

THE MAIN CONCEPTS OF JUVENILE DELINQUENCY IN THE TERRITORY OF THE REPUBLIC OF KOSOVO

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Abstract: The object of research and study of this paper is related to the treatment and analysis of issues related to the phenomenon of juvenile delinquency. Juvenile criminality is a complex social phenomenon, the recognition of which requires a more in-depth scientific treatment. Historically, juvenile delinquency has existed since the existence of human society and represents a crucial social problem, which in some countries has conferred less, and in some countries more. The criminality of minors nowadays is a worrying, dangerous and adverse phenomenon, not only for Albanian society but for the whole world society. In general, by juvenile delinquency, we mean all illegal and antisocial behavior of juveniles. Juvenile delinquent behaviors usually begin to appear at the age of puberty, with numerous antisocial behaviors and reactions. It is necessary at this stage to take the necessary measures to deal with these behaviors because we will have a continuous increase in these anti-social behaviors. The increase in juvenile delinquency in a society depends on several factors, such as economic, social, and cultural factors, and so on. Rapid technical and technological development has also influenced the increase in juvenile delinquencies. Criminal justice for minors is a very complicated field, which encompasses not only the issues of minors in conflict with the law, but also all the preventive, protective, and rehabilitative measures that a state must undertake to prevent this phenomenon, namely to minimize the participation of minors in criminality. Therefore, today every state, through various institutions such as schools, families, media, and so forth undertake preventive measures as well as repressive measures to prevent this phenomenon. However, such a process of prevention is complex and yet a necessary process. The criminal legislation of Kosovo has adjusted the issue of juvenile delinquency through the Juvenile Justice Code, which provides special provisions regarding their treatment. Due to the age, and failure to achieve the proper bio-psychological development of minors, this Code foresees mitigating circumstances compared to adults. So the goal of all democratic states is to ensure basic human rights and freedoms. Notably, special care is given to the realization and assuring of the rights of minors, and their protection, since children are considered the essential nucleus of any society. In general, this paper analyzes the basic notions regarding the delinquency of minors, their criminal responsibility, the factors that influence the appearance of this phenomenon, the punishments imposed on them, and the measures for preventing juvenile delinquency. The methods used for the realization of this work are supported and adapted according to the nature of the research.

Keywords: juvenile, juvenile delinquency, juvenile protection, delinquent behavior.

1. INTRODUCTION

Juvenile criminality, and criminality in general, is one of the most serious concerns of all societies, including ours. Delinquency as a negative phenomenon of minors dates back to ancient times and continues to be present even today. It is manifested by the disrespect of legal and moral norms. Minors usually run afoul of the law due to economic, psycho-social, and so forth circumstances. Therefore, to study juvenile delinquency, all the factors and dimensions which they affect must be researched, to find the most appropriate methods and ways to prevent it. Children's rights are an integral part of the justice system. Therefore respecting these rights is an essential part of the better functioning of justice. Minors need humane treatment, extra care, and a bright future. Their issue is treated in the penal legislation of Kosovo, adopting the Juvenile Justice Code, which regulates all justice issues related to minors. The Code of Justice regulates the treatment of minors as perpetrators of criminal offenses, and as participants in the procedure. It also determines the measures and punishments to be imposed on minors, based on respecting fundamental human rights and freedoms. The issue of the definition of juvenile delinquency is complicated and complex. This complexity conditions the necessity for the problem of criminality, criminality-delinquency of minors to be given not only legal-penal treatment but also adequate criminological, sociological, and psychological treatment. (Hajdari, A. 2004). In the phenomenological aspect, juvenile criminality is part of general criminality, but due to the many specifics of minor perpetrators of criminal offenses, especially their age, as well as sociological, psychological, and legal aspects, and so forth, the criminality of minors must be treated separately from the criminality of adults. (Salihu, I. 2008). By juvenile delinquency, we mean the antisocial and illegal behavior of minors. In the criminological literature, the term juvenile criminality or behavior of young people is often used, which intends to highlight the criminal activity of young people, which includes minors and young adults. (Halili, R. 2011). The Juvenile Justice Code of Kosovo has defined the principles and definitions of the notions of a minor, young minor, adult minor, and adult, as follows: Child - a person who has not reached the age of eighteen (18) years,

minor - a person between the ages of fourteen (14) and eighteen (18), young minor - a person between the ages of fourteen (14) and sixteen (16), adult minor - a person between the ages of sixteen (16) and eighteen (18) years, a young adult - a person between the ages of eighteen (18) and twenty-one (21) years, a young person - a child or a young adult as well as an Adult - a person who has reached the age of eighteen (18) years. (Code of Justice for Minors of the Republic of Kosovo, 2018). In recent times, juvenile delinquency is taking up an increasingly important place in modern criminology, by which we can infer that recently it is being represented as a topic of the time. The primary problem of criminology as a science is to find the causes of juvenile criminal behavior, that is, to provide etiological explanations of juvenile delinquency as a significant phenomenon. Another issue is the illumination of various social, psychological, and other phenomena related to criminality. To achieve this goal, criminology as a science must analyze more deeply the social processes on the one hand and the personality of the delinquent on the other. While examining this topic, we have often come across notes that indicate not only the growth of this type of criminality but also the appearance of new forms of juvenile delinquency. To the extent that one category of authors thinks that this negative phenomenon is a product of not meeting the needs of society, the other category thinks about the minor's personality. Juvenile delinquents are distinguished not only by types of delinquent acts and behaviors but also by their psychic, psychophysical and socio-biological properties. Therefore, this circumstance is of decisive importance during the pronouncement and treatment of various measures against minors based on this also of remedial educational measures against them. In the penological theory and the law-making practice of many countries, efforts have been made to find adequate measures to protect minors, prevent their delinquent activity, re-education and re-socialize. The purpose of these efforts and concrete positive legal solutions in many countries is to provide protection and assistance by supervising and controlling them, training them during their stay in institutions, and developing their responsibility. So that in the future they become honest and correct citizens. The sociological aspect of researching delinquent behaviors of minors should be different from their social conditions, with accurate notes on the family circle, use of free time, consumption of alcohol, narcotic substances, intellectual maturity, and the like. Some factors are economic conditions, living conditions or residential and family conditions as some authors call them, lack of parental control, involvement of minors in different groups, and so forth. (Ismail, Z. 2008). Some of the characteristics of contemporary criminal law for juvenile offenders are: first coeval criminal law provides special provisions for juvenile offenders, which differ from the provisions referring to adults, second criminal law for minors in relationship to the sentence given, gives priority to the implementation of diversity measures and educational measures, third the prosecuting bodies and the courts have been given broad authorizations, fourth there are special bodies of jurisprudence that have the task of combating the criminality of minors. (Salihu, I. 2008).

Measures and penalties applicable to minors in the Republic of Kosovo -Compared to the legislation that was in force before the liberation of Kosovo, the present Juvenile Justice Code of Kosovo regulates the issue of minor perpetrators of criminal offenses, based on a completely new concept, in accordance with the most advanced models of criminal legislation of Western countries. (Salihu, I. 2008). The Juvenile Justice Code foresees that sanctions that a juvenile court may impose upon a juvenile adjudged to have committed a juvenile offense should be measures or punishments. In addition to these measures, actions for compulsory treatment may also be imposed on the minor. The main criterion while determining the sanction to be imposed is the age of the minor who has committed a criminal offense. Based on this criterion, if the minor commits a criminal offense between the ages of 14 and 16, only one of the mentioned types of measures can be imposed on him, while the minimum age of criminal responsibility for the imposition is 16 years. The Juvenile Justice Code of Kosovo foresees two types of measures that can be imposed on minors, namely Diversity measures and Educational measures. Diversity measures - The Juvenile Justice Code has defined the purpose of the imposition of these measures, as to prevent, when possible, the initiation of the procedure against the juvenile perpetrator, to help the positive rehabilitation and reintegration of the juvenile into his community to prevent recidivist behavior. Such measures are Reconciliation between the minor perpetrator and the injured party, including an apology from the minor to the injured party, reconciliation between the minor and his family, compensation for the damage to the injured party based on the mutual agreement between the injured party, the minor and his legal representative, following the minor's financial situation, regular school attendance, acceptance of employment or training in a profession adequate to his abilities and skills, performing work without payment in general benefit by the juvenile perpetrator's ability to perform such work, education with traffic rules, psychological counseling. While within the framework of educational measures, judicial reprimands, increased supervision, and institutional measures are taken. According to the Juvenile Justice Code of Kosovo, the punishments that may be imposed on juveniles are fines, and orders for community service work (Kosovo Juvenile Justice Code, 2018). In the concept of the policy of combating juvenile delinquency, the idea of general and individual prevention prevails. Through educational and pedagogical, recreation, and community programs, the foundation of most efforts to prevent juvenile delinquency is aimed. The above-mentioned enable the positive

development of the human personality, social and family problems solutions, professional training, and the like. In addition to preventive measures, every society is forced to impose measures and penal sanctions on juvenile perpetrators, which differ from the measures and sanctions imposed on major perpetrators of criminal offenses. (Salihu, I. 2008). Young people living in difficult situations such as poverty, dysfunctional families, drug abuse, divorce, or the death of family members are at risk of becoming delinquent. To prevent the delinquency of minors in society, the community must be actively involved in providing basic services for the well-being of their children and cooperation with minors. (Buçaj, E.&Haziri, F. 2020).

2. METHODOLOGY

The methodology and work methods have considerable importance while treating juvenile delinquency. Through those methods and methodology, it is best possible to present and research this form of delinquency. My study in this paper focuses on the treatment of the concept of minors, delinquency of minors, and their criminal responsibility, ascertaining the driving factors that lead minors to criminal activities, the criminal measures, and sanctions applicable to them as well as the measures that should be taken for the prevention of this phenomenon. Some of the methods I used to research this phenomenon were: a) the historical method - this method shows that juvenile delinquency did not arise by chance, but that the economic and social conditions of the certain region, the social-political circumstances, and the like led it. b) the statistical method - this method makes it possible to closely follow and see the movements in terms of the structure, volume, and dynamics of juvenile criminality during 2018-2019. the comparison method - through this method, the criminal actions, namely juvenile criminality in the territory of the Republic of Kosovo, have been tracked, as well as the comparison of the commitment of this type of crime during 2018-2019.

3. RESULTS

Criminological damages and court practice data observed that juvenile delinquents participate in crimes against property, in crimes against traffic safety, in the commission of crimes in organized criminal groups and associations, in the activity of distribution and consumption of drugs, in other acts of violence, and the like. The causes of juvenile delinquency are similar to the causes of adult criminality, but some factors are highlighted in the literature that is somewhat more typical for this age of delinquents. The following factors are specifically mentioned: family environment, family education, the process of education and training, the influence of the mass media, especially the influence of the news media, television, film, literature, family, urbanization, migration, and the like. (Halili, R. 2011). In the context of the research paper, an analysis was made regarding the number of juveniles convicted, according to their gender, measures, and punishments imposed by the Basic Courts of Kosovo during 2018-2019.

(Jurisprudence statistics for minors 2018 - 2019, Kosovo Statistics Agency, table no. 1).

| Year | No. of juvenile convicts | Gender of convicts | |
|--------------------------------|--------------------------|--------------------|----|
| | | M | F |
| 2018 | 713 | 680 | 33 |
| 2019 | 686 | 647 | 39 |
| The Difference: 2018/19 | -27 | -33 | 6 |

TABLE no.1 Minors convicted in Basic Courts in the Republic of Kosovo during 2018/2019. In 2019, there is a decrease in juvenile convicts compared to 2018, albeit not a big difference. This can be considered a positive element. So during 2019, male juvenile convicts predominated with 94.7% compared to juveniles convicted in 2018 with about 95.4%. The distinguishing feature between these two periods is the increase in the number of convicted minors of the female during 2019 by about 5.7% in contrast to 2018 with 4.6%. The increase in juvenile delinquency is also present in Kosovo. This fact is a concerning due to the importance of the right education for the youth in every society. It should be noted separately that in the field of criminality, the commission of criminal offenses at a minor age creates a kind of addiction to criminality. (Salihu, I. 2008).

| Name of Courts | No. of convicted | TYPE OF PENALTIES | | | | | | | | | | | | | | |
|------------------------------|------------------|-------------------|------------|------------|------------|-------------|-----------|-----------|------------|-----------------------|---------------------------------|----------------------|--------------------|----------------------------------|--|--|
| | | With FINES | 5-30 DATES | 1-2 MONTHS | 2-6 MONTHS | 6-12 MONTHS | 1-2 YEARS | 2-5 YEARS | 5-10 YEARS | Disciplinary measures | Increased surveillance measures | Measures of Entities | Judicial reprimand | Sending to a disciplinary center | Special obligations related to increased surveillance measures | Special obligations related to increased surveillance measures |
| <i>Gjilan Basic Court</i> | | | | | | | | | | | | | | | | |
| 2018 | 150 | 1 | - | - | - | - | - | - | 1 | 2 | 98 | 11 | 37 | - | - | - |
| 2019 | 156 | - | - | - | 1 | - | 1 | - | 1 | 11 | 83 | 6 | 53 | - | - | - |
| <i>Prizren Basic Court</i> | | | | | | | | | | | | | | | | |
| 2018 | 79 | - | - | - | - | - | - | - | 1 | 16 | 31 | 17 | 10 | 2 | - | 2 |
| 2019 | 37 | - | - | - | 1 | - | 2 | - | - | - | 16 | - | 14 | 3 | - | 1 |
| <i>Peja Basic Court</i> | | | | | | | | | | | | | | | | |
| 2018 | 32 | - | - | - | - | 1 | - | - | - | - | 27 | 2 | - | - | - | 2 |
| 2019 | 52 | - | - | - | - | - | 1 | - | - | 2 | 45 | 4 | - | - | - | - |
| <i>Gjakova Basic Court</i> | | | | | | | | | | | | | | | | |
| 2018 | 36 | - | - | - | - | - | - | - | - | 1 | 27 | 6 | - | 1 | - | 1 |
| 2019 | 27 | - | - | - | - | - | - | - | - | - | 25 | 2 | - | - | - | - |
| <i>Prishtina Basic Court</i> | | | | | | | | | | | | | | | | |
| 2018 | 250 | 9 | 1 | 1 | 23 | 16 | 10 | 7 | 3 | 6 | 104 | 10 | 52 | 1 | 1 | 6 |
| 2019 | 294 | 2 | - | - | 14 | 25 | 11 | 5 | 3 | 2 | 159 | 6 | 57 | - | - | 10 |
| <i>Ferizaj Basic Court</i> | | | | | | | | | | | | | | | | |
| 2018 | 133 | - | - | - | - | - | - | - | - | 3 | 103 | 2 | - | - | - | 25 |
| 2019 | 71 | - | - | - | - | - | - | - | - | 4 | 51 | 1 | - | - | - | 15 |
| <i>Mitrovica Basic Court</i> | | | | | | | | | | | | | | | | |
| 2018 | 33 | - | - | - | - | 4 | 2 | 2 | 1 | 4 | 10 | - | 8 | - | - | 2 |
| 2019 | 49 | - | - | - | - | 2 | 1 | - | - | 3 | 20 | - | 20 | - | - | 3 |
| Total 2018 | 713 | 10 | 1 | 1 | 23 | 21 | 12 | 9 | 6 | 32 | 400 | 48 | 107 | 4 | 1 | 38 |
| 2019 | 686 | 2 | - | - | 16 | 27 | 16 | 5 | 4 | 22 | 399 | 19 | 144 | 3 | - | 29 |

4. DISCUSSIONS

Children have rights that are specifically different from the rights of adults because children are very vulnerable to experiencing violence, abuse, and exploitation. Another fact shows that children in different cases have to face the law as victims of violent, physical, and psychological treatment. Children are the wealth of the nation, as part of the

new generation, and have a strategic role as a successor nation. (Maulana, F.C.&Rochmah, N.&Agustina, L.& Novanda, G.D. 2020). It is well documented that many children who end up in crime have a troubled childhood, often with early signs of problems. An important issue for further research is how the criminal justice system and child welfare institutions can interact to ensure the best for the child. (Gröning, L. & Sætre, H.S. 2019). The consolidation of democracy and the rule of law is of central importance in preventing juvenile delinquency. In this regard, it has been concluded that to achieve this goal, the responsible state bodies must increase the efficiency of their work. The punitive policy towards perpetrators of criminal offenses is generally considered to be lenient, which has been assessed to be reasonable based on their young age and other circumstances that condition that age. (Hajdari, A. 2015). Recently The Legislation of Kosovo has completed a crucial work by covering everything that belongs to justice for minors with laws, in the material and the procedural aspect. Even though the legislation has been completed, and not only judicial institutions operate in the field of juvenile justice, it is still too early to draw any conclusions regarding the effectiveness of both preventive measures and/or punishments imposed on minors. Only after such an analysis, the effectiveness of the entire infrastructure can be measured and recommendations can be made if there is a need and to what extent changes should be made to the existing system. (Rrahmani, B.&Vula, V. 2018).

5. CONCLUSIONS

Juvenile criminality has always existed. Depending on the circumstances in some countries it has appeared less, and in some countries more. The form of manifestation of this phenomenon, as well as the institutional treatment, has differed from the present time. Minors as a special category are treated in two focuses: minors who conflict with the law and minors as victims and witnesses of any criminal offense. Due to their age, the law has ensured special treatment for them. Various factors push minors to commit criminal offenses: economic, social, psychological factors, and the like. The state, through certain state mechanisms, must take measures to prevent this phenomenon, which unfortunately has seen a considerable increase nowadays, and has become one of the biggest concerns of all societies and countries of the world. The juvenile justice system in Kosovo, as well as in other countries of the world, aims to protect and rehabilitate minors. The measures and punishments provided for minors in Kosovo belong to a modern spirit, the purpose of which is the re-socialization and re-education of minors so that in the future they do not conflict with the law, and return to society as benevolent people.

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