

STUDY ON JUVENILE DELIQUENCY AND NATIONAL SITUATION IN ALBANIA

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Abstract:

The scope of the study is limited to juvenile children in conflict with the law lodged in the Institute of the minors, Kavaja. The phenomenon is analyzed at the micro level to find the causes of delinquency and related social circumstances.

The methodology of the study presents a mix between the implementation obligations deriving from the current Albanian legislation and the facts reflected by official data for juvenile law offenders in our country. This analysis will lead to the identification of issues and challenges of children in conflict with the law and the social premises which influenced the increase of the phenomenon

This article is designed by referring to the basic legal documents as well as the advocacy activities and training from various international programs. The data analysis will be followed by the identification of the most crucial problems faced by condemned juveniles as well as some results of the study and some of the problems identified during the study.

Key words: Juvenile justice, focus groups, social integration, delinquent juvenile, Albanian legislation, alternative sentences.

1. Introduction

This study covers the issue of juvenile committed a delinquency and are doing their penitentiary period as well as their integration in the society. The study covers capacity and will of our society for the social integration of these individuals. The existing social, psychological and legislative studies have not paid any special attention to this problem. An important issue is how sensible are relevant governmental structures for creating minimal conditions for this part of the society, taking necessary measures related with alternative sentences, different services and programs available during detention, prison and after sentence periods.

Regarding the juvenile justice situation in Albania, there has been an increase at the ration between the age and crime in the transition years. In general, the maximal age of crime commitment is higher for the male individuals compared with females ones. After the '90s, the crime actions among juvenile individuals are increased in Albania; hence, it is important to identify all reasons and needs in order to intervene in the early phases to prevent and avoid the recidivism.

An important fact is that Albania has a young population compared with the other countries of Europe; 1/3 of the population is at age of 1 – 18 years old. The trend of the juvenile individuals to get engaged on the criminal activities it's an indicator of the social problems. Poverty, the lack of financial resources, internal families' conflicts, parents' divorces, school abandonment, emigration of family members, drugs, etc., are some of the major problems which have helped in increasing the criminality among the juvenile individuals. A major progress has been on approaching the Albanian legislation and practices with the international standards and best practices. This is a continuous dynamic process being in place but still needs to be done. Some positive developments include the creation of the specialized section within district courts, specialized prosecutors and specialized unit at the police, renewal and elimination of the overcrowding in some institutions of detention, greater access of juvenile prisoners to education, and social workers and psychologists services, positive orientation towards children's rights of the directors at the penal institutions. These positive developments are as the result of several trainings supported by the international organizations and programs whose beneficiaries were Albanian partners and civil society.

Juvenile justice system in Albania has continuously been under a reforming process. The changes have been significant especially after the year 2001. These changes include legal and administrative measures in infrastructure and human resources based on the best interests of the children.

Being in accordance with international commitments, a special attention has been paid to drafting and implementation of principles, standards and strategies which address the children's role and status in the penal justice being as author, as victim or as witness.

Even the implementation has been humanized still the law remains essentially punitive. Further efforts are necessary to decrease the use of detention. The legal reform on juvenile justice has been proceeded slowly and there is no clear and inclusive plan. Compilation and publication of the juvenile justice database will help the reform process and monitor the achieved results of this reform. The coordination between involved actors in juvenile justice is focused on the program implementation; there is no tool for permanent coordination. The alternative sentences should be drafted on a strong legal basis and its implementation should be broader. In addition, the second prevention needs more attention and the drafting of programs which focus children engaged on crime activities under the age of 14.

2. The purpose of the study

Based on the children's best interests, "The UNO's Convention on Children's right" which is considered as a universal code on children's right protection, emphasize the proper decision making and administrative measures for the children's rights protection. The main purpose of the study is the deep knowing of the juvenile delinquency and identification of the method of how alternative sentences contribute in re-socialization of delinquent youth individuals and the negative impact of penitentiary regime on their personality development. Some of the social factors which lead on the increased the number of children in conflict with the law are as follows:

- a) Disorganization of the traditional family and the decrease of the family role as socializing agent.
- b) School failure displayed through school abandonment in different levels of education.
- c) Negative attribute of detention sentence which leads in recidivism.

- d) Low appreciation for school studies based on the professional uncertainty of youth population.
- e) Increase of the neighborhood criminal groups which include children and youth individuals out of the parental supervision during the free time.

Focus group

To complete the research described above, a focus group activity took place. The aim of this focus group was to make evident specific aspects of juvenile delinquency in the contest of applying an alternative sentences regime. The focus group were set up based on champion with relevant specialists of social workers and. The focus group is defined as a research tool which is based on wide discussions with small groups of individuals on a certain subject. The group interview has the advantage of avoiding the “atomistic error” that is collective psychological status deduction caused by statistical agreement.

The focus group’s interview is a qualitative method of research as it foreseen the interaction among group members during their discussions, opinion and ideas exchange, rising issues, etc. Part of this information cannot be provided by the quantity methods (questionnaires).

Some of the main topics are:

- a) The indication of juvenile delinquency main features and reasons of illegal actions.
- b) The psycho-social assessment of delinquent youth/children individuals.
- c) The assessment of alternative sentences system; advantages and disadvantages compared with detention sentences.
- d) Specific experiences of delinquent individuals.
- e) Issues related with implementation of alternative sentences system.

Focus groups objectives:

- a) Finding out the way each group identify problems regarding juvenile delinquency.
- b) Estimation of advantages of “Probation period” versus “detention” and how it will result in lower risk of recidivism.
- c) Identification of delinquencies on which the sentences is made; for the same delinquency are occurred both alternative sentences and detention.
- d) Identification problems in the implementation of the probations periods.
- e) Describing of alternative sentences implementation and the appealing process.
- f) Estimation of the necessity of the establishing the delinquent juvenile institutions.
- g) Estimation of the necessity of specialized staff at probation service.
- h) Estimation of rehabilitation feature of penitentiary system.
- i) Identification of preventing measures of juvenile delinquency.
- j) Identification of challenges faced by focus groups members working with delinquent individuals.
- k) Presentation of suggestions for specific activities of each structure dealing with delinquent juvenile individuals.

Research hypothesis of focus group is based on general hypothesis of research:

- a) Re-socialization of delinquent juvenile is more probable to happen through alternative sentences than penitentiary regime.
- b) The respective families support increases the re-socialization and integration possibilities of the delinquent individual.

- c) Active involvement of the community on the designing and implementation of the control and prevention of juvenile delinquency policy brings social integration of the delinquent youth individuals.

The verifying of hypothesis resulted in:

- a) Defining the part of alternative sentences on the system of the sentences.
- b) Drafting a set of proposals which aim the improvement of alternative sentences implementation.

The technique used is “content analysis”

According to B.Berelson the “content analysis” is a researching technique which provides objective, systematic and quantitative descriptions of the content of communication. That is a method which refers quantitative analysis of the facts pointing out topics, trends, etc. some its specifics are as follows:

- a) Defines the documentation/facts interpretation in the first sight.
- b) Content analysis has a specific relevance in the analysis of scientific products with double senses: as a second analysis of the data on psycho-social studies, and clearly specify which topics are being studied on the scientific studies.
- c) The content analysis provides the internal trends of the documents in a certain time as well as the evolution of different variables in different moments.
- d) This is a preferable method by the researchers as it provides information not gained by other methods.
- e) Relatively low cost compared with other methods of studying.
- f) There is no standard scheme of application and development of content analysis, thus each researcher has own system of codification.

The main functions of content analysis are:

- a) The description of communication: tendency indication, comparison of different resources, comparison of contents.
- b) Description of the language and message style.
- c) Indication of the correlation of content nature, form of the text and text receptor.
- d) The conclusion about nature and objectives of the information resource.
- e) Methodology basis of the ways of interpersonal message exchange in order to study its effects on the process of perception.

The technique of content analysis offers a wide variety of procedures such as the frequency analysis and computerized analysis of content. The frequency analysis represents the classical procedure of the content analysis. It finds out the frequency of happening of a unit of registration and its quantitative value. Example: count the most effective words or hard ones occurred in a document or speech.

The trends analysis starts from the frequency analysis and try to find out the positive, negative or neutral attitude in communication of the sender of the message towards a person, an idea, a social fact, etc. The analysis of the communication trend it is performed through math and statistical formulas. As in case of frequency analysis, it starts with topics identification and each topic is classified according to the positive, negative or neutral attitude. From the total content, it is extracted the content units which have correlations with the topic. Then, the amount of frequencies is divided with their total number. After the topics identification, they are classified according to the attitude.

The trend is found out through following formulas:

When we count only the content units related with the topic, the following formula is used:

$$AT = \frac{F - J}{L}$$

When we count the total number of content units, the following formula can be used:

$$AT = \frac{F - D}{T}$$

AT = analysis trend

F= number of favorable units (positive, pro, etc.)

J= number of unfavorable units

L= number of units related with the topic

T= total number of units (total content)

For counting the trend of content analysis, a more developed formula can be used. This formula which takes simultaneously into account the content related with the topic and total content.

$$AT = \frac{F - D}{L T} - \frac{F - J^2}{L T}$$

Relevant specialists' perception on the implementation of alternative sentences in general and especially in the juvenile justice sector (focus groups)

The increasing number of the delinquent minors and its consequent problems makes decision makers and government to continuously improve the juvenile justice system. Based on this fact, it's important to know the opinion of the relevant specialists which are directly or indirectly implicated with the legal framework and implementation of the alternative sentences in Albania.

The focus groups were composed by the following specialists:

1. Psychologist and social workers (university professors).
2. Justice system specialists (prosecutors, lawyers, representatives from the Ministry of Justice)
3. Education specialists of the psycho-social field (representatives from rehabilitation centres and probation service)

The discussions were focused on the following issues:

- Juvenile delinquency phenomenon in Albania.
- Current juvenile sentences system.
- Probation service in Albania.
- Penitentiary sentences versus alternative sentences/probation service.
- Media involvement in promoting probation service on juvenile justice system

4. Conclusions

The perception by three focused groups on the issue of delinquent juvenile has to do with the implicit consequence of structural modifications happened during the last years in Albania. The specialist (Social workers, psychologists, educators, probation service staff) dealing directly with this phenomenon in their jobs, think that this is a normal challenge each society is facing. According to them, it will be a problem if

the phenomenon exceeds its normal limits. That will be the time to take reforms, draft strategies and adjust social policies.

The groups share almost the same idea regarding the sentences to apply for the delinquent juvenile: it should be in correlation with the weight of the actions committed; only actions resulted with the hurt and suicide should be sentenced in the penitentiary regime.

The alternative sentence should help individuals to rehabilitate, socially integrate and general awareness about the actions done. Social tags and penitentiary sentences in a very early stages of life where the family role is crucial, could result in a big traumas accompanied with antisocial behavior by the youth or minor individuals. If a minor or youth individual share the same time and space in a rehabilitation center with other individuals who have committed crime, enable the creation of connections with these individuals and increase the recidivism and worsen their behavior.

The penitentiary regime should be replaced with alternative sentences especially in cases of minor crimes; that's the majority of the opinion of academic representatives at the focus groups. The lawyers are more partial regarding this topic and their opinion is that the probation service helps the youth and minor individuals to spend more time with their families and to normally continue with respective education process. On the other hand, they think that penitentiary regime plays an important role in discouraging individuals to get involved in crime actions and thus cannot be totally replaced.

According to the specialists who work directly with the delinquent youth individuals such as those of rehabilitation centers and probation services, the penitentiary regime and probation service should co-exist considering the current situation in Albanian which lacks the specific institutional infrastructure (there is only one probation service institution in all over the country located in Tirana).

An addition reasons that justify the existence of both institutions is the insufficient information of the public about the difference between two of them. Especially the probation service is something new for Albania. Specialists who work directly with the delinquent juvenile, especially those of probation service, think that the lack of information directly influence rehabilitation and integration of delinquent juvenile in the society. The academic representatives think that institutions can set up proper strategies through relevant specialists in order to increase capacities of the institutions to manage this phenomenon and to complete the process of rehabilitation and integration.

Lawyers think that there is no such a specialist in the relevant institutions even that the existing capacities can carry on properly the process.

The third focus group conclusion is that existing institutions cannot manage well most of the issues as they lack the specialized staff, insufficient rehabilitation center (only one) and probation service, low interest from the community, inadequate legal provisions which hinder the development of this process.

According to the opinion of all members of the focus groups, the challenges regarding alternative sentences/probation service are dealt with inadequate or the lack of legal coherent provisions adapted with the Albanian social background. The result is the nonfunctioning of the delinquent juvenile justice and the prevention of the crime at this age.

Some of the measures on this regard are: education improvement, adaption of education system to the specific needs of youth and minor individuals, public information, parents and school community involvement, in different social projects, set up of the proper strategies to fight the phenomenon, social adaption of the delinquent juvenile.

Social adaption is considered as a corner stone of the social integration. Organizations who work children's right protection are actually informing and lobbying on reintegration concept. The formula of delinquent juvenile integration should be improved giving the priority to the concept of social adaption. With other words, offering opportunities to the delinquent juvenile based on the age, cases' specifics, and culture. This will result in a better and more natural integration of the delinquent juvenile.

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