

JUVENILE DELINQUENCY IN NORTHERN TRANSYLVANIA

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Abstract: *The growing criminology during the years after the removal of Communism is an obvious phenomenon and the one regarding minors makes no exception. The research of data highlighted by the forensic psychiatric evaluations in three counties in the north of Transylvania showed the fact that the phenomenon of juvenile delinquency had an upward trend, the boys being the overwhelming majority of the involved subjects, especially those living in the urban environment; the factors that cause conduct disorders with judicial implications are represented by the low social, cultural and economic background. The low educational level is almost a constant as it records a high rate of school abandonment in the very first grades; an important role is played by social and family anomy; in the great majority of cases, despite the lower cognitive level (influenced to a great extent by the educational deficiencies and the weak motivation for the resolution of administered tests), we noticed the presence of discernment reported to the deeds that were committed which attracts penal responsibility; as for the sanctioning regime, educational measures are preferred.*

Keywords: *juvenile delinquency, forensic psychiatry, conduct disorders, criminology*

Rezumat: *Infraționalitatea în creștere în anii de după înlăturarea comunismului este un fenomen evident, cea referitoare la minori nefacind excepție. Cercetarea datelor relevate de expertizele medico-legale psihiatrice din 3 județe din nordul Transilvaniei evidențiază faptul ca fenomenul delincvenței juvenile înregistrează un trend ascendent, băieții constituind majoritatea covârșitoare a subiecților implicați, cu precădere cei din mediul urban; factorii ce determina tulburările de conduita cu implicatii judiciare sunt reprezentati de nivelul scăzut socio-cultural și economic, nivelul educativ scăzut este aproape o constanta înregistrându-se o mare rata a abandonului scolar inca din primele clase; un rol important îl joaca anomia sociala și familiala; în marea majoritate a cazurilor, în pofida nivelului cognitiv mai redus (influențat însă în mare măsura de carențele educative și slaba motivație pentru rezolvarea testelor administrate) se constata prezenta discernamintului raportat la faptele comise ceea ce atrage responsabilitatea penala; în ce privește regimul sancționator sunt preferate masurile educative.*

Cuvinte cheie: *delicvența juvenilă, psihiatrie legală, tulburări de comportament, criminologie.*

INTRODUCTION

Juvenile delinquency or the criminal behaviour of minors is one of the greatest social problems which we must face nowadays. The forms of manifestation are varied: from murder to theft or manifestations with a lower degree of social danger. This behaviour with a profound antisocial character is present in all the countries and all social strata, being a threat for tomorrow, which explains the collective effort sustained at world level for finding the most suited solutions for its resolution. In specialized literature, juvenile delinquency is defined as „the totality of deviations and violations of social norms, legally sanctioned and committed by minors until 18 years of age”. As a special form of deviance, “juvenile delinquency defines the totality of conducts of minors and youth in conflict with the norms of cohabitation socially accepted and recognized by the society”.(10) In the aetiology of the phenomenon we find social, economic, educational, cultural or psychopathological factors and in the study, prophylaxis and reduction of its sizes police, legal, economic, social, cultural, educational and medical forces are involved. One of the fields specifically involved in the investigation of the phenomenon of juvenile delinquency is the field of forensic psychiatric expertise. The complex activity of psychiatric forensic medicine has, among other tasks, the establishment of causality relations between the social, psychological, cultural and economic coordinates in which the delinquent minors evolved, on one hand, and the offences they committed with inherent legal implications, on the other hand, and the function of giving psychological, dynamic and behavioural references that explain: the phenomenon of offence, its psychological mechanisms, the causes of nonconformist and relapse, the criminal and victimization potential, social danger, responsibility and discernment, specific reactivity to the detention environment, etc. The correct diagnosis of the psychological and behavioural profile of minor delinquents and the mention of causal determinism of their antisocial behaviour are the fundamental requirements for outlining the measures that ensure the psychic recovery and social reinsertion of the people

involved. In the last years, especially after 1990, the dynamics of the offence recorded an alarming upward trend in general and in minors, especially. The present study highlights the abovementioned aspects in northern Transylvania.

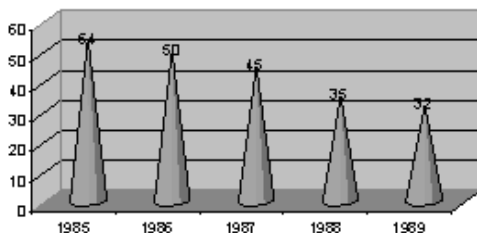
MATERIAL AND METHOD

The study has a retrospective character, including a number of 3,263 delinquent minors aged between 14-16 years of age, submitted to expertise in the Commissions of Forensic Psychiatric Expertise at the level of the Institute of Forensic Medicine in Cluj and the County Departments of Forensic Medicine in Salaj and Bistrita-Nasaud, during the period 1999–2006. It aims at a series of parameters: the *dynamics of criminal phenomenon, distribution by genders of delinquent minors, the social background, the profession of the parents of criminal minors, juvenile delinquency from the perspective of family anomaly, the influence of the factors of macroclimate on the schooling degree of criminal minors, the cognitive level of delinquents was established depending on the intelligence quotient (IQ), calculated by Raven method, the discernment of delinquent minors, the committed offences, the criminal relapse, the educational measures proposed by the Commission of Expertise according to the provisions of the Penal Code.*

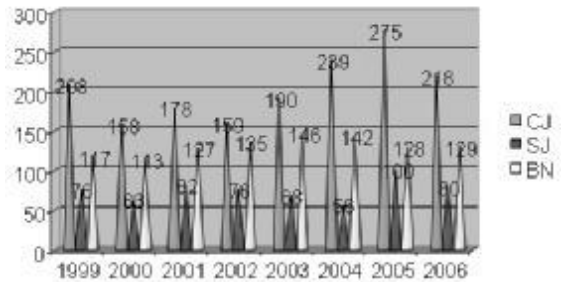
RESULTS AND DISCUSSIONS

The dynamics of the criminal phenomenon. In the period of study, offence in minors knew an upward trend, the maximal level being reached in 2005 when a number of 275 forensic psychiatric evaluations were conducted in Cluj (503 in the three counties), the lowest level being recorded in 2000 (with 334 cases). If we make a comparison to the case of the last years of Communist dictatorship, the increase is high (between 1988 and 1989 just 35 cases and respectively 32 cases were recorded in Cluj county). Parallelism is obvious between the long social, economic crisis of post-Communist Romanian society correlated with the relaxation of coercive measures, on one hand, and the increase in juvenile delinquency, on the other hand. By assimilating less the useful things presented in mass media, with educational deficiencies from family and school, victims of social and family anomaly, deprived of the feeling of security and a clear projection of the social professional perspectives, the disoriented youngsters slip more and more on the slope of offence and the antisocial. (Pictures no. 1 a and 1 b)

Picture no. 1. a. Dynamics of juvenile delinquency in the last years of communism in the county of Cluj



Picture no. 1. b. Evolution of juvenile delinquency in the counties of Cluj, Salaj and Bistrita-Nasaud



Distribution of delinquent minors by gender: We notice a net prevalence of the masculine gender in the group of evaluated delinquent minors and a real tendency of growth in time of the number of criminals of both genders, out of 3,263 delinquents 2,992 were boys (92%) and 271 (8%) were girls. (Picture no. 2)

Picture no. 2. Juvenile delinquency - Sex-ratio



The social background: As for the distribution by social backgrounds of the cases we recorded a much lower weight of minors from the rural background. This phenomenon is probably explained by the apparent protection of the rural environment by: more reduced temptations, the persistence of a social cultural model that involves a certain type of family structure – where a stricter moral education is practiced and the religious factor has an important role, but also by the more modest spread of the working stratum from which the highest number of criminal minors is selected. (Figure no. 3).

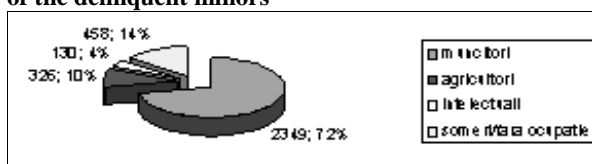
Picture no. 3. Social environment (Cluj+Salaj+Bistrita-Nasaud)



The profession of the parents of criminal minors: The parents of delinquents belong on the professional line both to the group of intellectuals and clerks, but most of all to the groups of workers (72%) and farmers (10%). A percentage of 14% (growing) expresses the weight of criminal minors with unemployed parents or parents without occupation. There is a percentage of 4%, for delinquent children coming from families of intellectuals (130 cases). The study of their files reveals that almost half of them were neglected, raised in a permissive way

with a tendency – or institution – of entropy in family life; the other half is represented by overprotected children that were always offered more than they asked for, affectively immature, in an aggressive way of validating one’s own personality and detachment from the suffocating parenthood. The very high proportion of 72% (2,349 cases) – of minor delinquents with parents from the working line manages nothing but to confirm the anomy that was instituted in this social professional category with multiple dysfunctions in the growth proves of children, the socializing role of such a family gradually diminished and at the same time highlighted a scission, an opposition between the family “norms” and the real social norms. (Picture no. 4).

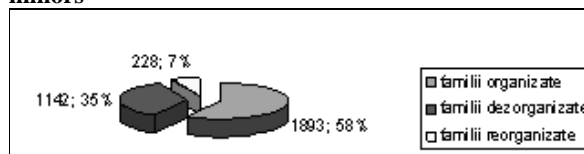
Picture no. Origin environment (parents’ occupation) of the delinquent minors



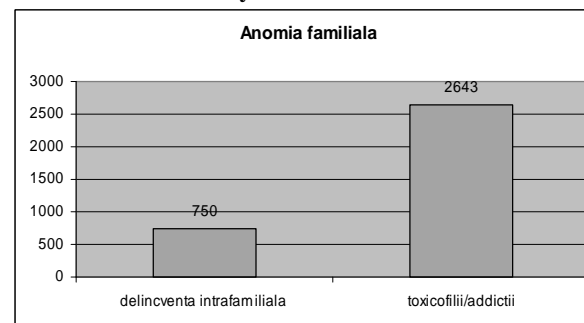
Juvenile delinquency from the perspective of family anomy: In spite of the reduction of the educational function of the family in the conditions of modern society, of the transfer of this function to other social institutions, especially to school, the socializing role of family is huge. No other institution can take over this entire role; that is why, any dysfunction of the family risks to generate major consequences that shall be projected on the entire educational process that takes place in the family. *Anomy* consists of a social state characterized by the absence or weakness of norms; it appears in opposition with the notion of social cohesion, with the social norms of behaviour, instating following a marked imbalance, a strong tension between the proposed aims and the means that are legitimately accessible to certain social categories. The concept of family *anomy* defines the instauration of a marked family entropy turning upside down all its functions and especially the socializing function; this situation implies the existence of a real opposition between the social norms, perceived as hostile, completely outside and strange, non-submitted to a necessary process of interiorization and the “norms” of the family that deprived the children from the essential tool of orientation in the world beyond the family borders. It would be absurd to believe that the family perturbations could inevitably lead to problems of non-adaptation or delinquency. This statement is consolidated in this study by the high percentage –58% - of delinquent minors coming from organized families, of which more than half are not deficient. However, for individuals with increased susceptibility towards a delinquent behaviour with certain psychological features, they can have a criminal ending. The *indirect influence* on the personality of the delinquent minor is objectified in the studied cases by: the proportion of 7% (228 cases) of criminal minors coming from reorganized families, but with an improper reorganization incapable of giving the children the security climate they

need, the personal model, the surveillance and stimulation of positive activities; the 35% (1,142 cases) of disorganized families, with several deficiencies ; 83 % (2,643 cases) of total delinquents coming from organized, reorganized and disorganized families burdened with the family “inherited” reason of the consumption of toxic substances, especially alcohol. From the perspective of the direct influence of the family of origin on the delinquent potential of minors, we identified the presence of intra-familial delinquency in 23% of the total number of cases. (Pictures no. 5a and 5b).

Picture no. 5. a. Family structure of the delinquent minors



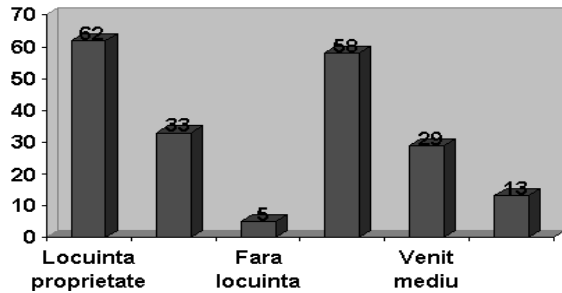
Picture no. 5. b Family anomie



The influence of the factors of macroclimate on delinquency: The issue of juvenile delinquency from etiological perspective is not completely approached and studied in the absence of the factors of macroclimate in which the personality of the delinquent minor evolves. The macroclimate sums up the social, economic, cultural, political conditions in which the life and activity of a family evolves in a given society in a certain period of time. In order to study this parameter, we oriented the interpretation of data through the prism of factors of economic nature that could determine or condition the criminal behaviour of minors. For this purpose, we aimed at obtaining information on: the *habitable* conditions of the criminal – respectively the property/rent/absence of dwelling; proper or improper conditions, in each case (number of rooms, number of persons, hygiene conditions etc.); the *monthly income of the family* - constant – below the limit of poverty/environment/good; rare; absent. We noticed that in 62% of the cases the dwelling was private property, 33% lived with rent and a proportion of 5% of the minors did not benefit from a dwelling. (Figure no. 6). The reporting to the monthly income highlighted a very important weight of the families of delinquents that live below the poverty limit– 58%, out of which 29% have average/good incomes and 13% are without income. One cannot ignore the correlation that exists between the precarious social and economic conditions and family

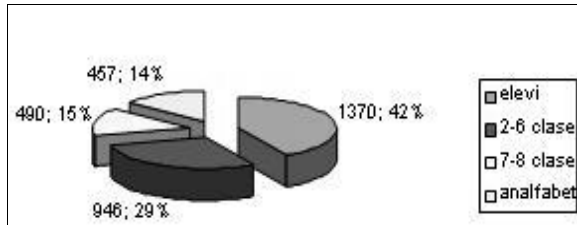
anomy, the latter being frequently maintained by a defective material situation with several privations, source of permanent intra-familial conflicts that will influence the process of growing and raising children.

Picture no. 6. Influence of the macroclimate factors on delinquency



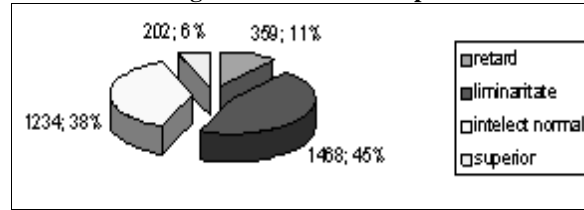
The schooling degree of criminal minors: School is one of the institutions that takes over a part of the socializing function of the family, having a direct contribution by specific disciplines with a role of consolidation of social norms of behaviour assimilated in the family offering varied possibilities of approach of educational measures that are imposed following the commission of offences with determining influence from the perspective of psycho-pedagogic recovery of the young criminals. Therefore, we gave a special place to the school situation of minor delinquents during the studied period and we noticed that it did not offer soothing data. Thus, there is a high proportion – 14% (457 cases) – of illiterate minors low compared to the percentage of minors with school abandonment, which is 44%. At the date when the forensic psychiatric evaluation was performed, only 42% (1,370 cases) of delinquents were students, and their interest for instruction was obviously diminished and is expressed by: non-attendance and very weak results– 26%, weak results and satisfying adaptation– 13% and only 3% had good school results. (Picture no. 7).

Picture no. 7. Education level of the criminal minors



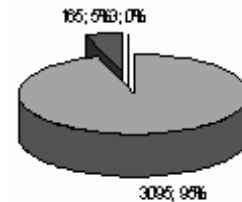
The cognitive level of minor delinquents: The psychological examination of minor delinquents submitted to this study highlights different values of their cognitive level, which was appreciated in most cases by applying the Raven test. On the whole, the case of the cognitive development of criminals corresponds to the following proportions: *mental retard* – 11% (359 cases); *limit intellect* – 45% (1,468 cases); *normal intellect* – 39% (1,234 cases); *superior intellect* – 5% (202 cases). (Picture no. 8).

Picture no. 8. Cognitive level of the expertise minors



The discernment of delinquent minors: The normal man is a man responsible of his doings, permanently understands the freedom and the necessity of his actions, continually reporting them to the objective laws of the society. A more complete definition of responsibility is the definition given by Romilă: “discernment is a psychic function that manifests itself in the capacity of the subject in conceiving the plan of an action, its purpose, the order of stages of its development and the result of committing the action; it is the capacity of the subject of motivationally organizing his activity. He expresses the freedom of will of the individual of committing actions according to the social norms, norms that the subject assimilated and respects as an inner social command, as a moral duty of the civilized citizen towards social cohabitation.” This function depends on the structure of the personality of the individual and the structure of his conscience at the moment of committing the deed. Discernment was chosen as sole criterion for appreciating responsibility. The conclusions of the commission must reflect a serious and responsible analysis of the case and must not forget that their accuracy may depend to a larger or smaller extent the present and future from the social, family and professional perspectives of the person evaluated, the possibility of social and psychological recovery of the delinquent minor. In the present study, the appreciation of the general discernment and the deeds of the young criminals evaluated during the period 1999-2006 led to the following results: *discernment below the level of 14 years of age* - 3 cases in which the minors are not responsible for their actions; in 5% (165 cases) we appreciated that the minors acted with a diminished *discernment*, which is a mitigating circumstance and respectively *discernment between 14-16 years of age*: 95%, cases in which the delinquents have the responsibility of committed actions. (Picture no. 9)

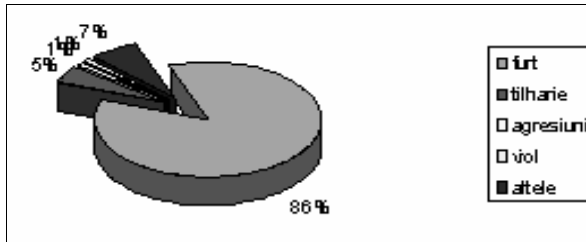
Picture no. 9. Discernment of the delinquent minors in Cluj, Sălaj și Bistrița Năsăud



Committed offences: The type of offences made by the evaluated minors had one of the following forms: *theft* – 86%; *burglary* – 5%; *aggressions* – 1%; *rape* –

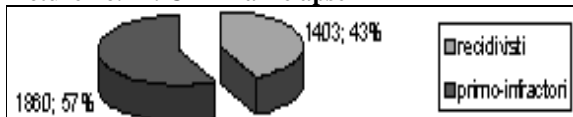
1%; *other offences* – 7%. We observe there is a very high proportion of theft, in most cases committed in a group of delinquents (Picture no. 10)

Picture no. 10. Committed offences



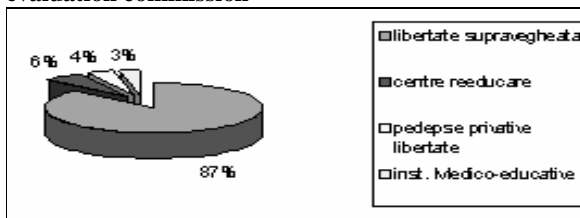
Criminal relapse: Relapse is one of the elements that give clues regarding the efficiency of educational measures applied in the offence or previous offences. Out of 3,263 evaluated delinquent minors, a number of 1,403 were relapse delinquents, respectively 43%, while the rest of 57% (1,860 minors) were at the first offence. (Picture no. 11)

Picture no. 11. Criminal relapse



Educational measures proposed by the evaluation commission. They are a set of social, medical, psychological, pedagogic and judicial actions that aim at reducing the crime and the social reintegration of delinquent minors. The educational measures that were recommended following the forensic psychiatric evaluation had the following forms: *freedom under surveillance* – 87%, surveillance by family, close relatives or tutorial authority; *internship in re-education centres*– 6%; *penalties with privation of freedom* – 4%; *internship in medical educational institutions* – 3%, for delinquent minors that have psychological sensorial deficiencies that impose medical treatment. (Picture no. 12).

Picture no. 12. Educational measures proposed by the evaluation commission



CONCLUSIONS

1. Crime in minors knows a net increase in the period of transition; for example, from 35 forensic psychiatric evaluations conducted during the year 1988 in Cluj county we arrived in 2005 to 275 cases in the same county in the conditions of decrease in general population and the representatives of that category. An overall image of 3,263 evaluated minor delinquents reveals a marked tropism of boys for

antisocial actions (92%), with prevalence in the urban environment (73%) and those coming from worker families (72%);

- The most common crime for which the minors were submitted to the forensic psychiatric evaluation was theft (86%), followed, especially in the last years by offences with violence (burglaries, other aggressions) and sexual crime;
- The data of social investigation highlights the role of deficiencies of family order in determining the deviation from the norms of social cohabitation: disorganized or reorganized families 42%, improper dwelling 45%, monthly income below the limit of subsistence 57%, alcoholism/addictions in the family 83%, intra-familial delinquency 23%;
- School is not a protective and/or recovery factor of children with behavioural problems while 58% of the evaluated minor is either illiterate or in school abandonment.
- The general discernment of facts was present in 95% of the cases in almost 5% of the cases being diminished and in 3 cases – abolished.
- The educational measures that were considered useful by the Evaluation Commission in the recovery and social reinsertion of evaluated minors were: under surveillance freedom– 87%, internship in re-educational centres– 6%, internship in medical and educational institutes– 3% and penalties privative of freedom – 4%.

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