

THE DYNAMICS, ETIOLOGY AND PREDICTION OF THE JUVENILE CRIMINALITY IN ROMANIA

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The study approaches aspects of the juvenile criminality, debating on the significance of the 'criminality' notion; the criteria that qualifies an act committed by a minor as illegitimate or illegal; the difference between sanctioning systems from different countries etc. The main part of the study consists in presenting the tendencies and the evolution of the juvenile criminality phenomenon in Romania, between 1990-2000, and the relevant etiological factors that determined this evolution.

The dynamics and evolution of the juvenile criminality phenomenon before 1989

During the totalitarian regime in Romania the juvenile criminality constituted a social problem and a complex phenomenon resulted from the interaction of both social and individual causes and some favorizing conditions which were ignored or even denied sometimes by the factors having responsibility functions in the field of law application or youth moral socialization.

Although, sometimes the existence of some criminal manifestations within the young people as admitted, they were minimized as compared to the situation of juvenile criminality in other countries (especially the capitalist ones), the social control factors insiting upon the necessity of increasing the "firmness and combating of the bourgeois ideology influence, towards the manifestations of an old, backward and with mystic influences mentality". For this reason the politics of criminality combating and prevention among the young was based, predominantly, on the educational and conscience factor intervention, on the necessity of respecting 'out of belief' the socialist norms of work and life, on the education of the young in a "revolutionary spirit" etc¹.

¹ Plenary meeting of the Central Committee, No. 29- Dec.1, 1967, regarding the tasks of the party, state and public organizations of the Union of Communist Youth for the improvement of the educative work among the youth, Bucuresti, Editure Politica, 1967, p.7.

Although in a series of countries (including the socialist ones) multiple aspects (semiological, etiological, predictive, recuperative) of the juvenile criminality were approached at a theoretical as well as at a practical level by sociologists, psychologists and criminologists, in Romania at that time such studies and researches were quite timid, with some exceptions methodologies and explicative models of interdisciplinary investigation of the various forms of criminal manifestations among the minors and young² not being elaborated.

Moreover, the accomplishment of some valid scientific researches regarding the juvenile criminality etiology during the totalitarian regime was considerably diminished due to the existence of two obstacles of an ideological nature which were connected with the nature of the political regime of the time:

- a) the absolute 'secretizing' (i.e. keeping secret) of the statistical data regarding the evolution of the juvenile criminality for the denial of its appearance and 'normal' and objective manifestation (in the durkheimian sense) in any human society.
- b) the legislative 'manipulation' in the sense of changing the nature of some criminal actions committed by the young to 'hide' the real dimensions of the juvenile criminality (the case of the Decree 218/1977 which significantly changed the volume of the crimes committed by the young during a certain period of time)

Analyzed in its wholeness, the phenomenon of juvenile crime in Romania can be divided into three important stages:³

- a) the period between 1950-1954, during which the phenomenon starts to grow and become more consistent, being accelerated to a large extent by the economic crisis and the existing specific conditions in the post-war Romania
- b) the period between 1983-1986, stage during which the phenomenon tripled as opposed to the previous period, many minor delinquents being unwanted children, sick, or institutionalized due to the coercive measures taken in 1966 regarding the ban on abortion and the drastic diminishing of the family divorce reasons;

² See in this sense the *Research reports* edited by the Center of Sociology of the Bucharest University and the Center of Research of Youth Problems.

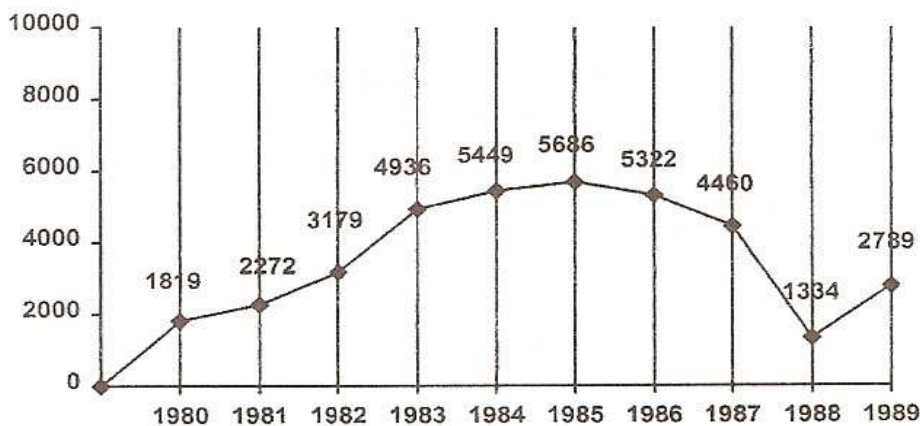
³ Sorin M. Radulescu, 1999, *The Sociology of social problems of ages*, Bucuresti, Lumina Lex Publishing house, p. 214.

c) the period after 1989 up to present when, from a quantitative point of view, but also 'qualitative', the degree of danger of some crimes committed through violence by the young has increased, while the age at which a minor becomes delinquent sensitively dropped. On the other hand the criminal models offered to the young have become more and more frequent and visible, and the association opportunities with adult delinquents are increasing.

The analysis of the juvenile crime according to the number of the minors and young definitively sanctioned by the judiciary system is difficult to achieve, especially since the penal legislation has known a series of changes from the point of view of incriminating or non-incriminating some crimes committed by minors and young (for instance, the age for conviction was 12 until 1969 and it was raised to 14 after 1969), while part of the statistical data does not offer any guarantees that they are indeed real and correct.

If we only take into account the period 1980-1989 in order to compare it with the one between 1990-1999 we notice that 37,446 minors were definitively convicted for various crimes, which represents an average of 3,800 minor delinquents sanctioned per year (see diagram no. 1).

Diagram no.1 – *the number of definitively convicted minors during 1980-1989*



(Source: Romania Statistic Year Book, 1983, National Commission for Statistics, p. 644)

The evolution of the juvenile criminality during the period under our focus reveals two contradictory tendencies:

- a) one of constant increase between 1989-1986, the maximum being in 1985 when there is registered the highest number of minors sanctioned by the control and social prevention authorities (5,686 minors)
- b) one of constant decrease, after 1986 which reaches the peak in 1988 when only 1,334 minors were definitively sanctioned, but which is not the result of the prevention policy of the specialized institutions, but of some normative 'artifice' in so far as the criminal law is concerned with the aim of limiting the judges' possibility to incriminate certain minors, and obviously, to hide the real dimension of the juvenile criminality.

During the period under our focus the ratio of the sanctioned minors within the juvenile criminality frame varied between 5.5-6.6% (in 1989), to reach 10-11% between 1989-1999.

The data and statistical information analysis shows that, during 1980-1989 the majority of the sanctioned minors (74%) have committed robbery from public or private property, 9.2% physical aggressions, 3.3% crimes of homicide and rape, the rest of 4.8% being accused of prostitution, begging and homelessness.

The highest ratio of the juvenile criminality was registered for minors aged between 16-18 years old (over 85%), while the minors under 14 and between 14-16 years old have only represented 15% of the total of minors being in conflict with the criminal law (while in 1998 the ratio of minors younger than 14 reached 24% of the total number of minors sanctioned for various crimes).

As a general feature, most of the young who were sanctioned during this period presented serious problems of family and school socialization, which led first to running away from home and school, robbery, homelessness, physical aggressions and alcohol consumption, getting into harmful groups which led later on to the structuring of some serious and reiterative behaviour manners.

In fact, the sociological and criminological researches during that period, with all the interdictions imposed by the ideology of the totalitarian regime, revealed that, in the occurrence of the various manifestations of juvenile criminality, an important role is held by the educational deficiencies in the family, school and social environment, but also to the objective and subjective, general and social conditioning by various internal factors (which belong to the young person's personality) and external (of an economic, social, cultural nature) which compete to the configuration of the delinquent

,career' of some adolescents and young. Such factors with a more powerful ,criminal' implication were represented by:

- a) the discordant or even ,negative' socialization in certain families to which the delinquent minors belonged, characterized by serious and repeated conflicts between the two parents or between parents and children, lack of affection and communication, family abandoning and frequent alcohol consumption etc.;
- b) the school abandonment of some minors, as well as their indifferent attitude towards school, materialized in low performance, from where their ,marginalization' by teachers and educators which favorized their inclination towards deviance and criminality;
- c) the negative influence or ,induction' of the street group or the friends' group to which some minor delinquents belonged, groups which, through language, behavior and various activities represented potential ,sources' of juvenile deviance.

Tendencies and evolutions of the juvenile criminality during the transition period (1990-2000)

The juvenile criminality is not a new phenomenon in the Romanian society after 1989, for it existed during the totalitarian regime as well, which imposes the identification of various forms of continuity, but also discontinuity which characterize it. The continuity elements refer to the maintenance of some dysfunctions inherited from the previous system manifested at the level of the main ,instances' of socialization and moral integration of the adolescents and young, as well as some ,risk' factors which favor nowadays manifestations of juvenile criminality. On the other hand, the discontinuity elements refer to the fact that the young no longer represent a homogenous or undifferentiated demographic category, as it did in the past, since there is a series of age, social status, value system and normative differences among various young persons, together with the appearance of some styles and ways of life and some juvenile subcultures tending to contest the adult world.

The reform and transition after 1989 seems to have deepened the ,identity crisis' of the young generation manifested through the increase of its critical attitude towards the public institutions and through the justified ,revolt' against certain educational and integrative patterns. All these generated new way of perceiving of the social realities by the young,

generating a readjusting of their value system, norms, motivations and civic attitudes.

Confronted with these changes many educators and even specialists continue to use some prejudices, stereotypes and labels according to which the young represent a ‚symptomatic’ and ‚problematic’ category, predisposed to cultivate hedonism, egotism, adventure, lack of responsibility and social commitment, lack of manners etc. In fact, it is ignored the fact that ‚the young generation is not good or bad, but just the expression of its time and society in which it lives’, which implies the attempt on behalf of the adults to correctly know and estimate the universe of meanings of the behavior of the young and the value system and norms specific to a young age.⁴

Instrumental juvenile criminality

During the 1989-2000 transition period 88,421 minors were sent to trial for various crimes which implied an average ratio of 8,800 minors per year accused by the control and social prevention authorities (see chart no.1)

Chart no. 1 – The dynamics of minors accused of various crimes during 1989-2000

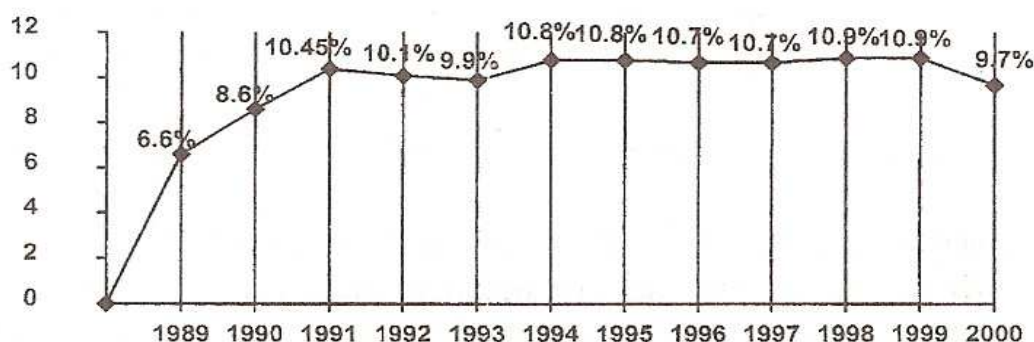
YEAR	TOTAL NO. OF INCRIMINATED MINORS	INCREASE OR DECREASE AS COMPARED TO 1989 (%)	INCREASE OR DECREASE AS COMPARED TO THE PREVIOUS YEAR (%)
1989	3.810	x	x
1990	4.554	+19.5	+19.5
1991	8.520	+128.6	+87.1
1992	9.210	+141.7	+8.1
1993	10.140	+166.1	+18.8
1994	11.658	+206.0	+6.6
1995	12.611	+230.1	+8.2
1996	12.439	+226.5	-1.4
1997	13.674	+258.9	+9.4
1998	10.918	+186.6	-19.2
1999	8.231	+116.3	-24.6
2000	7.322	+192.2	-11,0

(Source: Criminological study of the Prosecutors’ Office of the Supreme Court of Justice)

⁴Dan Banciu, Sorin Radulescu, Mihai Voicu,1987,*Adolescents and family (Moral socialization and social integration)*, Bucharest, 'Stiintifica si Enciclopedica' Publishing House.

As it appears from the chart, after 1990 the juvenile criminality increased 'explosively', being 2,2 times higher than in 1991 as compared to 1989, 3,1 times higher in 1994 as compared to 1989, and 3.6 times higher in 1997 when the record figure of 13,674 minors incriminated for various crimes was registered. Although the ration of the yearly increase during the period under discussion manifested some oscillations, during the interval 1992-1997 the most 'spectacular' salts were registered in so far as the sentenced number of minors is concerned, since after 1998 we notice a decrease of the number of incriminated minors.

Diagram 2 - The ratio of the incriminated minors over all the persons incriminated during 1989-2000



(Source: criminological study of the Prosecutors' Office of the Supreme Court of Justice)

Correlatively, the 'worrying' increase in absolute figures of the incriminated minors per year reflects in their ration among the incriminated delinquents sent to trial (see diagram no. 2)

If in 1989 the ratio of the incriminated minors was of only 6.6% among all the persons sent to trial, it registered later constant increases, reaching in 1999 the incriminated minors would represent almost 11% of all the incriminated persons. The same situation results from the analysis of the ratio of arrested minors compared to the ratio of the adult population arrested and sent to trial (see chart no.2)

Chart no. 2 - *The ratio of the incriminated and arrested minors compared to the ratio of the incriminated adults arrested during 1989-2000*

YEAR	RATIO OF THE TOTAL NO. OF INCRIMINATED PERSONS	
	INCRIMINATED MINORS (%)	INCRIMINATED ADULTS (%)
1989	25,9	34,1
1990	44,3	44,8
1991	39,3	36,5
1992	10,2	32,2
1993	31,0	29,7
1994	27,3	27,9
1995	23,6	25,3
1996	19,5	23,4
1997	11,3	23,3
1998	15,7	19,4
1999	16,4	20,0
2000	20,5	24,1

(Source: criminological study of the Prosecutors' Office of the Supreme Court of Justice)

The yearly decrease of the ratio of the minors arrested and sent to trial (but also of the ratio of the adults incriminated and arrested) can be the expression of the modifying of the 'traditionalist' penal conception of the institutions of social control according to which the prevention and combating of the juvenile criminality must be accompanied invariably only by the freedom privation of the minors. But, at present, these authorities considered that the incrimination without arresting of the delinquent minors is more beneficial for them, the measure of the minors' arrest being adopted exclusively for extremely serious crimes (homicide, rape, severe corporal harm, robbery etc.), or for those minors who violently reiterate various crimes with violence and aggression.

Sanctioned juvenile criminality

Even if its absolute figure is lower to the criminality committed because of various reasons (some incriminated minors are incriminated but never judged, other are acquitted by the judges etc.), it is significant that, starting with 1990 the number of minors definitively sanctioned has increased over 5 times, from 1.983 convicted minors in 1990 to 10,377 convicted minors in 1996 and 11,802 minors in 1997 (see chart no. 3)

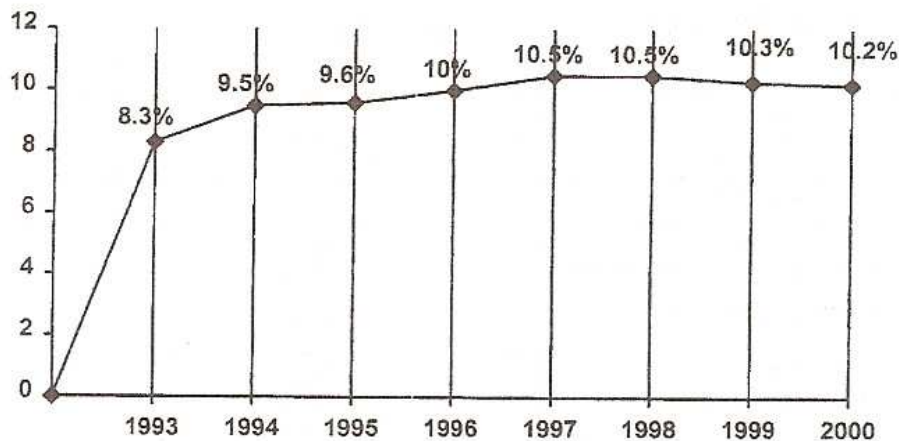
Chart no. 3 - The dynamics of definitively sanctioned minor during 1990-2000

YEAR	TOTAL NUMBER OF MINORS DEFINITELY SANCTIONED	INCREASE OR DECREASE AS COMPARED TO 1990 (%)	INCREASE OR DECREASE AS COMPARED TO PREVIOUS YEAR (%)
1990	1.983	x	x
1991	3.784	+190,8	+90,8
1992	4.590	+131,5	+21,3
1993	6.940	+249,9	+51,2
1994	9.121	+359,9	+31,4
1995	9.783	+393,3	+7,2
1996	10.377	+423,3	+6,1
1997	11.802	+495,1	+13,7
1998	10.056	+407,1	-14,8
1999	8.797	+343,6	-21,4
2000	6.738	+239,8	-23,4

(Source: criminological study of the Prosecutors' Office of the Supreme Court of Justice)

If during the first years after 1989 the judges showed more 'tolerance' towards the minors sent to trial, starting with 1993, year which coincides with an explosive increase of the juvenile criminality, they have become more severe and exigent. Thus, if for the period between 1993-1994 the incriminated minors definitively judged represented around 9.0% of the total of the sentenced delinquents total number, during 1995-2000 the minors judged and definitively sanctioned represented an average of 10.2% of the total number of the convicted persons (see diagram no. 3)

Diagram no. 3 - The ratio of the minors definitively convicted during 1993-2000



(Source: Romanian Year Book, 1999, p. 659)

Unfortunately, the increase of the ratio of the convicted minors have not found immediately a preventive, educational and healing correspondent in the system of sanctioning and judging of the various antisocial facts committed by the minors, the alarming evolution of the juvenile criminality phenomenon being influenced, to a certain extent also by the 'failure' of the old system of sanctioning minor delinquents. Thus, the Decree no. 218/1997 which included the sanction of re-educating of minors only outside the arrest within some work or learning collectivity (decree which was abrogated in 1992) did not allow the judges to use a diverse range of educational measurements and punishments against the delinquent minors, which led to a certain legitimacy 'crisis' of these institutions, the public opinion considering that justice cannot efficiently fight against the juvenile criminality phenomenon. At the present moment the difficulties connected to the justice reform process as well as the ones related to the modifying of the penal code (and , especially, to the introduction of penal legislation for minors and young) paradoxically led to the worsening of the sanctions of the delinquent minors which tend to represent around 45% among all the punishments and educational measurements applied by the judging instances (see chart no. 4)

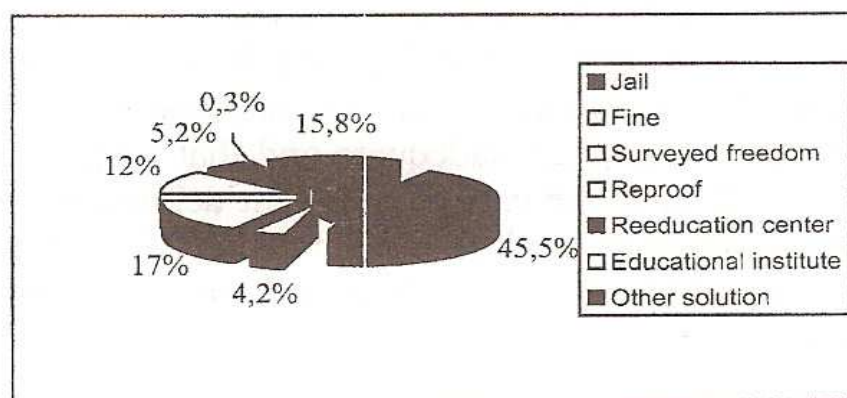
Chart no.4 - The dynamics of the educational measures and punishments applied to the delinquent minors during 1993-1998 period

YEAR	THE RATIO OF THE VARIOUS SANCTIONS APPLIED TO THE SENTENCED MINORS			
	EDUCATIONA L MEASURES (%)	FINE (%)	JAIL (%)	CONDITIONED SUSPENSION OF PRISON-TERM (%)
1993	68,3	2,4	25,5	3,8
1994	41,9	3,4	45,7	9,0
1995	32,9	4,2	46,6	16,3
1996	32,2	4,3	45,1	18,4
1997	35,2	4,6	43,8	16,4
1998	38,3	3,5	46,0	12,2

(Source: Romania's Statistical Yearbook, 1999, p. 659)

During 1993-1998 the evolution of the various types of educational measures applied to minors had the following (average) ratios (see diagram no. 4).

Diagram no. 4 - The ratios of various sanctions applied to the delinquent minors during the 1993-1998 period



(Source: Romania's Statistical Yearbook, 1999, p. 659)

The analysis of the sanctions against the delinquent minors reveal the fact that, as opposed to other European or American penal systems where we notice a prevailing number of sanctions not implying prison term and, implicitly, a decrease of those which do imply a prison term - in Romania the

situation is exactly the opposite, a significant increase of the prison term sanctions applied to the delinquent minors being noticed (for instance, in 1996 out of the 10,377 minors definitively judged, 4,667 were condemned to prison, which represents approximately 50% of the total of the applied sanctions). Without questioning the legitimacy and efficiency of the judging authorities activity in the individualizing and weighing of the various punishments and educational measures against the delinquent we consider that the prevailing use of prison term sanctions is due to the following causes:

- a) the instances attempt to combat the effects of the phenomenon and not its real causes, through a penal policy carried beyond the limits which could justify the severe and intransigent attitude towards the juvenile criminality phenomenon;
- b) the maintenance of an intolerant and non-understanding attitude of some instances which place under the equivalence sign the crimes committed by minors with the ones committed by adult persons, ignoring thus the different causal substratum of the crimes by adolescents with the ones by adults;
- c) the taking into account by the instances as much more serious and dangerous the criminal acts committed by minors - and which deserve a prison term sanction regime - and the adopting of a 'softer', more tolerant attitude towards the crimes committed by adults (against the adults the instances pronounced, for instance, between 1994-1996 only 35-42% prison term sanctions as opposed to 45-50% for the delinquent minors).

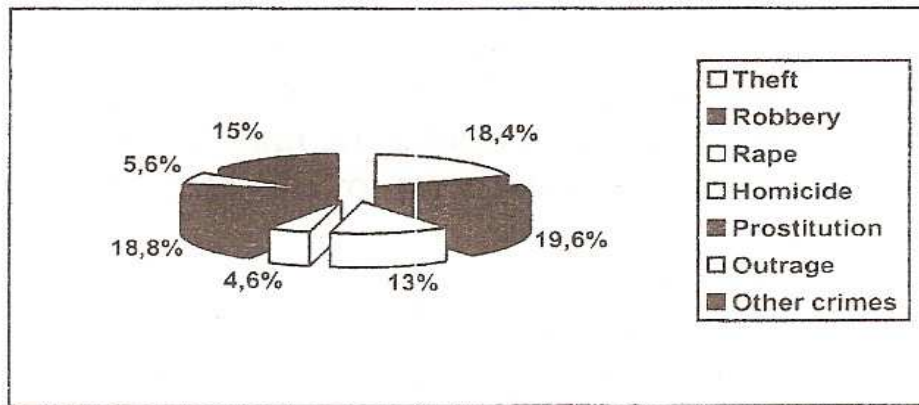
By considering the problem of sanctioning the delinquent minors as we did above we do not wish, of course, to elude the real substratum of the juvenile criminality phenomenon and its implications for the 'moral' polluting of the society. We wish though to stress that, for this type of behavior, the juridical evaluation and sanction appear inadequate and that 'changing' an adolescent's deviant behavior, just as in the case of the adult delinquent means to transform sometimes the adolescents and the young into the victims of their own 'educators', risking thus to 'push' them towards the future structured and reiterative delinquent career.

The dynamics of the main types of crimes committed by minors

The phenomenon of the juvenile criminality was perceived as explosive after 1989 not only due to the increase of its spreading and intensity, but also because of the new 'qualitative' aspects which it enjoyed as compared to the previous period, materialized in the increase of the gravity of the committed

crimes, especially of those committed with violence and aggressiveness, as well as the minors' tendency to associate in more or less organized groups in order to commit a crime (see diagram no. 5).

Diagram no. 5 - the average ratio of the main crimes committed by minors as compared to the entire juvenile criminality during 1989-1999



(Source: Romania's Statistic Yearbook, 1999)

During this period out of the total number of crimes committed by minors the highest ratio is constituted by the ones against the private and public patrimony, especially thefts (of money, goods and valuables, from private houses or shops, pickpocket robbery in buses, robbery of food and drinks, from cars etc.) Thus, if in 1989 the ratio of the minors incriminated for various thefts was of 39% of the total number of minors sent to trial, in 1992 it reached 50%, reaching even 80% in 1998 and decreasing to 76.9% in 1999. In fact, out of all crimes committed in Romania during 1989-1999 the minors represented 18.4%, which proves that theft represents the most frequent and operative way of acquiring goods by the minors, crime which does not suppose a certain cultural 'training', but only a 'specialization' and 'qualification' in the field, oftentimes without the use of violence. Among the particularities of the juvenile theft crimes we notice: the relatively low value of the stolen goods (generally easy-to-sell objects), the participation in more than 80% of the cases of more minors to commit the same theft, the use of violence etc.

On the other hand, during the same period the number of robberies committed by minors increased, crimes which suppose the use of force and aggressiveness so that the number of minors sent to trial for robbery doubled in 1990 as compared to 1989, then it tripled in 1991 and was four times

higher as compared to 1989 (890 minors incriminated for robbery in 1992 as opposed to 171 minors incriminated in 1989), within the juvenile criminality the ratio of robberies committed by minors reaching thus 18%. Specific to this type of crime is the fact that in over 50% of the robbery cases are committed by groups whose participants were in 60% of the cases minors without occupation.⁵

Parallely, the violence against person cases committed by minors increased significantly, and especially the homicides and rapes. Thus, in 1989, 369 minors were incriminated for crimes against persons, in 1991 their number reaching to 617 minors, reaching the highest number of 620 in 1997, after which it was followed by a decrease to 460 incriminated minors in 1999. The homicides committed by minors have an oscillant but decreasing evolution, going from 72 homicides in 1996 to 40 in 1999. The same tendency of evolution had the rape crimes whose number varied from 119 rapes committed in 1989 to 306 rapes in 1991, afterwards gradually decreasing to 140 in 1996 and 78 in 1999. Although these crimes have registered a descendant evolution in the total number of crimes committed by minors, they continue to remain important categories of breaking the penal law by this group.

We should also mention the existence of some prostitution and proxenetism acts in which minors took part, oftentimes stirred by adult persons, acts whose number constantly increases, around 18% of the sanctioned prostitutes being minor. Also, the minors took part in 6.2% of the falsifying money cases, 2.3% in drugs traffic, etc.⁶

Relevant etiological factors for the juvenile criminality phenomenon

As a general feature most of the minors incriminated and sanctioned during the analyzed period showed serious deficiencies in the family and social socialization materialized through running away from home, school abandoning, alcohol and drugs consumption, harmful environments which all constituted important negative factors in the structuring of the minors'

⁵See in this sense Vasile Teodorescu, I. Gurita, A. Draghici, M. Focica, *Criminological study regarding the criminality level during 1989-1999. Causes and prognosis*. Criminology Bureau of the Prosecutors' Office of the Supreme Court of Justice, Bucharest, 2000; also Vasile Teodorescu, 2000. *Juvenile Criminality during 1989-1999*. Criminology Bureau, Bucharest.

⁶Pavel Abraham, Victor Nicolaescu, St. Bogdan Iasnic, *Introduction to probation*. Bucharest. National Publishing House, p. 165-167.

delinquent behavior. Although these factors led to the shaping of the profile of the minor who starts by being deviant and continues by being criminal, they have to be associated with certain dysfunctions which intervene in the educational and moral learning activity of the main 'instances' of socialization and social control during adolescence and, especially, within the family, school, professional or friends group, local communities, mass-media etc.

Since during the last 5 years which we analyzed only 10.6% of the definitively judged minors were the 'product' of some legally disorganized families it results that the family being disorganized is not 'ipso facto' a determinant factor of the delinquent criminal behavior, but that the deficiencies and educational dysfunctions of the family have a much larger importance in the occurrence of some deviant and delinquent manifestations during adolescence. The 'dysolution' of the family group, the worsening of the affective and emotional family climate, the lack of social communication within the family, the deficiencies of the parental educational style, the lack of control of the minor by his parents constitute, in their turn, factors which negatively influence the minor's behavior, determining him, under certain unfavorable conditions, to commit and reiterate acts with a deviant or criminal character.

All these family educational dysfunctions represent, though, the necessary but not sufficient condition in the structuring of the criminal juvenile behavior, and they need to be correlated with other socio-human and cultural variables which belong to the educational and cultural level of the family, the family's income level, family's life style. From this point of view the data and information established by various socio-juridical researches prove that, during the transition period, there are numerous families characterized by a low level of education, culture and professional training which trigger a low level of the average family income or their complete lack which lead to a large number of families living way below the poverty line. The insufficiency of the incomes as well as the material and financial difficulties in many families represent negative conditions which affect the proper functioning of the family group by generating tensions, conflicts and even violence within the family. These difficulties are more powerfully felt in the case of the families with several minor children in which the parents cannot ensure the necessary money for the daily life, reason for which many minors steal in order to get the food and clothing that they need, or run away to beg, becoming 'street-children' who take drugs.

Besides the deficient of the family socialization the criminal 'career' of many minors incriminated and judged during this period was influenced by the school failure of abandoning, as well as their non-adapting to the school's exigencies and requirements. Many of the criminal minors who graduated a number of years and ,functionally' illiterate, with extremely low results and who can barely read and write, manifesting an indifferent and even hostile attitude towards the instruction process and school education. Considered as being ,problem-children' by their colleagues and teachers, who have behavioral troubles, many of the criminal minors have manifested reaction of school rejection, preferring to run away from school or repeat the same cycle (grade) and finally to abandon the school by looking for the company of some other persons with the same results and behaviors. The constitution of such negative groups and environments, oftentimes formed spontaneously and occasionally represents a favoring factor for the start of some antisocial acts committed by minors within a group. The occurrence and amplifying of such negative ,socialization' or ,induction' groups negatively influence many young persons with family and school deficient but also some apparently socialized minors who belong to average cultural and occupational status families and who manifest a correct behavior within the family and at school, but who were occasionally attracted in such harmful environments, committing a series of antisocial acts within a group.

The typology of the juvenile delinquent behavior

It is specific to the transition period that, mainly, the ,sources' which feed or favorize the juvenile criminality phenomenon are represented by:

- a) the minors belonging to the so-called 'street-children' phenomenon, perceived as a distinctive category and with an inferior social status, to be found at the margins of the society and in the proximity of deviance and juvenile criminality, which includes children who ran away or were pushed away from their families, ill-treated or physically or sexually abused by their parents, children who carry out in the street various works or are sent by their parents to beg etc.;
- b) institutionalized children and minors, disadvantaged from the affective and family point view, who lack a protective economic and social climate

becoming thus possible victims of the harmful environments who push them towards criminality;

c) children and minors failing or abandoning school or work, who lack the material and financial means or who do not have the possibility of getting any work income preferring the deviant or criminal way by practicing various 'occupations' within the frame of deviance or criminality (thefts, aggressions, prostitution, alcohol and drugs consumption etc.)

Taking into account the age and personality of the young delinquents, the type of the committed crime, the social environment in which they have been brought up and socialized and the real possibilities of recuperation and social reinsertion according to the statistical and etiologic we can also make a typology of the various delinquent juvenile behaviors:

a) minors with occasional, accidental or unstructured delinquent behavior who commit crimes with a reduced degree of social danger. Usually this category comes from legally constituted families, but in which there are socializing deficiencies (either 'over-socialization' or 'under-socialization'), reason for which the minors run away from home and school, getting under the influence of some harmful environments, in the company of which they start to commit deviant and delinquent acts. For many of those minors they deviant behavior does not represent anything else but the manifestation form of the 'crisis' of adolescent originality, participating to the committing of some crimes accidentally or 'occasionally', out of 'bravado' or group solidarity 'spirit' with other minors. For a large part of these minors there are real chances for 're-socialization' and recuperation in open environment through the adopting of educational sanctions or not implying prison term, thus avoiding the danger of their 'labeling' or 'stigmatizing' by the community, but also those of the 'negative learning' of the delinquent techniques in the case of institutional re-socialization;

b) minors with structured delinquent behaviors, who commit crimes with a high risk of social danger, who usually come from structurally and functionally dissociated families, having a precarious economic situation and also low schooling or professional performances. Their delinquent 'career' evolution reveal the committing ever since a young age, of pre-delinquent acts (thefts from home or neighbors, classmates, smoking, running away from school or abandoning it, alcohol and ever drugs consumption, physical aggressions etc.) while afterwards they start committing much more serious crimes (robbery, theft, rape, physical aggressions etc.). For some of them the

identification 'on time' of their inclination towards deviance and the adopting of some gradual sanctions proportional with the seriousness of the crime represent viable and normal re-socialization and social reinsertion opportunities, in the opposite case there being the risk that they would become the usual 'clients' of the minors penitentiaries;

c) minors with recurrent and reiterative delinquent behavior who commit crimes with an extreme social danger materialized in homicides, corporal harming, rapes and robberies, drug consumption and trafficking. Usually these minors come from those environments of 'negative socialization', 'marginalized' or even 'pathogenic' environments where they are socialized and 'taught' in a contesting, aggressive and violent spirit and from which they 'acquire' from a young age delinquent and criminal attitudes, techniques and 'options'. Oftentimes the authors of such crimes are organized in real bands and anti-social groups specialized in committing of some spectacular crimes from the point of view of their cleverness and output alike, as well as the processes of organizing and valorizing of the criminal 'products'. For many of these minors, although a whole set of educational measures and punishments was adopted the chances of re-socialization and social recuperation are very low so that they form the 'reserve army' of the future adult delinquents.

Conclusions

If we take into account the nature, intensity and gravity of the criminal acts committed by minors and young, no matter the official statistics which is used, we notice that on the first place we find the crimes against the public or private patrimony (thefts and robberies), followed by the ones of begging, homelessness, rape and homicide which give the juvenile criminality phenomenon a specific connotation, different from the adults. Far from acquiring extremely worrying dimensions the juvenile criminality has registered constant increase lately, but not as significant from the point of view of its seriousness and intensity and without its being much higher than during the totalitarian regime. However, the main 'qualitative' changes which occurred in the structure of the juvenile criminality after 1989 are the following:

a) the significant increase of the crimes committed by minors through violence and aggression (rape, robbery, corporal harming, etc.) the increase

rate of this type of crimes being significantly close to the one which characterizes the categories of adult delinquents;

b) simultaneously with the constant number of minors in conflict with the law we notice an intensifying of the seriousness of their acts materialized in the manner and means of accomplishment, the participation degree, the goals followed etc.;

c) the significant decrease of the level of the age when the minors start their criminal career, the age category most exposed to theft committing, homelessness and begging being between 11 and 14 years old, while the minors between 14 and 18 predominantly commit robbery acts, severe hitting, rapes and homicide, and even drug traffic and owning.

Confronted with these changes of 'essence' occurred in the juvenile criminality's case the social defense reaction on behalf of the institutions specialized with the criminality control and treatment materialized in the form of increase and intensifying of the prison-term sanctions adopted towards the delinquent young persons. Thus, while between 1994-1995 35% cases were registered, cases in which the adult delinquents were sentenced to prison-term punishments, while the percentage of the minors was around 40-45%. Unfortunately the worsening of the prison-term punishments for the minor delinquents does not seem to lead to the decrease of the ratio of the crimes committed by minors as opposed to the entire number of crimes since both the reeducation centers as well as the penitentiaries continue to represent favorable environments for the occurrence of an imitative behavior among the young persons, most of the recidivists coming from these reeducation centers or penitentiaries. Also, the prison-term measures adopted in the case of the minors who committed crimes, besides proving to be not exactly efficient, do not diminish the inability and indifference feeling manifested among the factors aiming to prevent and control or the public opinion resigned when confronted with the impossibility to efficiently combat and counteract the juvenile criminality.