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### Juvenile Delinquency and the Legal System: Potential Implications and Investigations

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#### Abstract

The term delinquency covers more difficult forms of associal, antisocial, socio-pathological and criminal behavior such as theft, deliberately causing damage and fire, misdemeanor, deviant behavior, hooliganism, robbery, carrying out criminal acts etc. The term delinquency is used when it comes to juvenile perpetrators of criminal offenses. It is an inconsistent form of behavior, a dangerous and complex social-pathological phenomenon, a very delicate criminological, legal, economic and sociological, and serious family, pedagogical, medical and difficult general-social problem. The implications for juvenile justice and the factor underlying the juvenile delinquency have not clearly understood. In this review, we reported in details the potential investigations of juvenile delinquency and the legal system."

**Keywords:** Juvenile; Delinquency; Law

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#### Introduction

Juvenile delinquency is simply any behaviour that violates the criminal law when perpetrated by individuals who have not yet reached the age of adulthood, as specified in relevant national or state legislation [1]. In short, juvenile delinquency refers to criminal acts committed by minors. A social definition of delinquency is, however, broader in scope and encompasses a range of behaviours, such as alcohol and tobacco use, truancy, aggressive acts, petty theft, or other forms of 'misbehaviour' that are either not illegal for adults or are unlikely to come to police attention. Psychologists often prefer to use the term antisocial behaviour to

refer to this wider range of acts that either violate the rights of others or transgress social norms, but which may not necessarily constitute criminal offences. The fact that many of these behaviours are treated differently when perpetrated by young people is reflected in the existence of status offences in the United States [1]. Status offences are acts that are legal for adults but, when committed by juveniles, may be subject to various criminal justice responses. The most common status offences include truancy, running away from home, alcohol use and incorrigibility (failing to obey parents).

When considering the way that the criminal justice system treats young people, most countries make two important distinctions

based on age. The first is the age of criminal responsibility. This is the age at which someone can reasonably be said to recognise the difference between right and wrong and therefore, in principle, can be held fully responsible for their criminal acts [1]. Below this age, individuals can not be criminally liable for their acts. The age of criminal responsibility varies considerably from country to country. In the United States there are important state differences in the age of criminal responsibility – from age 6 in North Carolina to age 10 in Colorado, Kansas and a number of other states [1]. Many states do not have any specified minimum age.

Even if a young offender has reached the age of criminal responsibility they are likely to be treated differently from adults as long as they are still considered to be a minor. The second important age, then, relates to the point at which juveniles are treated in the same way as adults by the criminal justice system. Individuals who are under this age are usually dealt with by juvenile or youth courts and typically receive different, and usually less severe, sanctions than would accrue for similar offences if committed by adults. The existence of separate juvenile justice systems in many countries reflects the important way in which offending is treated differently when committed by individuals who have not yet reached adult status.

## Adolescence

The biological, psychological and social changes that occur during adolescence can help us to understand why this period is characterised by a sharp rise in antisocial behaviour and offending [1]. As individuals reach adulthood, brain regions related to impulse control and decision making become fully developed, risk-taking activities become less appealing, and adult roles and responsibilities limit the opportunities and motivation for offending [1]. Cultural factors can also influence length of young adulthood (and hence extend the risk period for offending)

as increasingly young people delay the acquisition of major adult roles and responsibilities, like marriage and child-raising, until their mid-to-late twenties [1].

Adolescence is a period where many young individuals engage in antisocial behaviour. It is also a period where the rate of offending peaks. However, most young people do not engage in serious offending and many young people abstain from criminal behaviour entirely. The material presented in this section can help us to explain the spike in offending during adolescence (with important implications for the juvenile justice), but it cannot, by itself, explain why some individuals are more likely to offend (and to become persistent offenders) than others.

## Responsibility

Forensic practitioners may be asked to evaluate a juvenile's mental state at the time of an alleged offense for the purpose of the determining the degree, if any, of criminal responsibility [2]. A criminal act is composed of two components: *actus rea* (guilty act) and *mens rea* (guilty mind or criminal intent). Under English common law, a youth's age played a significant role in whether they were considered blameworthy for illegal acts. Children less than age 7 were deemed incapable of forming criminal intent. This defense, also known as the infancy defense, held that these very young children were not criminally responsible due to developmental immaturity. Juveniles between the ages of 7 and 14 were also presumed incapable of committing crimes though the government had the right to rebut this presumption [2]. In contrast, juveniles 14 and older were treated as adults in regards to evaluating sanity at the time of at the time of an alleged offense. A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the criminal of his conduct or to conform his



conduct to the requirements of the law llegal offense [2].

When preparing for an evaluation of a juvenile's criminal responsibility, the expert should first clarify if he or she is court appointed or retained by the defense or prosecution. Although the examiner should always strive for honesty and objectivity regardless of the retaining party, opinions rendered by a psychiatrist hired by the defense are not always disclosed to other parties. Prior to conducting the evaluation, the defense attorney should be notified of the impending interview. In some situations, the defense attorney may request to be present during the assessment and may obtain a court order allowing them to do so. If this situation occurs, the evaluator should request that the defense counsel not interrupt the examination or instruct the defendant how to respond to questions.

### Law

The general misconception that personal injury cases only involved individuals who suffer physical injury in some form of an accidental situation is one that is held by professionals and nonprofessionals alike [3]. There are two parts to every personal injury lawsuit: Damages, which refers to how much damage has been caused by the injury, and liability, which refers to who is responsible for those damages. Personal injury cases can include any situation where an individual is injured physically or psychologically in which damages occur, including accidents resulting in physical or psychological injury; medical malpractice cases resulting in psychological injury; and sexual abuse, harassment, and/or misconduct cases resulting in psychological injury [3]. Damages without liability or a liability without damages will render a personal injury legal action moot. Psychologists generally become involved in personal injury cases on the damages side.

Each year, as government finds it increasingly necessary to regulate the activities that most intimately influence our daily lives, science merges more closely with civil and criminal law [4]. Consider, for example, the laws and agencies that regulate the quality of our food, the nature and potency of drugs, the extent of automobile emissions, the kind of fuel oil we burn, the purity of our drinking water, and the pesticides we use on our crops and plants [4]. It would be difficult to conceive of a food or drug regulation or environmental protection act that could be effectively monitored and enforced without the assistance of scientific technology and the skill of the scientific community.

Laws are continually being broadened and revised to counter the alarming increase in crime rates. In response to public concern, law enforcement agencies have expanded their patrol and investigative functions, hoping to stem the rising tide of crime. At the same time, they are looking more to the scientific community for advice and technical support for their efforts. Can the technology that put astronauts on the moon, split the atom, and eradicated most dreaded diseases be enlisted in this critical battle?

Unfortunately, science cannot offer final and authoritative solutions to problems that stem from a maze of social and psychological factors. However, science occupies an important and unique role in the criminal justice system-a role that relates to the scientist's ability to supply accurate and objective information about the events that have occurred at a crime scene. A good deal of work remains to be done if the full potential of science as applied to criminal investigations is to be realized [4]. A defendant stands accused of a terrible crime [5]. Lawyers make opening statements, witnesses are called, motives are questioned, secrets are revealed. In their closing arguments, lawyers make impassioned pleas to the men and women of the jury. Jurors struggle to find the truth. In a hushed courtroom, thick with tension, the jury foreperson announces the verdict: "We find the defendant . . ."



The courtroom trial is a staple of great and trashy literature, of distinguished films and lousy television. This is so because the trial is a compelling psychological drama. There is the question of motivation—was it love, hate, fear, greed, or jealousy that caused the behavior of a criminal? There is persuasion—lawyers and witnesses attempt to influence a judge or jury and, during deliberations, jurors attempt to influence each other. Perceptual and cognitive processes come into play—eyewitnesses must remember and report what they saw, jurors must sift through evidence to reach conclusions. Finally, there is decision-making: The goal is to reach a decision, a verdict. And, if the verdict is guilty, there is a choice about what punishment the defendant deserves. The trial is the most visible piece of our justice system. But it is only a small piece. When we look beyond the trial, we find that the legal system is saturated with psychological concerns. Every area of psychology (e.g., developmental, social, clinical, cognitive) is relevant to some aspect of law.

### **Trial**

The first objective of an evaluation of competence is to formulate the juvenile's understanding of the charges, the trial process, and potential consequences, as well as his/her ability to cooperate with an attorney in a defense and to participate appropriately in court proceedings [6]. The next objective is to identify causes of any errors in understanding or impairments of abilities. A clear connection must be demonstrated between any identified deficits and impairment of competence abilities. The deficits must be considered in light of the specific demands of the criminal or juvenile court proceedings at hand. This is particularly important when there is a complex legal defense or plea bargaining. When a trial process is expected to be lengthy, the clinician should form an opinion as to the likelihood of any fluctuation in level of competence-related abilities during the court process.

The accused has a right to a public trial—one that can be seen and heard by persons interested in ensuring that the proceedings are fair and just [7]. The right, however, is not absolute. The trial judge, at his or her discretion, may exclude some or all spectators during particular parts of the proceedings for good cause, but under almost no circumstances may the friends and relatives of the accused be excluded from the trial. Spectators are frequently excluded if necessary to spare a victim extreme public embarrassment or humiliation, as in certain rape cases [7]. Likewise, a judge may properly exclude certain persons if it can be shown that they are likely to threaten witnesses.

Criminal defendants also have a constitutional right to have their pretrial hearings conducted in public. However, the Court has not decided whether the public and the press have a right to attend pretrial hearings when the defendant wants them conducted in secret. Authorities split on the issue of who may object to exclusions. Some courts hold that only the accused has the right to object. Others have indicated that the right also belongs to the public and that members of the public, such as the press, may therefore properly object to being excluded. Juveniles have no constitutional right to a public trial [7]. Many states still provide for closed juvenile adjudication proceedings and either limit or prohibit press reports. These practices are justified by the *parens patriae* doctrine (a doctrine by which the government supervises children or other persons who suffer from legal disability), which diminishes the constitutional rights of juveniles and protects them from unnecessary public exposure.

In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law [8]. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national



security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

Juveniles have the same procedural rights afforded adults, including the right to an attorney [9]. There are, however, some important differences. For example, juveniles do not have a right to a trial by jury (unless of course they are waived to adult court), and the juvenile court retains a more rehabilitation rather than punishment philosophy. Juveniles can be charged with the same range of offenses as adults, but there are also a number of offenses, called status offenses, that only apply to juveniles. These include curfew violations, incorrigibility (refusal to obey parents), running away, truancy, and underage alcohol consumption. Except for few short-term exceptions, status offenders may not be held in secure detention facilities [9]. Unlike the adult system, a primary goal of the JJS (Juvenile Justice System) is rehabilitation. There is less emphasis on detention and greater use of diversion programs. In diversion programs, a youth must admit guilt, but then is allowed to participate in community programs and/or make restitution to victims.

Therapeutic interventions are essential for improving the wellbeing of justice-involved youths [10]. Rehabilitation programs should be multidisciplinary, foster emotional stability, encourage prosocial behavior, and illuminate the capacity of each youth to effect positive change in his or her life and community. Research may identify effective practices to incorporate into therapeutic interventions for juveniles. Programs should address basic needs (educational, medical, nutritional, social) as well as concerns that are specific to individual youths, such as type of offense, gender, trauma and victimization history, culture, physical

disability, intellectual limitations, mental disorders, and addictive behavior, including substance use and gambling.

One specific area that deserves additional study is the rehabilitation of juveniles involved in stalking and sex offenses, including an examination of the role of technology in youth sexual offending and victimization. Youth involvement in cyberstalking, identity theft, cyber bullying, and sexting has become more common due to facility, perceived anonymity, and access to electronic devices [10]. Technological innovation has outpaced the implementation of laws and policies that govern it. The influence of technology on juvenile offending will increase in the 21st century.

### Juvenile Justice

Although custody, abuse, neglect, abandonment, and education are all topics for juvenile law in one way or another, they are all areas not driven by actions of the children [11]. That is, they are driven by the actions of the adults and their effect on the children. Juvenile justice, however, is a topic that deals with juveniles who from their own actions become part of the juvenile justice system. The system is neither civil nor criminal, and every state has its own form. The juvenile justice systems were traditionally considered more civil than criminal, a possible reason juvenile offenders were historically denied constitutional rights. However, there are now federal mandates about treatment of juveniles that have evolved from false presumptions that children have no constitutional rights to carefully delineating the importance of assuring children are afforded their constitutional rights [11].

### Conclusion

Delinquency activities can be directed against property, against the body, against personality and personal freedom and against social practices. These are criminal acts which subjects to criminal responsibility. Such a socially unacceptable and deviant manner of

behavior and the commission of criminal offenses the judicial system describes with the term juvenile delinquency and the person who commits it, judicial system describes with the term juvenile delinquent. Delinquency is a distinct defect of moral consciousness, overwhelmed by the presence of violence, arrogance, violence, hooliganism, asocialism, destruction and pathological desires. Delinquent actions can be performed individually, in pairs or in smaller groups. Delinquent groups are very dangerous because they acting like an epidemic, and apart from the commission of criminal acts, other young people are skillfully drawn into their rows.

Any delinquent behavior in its essence provokes a desire to compensate for the feeling of less value. Young delinquents are often in conflict with the environment, law and the police, causing them an additional sense of fear and insecurity. Juveniles are sometimes the victims of their own criminal relatives and acquaintances. The general purpose of criminal sanctions is to express social condemnation of the perpetrated criminal offense. The purpose of criminal sanctions is, first and foremost, to influence on the perpetrator does not to commit criminal acts again but also to influence to all other potential perpetrators does not to commit criminal acts. Applying the prescribed sentences affects the citizen's awareness of the perpetration of criminal acts and the fairness of the punishment of their perpetrators.

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