and social role. “The family is an informal agent of a person’s socialization, which means that it is only a transmitter of social values that do not depend on it, because the society is the source of the content of the socialization process (Nikolić & Joksić, 2011, p. 46). Certainly, the structural anomalies in the family, especially the disruption of family relationships and the disruption of the family structure influence the causes of delinquency.

“Family criminogenic factors of causation include: the structural disruption of the relationships which manifest themselves in the absence of the family discipline, disturbed relationships between parents and children, and marital relationships, and in the absence of, or in improperly directed family function of upbringing” (Bošković & Marković, 2015, p. 134). The way of raising children is an important condition for children’s behaviour in all developmental stages. “Deviance can bring a repressive and abstinent way of upbringing with itself. In the case of the repressive upbringing, or the strict upbringing and punishment, it creates a psychologically disabled, insecure and depressed personality, and in another or the abstinent way of upbringing,

it creates an aggressive personality, without feeling for the limits of what is socially acceptable and normal.

Children from these families move in a vicious circle, where crimes, criminal offences, aggressiveness, feelings of guilt and anxiety come to the fore" (Berger, 1965). However, "the children from the families where there are mutual trust, love and friendly relationships both between parents and between parents and children are more likely to be the adults with positive characteristics (with a sense of independence, self-confidence, balanced, with good social contacts), rather than the children from the families where there are frequent conflicts and disagreements and where there is not enough love as well as care for the child" (Radoman, 2013).

3.2. Education

Education is certainly related to the school as an educational, social institution which has a positive influence on the education and upbringing of people. In most cases, the school is a positive factor, but it can also be seen as a criminogenic factor. Namely, the school carries out certain activities, with the aim of educating young people, through passing and attending certain syllabus. In the implementation of the syllabus, it is possible to encounter various problems that, in conjunction with criminogenic factors, may result in the commission of a criminal act.

"As the cause of the problems in the process of the education, there are: too extensive syllabus, insufficient expertise of the teaching staff, the existence of the group of privileged students due to the status of their parents, conflicts with the teaching staff and other students, inconsistency of the reform process of the school system, as well as the uninteresting school material (Dimovski. 2012, pp. 259–260). In his research, Moyers came to the data that out of 25 juvenile murderers, 76% of them had certain learning problems, and that 86% failed at least one grade (Heckel & Shumaker, 2001, p. 36). However, we also have a specific example from our practice which happened on May 3rd, 2023, where a boy who was a student of the seventh grade and at the age of 13, killed ten people, nine of whom were students, and one man who was a worker at school, a school security guard.

Namely, according to the information transmitted through the media, this boy is an excellent student, has above average intelligence, but he had a problem with being accepted by his surroundings, and with the absence of empathy and emotion. From this most terrible example, we realize that, not only the children who, according to some parameters, are the worst at

school and at performing school activities, are the candidates for embedded criminogenic factors and potential perpetrators of criminal acts. In this example, other internal factors failed. If they had been implemented, this serious accident would very likely have been prevented.

3.3. The Internet and social networks

One more internal factor which increases the volume of juvenile delinquency is the Internet and social networks, in other words, mass communication means. These are: newspapers, television, radio, the Internet, social networks, video games. Namely, scientists believe that there are two mechanisms of learning children's aggressive behaviour. One of them is watching violent television programmes, where young children often imitate what they see on television. So, if they watch the scenes of violence, they will probably behave like that in the future. Older children subconsciously acquire aggressive behaviour, as a way of solving some conflict situations. Thus, the latest research by "Children of Europe on the Internet", conducted in 19 European countries, found that Serbia leads in terms of the number of children under 13 who use social networks. According to the interview of children from Serbia and the writing of the BBC for Serbia (2022), the interests of this population were expressed, in which video games with violent content and social networks such as: Tik Tok, Instagram, Facebook, Twitter or X Network lead. Namely, when the terrible tragedy happened on May 3rd, we had the opportunity to see how children who use their Internet and social opportunities beyond any control, react to the placement of the negative information from the media, so there was the case that children supported violence, glorified the boy who committed this serious murder, and threatened that they would do the same or something similar.

Nowadays, every information which is provided to the citizens about the situation in the state and the society has crossed the normal limits, so we have the reporting on the trial of an organized criminal group that committed serious crimes, in which their testimonies and interrogations, and the testimonies of cooperating witnesses, are transmitted word for word. We also have the examples where certain shows are repeated from period to period, which are a reminder of the time, of the behaviour and customs that prevailed in the 90s, of how "the guys from the streets of that time" behaved, how they spoke, and what jobs they were engaged in. All these factors lead to the fact that children, adolescents take on these personality traits, identify with them in the desire and hope that they will also be accepted by the environment, that they will be

the most popular in the environment, and that other children will envy them for their strength, popularity, "Danger", and that if they have a problem, they will solve it in a much easier (according to them) way, and that is, most often, the solution that includes violence, abuse, threat. According to the Republic Institute of Statistics of the Republic of Serbia (2022), against the minors in 2022, according to the criminal offence that is from the group of Crimes against Life and Body, 3 criminal charges were filed for murder, 70 criminal charges were filed for inflicting grievous bodily harm, 248 criminal charges were filed for causing minor bodily harm, for the participation in the fight there were 33 criminal charges, and 6 criminal charges for the endangerment with a dangerous weapon during a fight and argument. There were 360 criminal charges filed in total.

We are also the witnesses of quite dangerous Internet challenges, where minors filmed themselves performing the challenge. On the website of the Government of Serbia called "Smartly and Safely", some of the most famous Internet challenges are listed, some of them are dangerous and even deadly. In that way we had the opportunity to hear the news that the Interpol warned the Ministry of Internal Affairs of the Republic of Srpska that for March 3rd, 2021, the mass suicide of young people on the Tik Tok social network (N1info, 2021) was announced.

4. The early signs for the recognizing of the young delinquents

According to all the data that we have written about in this paper, which we have obtained through the research of the theoretical part, by the defining of the concept of the juvenile delinquency itself, and of the causes that we have explained as well, we could state that the early signs for the recognizing of the young delinquents cannot be linked only to the criminal-law sphere, but the broader picture must be observed, which means that all the aspects of the criminal behaviour are included. It is important to observe the family circumstances in which the minor lives, what his previous life is like, under whose influence he was, what kind of parents he has, whether they are caring and understanding parents or the parents who stick firmly to the rules and who respect the order. We should define what kind of the environment is the one in which the minor lives, starting with the school, because it is the environment in which the minor spends the most of his time, also by observing the environment in which the minor spends his time besides school, we should find out if he is engaged in any sports activities, if there is the time called leisure. Does he use social networks? What are his interests, favourite

books, favourite TV shows, what genre are they? And of course, what kind of economic-social status does his family have? There are a lot of factors which have to fit into the larger picture.

From the previous research, we have seen that the children from the destructive families, with a weaker economic status, with the intelligence and education that do not correspond to their age, who have difficulties fitting into the society, who have difficulties accepting and understanding feelings and needs of others, and have no empathy, have the highest chances of leaning towards the juvenile delinquency. If he is a child who has a prominent change of behaviour, who tends towards the violence, who responds violently, by fighting and threatening, to any constructive criticism, who is reluctant to talk to adults, who withdraws into a shell, who has a predisposition to depression, who hides, who has friends from dubious circles, where there is the reduced parental control, where parents do not actively participate in the education and upbringing of the child, where children are neglected, abused at some point in their lives, or they experienced some bigger trauma such as the loss of a parent, these children should be treated with special care, because everything which was listed represents, surely, the early warning signs for the recognition of the young offenders.

5. Becoming familiar with the delinquency prevention – directed to offenders

Preventive treatment and preventive action enable us to act timely and remove the causes and conditions that would prevent potential delinquents from committing illegal acts. Certain authors claim that “the crime prevention is the system of measures and activities aimed at eliminating immediate objective and subjective conditions and circumstances which influence the commission of crime” (Aleksić & Milovanović, 1995, p. 234).

“There are general and specific forms of the prevention. General forms include the measures in which all social and state bodies participate, starting with the family, school, social welfare bodies, legislative bodies, etc. Special forms of the prevention include the taking of actions and measures by state authorities which perform the function of suppressing the crime, and they are the police, the public prosecutor’s office and the courts” (Nikolić & Joksić, 2011, p. 110). The fight against negative phenomena is very important for the progress of the society. By introducing the minors to positive processes in our society, the moral and social upbringing of young people is achieved, and in this way the awareness of personal responsibility for one’s own progress and the progress of the society is developed.

The centers for social work, the prosecutor's office, the courts, and the police play a major role in the process of the prevention and in the development and the progress of the society. When choosing a prevention model, it is necessary to take into account the special characteristics of the social environment in which the minor lives, the family circumstances, the minor's personality, as well as the environment in which the minor spends his time. However, if we observe all these special characteristics related to the minor, to his personality and his environment, it is also necessary to take into account what type of offence it is, which conditions influenced its execution, whether the execution of the act was repeated, and certainly, if there is a possibility that, by applying preventive measures, we can ensure that the minor does not commit the same or similar criminal acts again. As this prevention refers to the perpetrator of the crime himself, the cooperation is possible, even desirable, with the center for social work, which has certain activities that it undertakes in order for it to influence the proper development of the minor and the strengthening of his personal responsibility. In this case, the center for social work appears as a guardianship body when a minor is in conflict with a parent, a guardian, or with the community, when he endangers himself and the environment with his behaviour and when parents do not perform their parental duties. Thus, according to the Center for Social Work of Novi Sad, for the minor perpetrators of criminal offences (that is, for the younger minors between the ages of 14 and 16 and for the older minors between the ages of 16 and 18), a representative of the guardianship authority carries out an assessment of the condition, needs and risks for the child, develops the service plan with the participation of the child and the parents, implements the advisory work, mediates with other institutions, includes the child in certain treatments in order for him to find a solution which is the best for the child, and thus he cooperates with the public prosecutor, that is, the judge for the minors, because of the selection and application of the disciplinary orders and measures, he attends the hearing of the minors in court during the preparatory procedure as well as the sessions of the council for the minors, he takes care of the implementation of the disciplinary orders and measures, etc. (The Child and Youth Protection Service, the Center for Social Work of Novi Sad)

Certainly, the basic form of response to the minors, and in accordance with the LJOCA, is the application of 9 disciplinary measures that are divided into three groups, and they are: the milder disciplinary measures (warning and guidance), more severe disciplinary measures (the measures of increased supervision), and institutional measures.

6. Conclusion

The juvenile delinquency is a big problem both in the world and in our country. The minors are a sensitive group that we, adults, need to shape, so that tomorrow, when they reach adulthood, they will be adults, mature, capable, independent, responsible and working people who can deal with every situation, whether it is negative or positive, and who are ready to be the positive members of the society. As we saw in the paper, the family is the most important factor in the development and the understanding of the minor, for his driving force, the factor that is needed for the minor to start his life in the right and correct direction, to learn to be valuable, and to build his self-confidence, it has to be explained to him that he should not depend on the opinions of his peers and other people, that it is important how he feels, and that there is no shame in showing his feelings. Understanding and separating good from bad behaviour starts in the family, and that is why parents are the key starting points in a child's life. It is certainly important to have a daily conversation with the minors, both in the family and at school, in state institutions, by professionals, and it is necessary to pay special attention to establishing a valuable system for young people. The aim of dealing with juvenile delinquents should be to change them, their attitudes, and to show them that the problems should not be solved by using violence, and that it is not appropriate to use the violence to achieve one's own goals.

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ETIOLOGIJA MALOLETNIČKE DELINKVENCIJE

APSTRAKT: U vreme savremenih društava, gde je savremena informaciona tehnologija na visokom nivou razvijenosti, gde je sve dostupno i poznato, a društveni uzroci i psihološke karakteristike koje proizvode nepovoljne lične i društvene posledice široko rasprostranjene, koje utiču prevashodno na maloletna lica, predstavljaju pogodno tle za razvoj maloletničke

delinkvencije. Maloletnička denkvencija je ozbiljan problem sa kojim se susreću sva savremena društva, i predstavlja najširi pojam koji obuhvata različite pojave devijantnog ponašanja maloletnika. Reč je o maloletnim licima koja su izvršila neko od krivičnih dela, zbog kojih je pokrenut krivični postupak i izrečena neka od sankcija. Postoje mnoge teorije i istraživanja koja se osvrću na razliku između delinkvencije i kriminaliteta, te se u ovom radu tom razlikom nećemo posebno baviti. U ovom radu će biti prikazan sam pojam maloletničke delinkvencije kao polazne tačke za razumevanje svih oblika devijantnog ponašanja, i to sa aspekta krivičnopravnog, psihološkog i sociološkog stanovišta. Utvrđeno je koji su to uzroci kriminalnog ponašanja maloletnika, i koji su to rani znaci za prepoznavanje mladih prestupnika. Cilj istraživanja je svakako i upoznavanje sa prevencijom delinkvencije, koja je usmerena na prestupnike. Iz primera se vidi koja su to najčešća krivična dela koja prijavljeni, optuženi i osuđeni maloletnici izvršavaju, podele prema polu, starosti, i krivičnoj sankciji.

Ključne reči: maloletnička delinkvencija, uzroci kriminalnog ponašanja, rani znaci prepoznavanja prestupnika, prevencija delinkvencije.

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