

Phenomenology of child delinquency in Macedonia in the period from 2006 to 2016

by

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Short title

Child delinquency in Macedonia

Key words: child, child delinquency, crime, phenomenology, etiology, Macedonia.

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ABSTRACT

In this article, we made an effort to conduct statistical analysis of the phenomenology of child delinquency within the 10 – year period from 2006 to 2016 in order to see which type of criminality is most common for child delinquency. Firstly, we cross-up the data for the number of reported, charged and convicted children for crimes in the period of 2006 to 2016. This is especially important because not always the reported number of children corresponds with the number of charged and even less with the number of convicted children. This is because the measures that provide assistance and protection and other alternatives that the prosecutor has as an option in deciding whether to initiate a procedure significantly reduces the number of accused children in relation to the number of reported cases. From the analysis and comparison of the data, we can conclude that the phenomenology of child delinquency in Macedonia in the relevant period from 2006 to 2016 is mainly in the area of crime against property with the highest percentage of both reported, accused and convicted for each of the years in this period. Next, we presented the total number of convicted children in the period of 10 years, according to the type of crime and we gave general remarks for child delinquency for the relevant period and recommendations for best preventive policy.

Key words: child, child delinquency, crime, phenomenology, etiology, Macedonia.

Introduction

Defining child and child delinquency

The question of age in the context of liability is a crucial one in every legislative area concerning children and is a key test factor in the quality of protection of a child's rights. At an appropriate age, one has new civil rights that were not part of his previous life as an juvenile, such as the right to vote, right to obtain a driver's license, right to work without the limitations that are provided for children, right to consume and buy alcohol and cigarettes, right to marry, etc. However, together with these rights, one obtains responsibilities as well, such as the full criminal responsibility to obey the law.

In this regard, two limits of age are of major importance: the lower limit of age of childhood, below which any kind of liability is excluded, and the upper limit, which constitutes the limit of adulthood and full criminal responsibility. It is only within these two levels, where civil and penal responsibility of children can be defined, including further differentiation according to individual maturity.⁴ Setting an age for the acquisition of certain rights or for the loss of certain protections is complex. However in general, minimum ages that are protective should be as high as possible, while those that relate to children gaining autonomy and need for the State to respect the child's civil rights and evolving capacities, demand a more flexible system, sensitive to the needs of the individual child.⁵

The proper determination on the age limit to determine whether one is a *child* or an adult is more than necessary in any area of legislation, especially in the area of criminal justice. This is not

⁴ Kosevaliska, Olga and Nanev, Lazar (2014): *Adequacy of the new terminology in the Law for justice for children*, Balkan Social Science Review, 3 (1). pp. 1-20.

⁵ Davitkovski, B., Buzarovska - Lazetic, G., Kalajdziev, G., Mickovic, D., (2010): Comparative review of legislation in the republic of Macedonia and the Convention on the rights of the child, UNICEF, p. 17;

only to determine whether one can be held accountable for his criminal actions, but also to give him the rights that the *children* have when they breach the law (such as special criminal procedure for minors, special types of sanctions etc.)

In criminal law, the elementary component that helps us to separate *child* delinquency from the other types of criminal behavior is the age of the offender that has committed crime. This age is determined as minor age, and the offender as a minor or juvenile, or a child. The category *minors* or *juveniles* occurs in criminal law theory and practice because of the need to separate the minor offenders that commit crimes because of their biological, emotional, psychological and social immaturity and because of the need to treat minors in a different way than adults.⁶

A child is determinate as an immature person that is yet to be formed psychologically, mentally and physically.⁷ In addition, children have not yet formed a system of values; they are emotionally sensitive and react under the influence of their impulses and their emotional sensitivity. Children are under a strong external influence of the persons they admire, or of the persons with whom they identify themselves, and these persons are not always the right choice. Therefore, a child is a young person that cannot be put in the same position as adults precisely because of his or her adolescence and minority. Therefore the need for a separate and accustomed treatment for minors.

When defining the term *child* we face with many issues that are crucial for proper definition of this complex term. Hence, some of the common understandings and assumptions that are a basis for an appropriate definition are not precise enough and leave room for a different interpretation. Objectively, the adolescence identifies itself with the absence of certain age, and subjectively, with the fact that the child delinquent is a person who has not achieved biological, somatic, psychological and social maturity and therefore is unable to understand the meaning of his behavior and is unable to control his actions.⁸ Most of us can agree that child that has problematic behavior cannot be considered as delinquent, but only as a child in jeopardy of becoming an offender. Nevertheless, children that have committed crime cannot be left unpunished without any consequences of their criminal behavior, just because of their special psychological constitution. The definition of *child* in the United Nations Convention of rights of children⁹ is the following one:¹⁰ child is a person under 18 years of age.¹¹ According to the Beijing Rules juvenile is a person who under the respective legal system may be dealt with for an offence differently from an adult.¹²

Defining children under the Macedonian criminal legislation

The current Macedonian legislation¹³ that addresses children that have breached the law is the Law for justice for children¹⁴ (hereafter LJC). The codification on the substantive, procedural

⁶ Arnaudovski Lj. (1984): *Maloletnicko prestapnistvo*, Skopje, p.25;

⁷ Nanev, L. (2003): *the Position of the juvenile in criminal proceedings*, SPPMD, Kavadarci, p.27;

⁸ See Nanev, L. (2003): *the Position of the juvenile in criminal proceedings*, SPPMD, Kavadarci, p.26;

⁹ Convention on rights of Children, adopted by the UN General Assembly with the resolution No. 44/25, 20.11.1989 entering into force 20.09.1990, according article 49;

¹⁰ Article 1 from the UN Convention of the rights of a Child, 1989;

¹¹ For the full text on the Convention in Macedonian language see Buzarovska, G., Nanev L., Koshevaliska, O. (2012): *International documents for juvenile justice – modern trends in the treatment of minors*, SPPMD, Kavadarci p.286;

¹² See United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) adopted by the General Assembly in its resolution 40/33 of 29 November, and rule II (a) Rules for the Protection of Juveniles deprived of their Liberty and see Bueren, V. (2006) *The international Law on the Rights of the Child*;

¹³ For the historical context of the juvenile justice legislation in Macedonia, see Kosevaliska, Olga and Nanev, Lazar (2014) *Adequacy of the new terminology in the Law for justice for children*. *Balkan Social Science Review*, 3 (1). pp. 1-20.

¹⁴ Law on justice of children, Official Gazette RM No.148/2013;

and penalty law into one and only code in which in addition to all stated before, also contains provisions for prevention, alternative dispute resolution, provisions for children victims or witnesses of a crime, means much more than simple codification. This also means keeping up to date with all of the new trends in the understanding of juvenile development and action.¹⁵ Throughout the text of the new LJC we can see that the primary focus is given to the protection, education, rehabilitation and proper development of minors. In article 19 of this Law, the legislator gives many definitions, depending of the age, responsibility, the risk of becoming an offender and the type of penalty that can be imposed to the child offender.

According to the LJC, *child is every person under the age of 18 years*. Thus, this Law is in accordance with the UN Convention on the rights of children. The LJC has provisions defining child in jeopardy, child in jeopardy under the age of 14, child in jeopardy from 14 to 18 years of age, child in breach of law from the age of 14 until 16 years old and child in breach of law from the age 16 years old, child victim and witness and younger adult.¹⁶

Thus the legislator provided provision not only for ones that breach of law, but also for ones that are at risk to become offenders, depending of their intellectual or physical disabilities, children in a use of drugs or other psychotropic substances, or any child that is with predisposition of becoming an offender.

Just to be clear, the acceptance of the “new” term *child* when referring to juveniles was made in order to make some uniformity for the used terms in the criminal legislation and to even with the other areas of legislation that refer to children as well as to bring the code in line with the international legislation.

Defining child delinquency

It is very difficult to define child (or juvenile) delinquency. The Second United Nations Congress on prevention of Crimes and Treatment of Offenders, held in 1960, it had been pointed out that the term “juvenile delinquency” *is restricted to those juvenile in each country who have committed criminal offences, and it seems that no universal definition is needed. Allowance could be made for the wide variations found in the legal systems of the many countries of the world, but the inclusion under the “juvenile delinquent” of acts, which are not serious, and which can be classified as behavior problems could be ruled out. If a clear and restricted definition of juvenile delinquency is established, would it not be possible to focus more attention on the kinds of behavior, which need to be prevented?*¹⁷

The word “delinquency” has its origin from the Latin word “delinquere” which means “away and linquere” i.e. “*to leave thus, mean by to leave or to abandon*”.¹⁸ Initially, the word was having primarily meaning and applied to those parents who have abandoned and neglected their children. Now days, it is applicable on all those children who are involved in illegal and harmful activities.

¹⁵ Koshevaliska O. (2017) The Juvenile justice system in the context of the theoretical ambitions on mediation, Yearbook on behalf of Marjan Marjanovski, Faculty of Law, Justinianus I, University St. Cyril and Methodius, Skopje;

¹⁶ For the definitions see Article 19 of the Law for Justice for children and also Kosevaliska, Olga and Nanev, Lazar (2014) *Adequacy of the new terminology in the Law for justice for children*. Balkan Social Science Review, 3 (1). pp. 1-20 and Buzarovska - Lazetik, Gordana and Kosevaliska, Olga and Nanev, Lazar (2015) Criminal procedure for children at risk and children in conflict with law, Faculty of Law, Justinianus Primus, Skopje;

¹⁷ Report of the Second United Nations Congress on the Prevention of Crime and Treatment of Offenders (19160), p.52;

¹⁸ See Yadav, P. (2016): Juvenile Delinquency as a behavioral Problem in International Journal of Indian Psychology Vol.4 Issue 1, No.76 on page 296;

According to social workers, “*delinquency is consisted of socially unaccepted acts*”, according to psychiatrists “*delinquent behavior is activity which deviates from the normal*” and a lawyer would say, “*juvenile delinquency is what the law says it is*”. According to W.H. Sheldon, it is “*behavior disappointing beyond reasonable expectation*”.¹⁹ Cyril Bur says, “*Delinquency occurs in a child when his antisocial tendencies appear so grave that he becomes or ought to become the subject of official action*”.²⁰

Child delinquency in Macedonia in the period of 2006 to 2016

The statistical analysis that we have conducted in our research is mainly in favor of a comprehensive elaboration of the main issue of this paper – and that is the phenomenology of the child delinquency in Macedonia. We expect that the research of the phenomenology will help us reveal the etymological context of child delinquency in Macedonia.

In order to sort the data that we came across during our research systematically, we made an effort, firstly to cross-up the data for the number of reported, charged and convicted children for crimes in the period of 2006 to 2016. Such an in-depth analysis also gives us the opportunity to evaluate the liberality of the penal policy in cases where children are been accused for conducting a crime. This is especially important because not always the reported number of children corresponds with the number of charged and even less with the number of convicted children. This is because the measures that provide assistance and protection and other alternatives that the prosecutor has as an option in deciding whether to initiate a procedure significantly reduces the number of accused children in relation to the number of reported cases.

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Reported children	1500	1229	1335	1519	1244	1163	1001	1005	972	772	587
Accused children	987	839	981	1030	750	1002	778	657	712	465	702
Convicted children	844	676	715	748	547	772	556	473	461	348	468

Table No.1: Number of reported, accused and convicted children in the period of 2006 to 2016. Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years.

From the table we can conclude that the number of reported children from 2006 to 2016 continuously declines (with the exception of 2009 when this number reaches its maximum). From 1,500 reported children in 2006, in 2016 this number declines to 587 children, which is declining for almost three times.

It is common for children who have been reported for committing a criminal offense not to be indicted because another action has been taken (mediation, settlement, etc.) or the public prosecutor has withdrawn from prosecution for reasons of expediency or if he considered that,

¹⁹ W.H. Sheldon (1925): *The Young Delinquent* and W.H. Sheldon (1949): *Varieties of Delinquent Youth (An Introduction to Constitutional Psychiatry)* Harper & Brothers;

²⁰ For more on the terminology and the defining see: Buzarovska - Lazetnik, Gordana and Kosevaliska, Olga and Naney, Lazar (2015) *Criminal procedure for children at risk and children in conflict with law*, Faculty of Law, Justinianus Primus, Skopje;

there is insufficient evidence that the child committed the crime. In this sense, in 2006 a total of 1,500 children were reported, of whom 987 were charged and 844 convicted. In 2007, out of 1,229 registered, 839 were charged and 676 convicted, which is two times lower. In 2008, out of 1355 reported, 981 were convicted and 715 convicted. In 2009, when the largest number of children was reported - 1519, 1030 were indicted and 748 were sentenced. In 2010, out of 1244 reported, 750 were charged and 547 were convicted. In 2011, 1,163 children were reported, 1002 were charged and 722 children were convicted. In 2012, of the reported 1001 children, 778 were indicted and 556 were convicted. In 2013, out of 1005 reported, 657 were charged and 473 children were convicted. In 2014, out of 972 reported children, 712 people were charged and 461 children sentenced. In 2015, out of 772 children reported, 465 were charged and 348 convicted, and in 2016, 587 children were reported, 702 charged and 468 convicted.

Regarding the number of accused children, we cannot determine a clear tendency for this period, since the number of accused children is declining and growing year by year, reaching its maximum in 2009 and its minimum in 2015. In any case, if we cross these data with the number of reported children, we can conclude that out of the total number of reported children, only about 60% are been charged. We are of the opinion that the reason for this is in the legislation and in the opportunities given to public prosecutor who uses the legal possibilities for alternative treatment for easy criminal offenses. It is obvious that these preventive methods have been productive in order to reduce the number of convicted children.

Regarding the number of convicted children for this period, we can conclude that here we do not have a constant decline, but from year to year, the number of convicted children is decreasing. Only 2006 is critical, but this year the number of reported and accused children is quite high and the juvenile legislation wasn't adopted yet. The first juvenile code was adopted in 2007.²¹ If we cross the data of convicted with the number of accused children, we can conclude that the number of cases where children are convicted (almost 80%) is quite high. We are of the opinion that the reason for such a high rate of convicted children in 2006 is that there was no special juvenile legislation and the juvenile substantive and procedural law were a part of the criminal law and the law for criminal procedure for adults.

We illustrated the data from Table No.1 into chart so the number of reported, accused and convicted children in the period of 2006 to 2016 is more obvious from year to year.

²¹ Law for juvenile Justice (Official Gazette No.87/2007);

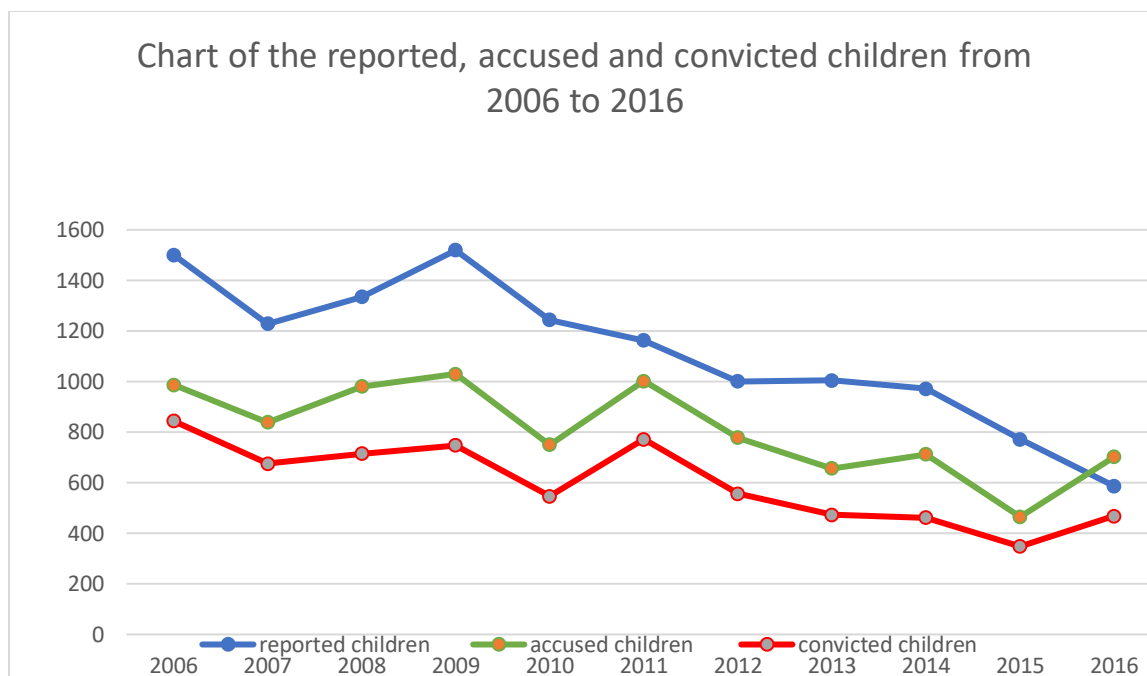


Chart No.1: Reported, accused and convicted children from 2006 to 2016.

Phenomenology of child delinquency in the period of 2006 to 2016

The figures (of reported, accused and convicted children from 2006 to 2016) give us only quantitative picture of child delinquency. In order for us to show the qualitative picture for this period, we made an effort to research the types of crimes that children commit. This kind of an overview of the type of crimes will enable us to see how the number of reported, accused and convicted children is moving each year according to the group of crimes. At last, this will help us to approach the analysis etiologically.

Reported children according to the types of crime in the period of 2006 to 2016											
Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total	1500	1229	1355	1519	1244	1163	1001	1005	972	772	558
Crimes against life and body	83	72	84	103	107	88	60	66	64	68	53
Crimes against the freedoms and rights of humans	1	2	7	2	2	1	6	5	5	3	11
Crimes against honor and Reputation *	1	-	1	1	4	-	1	-	-	1	-

Crimes against sexual freedom and sexual morality	24	19	18	17	24	14	10	19	25	19	4
Crimes against human health	8	6	18	12	14	11	16	8	23	20	7
Crimes against public finances, payment operations and the economy	7	12	21	12	14	14	10	4	5	2	5
Crimes against property	1231	967	1023	1192	937	917	773	745	654	520	399
Crimes against general safety of people and property	13	11	4	1	10	14	9	8	6	4	4
Crimes against traffic safety	53	67	77	88	61	43	50	28	29	33	25
Crimes against legal transactions	6	36	25	8	1	7	1	-	1	-	3
Crimes against the public order	64	29	53	70	56	45	52	117	156	100	66
Other crimes	9	8	24	13	14	9	13	5	4	2	10

Table no.2: Reported children according to the types of crime in the period of 2006 to 2016.
Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years http://stat.gov.mk/PrikaziPublikacija_1.aspx?rbr=681

The table shows that the most common crimes for which children have been reported are Criminal acts against property. These type of crimes are strongly related to the poverty and the economical background of the families. Next in line are the crimes against life and body. The numbers in the table points to the special gravity as the figures are quite large given the fact that children commit these severe crimes. The following crimes are criminal offenses against the safety

of traffic safety and criminal offenses against public order, which are approximately represented in the same extent in this period. At last are Criminal offenses against sexual freedom and sexual morality, Crimes against the general security of people and property, Crimes against human health, etc.

Next, we analyze the number of accused children according to the type of crime in the 10-year period from 2006 to 2016.

Accused children according to the type of crime form 2006-2016											
Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total	987	839	981	1030	750	1002	778	657	712	465	702
Crimes against life and body	66	56	54	60	68	100	58	57	52	53	88
Crimes against the freedoms and rights of humans	1	-	3	4	1	5	3	5	2	2	7
Crimes against honor and reputation	1	-	2	1	1	2	-	-	-	1	-
Crimes against sexual freedom and sexual morality	15	12	20	15	15	21	11	5	17	15	8
Crimes against human health	11	7	15	9	9	17	10	13	6	8	16
Crimes against public finances, payment operations and the economy	6	11	7	5	13	8	9	3	4	6	5
Crimes against property	789	680	742	795	573	727	597	500	468	282	429
Crimes against general safety of people and property	4	10	10	2	1	9	5	4	8	5	4
Crimes against traffic safety	38	23	63	53	37	45	28	30	16	29	24
Crimes against legal transactions	7	6	37	23	1	1	1	-	-	1	1

Crimes against the public order	44	25	24	51	23	59	50	34	133	56	113
Other crimes	5	9	4	12	8	8	6	6	6	7	7

Table No.3. Accused children according to the type of crime form 2006-2016. Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years, available at <http://stat.gov.mk/PrikaziPoslednaPublikacija.aspx?id=43> .

Because of the context, we will analyze table no.3 together with table no.4.

Convicted children according to the types of crimes 2006-2016												
Year	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
Total	844	676	715	748	547	722	556	473	461	348	468	Total
Crimes against life and body	54	49	44	49	59	79	43	39	47	43	70	576
Crimes against the freedoms and rights of humans	1	-	2	4	1	5	1	5	-	2	7	28
Crimes against honor and reputation	1	-	-	1	-	2	-	-	-	1	-	5
Crimes against sexual freedom and sexual morality	13	11	16	14	7	12	8	5	14	13	7	120
Crimes against human health	9	5	5	6	7	15	7	12	4	7	13	90
Crimes against marriage, family and youth	1	2	-	-	1	1	-	1	1	-	2	9
Crimes against public finances, payment operations and the economy	5	9	6	4	13	7	9	3	3	5	4	68
Crimes against property	672	537	529	547	403	513	409	353	267	198	257	4685
Crimes against general	4	7	7	2	1	6	4	4	6	2	2	45

safety of people and property												
Crimes against traffic safety	35	22	50	46	35	39	26	24	14	28	22	341
Crimes against legal transactions	5	5	37	20	1	1	1	-	-	1	1	72
Crimes against the public order	40	24	16	45	16	35	43	25	100	42	79	465
Other crimes	4	5	3	10	3	7	5	2	5	6	4	54

Table No.4. Convicted children according to the type of crime form 2006-2016, Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years. Available at <http://stat.gov.mk/PrikaziPoslednaPublikacija.aspx?id=43>.

From the analysis and comparison of tables' no.2, 3 and 4 we can come to the conclusion that the phenomenology of child delinquency in Macedonia in the relevant period from 2006 to 2016 is mainly in the area of crime against property with the highest percentage of both reported, accused and convicted for each of the years in this period. Next, we present the total number of convicted children in the period of 10 years, according to the type of crime.

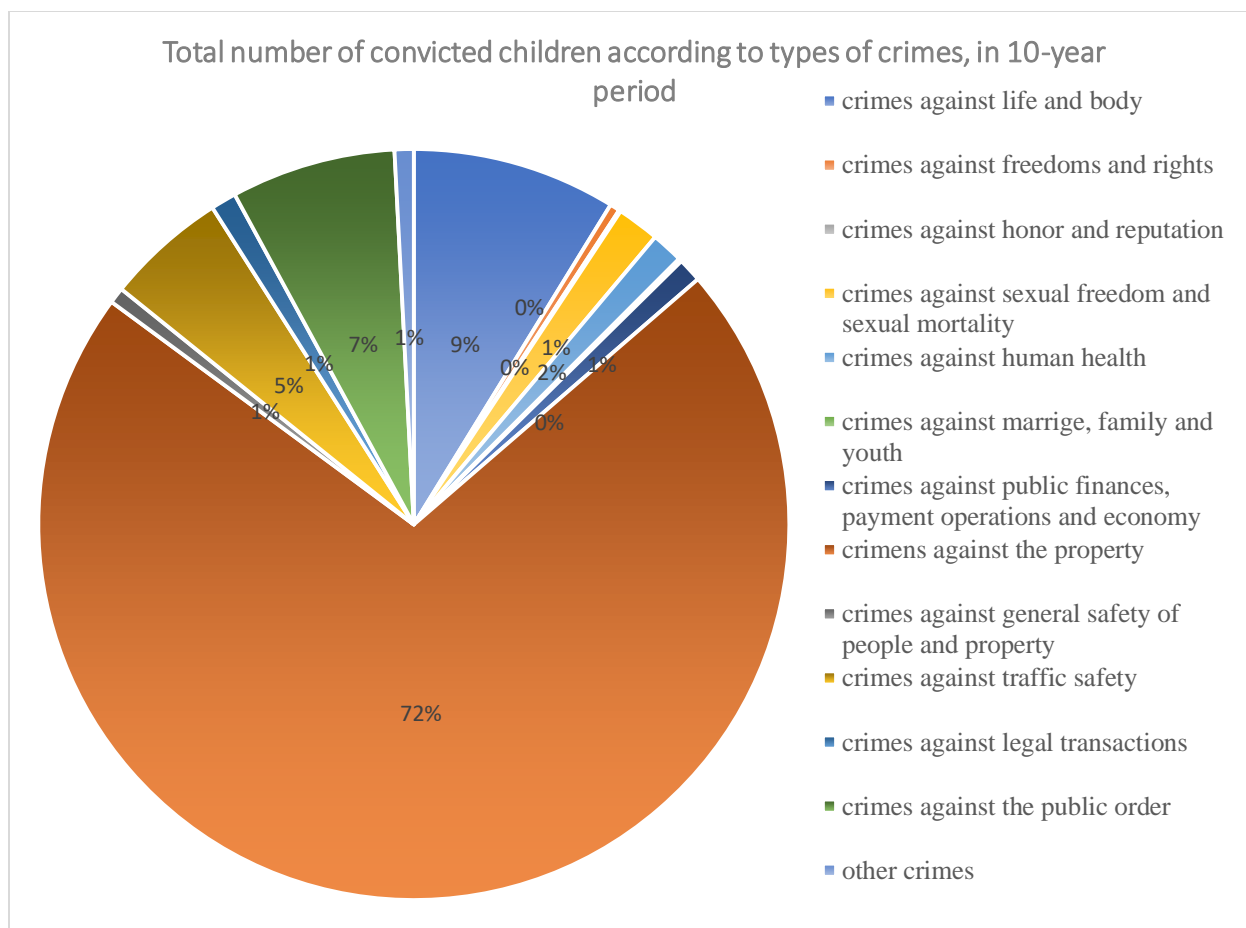


Chart No.2. Total number of convicted children according to types of crimes, in 10-year period.

It is more than obvious that the crimes against property take a very high percentage (72%) of child delinquency. If we analyze the trend of property crime, year by year, than we can see that the largest number of convicted children for property crime is in 2006 - 672 children out of total 844 children sentenced. We already stated that this year is prior the implementation of the juvenile legislation. Fortunately, the number of convicted children for these crimes has a downward trend, and in 2015, the number of convicted children for these crimes is 198 out of 348 children, but unfortunately, in 2016, we again have an increase of 257 children out of 468 convicted children.

From this group of crimes the biggest percentage is on the following crimes: aggravated / severe theft, theft, robbery, taking away motor vehicle, fraud, extortion and damage to objects of others. There are only two cases of damage and unauthorized entry in a computer system in 2016. We can see the typology in the table no.5 and Figure no.2.

Most frequent crimes against property in which children had been convicted in period of 10 years										
year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total number of	676	715	748	547	722	556	473	461	348	468

convicted children										
Total number of convicted children for property crime	537	529	547	403	513	409	353	267	198	257
Types of crime										
Theft	140	124	130	71	57	55	44	28	45	31
Severe theft	308	331	307	269	204	190	178	141	112	163
Taking away a motor vehicle	23	21	35	24	15	10	12	13	16	18
Damaging of others assets									1	1
Extortion	5	1		1	2	3	1		1	
Defraud	1	2	1	2						1
Robbery	43	43	61	24	43	33	18	19	18	38

Table No.5. Most frequent crimes against property in which children had been convicted in period of 10 years, Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years.

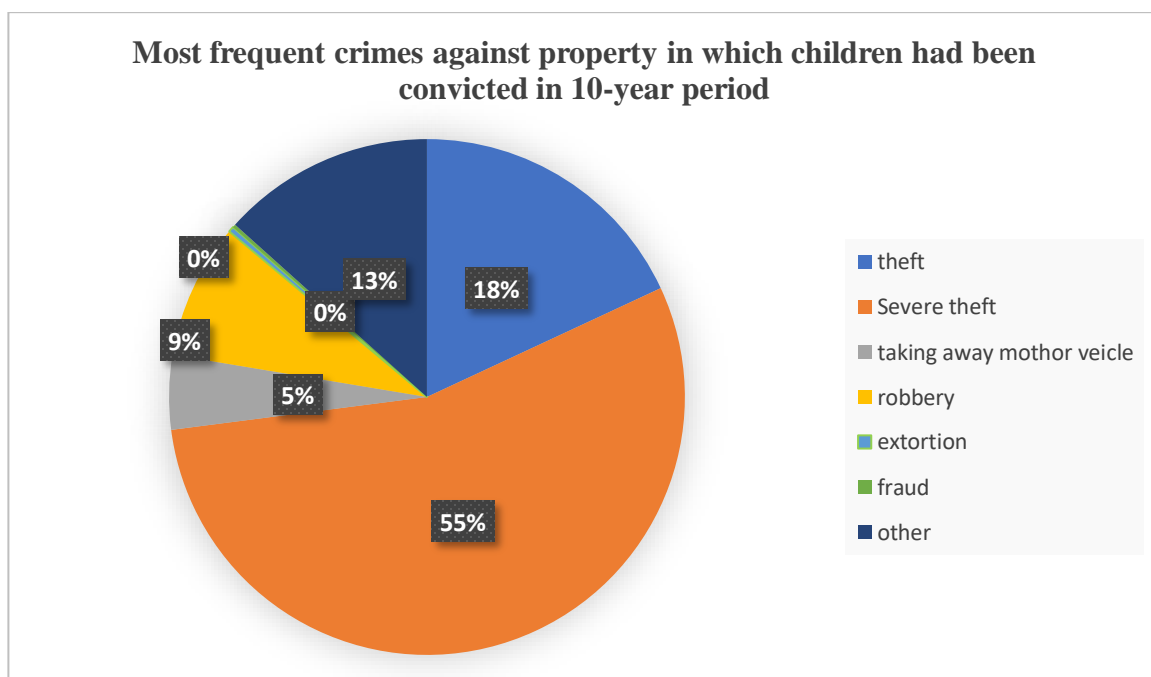


Chart No. 3: Most frequent crimes against property in which children have been convicted in period of 10 years.

Next are crimes against life and the body where the year 2011 is critical, in which we have as many as 79 convicted children for these crimes from 722 convicted children for that year. From this group of crimes children most often commit the following crimes: body injury, grave body injury, participation in a brawl, threatening with a dangerous instrument during a brawl or a quarrel and murder.

Most frequent crimes against life and body in which children had been convicted in period of 10 years										
year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total number of convicted children	676	715	748	547	722	556	473	461	348	468
Total number of convicted children for crimes against life and body	49	44	49	59	79	43	39	47	43	70
Murder	6	/	1	2	1	1	/	3	4	2
Body injury	20	20	13	27	23	22	11	13	20	20
A grave body injury	17	13	21	24	22	10	8	18	7	21
Participation in a brawl	5	8	11	/	15	2	3	6	11	22
Threatening with a dangerous instrument during a brawl or a quarrel	/	3	3	6	2	/	3	/	1	5

Table No.6: Most frequent crimes against life and body in which children had been convicted in period of 10 years. Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years.

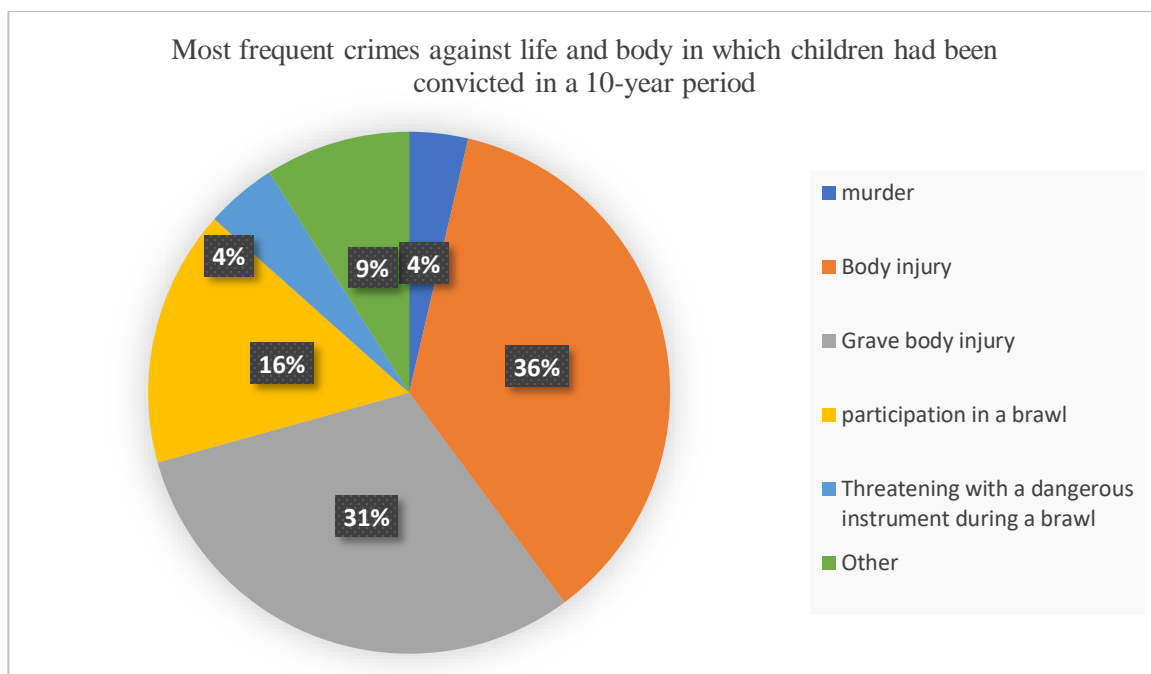


Chart No.4. Most frequent crimes against life and body in which children had been convicted in period of 10 years.

The largest number of convicted children for crimes against public order and peace is in 2010, as many as 100 convicted children from the total number of 467 convicts. Most frequent types of crimes are violence, unauthorized manufacture, possession, trading and brokerage of weapons or explosive materials, attack upon an official while carrying out security duties and other.

Most frequent crimes against public order in which children had been convicted in a period of 10-years										
year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total number of convicted children	676	715	748	547	722	556	473	461	348	468
Total number of convicted children in crimes against public order	24	16	45	16	35	43	25	100	42	79
Violence	17	9	41	10	25	31	16	46	37	74
Unauthorized manufacture, possession, trading and brokerage of weapons or	3		2		3	2	1		1	1

explosive materials										
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Table No.7. Most frequent crimes against public order in which children had been convicted in a period of 10-years. Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years.

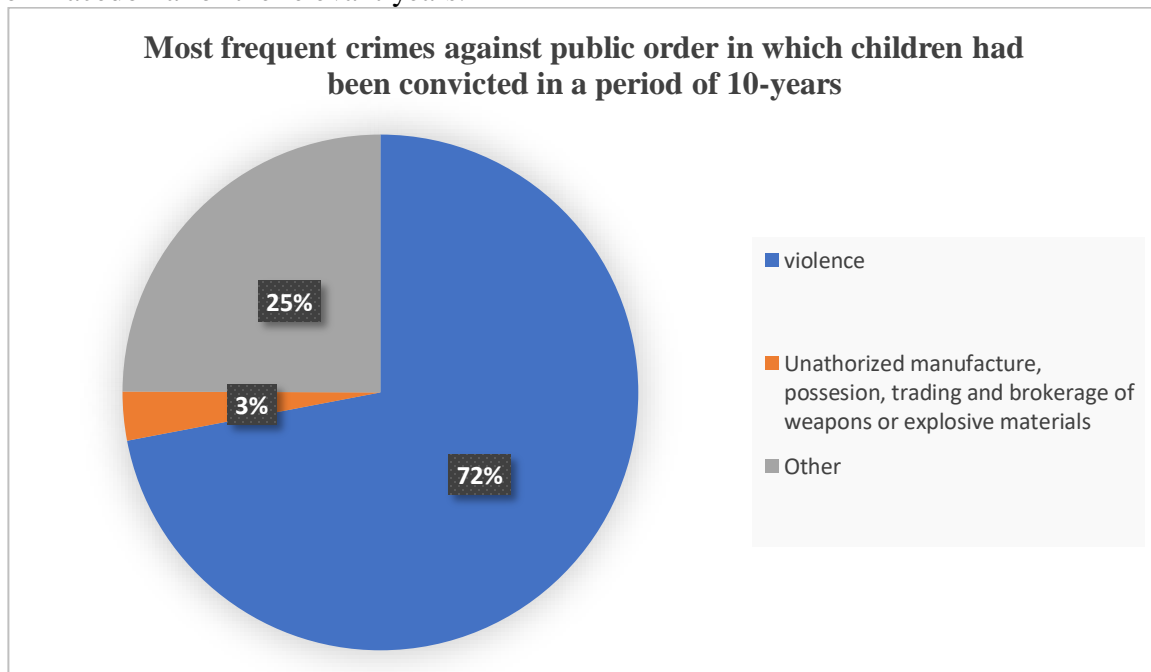


Chart No.5. Most frequent crimes against public order in which children had been convicted in a period of 10-years.

On the fourth place in child delinquency are the crimes against traffic safety.

Most frequent crimes against traffic safety in which children had been convicted										
year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total number of convicted children	676	715	748	547	722	556	473	461	348	468
Total number of convicted children in crimes against traffic safety	22	50	46	35	39	26	24	14	28	22
Endangering traffic safety	22	48	46	27	31	17	20	11	28	18
Other	38									

Table No.8: Most frequent crimes against traffic safety in which children had been convicted in period of 10 years. Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years.

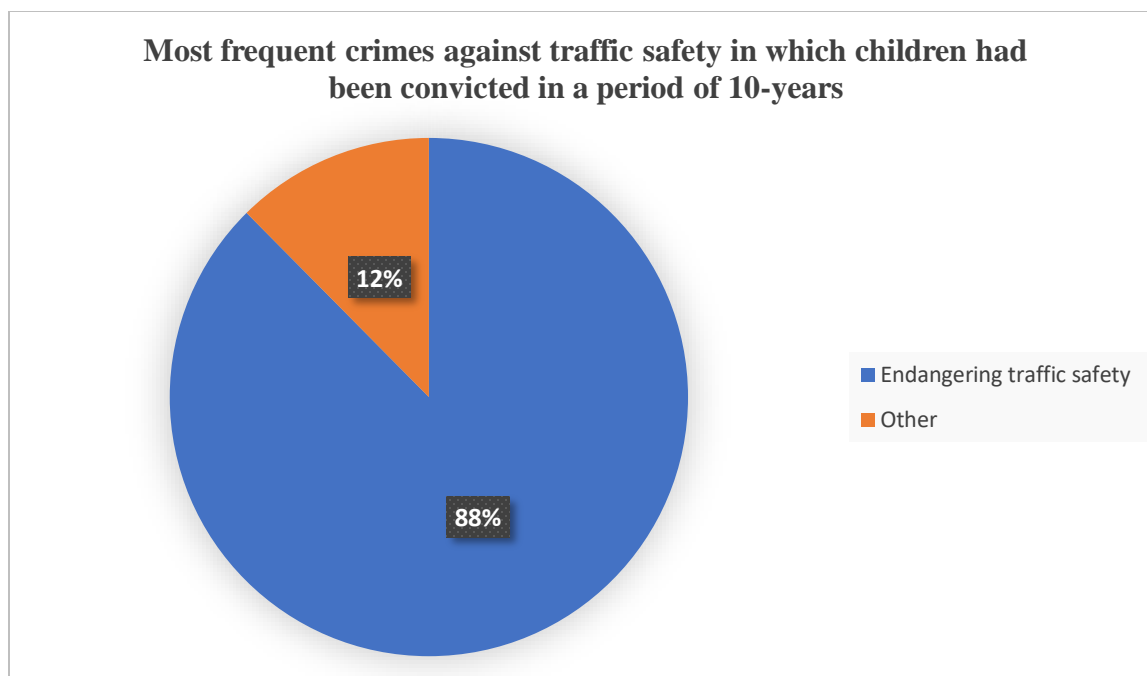


Chart no.6. Most frequent crimes against traffic safety in which children had been convicted in a period of 10 years.

In crimes against sexual freedom and sexual morality most frequent crimes are: Sexual assault upon a child under the age of 14 and rape. The numbers for such a severe crime as sexual attack upon a child under the age of 14 is very are very disturbing.

Most frequent crimes against sexual freedom and sexual morality in which children had been convicted										
year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total number of convicted children	676	715	748	547	722	556	473	461	348	468
Total number of children convicted for crimes against sexual freedom	11	16	14	7	12	8	5	14	13	7
Sexual attack upon a	9	9	9	6	4	3	3	7	10	4

child bellow the age of 14										
Rape	1	2	3		3			1	1	2
Other										

Table no.9. Most frequent crimes against sexual freedom and sexual morality in which children had been convicted. Source: Data cross-up from the reports of the State Statistics Office of Macedonia for the relevant years.

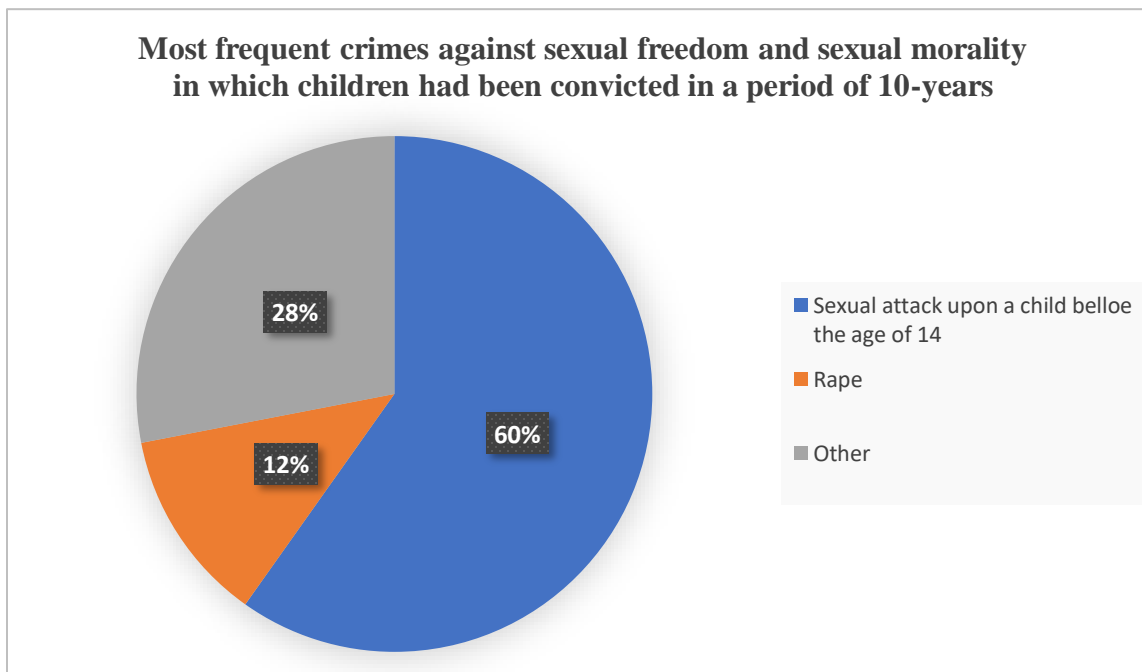


Chart No.7. Most frequent crimes against sexual freedom and sexual morality in which children had been convicted.

General remarks for child delinquency in the period of 2006 to 2016

Child delinquency is specific type of criminality firstly because of the characteristics of the personality of the child in conflict with the law. Its specifics comes to expression when we analyze the phenomenology and etiology of childhood offenses which are mainly crimes against property and these type of crimes are strongly related to the poverty and the economical background of the families.

Regarding the manner of committing the crimes, it is noticeable that crimes are often committed in groups and we can see a trend of violence in child delinquency. Many of the studies²²

²² Smith C, Thornberry TP. (1995): The relationship between child maltreatment and adolescent involvement in delinquency. *Criminology* Volume No.33, pp.451–481; Stouthamer-Loeber M, Loeber R, Homish DL, Wei E. (2001) Maltreatment of boys and the development of disruptive and delinquent behavior in *Development and Psychopathology* No.13, pp.941–955; Widom, CS. (1992): *The cycle of violence*. Washington, DC: U.S. Department of Justice, National Institute of Justice;

done in this field showed that there is context between childhood maltreatment and later involvement in delinquency. According to most of these studies, early physical abuse leads to later aggression and violence, that is, the extent to which “violence begets violence”.²³ One of the most famous studies in this field examines this issue using official and self-report data from the Rochester Youth Development Study²⁴ that shows that aggression and violence in early life can cause serious damage in one's future behavior.

Apart from violence, childhood offenders are characterized by frequency, aggression, persistence and recidivism. When children commit crimes in groups, most often groupings are of non-formal character. The reasons for joining the group are different, but are often the result of a sense of marginalization in society, identity problems, and a way to overcome problems with social adaptability, the opportunity to get money in a society that is characterized by a global crisis, a high unemployment rate and low wages.

Because of their stage of psychophysical development in puberty, children with criminal behavior begin to create and maintain intolerance and disrespect for socially acceptable norms.

Children in conflict with law also have a high rate in committing crimes against life and body, crimes acts against traffic safety, criminal acts against public order and crimes against sexual morality and sexual freedom. They rarely are convicted as perpetrators of political crimes, crimes against official duty, criminal acts against the state, crimes against the armed forces, crimes against humanity and international law, and when they children are indicted for these types of crimes, usually they have committed the crime together with an adult.

According to the age structure, two-thirds (nearly 65%) of the offenses are committed by children in the ages between 16 and 18 years. Regarding the gender structure, male perpetrators are dominant (97%), while female participate with 3% of the total number of committed crimes.²⁵

Conclusion

There is no doubt that child delinquency is the most serious problem in the legal system of any state. Given the fact that young people are the drivers of the future of society, we consider that their distraction from the path of what is normal and in accordance with law, should be marginal. Phenomenology of child delinquency is mainly expressed through crime against property. Therefore, the state in its national strategy for the prevention of child delinquency must foresee a plan for youth employment and especially to give advantage of those children who come from families of unemployed parents, or are children without parents. Giving priority to these children is certainly not only humane but also preventive to keep them from the temptations that are result of poverty.

Because of the alarming number of crimes against life and the body and crimes against public order where children use violence, we can come to the conclusion that children tend to use

²³ Widom CS. (1989): Does violence beget violence? A critical examination of the literature. *Psychological Bulletin* No. 106, pp.3–28;

²⁴ Jennifer E. Lansford et all. (2007): Early Physical Abuse and Later Violent Delinquency: A Prospective Longitudinal Study, *Child Maltreat* No. 12(3): 233–245.

²⁵ State Statistical Office of the Republic of Macedonia, <http://www.stat.gov.mk/PrikaziSoopstenie.aspx?rbtxt=14> last access on 25.04.2018;

their temperament in the most inadequate way and appear in a role of a criminal offenders. The etiological reasons are not only endogenous factors (like temperament and personality) but also exogenous - the society, the family, education, social media etc.

Hence, the state should take strong measures firstly through the educational system and through adequate physical education programs, to create opportunities for extracurricular physical activities. In this way, children can use their spare energy in a healthy way like for competitions in football, basketball rather than school bullying. A great deal of child delinquency is connected to social media and its influence on children lives. Social media is the ultimate factor for children physical inactivity that turns children into "timed bombs".²⁶

Particular attention should also be paid to the Centers for Social Work, by providing advice and support for the proper upbringing of children by eliminating any form of domestic violence. Finally, we can conclude that only the correct preventive policy can contribute for the reducing of high numbers of child delinquency.

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²⁶ See Gwenn Schurgin O'Keeffe, Kathleen Clarke-Pearson (2011): The Impact of Social Media on Children, Adolescents, and Families, Pediatrics, April 2011, volume 127 / issue 4, American Academy of Pediatrics, and Rowena E. Mojares, Chris Joven R. Evangelista, Ronald A. Escalona, Kerk Joseph Ilagan (2015). Impact of Social Networking to Juvenile Delinquency. International Journal of Management Sciences, 5(8), 582-586.

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