

The Situation of the Delinquency of the Minor in the Republic of Macedonia

Shaban Sulejmani^{a*}, Salim Sulejmani^b, Rahim Jashari^c

Abstract

The juvenile delinquency, as a special negative phenomenon today represents a global social problem facing all the countries of the world. There is almost no place in the world that is not preoccupied with sociopathological problems, and among them the Republic of Macedonia, which has problems with juvenile delinquency as an asocial behavior. This deplorable activity of young people, among other things, risks the quality of their lives and not only. Many sciences deal with this phenomenon, whose purpose is to discover causes, ways, intensity and forms of manifestation, which ultimately aim at how to, more efficiently, treat and “cure” this phenomenon. The volume and level of growth of this phenomenon deviates from the inefficiency of social institutions and the adequate and successful observation by competent state bodies.

Key words: delinquency; negative phenomenon; asocial behaviour; sociopathology; juvenile.

The situation of juvenile delinquency in the republic of macedonia

1.General overview

According to international reports, millions of children do not have access to information, health services, regular attendance at school, and the most tragic is that they are not fed enough. This situation is created because of a series of consequences, with particular emphasis, at least in our state, poverty, political-economic instability and armed civil conflict. The deviant behavior of young people in these circumstances finds their “nest”, which is evidenced by the statistical data that we will present in this paper.

* Corresponding author.

From sociopathological phenomena, juvenile delinquency is not considered the “emblem” of underdeveloped countries, but this “plague” includes developed countries as well as so-called countries in transition, such as the Republic of Macedonia, where juvenile delinquents often commit major acts of crime [11: 385-396].

2. Juvenile delinquency in the world

Criminality is the “basic problem” of our contemporary life, which endangers the quality of life of a person, while in its phenomenology as a matter of first degree gives to the juvenile delinquency, for whom should be sought access and a treatment of special care [3: 224-229]. Thus, it is about a sphere of crime, in other words *specific*, where, in the first instance, their actors are the juvenile whose behaviors and delinquent actions are singled out in their phenomenology [13: 28-33].

Delinquent behavior as well as the response to them cannot be determined by classical, criminal, criminological, or penological concepts. The interest for juvenile delinquency is presented somewhere in the late nineteenth century, with the first psychiatric and psychological studies. Today, the research of its etymology and phenomenology is said to be a priority compared to other criminological research, heading the to purpose to form a special criminological subject known as *the criminology of delinquency of minors*. These researches confirm the knowledge of a particular nature of criminality and asocial behavior among young people, both in the phenomenological and in the ethical aspects. The ethical aspect is based on bio-anthropological, psychological and societal factors where special attention is paid to factors that influence the process of socializing the personality of young people. Today juvenile delinquency is characterized by a high degree of achievement [6: 13-19], with serious consequences to human freedoms and basic values.

Contemporary scientific research on juvenile delinquency confirms the knowledge about the existence of criminological laws. Crime is growing rapidly, especially in the second period of the last century, where juvenile delinquency has reached high criminal figures. According to the type of criminality the biggest increase, compared to previous periods, in Macedonia has been recorded in narcotic delinquents, as well as in violent criminality. There is also an increase in the criminal acts of robbery, bodily injury, sexual assault, and the delinquents in road traffic are evident [7: 1019].

3. Volume and level of juvenile delinquency in the Republic of Macedonia

The juvenile delinquency, especially juvenile criminality, during the transition period is manifested by the phenomenological characteristics which fully corroborate the thesis that criminality is a very complicated issue, taking into account the general conditions and general state of society. Juvenile criminality has experienced a double increase in the period 1991-2000, where serious offenses against life and bodily harm mark a growth trend, while the largest increase is recorded in the criminal offenses against public order and delinquents in road traffic. In the period 1996-2000 there has been a slight decline of this kind of criminality. However, this does not mean that there is socio-economic and political stability, but this “merit” is attributed to the adoption of the new Penal Code where part of property offenses such as petty thefts, light bodily injuries have been decriminalized and the initiative for prosecution passes to the private plaintiff [6: 19-28].

In the post-2000 period, there was a low level of criminality in terms of both denounced and in the direction of the defendants as well as the perpetrators [17]. Thus, this decline refers to an armed conflict that has oriented the police activity in other directions, but this does not mean that there was a real decline in this type of asocial cause, because the dark number of criminality in this period was worse compared to other periods.

In other words, a decline is recorded that does not correspond to the real dimensions of appearance, which according to logic is close to the truth. The downward trend in the period 2000-2003 goes to the enlargement period in 2004, where we have the same situation in 2005. The next issue goes in the direction of changing the awareness and the need for investment of own potential and the compatibility of this relationship with the needs of new members of the family, so that despite the social and existential function it improves the psychological and educational role. Enabling young people to look for security and emotional needs in the family circle. This decline in criminality also refers to the declining birth rate of the population that is statistically recorded as a negative demographic phenomenon.

During the period 2000-2006, the largest proportion of delinquents are criminal offenses against property, criminal offenses against life and bodily injuries and offenses against traffic safety. A high degree of enlargement also has the criminal offense against public order, which shows a disrespect of rules and social norms.

Offenses against life and body take second place. This is an indicator of the emergence of force in communication with young people, where in most cases striving for conflict situations to be resolved through the use of force. Concern is also the violence manifested in schools, especially inter-ethnic violence.

The most volatile crime is against property. Unauthorized behavior among young people consists of obtaining a foreign property, thus enriching quickly and without effort. However, there should also be mentioned the bad and hard economic situation or the feeling of frustration for something that is wanted to be possessed, even if violently. The increasing trend of sociopathological phenomena, such as alcoholism and narcotics, bring to committing offenses and serious property crimes, in order to reach the means of buying drugs or alcohol.

The volume and movement of juveniles who have committed criminal offenses against public order, as a kind of criminality deserves special care, due to the dynamics of manifestation. Criminal offenses against the order therefore mark a triple increase, 23 criminal offenses in 2000; while 64 in 2006. This increase is particularly present in the criminal offenses against violence and the detention of an official person in the performance of official duty.

4. Procedures and sanctions

In the period 2000-2006, among the accused of the criminal acts against life and body, accused are 76%, where as 65% are convicted. For criminal offenses against public order 61% are accused, while 53% are convicted. The application of the principle of opportunity during the investigation period varies from the type of offense: to offenses against life and body is 24%; 38% to criminal offenses against property, while 47% to offenses against public order. In other words, prosecutors react more fiercely to blood delinquents, while gentler on property

delinquents and public order.

Pronouncement of penal sanctions against juveniles in the period 2000-2006 [17], it is noted that educational measures are the most common measure imposed on juveniles. Out of the total number of convicts 5901, where 4906 were imposed on educational oversight measures, representing 85% of the total number of sanctions imposed. Disciplinary measures have been imposed to 803 or 14%. In this case it is interesting to note that no measure has been imposed for placement in juvenile correctional institutions. There is no juvenile correctional educational facility in the Republic of Macedonia despite the fact that this measure is foreseen in the Juvenile Law. Therefore, there is an immanent need to create as soon as possible conditions for making such a good-natured entity possible with the understanding of the word, since the statistical indicators reflect the state of the crime of juvenile delinquency.

5. Causes affecting the delinquency of juveniles

In our society under the present conditions of a wide range of societal-political-economic concerns, full of controversy and aggression, where the young population does not have enough support from society, they must to help young people meet their youth needs, they increasingly lose their sense of life, and from here they easily accept the destructive nature of being subject to asocial and criminal behaviors. Criminality in a young man is presented as “a way of creating his life, and the attainment of any benefit derived from this activity is the fundamental value to which he acts with his whole being” [11: 380]. This category of citizens of this state can not find, how to say, their “identity” and orient themselves to genuine social values. Precisely for these reasons, they are marginalized by social life, and are passive and incapable of “revolutionary” changes to the current disorganized social relationships. Our society, unfortunately, continues to be such, alienated and anemic. It can not create the conditions for young people to achieve their goals and consequently a growing number, unfortunately start with asocial, delicate behavior [1: 105].

There are a number of reasons for the delinquency of juveniles, which create a "good environment" for asocial behavior. In the criminological literature, a number of factors are discussed [14: 232-273], and on this occasion, we will only emphasize some, understood, in our judgment, in interaction with other factors, both internal and external outside, are the most influential of the appearance of this age group with delicate behavior. Regrouped in three groups, we will mention only some of the causes of the group of socioeconomic causes, then the media and, with special emphasis, the micro-social institution, the family.

5.1. Socio-economic reasons

The economic living conditions of juveniles have a key role in their education and development. Economic crises directly affect the increase of crime rates in general, and in particular the delinquency of minors. In these situations, smuggling and various criminal activities flourish [3: 246], and of them the asocial behavior of juveniles.

5.1.2. Poverty

Poverty is considered as an objective factor of criminality, which undoubtedly affects the coming into existence of criminal behaviors. The contemporary world is characterized by great contradictions. The great discrepancy between states, some extremely wealthy who do not know what poverty is, and the poor who can not even provide the most basic necessities for existence [3: 239], due to great in the appearance of juvenile delinquency. In the framework of the second group of countries is partially part of Macedonia, where the State Statistical Office of the Republic of Macedonia has found that 27.1% or $\frac{1}{4}$ of the total population in Macedonia lives in poverty. According to Eurostat statistics, Macedonia is the third poorest country in Europe [19].

5.1.3. Unemployment

Unemployment is similar to the phenomenon of poverty, which has to do with the inability to hire and join people at work. Such a situation brings the lack of means to exist for a family. Hence, the atmosphere itself created because of unemployment affects the psychological and spiritual condition of certain individuals and families [3: 239], and this is certainly reflected in young people. In this way, conflicts and disagreements in the family, between spouses, as well as between children and parents are frequent. Being in such a situation, young people appear with deviant behavior ranging from family suits, school environments, and society in general.

5.2. Means of mass communication and juvenile delinquency

Mass media in criminological literature are considered: the daily press, the fashion press, the fun press, the television, the radio, the film, and so on. Means of mass communication in contemporary life have become powerful tools of influence and orientation within a country and not only. It is an undisputable fact that mass communication tools have positive missions and functions in terms of public opinion in cultural, economic, political and scientific spheres. However, the fact of linking different content in media with criminal behaviors [3: 251-253] should not be denied, and young people are also caught up in the category of prof. Sulejmanov who would call them “unconscious victims poisoned by the media” [11:477-483].

5.2.1. Television and social networks

Television, print media, and especially social networks as a means of mass communication and communication has become an important factor in contemporary society. Like the press, social networks also have a positive and affirmative influence on public information. Television and social networking with the distribution of information with various visual and written content brings in quite a wide variety of opinions about the current cultural, scientific, sports, political and economic events and other information. However, data on social networks and telecoms programs, news, documentary shows, and so on. where crime material is displayed, especially the newspaper editorial, in the black chronicle section reflected in photographs, in print media, can negatively affect the new population, especially those with criminal predispositions. It is therefore of special importance that the generation of the young age be protected from the possibility of “absorbing” unnecessary and often misleading information, plotted through media [11: 479].

5.2.2. Films

In Criminological Theory, there is a belief that film as a special artistic form and as a mass media tool also has an impact on viewers without any exception, including even young people. The film, because of the appearance of the event in a visual way, reaches the cloud to cause effects and greatly affects, especially in the young population. Inadequate filmmaking movies for young age, especially those where violence dominates, vulgarity, low instances, and so on. have a negative impact on young people [8: 272-273]. They, what they see in the film, try to embody it in real life, for the same purposes as they have seen in movies, and are inspired to carry out creative action just like those from filmmaking [3: 257-258].

5.3 The Institution of family

The family for the child represents a pattern of behavior that helps or hinders its overall development. Therefore, we are told that family problems are primarily a problem for the child. Parents' behavior has an irreplaceable role in the child's life. Its preventive role is undisputed. From this point of view, the family represents a primary factor that young people will be taken with delicate behavior. Cultivation of good relations between minors and members of his family is of special importance. Everything starts from the fact that the child's socialization starts precisely within the family, which at this stage is a key factor for the proper development of the child, and tomorrow of an independent individual in society. A serious thought should be given to paying close attention to the positive measures, the total mobilization of all available resources, including the family, as a preventive measure against deviant, non-societal behaviors.

So the child's socialization starts right in the midst of the family breast. The childhood period is most problematic in the sense that the child is of a virgin nature and still can not distinguish, to the utmost extent, the good from evil, the right from the unjust. Therefore, parents are required to take care of young people's behavior in harsh environments, because proper care of them may be negatively reflected in later years. Thus, the family has a great importance for the overall development, and more specifically in the formation of the child's personality. Family is the first social group for the child without which his existence would be futile. The child, besides the organic needs, must also be provided with conditions for the proper emotional, social and intellectual development. In order to be at its functional level, the family should cultivate a mutual love among family members and create a sense of security among young people – that family is the one who is at that age give them security. This environment and feeling can not replace, almost any other social institution. Therefore, it results that such absence affects the child to present disorders in socio-emotional and moral development. Numerous studies prove that the causes of the appearance of asocial assaults, young people are found in abnormal conditions for family life [11: 443-444]

6. Law on juveniles

The juvenile law of the Republic of Macedonia is divided into six parts, 17 chapters and 151 articles.

- Part I – general provisions,
- Part II – action with children at risk,

- Part III – penalties for criminal acts and offenses,
- Part IV – procedure against juveniles,
- Part V – execution of sanctions against juveniles; and
- Part VI is dedicated to preventing juvenile delinquency[15].

A delinquent child is a minor who at the time of committing the offense is 7 years old but has not reached the age of 14. The same article defines the categories of juvenile delinquency aged 14-16 and adult minor 16-18 [7: 1019-1117]. The law changes in 2007 also stipulated the manner and the imposition of punitive measures. According to the law, the sentencing measure can be solved only by the juvenile court. The most important thing of the new law is the mediation institution, as an out-of-court procedure that begins a new era in restorative justice. The mediation procedure is within the competence of the social organs and the mediators. Intermediation is conducted when we have submissions for actions that by law are defined as offenses or criminal act for which a prison sentence of up to 5 years is prescribed. The juvenile court may also develop the juvenile court with the prior consent of the juvenile, legal representative, defense counsel and the injured party. Mediators are natural persons who assist the parties to reach agreement without dictating conflict resolution, which according to the profession they may be: lawyers, advocates, social workers, pedagogues, psychologists who have completed mediation training and have 5 years of working experience with minors. One thing worth mentioning here is the special protection of juvenile victims of criminality. In these court proceedings, courts, public prosecutors, MIA official persons can only act if they have specific knowledge and experience in the field of child rights and freedoms. In this case, they are obliged to take measures in order to assist and protect them, and to act in such a way as to avoid the harmful consequences for the personality and psycho-physical development of minors.

For a more successful juvenile delinquency prevention, state councils and municipal preventive councils are established.

A - State Council is independent in the work defined in this law. The state council is composed of fifteen members elected by the Parliament of the Republic of Macedonia with a five year mandate, with the right of reelection. This council consists of:

- a) Seven members of the Ministry of Justice, such as: Ministry of Justice, Ministry of Labor and Social Policy, Ministry of Education and Science, Ministry of Internal Affairs, Public Prosecutor's Office of the Republic of Macedonia, Supreme Court of the Republic of Macedonia and the Chamber of Advocates of RM;
- b) Eight members are selected by public announcements among the distinguished scientific and professional employees working on the protection of the interests of minors, of which one representative is among the non-governmental organizations for the protection of children.

c) The representative of the Ombudsman also participates in the work of this Council.

d) Among the elected members of this council is elected the chairman with a mandate of two years with the right of reelection.

The State Council has the following competencies:

- approves national strategy for preventing juvenile delinquency;
- approves annual plans and programs for the implementation of the program;
- adopts a regulation for its work;
- proposes funds for the Ministry of Justice's budget account, necessary for his work;
- provides initiatives for better improvement of legal choices and opinions on proposing laws that are important for the protection of juvenile rights and the prevention of juvenile delinquency;
- raises initiatives for the wider recognition of citizens with juvenile rights and discussions on healthy families; for the protection of minors from narcotics, alcoholism and alike; for the problem of Education and Schooling; on bringing the means for public information and other factors that affect the prevention of juvenile delinquency;
- initiates research and problematic studies of juvenile delinquency;
- cooperates with international organizations and committees, committed to protecting children's rights and preventing juvenile delinquency;
- prepares an annual report on its work and on the situation in the area of children's rights and juvenile delinquency, which it submits to the Parliament and Government of the Republic of Macedonia, the Judicial Council and the Supreme Court of the Republic of Macedonia, which are obliged to watch and take appropriate measures and activities, in accordance with their competencies;
- it manages the fund assets for compensation of damage;
- the administrative work of the state council is carried out by the Ministry of Justice;
- the funds for the implementation of the State Council program are provided within the budget of the Ministry of Justice;

B - Municipalities' Councils and of City of Skopje appoint Municipal Counsel for Prevention of juvenile delinquency (hereinafter - the Municipal Council).

- a) The members of the Municipal Council are representatives of the regional units of: Ministry of Internal Affairs, Ministry of Labor and Social Policy, Centers for Social Work, representatives of parents councils in primary and secondary schools, Union of high school students, Chamber the Public of Lawyers and civil associations and foundations, Public Prosecutor who works in the area of juvenile delinquency and the juvenile court from the courts with substantive jurisdiction or the judge to be appointed by the president of the court.
- b) Councils of municipalities and the City of Skopje determine the number of municipal council members, depending on the size, development and needs of the municipality as well as the volume of juvenile delinquency.
- c) Members are appointed for a term of five years, with the right and re-election.
- d) From among the elected members, the Municipal Council elects the chairman with a mandate of two years, with the right of reelection.

7. Conclusions

Juvenile delinquency is permanently endured and manifested in various forms. The non-observance of this socio-pathological phenomenon on a regular basis does not produce any results in terms of finding ways to combat it. It is a huge mistake for the juvenile to be seen simply as a criminal, but rather it must be treated fairly, initially by society and then by the state organs, because simply the imposition of a criminal sanction which rightly does not revenge against them, but we should always consider that they should be re-socialized, re-educated and reintegrated.

In the Republic of Macedonia, attention should be paid to media control, the strengthening of the family institution, and in particular the increase of the professional level of the employees in the placement of delinquent juveniles. I say especially because they have inadequate treatment not only in the correctional bodies, but also in other institutions where minorities are re-educated, which is a cause of non-education, thus transforming those centers in nurseries for “training and advancement” in terms of the negative development of juveniles.

Used literature

- [1] Алексоски, Стеван, Криминологија, Shtip 2009
- [2] Buzharoska, Gordana L., Nanev, L. & Koshevaliska O., Меѓународни документи за спроведување на малолетничката правда, современи текови во постапување со малолетниците, Kavadarci, 2012.
- [3] Halili, R., Kriminologjia, Prishtinë 2008

- [4] Hirjan, F. & Singer, M., Maloljetnici u krivičnom pravau, OOUR Globus, Zagreb 1987
- [5] Jakovljević, V., Prilozi za socijalnu patologiju, Silloboda, Beograd 1984.
- [6] Kambovski, V. & Vellkova, T., Malloletnička Pravda, Shkup 2008.
- [7] Kambovski, V., E Drejta Penale - pjesa e përgjithshme, Shkup 2006.
- [8] Latifi, V., Kriminalistika, Prishtinë 2009,
- [9] Ramljak, A., Kriminalistika mjekësore, FKS/S, Sarajevë/Prishtinë 2007.
- [10] Ristanovic, Vesna N., Social change, gender and violence: Post-communist and war affected societies, Springer-Science+Business Media, B.V., First edition, Dordrecht 2002.
- [11] Sulejmanov, Z, Kriminalna politika, Shkup 2001.
- [12] Sulejmanov, Z., & Stojanoski, N. Socijalna patologija, Shkup 2002
- [13] Valter, M., Delikuenca e të miturve, Ars lamina, Shkup 2001
- [14] Јашовиќ, Ж., Криминологија малолетничке деликвенције, Београд 1991.
- [15] Zejndeli, I., Delikuenca e të Miturve në RM, Tetovë. 2010.
- [16] Law on Juveniles - "The Official Gazzete of the Republic of Macedonia", nr. 103 of 19 August 2008 and nr. 161 of the date 24 December 2008.
- [17] The State Statistics Office of Republic of Macedonia, Skopje, 2000-2006.
- [18] <http://www.moi.gov.mk/ShowAnnouncements.aspx?ItemID=13221&mid=1094&tabId=201&tabindex=0#sthash.s9UV2Rrq.dpuf>;
- [19] https://www.brif.mk/statistika-545-000-makedontsi-zhiveat-vo-siro/?utm_source=rss&utm_medium=rss&utm_campaign