



A Psychological and Legal Perspective on Juvenile Delinquency

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Abstract

Juvenile delinquency constitutes a multifaceted and sensitive societal issue that necessitates an interdisciplinary approach. From a psycho-legal perspective, this phenomenon is examined through the integration of psychological and legal disciplines, aiming to understand the underlying psychological determinants of delinquent behavior among youth, alongside the legal mechanisms for its prevention and management. (Hoge & Andrews, 2002). The present analysis delves into the psycho-legal perspective on juvenile delinquency, addressing theoretical frameworks, empirical findings, and intervention strategies pertinent to this field. The overarching objective is to emphasize the significance of a holistic approach that incorporates both psychological and legal considerations, thereby fostering comprehensive and sustainable solutions for addressing juvenile delinquency effectively. A critical dimension in this context is the investigation of risk and protective factors associated with juvenile delinquency. Extensive psychological and sociological research highlights various determinants influencing the propensity for delinquent behaviors in adolescents. These determinants encompass individual characteristics, such as antisocial personality traits or behavioral disorders, and external influences, including family dysfunction, familial substance abuse, affiliation with deviant peer groups, and residence in high-crime communities. This integrated understanding of risk and protective factors is essential for developing targeted interventions and preventative measures.

Keywords: juvenile delinquency, juvenile justice system, psycho-legal perspective, risk and protective factors, rehabilitation and reintegration

1. Introduction

The psycho-legal facets of juvenile delinquency are complex and require an integrated approach that combines knowledge from psychology and law to understand and manage delinquent behavior among young individuals. These facets encompass the psychological and social aspects of juvenile delinquency, as well as the involvement of the juvenile justice system in preventing and addressing offenses committed by minors. (Knepper, 2007).

One significant facet of juvenile delinquency is the study of risk and protective factors. Psychological and social research has identified several factors that can influence the likelihood of a young person engaging in delinquent behavior. These factors include individual

characteristics, such as antisocial personality traits or behavioral disorders, as well as environmental influences, such as dysfunctional families, substance abuse within the family, association with antisocial peer groups, and communities with high crime rates. At the same time, there are protective factors, such as family and community support, involvement in positive activities, and access to quality education, which can mitigate the risk of developing delinquent behavior.

structured educational programs. (Costa & McCrae, 1992). The most restrictions are typically imposed on children from middle-class families, where parents are strong proponents of "educational rigor." In these families, children are pressured from an early age to develop responsibility, orderliness, discipline, cleanliness, and proper social manners.

2. Legal Aspects of the Psycho-legal Facets of Juvenile Delinquency

The legal dimensions of juvenile delinquency represent a critical component of the broader psycho-legal framework, as they define the principles and mechanisms through which society responds to offenses committed by minors. Juvenile delinquency is not merely a psychological or social phenomenon; it also falls under legal scrutiny, where the justice system must balance accountability, rehabilitation, and the protection of children's rights. The legal aspects of juvenile delinquency involve legislative frameworks, judicial procedures, sentencing policies, and the role of rehabilitation in ensuring both justice and reintegration.

2.1 The Legal Framework Governing Juvenile Delinquency

Each legal system has developed specific regulations addressing juvenile offenders, recognizing their distinct status compared to adult criminals. The foundation of juvenile justice is based on principles derived from international legal instruments, such as the United Nations Convention on the Rights of the Child (CRC) and the Beijing Rules (United Nations Standard Minimum Rules for the Administration of Juvenile Justice). These legal instruments emphasize rehabilitation over punishment and advocate for treatment that respects the dignity and developmental needs of minors.

National legal systems generally define a minimum age of criminal responsibility, which varies between jurisdictions. While some countries set this age at 10 or 12 years, others have higher thresholds, acknowledging the evolving cognitive and moral capacities of children. The legal system must ensure that juvenile offenders are treated in a manner consistent with their level of maturity and potential for rehabilitation.

2.2 Judicial Procedures and Rights of Juvenile Offenders

A fundamental aspect of juvenile delinquency from a legal perspective is the way in which young offenders are processed within the justice system. In most jurisdictions, specialized juvenile courts are established to handle cases involving minors, ensuring that proceedings are adapted to their developmental stage and best interests. Juvenile courts prioritize education and reformation over punitive measures, striving to prevent recidivism by addressing the underlying causes of delinquent behavior.

The legal approach to juvenile sentencing is increasingly influenced by psychological research, which underscores the importance of rehabilitation over strict punitive measures. Courts often rely on psycho-legal evaluations to determine the most appropriate intervention strategies, taking into account factors such as mental health status, risk of recidivism, and social environment.

The legal aspects of juvenile delinquency are deeply intertwined with psychological and social considerations, requiring a multidisciplinary approach to justice. The principles governing juvenile justice emphasize rehabilitation, fairness, and proportionality, ensuring that young offenders are given opportunities for reform rather than subjected to punitive measures that may hinder their development.

3. Research Methodology

3.1 General Objective

The present study aims to investigate and analyze the social perception of juvenile delinquency in Romania, identifying the factors that shape public attitudes and the implications of these perceptions for the legal and psychological approaches to juvenile offenders.

3.2 Research Tools

The experimental and observational research, which complements the theoretical foundation of the study, was conducted between January 2024 and September 2024.

Data collection was carried out using questionnaires. The examinations took place at the Institute of Forensic Medicine in Constanța, the Constanța Municipal Police Inspectorate, and the County Clinical Hospital of Constanța.

The research employed tools such as juvenile tracking records, social investigations, medical records, observations regarding the social environment (family, relatives, school, local administration), interviews, forensic psychiatric expertise reports from Constanța and the surrounding county, as well as psychological assessments conducted by expert commissions.

Each participant underwent psychological testing based on the specified instruments. The examinations were conducted through forensic psychiatric expertise evaluations for minors and for adolescent groups with delinquent behaviors.

The non-delinquent group consisted of high school students from Constanța and its surrounding county.

3.3 Study Participants

The research sample consisted of 210 adolescents. At the beginning of the study, participants were between the ages of 14 and 17, with an overall mean age of 16.15 years. Among these subjects, 166 (78%) were male and 44 (21%) were female. The gender ratio was established based on previous research in the field, as well as statistical reports on juvenile delinquency, maintaining the 4:1 male-to-female ratio commonly observed among juvenile offenders.

4. Research Results

4.1 Delinquency in the Family of Origin

Among the 102 delinquent adolescents, 48 have a history of delinquency within their family of origin, while 54 do not. Regarding the non-delinquent adolescents, 11 come from families with a history of delinquency, whereas 97 do not.

Based on these data, we can assert that having a delinquent background in the family of origin represents a risk factor for the development of delinquent behavior in adolescents.

4.2 Recidivism and Age at First Offense

Among the 102 delinquent adolescents, 20 are recidivists. The mean age of the study participants was 15.98 years, while the mean age at first offense was 15.94 years. However, for recidivist offenders, the mean age at first offense was significantly lower, at 13.10 years.

These figures indicate that recidivism tends to occur relatively soon after the first offense, highlighting the need for intensified psycho-social interventions immediately following the initial criminal act. It is assumed that first offenses take place even earlier, but perpetrators often remain undetected.

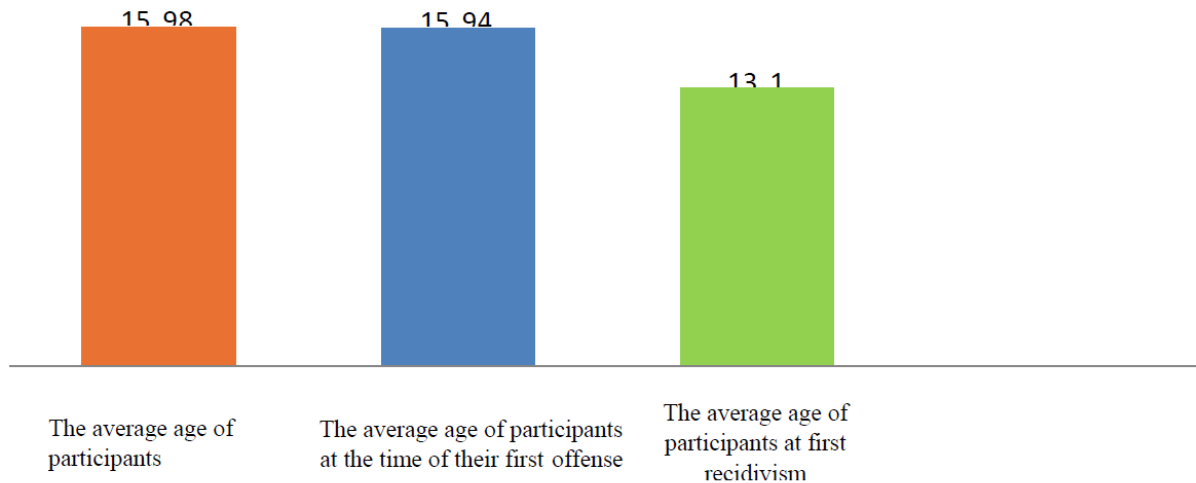


Figure 1. The average age at first offense/recidivism

The identification of criminal actions as serious and violent is sometimes complicated. Jurisdictions may differ in the way they perceive individual actions. Similarly, a physical confrontation between two young individuals at school may be treated as a serious criminal activity in some jurisdictions but merely regarded as a disciplinary issue that the school is expected to handle. However, non-violent criminal acts such as car theft, drug trafficking, and burglary are recognized in most jurisdictions as serious offenses. Likewise, violent actions such as homicide, aggravated assault, rape, and robbery are almost always classified as serious violent crimes. (Grisso, 2008).

Some authorities are also associated with identifying criminal activity as chronic and serious. There are no strict rules regarding the number or severity of criminal actions that define a behavior as chronic. However, in general, we are concerned with young individuals who have engaged in repeated antisocial actions over a period of time.(Graziano & Eisenberg1997).

The variability in education levels had three dimensions—absolute and functional illiteracy, school dropout, and grade levels (9th, 10th, 11th, and 12th grade). Additionally, the number of completed school years for each subject was calculated. Among the 102 delinquent participants, 19 were illiterate (18%), 62 (61%) had dropped out at different stages, 13 (13%) were in the 9th grade, 6 in the 10th grade, 2 in the 11th grade, and none in the 12th grade. Among the 108 non-delinquent participants (high school students), 29 were in the 9th grade, 45 in the 10th grade, 20 in the 11th grade, and 14 in the 12th grade. The average number of completed school years for the delinquent group was 5.5 (SD = 2.708), while for the non-delinquent group, the mean was 9.19 years (SD = .971).

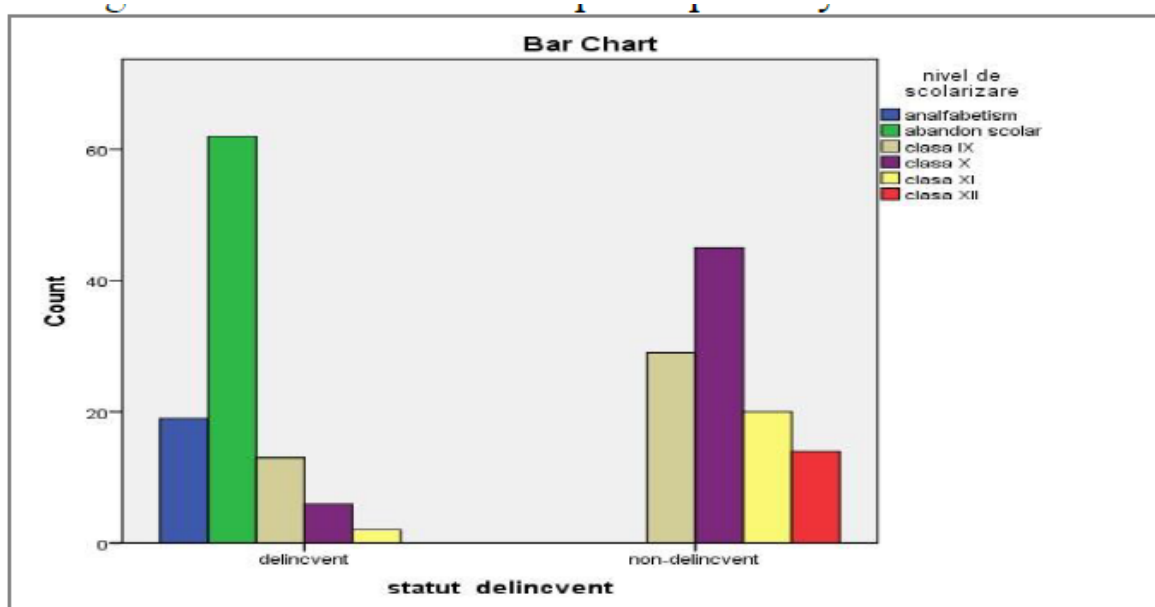


Figure 2. The distribution of participants by education level

We hypothesized that certain personality factors might be predictors of delinquent behavior. Significant differences were recorded in Conscientiousness ($M_D = 35.38$, $M_{ND} = 56.39$, $t(208) = -16.683$, $p < .05$) and Agreeableness ($M_D = 35.88$, $M_{ND} = 56.31$, $t = -16.049$, $p < .05$). We observed that, for both Conscientiousness and Agreeableness, the delinquent adolescents scored low, whereas the non-delinquent group obtained high scores.

Our findings align with other studies, including longitudinal research (Siagt et al., 2001), indicating that low conscientiousness constitutes a risk factor, increasing vulnerability to delinquent behavior in youth, whereas high conscientiousness acts as a protective factor, enhancing resistance to delinquent conduct. Conscientiousness is associated with disciplined individuals, a high sense of duty, and a strong need for professional achievement. Low scores on this trait are characteristic of flexible individuals who tend to procrastinate or give up easily when faced with difficulties. Conscientiousness, also known as constraint, refers to being goal-oriented and reflects the capacity to adhere to social norms and rules, delay immediate gratification, and control impulses. It also involves organizational and self-discipline characteristics and may indicate a child's maturation ability to focus on long-term goals while managing immediate desires related to self-regulation (Jakodnitz & Egan, 2006). The level of conscientiousness is an important predictor of adolescent behavior regulation, particularly when individuals had difficulties controlling their impulses during childhood or early adolescence (Spielberger, 2004).

Regarding Agreeableness, this trait is specific to tolerant and understanding individuals who value teamwork. At a low level, we find individualistic people who tend to trust others less, are highly competitive, and focus more on tasks than on maintaining social relationships. Agreeableness is an interpersonal disposition that denotes a tendency to be prosocial, kind, forgiving, empathetic, direct, and communal towards others, incorporating traits such as gentleness, cooperation, trust, honesty, and a caring nature. Low levels of agreeableness suggest a tendency toward manipulative, cynical, brutal, non-cooperative, and suspicious behavior, which is linked to delinquency and behavioral problems.

Correlations between delinquent status and personality factors showed significant associations with Conscientiousness (0.757) and Agreeableness (0.744). We argue that these two traits could be predictors of delinquent behavior in adolescence.

Juvenile delinquency is generally understood as an evolving perspective of demographic conditions, in which the social, situational, and circumstantial factors related to youth criminal activity are central to analyzing individual vulnerability. That is, dispositional traits interact with demographic or social conditions to trigger delinquent actions. The onset and escalation of delinquency are characterized by two dimensions: long-term escalation ("early onset") and short-term escalation, particularly in adolescents whose delinquent behavior is episodic or limited to adolescence. (Cullen & Francis 2013).

5 Conclusions

The study highlights that a family history of delinquency significantly increases the likelihood of adolescent criminal behavior, emphasizing the role of intergenerational transmission and environmental influences. Recidivism is closely linked to the age of first offense, with repeat offenders engaging in criminal acts at a much younger age, suggesting the need for early intervention strategies. The variation in how jurisdictions classify crimes reveals inconsistencies in legal perceptions, as some offenses are treated as severe in certain areas while considered minor elsewhere. However, universally, violent crimes such as homicide, assault, and robbery, as well as serious non-violent offenses like drug trafficking and theft, are recognized as grave infractions.

Educational disparities play a crucial role in delinquency, with a significant number of delinquent adolescents showing lower academic achievement and higher dropout rates, limiting their future opportunities. The correlation between low levels of conscientiousness and agreeableness and delinquent behavior suggests that personality traits are strong predictors of criminal tendencies. Adolescents with lower conscientiousness exhibit impulsivity, poor impulse control, and difficulty adhering to social norms, making them more susceptible to delinquency. Likewise, low Agreeableness is associated with hostility, distrust, and reduced prosocial behavior, increasing the likelihood of antisocial conduct. Juvenile delinquency is an evolving phenomenon influenced by demographic, psychological, and situational factors, often following patterns of either early-onset chronic behavior or short-term episodic delinquency. Addressing these issues requires a multidimensional approach, including educational support, psychological counseling, and legal reforms aimed at reducing the incidence and recurrence of youth delinquency.

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