



Juvenile Delinquency in the Republic of Kosovo During the Period 2017-2019

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Abstract

Deviant behaviors of juveniles who violate legal, moral, and social norms are a worrying phenomenon, both for the state of Kosovo and around the world. The special importance that juveniles have and their behavior has pushed authors, legal experts, lawyers, many psychologists and sociologists to study this issue for decades as a phenomenon which negatively affects the development of both the state and society. The paper focuses on the treatment of the most prominent criminal offenses that juveniles have committed, charged and convicted in Kosovo, during the three-year period 2017-2019. The paper will also pay attention to the treatment of the term juvenile delinquency in national and international terms, will explain some of the many factors that directly affect the delinquent behavior of juveniles, and a brief treatment will be made to the legislation of the Republic of Kosovo in relation to minors in conflict with the law. The purpose of this paper is to research the period 2017-2019 of juvenile criminal offenses in Kosovo to make a definition of the most prominent offenses for which juveniles have been convicted the most, in order to be an indicator that the system of justice to intervene, fight and prevent further commission of these acts.

Keywords: *Juvenile Delinquency; Factors Influencing Delinquency; Juvenile Legislation in Kosovo; Juvenile Criminal Offenses*

Introduction

Juvenile delinquency means all forms of deviation that appear in the behavior of juveniles (Maloku, 2019: 45), while delinquents are persons who violate the norms of criminal law by which are protected the fundamental values and interests of society. So, delinquent is the person who has repeated deviant behavior, who commits criminal acts, through which he violates the legal norms in force. Delinquency is a complex social phenomenon, the full knowledge of which requires a scientific study from many disciplines. (Maloku & Maloku, 2021: 23)

The reaction of the Kosovar society in the legal aspect to the juvenile perpetrators of criminal offenses is quite early, trying to always adapt to the circumstances and social, economic, legal, political, cultural, religious, etc. Delinquency shows a variety of behavioral styles or forms. of behavior and each of these models has its own social context, the causes that are claimed to bring it about, and the forms of

prevention or treatment that are most often suggested as appropriate to the model in question. American sociologist Howard Becker has referred to four types of juvenile delinquency; individual delinquency, group-supported delinquency, organized delinquency, and situation delinquency. Individual delinquency refers to delinquency in which only one individual is involved in the commission of a delinquent act and its cause is located within the individual delinquent. Most explanations for this delinquent behavior come from psychiatrists. Their argument is that delinquency is caused by psychological problems that stem mainly from patterns of family interaction with flaws and pathological flaws (Becker, 1996) . Group-supported delinquency is committed in the company of others and the cause is not found in the personality of the individual or in the delinquent's family, but in the culture of the individual's home and neighborhood, already delinquent. This was later expressed very clearly by the American sociologist Edwin Sutherland who developed the theory of social differentiation. (D.McKay, 1942) Organized delinquency is committed by formally organized groups. These delinquencies were analyzed by the United States in the 1950s and the concept of delinquent subculture was developed. This concept refers to the set of values and norms that guide the behavior of group members, encourage delinquency, granting status on the basis of such acts and specifying typical relationships with persons who fail outside groupings regulated by group norms (What are the Four Main Types of Delinquency, 2021) . The delinquency of the situation offers a different perspective. Here it is assumed that delinquency is not deeply rooted, and the motives for delinquency and the means to control it are often relatively simple. A young person indulges in delinquent action without having a great deal of commitment to delinquency because of less developed impulse control and, or because of weaker reinforcement of family constraints, and because he has relatively little to lose even if caught (Francis T. Cullen, 2018) In juvenile literature there are different approaches to explain juvenile delinquency such as legal approach, social work approach, psychological approach and sociological approach. The legal approach which is based on normative formalization, tends to explain delinquency in specific terms to protect the public from dangerous behaviors and to protect the delinquent from the unjust actions of the police and the courts. The approach to social work is informal and therapeutic while the psychological one is analytical. These two approaches (social work approach and psychological approach) are mainly concerned with the well-being of the individual offender and attribute only secondary importance to the safety of the social group in which he committed his delinquency. The sociological approach sees the delinquent as a member of his social group, and delinquency as a deviation from the norms of the group and as a disruptive force in the normal functioning of organized social life (Sharma, 2015)

1. Literature Review

Authors Jasarevic and Maloku (2021) in their book *Criminology (etiology and phenomenology)* analyze juvenile delinquency in national and international terms. They elaborate on the etiological and phenomenological factors that affect the occurrence of delinquency.

When we have to deal with serious criminal acts (Maloku, 2015: 11) whether committed by adults or juveniles, we need great help in addition to the practical and terrorist aspect. Regarding the theoretical aspect of the same author Jasaravice and Maloku (2021) in their book *Law of Criminal Procedure I and II (general and special part)* write about juvenile defendants in pre-trial and criminal proceedings. These authors also dedicate a chapter to the minor cases of juveniles in criminal proceedings. They also pay special attention to the rights of juveniles in criminal proceedings.

Crime increases the fear of crime (Maloku, 2015), even delinquents with their illogical and antisocial actions can increase the fear of crime. Delinquency is criminal behavior especially that committed by a juvenile. Depending on the state, a minor becomes an adult anywhere between the ages of 15 and 18. Delinquency means behavior that does not conform to the legal or moral standards of society, usually applies only to actions that if committed by an adult would be called criminal acts. In western

countries, delinquent behavior is more common in the 14- to 15-year-old age group. (Encyclopædia Britannica, 2022) The term delinquency comes from the Latin word "deliquare" which has a very broad meaning. The term juvenile delinquency usually refers to the repetitive habits, behaviors, and actions of juveniles who violate the morals, customs, and laws of the environment in which they live. A delinquent is a person who has repeated deviant behavior, who commits criminal acts, thus violating the legal norms in force and the rules of the society where he lives. (Bajrami, 2017)

Juvenile delinquency in all countries of the world is a very important social problem. In solving this problem are engaged considerable individual and social forces, even financial means. The study and fight against juvenile delinquency at the international level has taken on such dimensions and intensity that they are more pronounced than in other areas of international cooperation. (Latifi.V, 1982)

According to the Author Ragip Halili, by juvenile delinquency we mean the anti-social and illegal behaviors of minors. Juvenile age is set at positive rates in many countries and usually includes the age of 14 to 18 years (Halili.R, 2005) .

The Turkish Penal Code exempts minors under the age of 12 from criminal liability. According to this Code when the juvenile is older than twelve but younger than fifteen years, at the time of the commission of the criminal offense and he is unable to assess the legal meaning and consequences of his action or the ability to act to control the behavior his is undeveloped he is exempt from criminal liability. However, these minors may be subject to child-specific safety measures. (Penal Code of Turkey 31, (1) (2), 2016)

According to the United Nations Convention on the Rights of the Child, child means any human being under the age of eighteen, except when, under applicable law, children reach the age of majority. States Parties undertake to respect the rights set forth in this Convention and to guarantee them to every child within their jurisdiction, without distinction of any kind, such as race, color, sex, language, religion, political opinion or any other opinion, of national, ethnic or social origin, wealth, disability, family background or any other condition of the child or his parents or legal representatives (Konventa mbi të Drejtat e Fëmijëve, 1989) . The term juvenile delinquency has a broad meaning and there are various theories that claim to define it. According to the Juvenile Justice Code of the Republic of Kosovo, a child under the age of criminal responsibility is a child who has not reached 14 years of age at the time of the commission of the criminal offense. A child is a person who has not reached the age of 18, a minor is a person who has reached the age of 14 but has not reached the age of 18, a minor is a person who has reached the age of 14 but has not reached the age of 16 , and juvenile adult person who has reached 16 years of age but has not reached 18 years of age. (Kodi i Drejtësisë për të Mitur Nr.06/L-006 Neni 3, 2008).

2. Methodology

Methodology and working methods constitute one of the most important pillars on which the study is built. To achieve the objectives of this paper, scientific methods have been used as a research method which includes the process of collecting materials in written and electronic forms, bibliographic data, scientific papers and also data from various agencies and electronic media have been used. Comparative methods in order to compare the most prominent juvenile offenses and statistical methods to assess the increase or decrease of juvenile offenses in certain time periods 2017-2019, the creation of graphs to reflect as accurately as possible the statistics of collected during this research in order to validate the hypothesis.

Based on available literature, reports, contacts and personal research. The paper provides a brief summary of the criminal legal aspect, namely the material legal aspect (Maloku & Maloku 2021: 21) regarding juvenile delinquency in the period 2017-2019 in Kosovo.

Hypotheses

Minor bodily injury and aggravated theft as criminal offenses of minors, dominate in the research period 2017-2019 in the Republic of Kosovo.

3. Results and Discussion

3.1. Factors Affecting Juvenile Delinquency

With the development of human society, various forms of crime have been developed (Maloku, 2015: 461) such as juvenile delinquency.

Delinquents are persons who violate the norms of criminal law through which the basic social values and interests are protected (Maloku, 2016: 115) For the appearance and increase of juvenile delinquency are influenced by criminogenic factors. Criminogenic factors are all causes, conditions and circumstances that affect the occurrence of crime and various criminal behaviors in a society (Halili, 2005) . Many scientific studies have paid attention to juvenile delinquency, trying to explain mainly the causes of this phenomenon in order to determine the training of juvenile delinquents. (Latifi, 1982) .

In the broad spectrum of criminological theories on the causes of deviant behavior, sociological theories of criminality involve particular importance. These theories, the causes of such behaviors are only seen in the conditions and social interactions of the individual in their environment. (Maloku. 2020: 170)

3.1.1 Personality of the Minor

In the formation of the personality of the juvenile is very important the age with which are related the many psychological and psyche changes of the juvenile. The personality of the individual is very important especially for the way it is developed and formed from the initial stage of life in infancy, as it has a great influence on his behaviors and actions. In many cases some actions and behaviors of individuals, can not be understood at first glance. They can not be enlightened without analyzing the personality itself, its own psychic structure. (Gjonela, 2017)

3.1.2 The Character of the Minor

It is a very important trait because it is precisely in the character of the juvenile where his positive or negative behaviors are observed. According to the prevailing opinion in contemporary psychology, as qualities of personality which character should be considered are those qualities that are related to certain ethical principles that apply in a society, principles which are regarded as necessary, normal, permissible, just, useful and moral. (Halili.R, Kriminologjia, 2002)

3.1.3 Family

It is an irreplaceable factor in the education of the new generation. It, as a small collective, lays the initial foundations of the formation of the child's personality and education, which serve the school and other social institutions as a fulcrum and starting point for steps and further influences. In this view the family constitutes the most important influencing factor in the education of children. Four important factors that affect the family are:

1. The first factor relates to the basic emotional relationship of the family, first of all the lack of warmth and care for children, increases the risk that later these children will become hostile and violent.
2. The second important factor is the freedom given to the child and allowing violent behaviors in childhood. If there is a clear boundary of behavior, then these children in primary school start behaving violently with other students as well.
3. The third factor is related to the application of educational methods "verification of force" by parents, such as corporal punishment and motivation for violence. This proves that "violence brings violence" (Gashi, 2017)
4. The last factor is the temperament of the child. The child with an active temperament "kidnapped" is more likely to become violent compared to the child with a calmer temperament (Beljanski, 2009).

3.1.4 Economic Factor

The economic status of a state, of a smaller area, can determine or influence certain human behaviors, including criminal behavior. Economic factors that can be considered with criminogenic content are: industrialization, unemployment, economic crises, etc.

Industrialization is one that offers jobs, training, and specialization opportunities, offering to raise the standard of living of the people. (Chipil, 2009)

Unemployment explains a certain percentage of criminal acts. Its impact is exerted not only by the sudden and excessive decline of the standard of living, but also by the emotional instability it causes. Unemployment seriously attacks the internal balance of the individual, making it impossible that he achieves his aspirations by legal means. It severely affects the structure of the family and its basis. (Szabo, 1976)

The decline in the standard of living of disadvantaged social strata has been pronounced during economic crises affecting production, wage levels and the unemployment rate. (Radu, 2020) .

3.1.5 School

School-related risk factors for juvenile delinquency include unique dimensions of student factors, relative factors, and factors within the school spirit. Academic performance, especially academic failure, grade dropout, also absenteeism and early school dropout is a strong predictor of delinquency at the individual student level. Relative factors include teacher-student and student relationships, poor bonding and without the pleasures that students display towards their teachers pushes them into disengagement from school, which pushes them towards the risk of being delinquent. While factors within the school spirit include the location of the facility, the neighborhood and inadequate enforcement of poorly defined school rules and norms (Guan, 2012).

3.2 Legislation for Juveniles in the Republic of Kosovo

The Republic of Kosovo, although a country in transition, with numerous political and legal changes, from the period 1999 until today has made it impossible to commit to reducing and preventing delinquent behavior of minors. Kosovo covered the post-war legal vacuum with regulations, in 2003 two Codes were adopted: the Provisional Criminal Code and the Provisional Code of Criminal Procedure which entered into force on 6 April 2004. Also in the same year, the Assembly of Kosovo adopted the Code of Juvenile Justice of Kosovo, which entered into force on April 20, 2004. While in 2006, the Assembly of Kosovo adopted the Law on Family, which at the same time provided more support and security for civil litigation in various proceedings, especially those for family members where juvenile

delinquency is involved in various disputes(Maloku 2021) . The legislation aims at the welfare of the juvenile and ensures that any reaction to juvenile perpetrators is always in proportion to the circumstances of the perpetrator and the criminal offense.(Ligji Penal për të Mitur i Kosovës - UNMIK 2004) , The Juvenile Justice Code which applies today, and entered into force on 14 September 2018 addresses all issues related to juvenile delinquency. The Code in force provides that juveniles who commit criminal offenses may be sentenced measures and penalties(Kodi i Drejtësisë për të Mitur Nr 06/L-006 Neni 12 2018) ;

3.2.1 Types and Measures Applicable to Minors

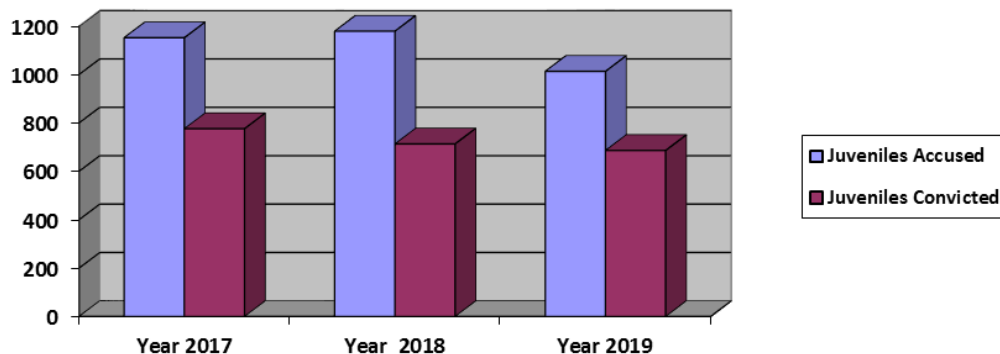
Diversity Measures: conciliation between the juvenile perpetrator and the injured party, including apology by the juvenile to the injured party, reconciliation between the juvenile and his family, compensation for the injured party based on mutual agreement between the injured party, the juvenile and his / her legal representative, in accordance with the financial situation of the juvenile, regular attendance at school, acceptance of employment or training in an adequate profession with his / her skills and abilities, performing unpaid work for the benefit general in accordance with the ability of the juvenile perpetrator to perform such work. This measure may be imposed with the consent of the minor for a period of ten (10) to sixty (60) hours, education in traffic rules, psychological counseling, engagement in charitable activities, payment of a certain amount of money intended for charitable purposes or in the victim compensation program in accordance with the juvenile's financial situation, engaging in sports and recreational activities, and counseling between juvenile families to refrain from any contact with certain individuals that may have a negative impact on the child. the juvenile, not to visit certain places or environments that may have a negative impact on the juvenile, and to refrain from the use of drugs and alcohol, the police reprimand(Kodi i Drejtësisë për të Mitur Nr 06/L-006 Neni 20 2018) .

Educational Measures: Judicial reprimands, enhanced supervision measures, and institutional measures(IBID Neni 23 n.d.) .

3.3 Criminal Offenses of Minors in the Republic of Kosovo

The phenomenon of juvenile delinquency is a contemporary phenomenon that has found massive spread in recent years, so undoubtedly the Republic of Kosovo is part of this negative phenomenon, with the transitional changes it has experienced and large movements in the village-city relationship, based on comparison statistics from 2017 to 2019 over the last three years has undergone a slight positive change in terms of criminal offenses committed by juveniles.

Graph no. 1: Statistics on juveniles charged and convicted for the years 2017-2019

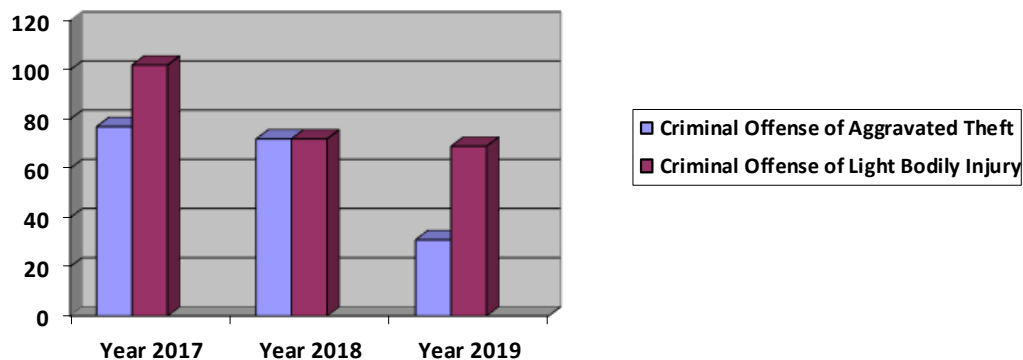


Source: (Jurisprudence statistics for juveniles accused and convicted from 2017-2019 compiled by the Kosovo Agency of Statistics)

The graph presented above shows a positive, slight change of juveniles charged and convicted in 2019, compared to the previous years 2017 and 2018. In 2017, the number of juveniles charged in the Basic Courts in the Republic of Kosovo was 1152 persons. The largest number of defendants was in the Basic Court of Prishtina with a total of 453 persons or 39.3%. Out of a total of 1152 accused persons, 766 persons or 66.5% of the accused were convicted. In 2018, the number of juveniles charged in the Basic Courts in the Republic of Kosovo was 1179 persons. The largest number of defendants was in the Basic Court of Prishtina, with a total of 389 persons or 33.0% of the total number. Out of a total of 1179 accused persons, 713 persons were convicted or 60.5% of them. While in 2019 the number of juveniles charged in the Basic Courts of the Republic of Kosovo was 1013 persons. The largest number of accused was in the Basic Court of Prishtina with a total of 414 persons, or 40.9% of the total number. Out of a total of 1013 accused persons, 686 persons or 67.7% of the accused were convicted. (Statistikat e Jurisprudencës për të Mitur 2017-2018-2019)

Based on the research of this paper and statistics released by the Kosovo Agency of Statistics, from 2017 to 2019 the most dominant criminal offenses for which juveniles are charged and convicted in the Republic of Kosovo are criminal offenses against life and body such as that minor bodily injury and criminal offenses against property, aggravated theft.

Graph no.2. Statistics of the criminal offense of light bodily injury and the criminal offense of aggravated theft for the years 2017 - 2019



Source: (Jurisprudence statistics for juveniles convicted of criminal offenses of minor bodily injury and aggravated theft in 2017-2019 obtained from the Kosovo Agency of Statistics)

Graph presented number 2, shows the number of juveniles convicted for the criminal offense of aggravated theft, and the criminal offense of minor bodily injury. In 2017 for the criminal offense of aggravated theft 77 juveniles were convicted, in 2018 were convicted 72 juveniles, while in 2019 31 juveniles were convicted. For the criminal offense of minor bodily injury in 2017, 102 juveniles were convicted, in 2018, 72 juveniles were convicted, while in 2019, 69 juveniles were convicted. Based on the statistics of the years 2017-2019, we conclude that criminal offenses, injury of light bodily harm and aggravated theft, have been the criminal offenses for which juveniles have been convicted the most, in relation to all other criminal offenses committed by juveniles in Kosovo (Statistikat e Jurisprudencës 2017-2018-2019). Although these two criminal offenses have found great spread around the world, it is noticed that in Kosovo after 2017 we have a slight decrease, especially the crime of aggravated theft, which in 2019 has a decrease of 48.3%.

Research in this scientific paper confirms the hypothesis that the criminal offense against life and body "minor bodily injury" and the criminal offense against property "aggravated theft" are two of the most distinctive offenses against minors in RKS.

Conclusion

At the end of this paper it is concluded that in the Republic of Kosovo the criminal offenses of juveniles, although from the period 2017 - 2019 have managed to have a low percentage of improvement, are a negative phenomenon of concern. The fact that criminal offenses, minor bodily injury and aggravated theft are two of the most prominent offenses is an indicator that influencing factors in juveniles such as family, school, society, economic conditions play a special and irreplaceable role, the importance of the family and school in child behavior is unique, as is the control that is given to children because almost over 50% of minor bodily injury offenses are committed near primary, secondary and inter-school schools. While the offense of aggravated theft is mostly committed due to condition poor economic conditions, to satisfy the financial ego of minors, and also for the purchase of narcotics. Although the legislation of Kosovo regulates quite well the issue of juvenile delinquency by ratifying a number of Conventions, there is always room and space for improvement. Legal institutions and local organizations need to work harder to provide juveniles with better educational opportunities, and also to provide financial support to families of juveniles who are recidivists, so that they have easier access to re-education and resocialization. Establishment of special Institutions which in practice would help juveniles with educational measures and also psychological assistance to be present whenever juveniles are in conflict with the law. The Republic of Kosovo is a country which has experienced great changes over the years and these major changes are undoubtedly a major impact that the rapidly evolving life is affecting juvenile delinquency but the Republic of Kosovo and Legal Institutions together with the assistance of EU states and international co-operation should step up their efforts to analyze better the issue of delinquency and enable the number of juvenile offenses to be reduced each year to a higher percentage. There should definitely be more social surveys through which a result would be obtained that would help the reason why juveniles commit criminal offenses and work in this direction should also be a linking mechanism between schools, the Ministry of Justice and Probation Service in order to inform juveniles about the consequences and measures that await those who commit criminal offenses and those who are repeat offenders. Individuals and employees who deal with the treatment of minors should have better information about the rights and laws that pertain to children and their protection. And definitely drafting, amending, or supplementing juvenile laws must always be in line with international standards.

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