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## **Delinquent behaviour of young people and the prevention of social guardianship in condition of Slovak Republic**

Zachowania przestępcze wśród młodzieży i profilaktyka opieki społecznej w warunkach Republiki Słowackiej

### **Streszczenie**

Przestępczość, przemoc przeciwko jednostce oraz grupie ludzi, samobójstwa, alkoholizm oraz inne uzależnienia są za każdym razem uznawane za zjawiska patologii społecznej w naszej kulturze. Włączanie w ten zakres innych zjawisk pozostaje pod wpływem epoki, w której dane zjawisko powoduje niepokój w społeczeństwie poprzez masowy zakres występowania (w szczególności: graffiti, przemoc na stadionach, prostytutka, pornografia, hazard). Określona część zjawisk patologii społecznej wzajemnie na siebie zachodzi, uzupełnia się i jest od siebie współzależna. Większość z nich prowadzi do przestępczości albo stwarza warunki sprzyjające jej występowaniu i trwaniu. Poszukując warunków oraz przyczyn występowania zjawisk patologii społecznej w większości dziedzin nauki, które zajmują się tymi zjawiskami, wykorzystywane są różne podejścia, które są charakterystyczne dla danej dziedziny nauki. Najbardziej znanym jest podejście socjologiczne, niestety podejście kryminologiczne zostało wykorzystane w przypadku słowackiej młodzieży.

**Słowa kluczowe:** młodzież, polityka społeczna, przestępczość, państwo, społeczeństwo, negatywne środowisko.

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**Abstract**

Criminality, violence against an individual as well as a group of people, suicide, alcoholism and other addictions are every time assessed as social-pathological phenomena in our culture. The inclusion of other phenomena has already been influenced by the period of time, when this phenomenon causes concerns in the society by the mass character of their prevalence (in particular graffiti spraying, violence in the stadiums, prostitution, pornography, gambling). Certain parts of sociopathological phenomena are mutually overlapping, complementing and made dependent on each other. The majority of them lead to criminality or creates conditions for its appearance and existence. When searching for conditions and reasons for the appearance of sociopathological phenomena in most of the fields of science that deal with sociopathological phenomena, various approaches are being applied, which are characterized for that field of science. Mostly known are sociological approaches, unfortunately the criminological approach has been applied in Slovak youth.

**Keywords:** youth, social policy, criminality, state, society, negative environment.

**Introduction**

Among the main risk factors that make the appearance, existence and spread of sociopathological phenomena possible, in accordance with scientific knowledge and general opinion, we include negative phenomena in the society and an insufficient protection of their members and in particular of young persons against such phenomena and at the same time the increase of alienation of the society and the individual person – the loosening of mutual bonds. As risk factors the following concrete factors are generally mentioned: negative phenomena in the family, at school, improper manner of using free time, issues connected with performance of employment and work habits up to the refusal of work as the source of livelihood, radical changes of norms and values in the society, spreading of consumerism.

**Youth and ontogenesis**

Some risk factors have been in society from time immemorial and have a mass, multicultural character. These are the mentioned negative phenomena in the family, in the process of upbringing and education (in the socialisation of an individual person), in negative influence of narrower or broader social environment, improper forms of entertainment, chaos prevailing in the social norms, the sudden tolerance of phenomena in the society that were earlier assessed as undesirable and that were until recently penalized by the same society, etc.

For the better understanding of delinquent behaviour of the juveniles it is necessary, above all, to define also concepts which are essential from the point of view of the essence of the phenomenon itself. The central concept is a juvenile and their specific biological, psychological and social characteristics. In section 94 the Criminal Code characterizes a juvenile as a person, who at the time of committing an offence reached the age of 14 and did not exceed the age of 18<sup>1</sup>. From the biological point of view the organism of a juvenile grows into an adult from the point of view of sexual maturity as well as from the point of view of growth. According to Končeková the young organism only grows into maturity, it is getting settled and strong<sup>2</sup>. At the end of the period it matches the organism of an adult and from the point of view of performance as well as working activities it is capable of the same load. In the juveniles the most important changes take place in the psyche. The mental imbalance is gradually disappearing. All the mental processes, conditions and features are, through their quality, approximating to the values of an adult human being. According to Labáth the changes of the mental functions are manifested in two areas. It is in the area of cognition and in the area of emotional development<sup>3</sup>.

The present youth lives in the conditions of blistering pace, not only social pace, but it is also the pace of scientific-technical progress. They have other hobbies and a different view on the life around themselves than do the adult people. They have bigger and bigger problems to get integrated into the society.

## Characteristic of deviant behavior

Deviant behaviour is according to Sejčová “behaviour which on the one hand violates codified statutory norms of a respective social group and it does this also at that time, when they have not been codified under law”<sup>4</sup>.

Ondrejkovič understands social deviation as disturbance or as a substantial deviation from expected standardized and institutionalised behaviour, which is prescribed by a social norm, valid in a certain society, group or social unit<sup>5</sup>. This concept represents also a subclass of social behaviour. Delinquency of juveniles is a concept, which is mostly used for the earmarking of criminal activities of the juveniles. It generally denotes an activity, which violates laws and other norms of behaviour and causes harm to an individual or to a society. This concept also means antisocial behaviour in the broader sense than criminality, i.e. also such

<sup>1</sup> Criminal Code, Act No. 300/2005 Coll.

<sup>2</sup> L'. Končeková, *Psychológia puberty a adolescence*, FHPV PU, Prešov 2002, p. 113.

<sup>3</sup> V. Labáth, *Riziková mládež*, SLON, Praha 2001, p. 160.

<sup>4</sup> L'. Sejčová, *Deti, mládež a delikvencia*, Album, Bratislava 2002, p. 290.

<sup>5</sup> P. Ondrejkovič, *Sociálna patológia*, Veda, Bratislava 2001, p. 31.

behaviour, which does not reach the degree of social danger of an offence. Juvenile delinquency is a very serious problem in our society.

From the point of view of the age, delinquency is divided into these kinds:

- delinquency, which is committed by a minor perpetrator – it is a person younger than 14 years according to the legal system this person cannot be prosecuted for a crime or is not liable for a crime,
- juvenile delinquency is committed by a juvenile perpetrator – according to the Criminal Code it is a person at the age from 14 to 18 years, who is criminally responsible. Criminal activity of the juveniles is also called a juvenile delinquency,
- delinquency of young adults is committed by a young adult perpetrator at the age from 18 to 20 years. The person is responsible for a crime, but the court takes into regard their age, which is close to juvenile age.

Delinquency can have various forms of manifestation: Határ, Lohinová have stated the following forms:

- property – theft, breaking and entering,
- sexual – rape, abuse,
- public order delicts – vandalism, disturbing of peace,
- organized violence and crime<sup>6</sup>.

## **Delinquency as a negative behaviour of young people**

Young people most frequently commit truancy and theft. Bielíková has defined truancy as “purposeful avoidance of school attendance or, as the case may be, escape from the school environment, the reason of which may be a distorted relationship with the school environment”<sup>7</sup>. In our opinion the reason of truancy is also the indifference of the parents to school attendance, neglecting its importance.

According to Section 247 of the Criminal Code theft is an offence against property, misappropriation of something belonging to someone else and treating it as if it were the property of the thief. In case of juvenile persons the undoubted sign is shown in reaching antisocial intensity of defectiveness<sup>8</sup>. According to Hroncová a delinquent does not acknowledge legal norms; s/he has negative relations towards them and willfully violates them<sup>9</sup>. According to Faltin it is “an individual, who is socially not adapted or adapted in a different way than it is

<sup>6</sup> C. Határ, N. Lohinová, *Vplyv rodiny na deviantné správanie detí a mládeže, 2005*, [in:] J. Hroncová, *Sociálna pedagogika a sociálna práca*, PF UMB, Banská Bystrica 2004, p. 298.

<sup>7</sup> M. Bielíková, *Záškolský a jeho príčiny vo vybraných okresoch SR.*, Ústav informácií a prognóz školstva, Bratislava 2002, p. 23.

<sup>8</sup> J. Hroncová, *Sociálna patológia*, PF UMB, Banská Bystrica 2004, p. 191.

<sup>9</sup> Ibidem.

required by the social order”<sup>10</sup>. According to our valid Criminal Code criminal liability is connected with reaching the age of fourteen years. In the provisions of Section 94 to 121 this Act does not regulate privileged deviations different from punishing the adults and in case of juveniles younger than fifteen years, it has introduced the obligatory examination of mental condition in order to assess the level of intellectual and moral maturity with the aim to recognize or control their activity at the time of committing the offence. The fact has been pointed out by Baláž<sup>11</sup>. When assessing the reasons of appearance of delinquency an important role is played by external as well as by internal factors. Among the internal factors we have included a hyperactivity syndrome (ADHD), psychopathy and the decreased level of cognitive capabilities. The most significant external factors include the family (dysfunctional, incomplete, criminal, family with low social status, family of alcoholics, family with many children and an entrepreneurial family) school and subcultures of juveniles. In the system of social administration the social guardianship for the children and young persons is provided by the Department of Social and Legal Protection of Children and Social Guardianship at the Office of Labour, Social Matters and Family.

## Social guardianship and its meaning

The clients of social guardianship are the minors and the juveniles who have demonstrated behaviour disorders, by running away from home, by neglecting the compulsory school attendance, young people who bully their schoolmates, they are the members of groups that negatively endanger them, they commit criminal activities, use alcoholic drinks, are addicted to the internet, hazardous and computer games, drugs and other psychotropic substances. Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Guardianship in Section 1 par. 3 defines the social guardianship as a:

“[...] set of measures for removing, mitigation and limitation of deepening or repeating disorders of mental development, physical development and social development of the child or a natural person of full age and providing of assistance in dependence on seriousness of disorders and the situation, in which a child or a natural person of full age is situated”.

The Social guardian deals with delinquency and criminality of the children and the juveniles. Matoušek offers a definition of a social guardian to us<sup>12</sup>.

<sup>10</sup> M. Faltin, *Delikvenciadeti a mladistvých*, Slovenské pedagogické nakladateľstvo, Bratislava 1972, p. 120.

<sup>11</sup> P. Baláž, *Základy trestného práva*, EUROUNION, Bratislava 2006, p. 262.

<sup>12</sup> O. Matoušek, *Sociální práce v praxi*, Vyd. Portál, Praha 2005, p. 95.

“A guardian for young persons is a government officer, whose task it is to deal with the children and the juveniles from dysfunctional families, who lead immoral life, neglect school attendance, use alcohol or other addictive substances, with those who earn living as prostitutes, who run away from home, deals also with the children and young persons who commit offences or against whom a crime has been committed. A government officer is supposed to provide help in overcoming adverse conditions in life and educational influence, with the aim to make it possible for the child and the juvenile to get integrated into the society”.

In order to achieve the set aims the social guardians use the methods of social work in real life. According to Sejčová a case, group and community method is used<sup>13</sup>. In practice individual methods of social work overlap. Another method, which is used by the social guardians, is the visit to the family.

Social guardians in Slovakia, as has been stated by Matoušek, and also in the Czech Republic do not have, so far, the basic pre-conditions for systematic work with the family created<sup>14</sup>. There is an absence of special training for counselling or therapeutic work and the number of cases with which they deal does not make it possible for them to perform a systematic and concentrated family work. Only as late as in the new legal regulation of the Act on Social and Legal Protection of Children and the Social Guardianship the qualifications requirements for performance of social work have been introduced for the first time.

An integrated part of social and legal protection of children and the social guardianship is the social prevention. From the point of view of phase of development of individual social-pathological phenomena, prevention can be divided into three basic levels:

- primary prevention,
- secondary prevention,
- tertiary prevention,

During the transition from the central planned economy into the market economy in 1989 Slovakia comes across one of the most serious social-economic problems of the present time, which is unemployment. One of the categories which is also subject to unemployment is that of young persons. From the point of view of sociology this group is characterized as citizens, who have not exceeded the age limit of 30 years.

“It is necessary to tackle the issues of the unemployment of youth and its impact on them, because it is one of the most serious problems of the present time. Unemployment is a wide-ranging social and economic problem of the

<sup>13</sup> L. Sejčová, *Deti, mládež...*, op. cit., p. 290.

<sup>14</sup> O. Matoušek, *Metódy a řízení sociální práce*, Vyd. Portál Praha 2003, p. 125.

present time, which has deep impact not only on all the persons, but also on the countries”<sup>15</sup>.

Attention paid to unemployment has several parts.

- How people tackle the loss of employment and how they are trying to give direction and sense to their life.
- The manner how people tackle the loss of income from money making activities.
- How good is the functioning of the employment offices and agencies dealing with the unemployed persons.
- How the roles in a family get changed and how tension between the closest and the most beloved persons is increased.
- What happens with the families and communities, when still more and more people are losing their jobs.
- How unemployment influences various social shifts.
- How unemployment influences the employed people etc. “Unemployment of young people in the post communist countries of Europe is perceived as a consequence of transformation of the transformation of socialist political and economic system on the market economy”<sup>16</sup>.

The aim of state policy in relation to the children and young persons in strengthening such society, which especially in relation for the children and young persons:

- will create conditions for increase of quality of life,
- will ensure social justice, sufficient opportunities and equality of chances,
- will acknowledge rights to its own identity, diversity and autonomy,
- provides opportunities for employment, active citizenship and participation of youth representatives in the social and political life.

When fulfilling these aims the government will concentrate on the following key areas:

- education,
- employment,
- family,
- housing,
- participation of youth in the social and political life-participation,
- information and communication technologies,
- mobility,
- environment,
- free time of children and youth,

<sup>15</sup> M. Jahoda, *Employment and unemployment: A social-psychological analysis*, Cambridge University Press, Cambridge 1982.

<sup>16</sup> P. Machonin, L. Mlčoch, M. Sojka, *Ekonomické a společenské změny v české společnosti po roce 1989*, Karolinum, Praha 2000, p. 93.

- culture,
- health and healthy lifestyle,
- children and young persons facing complicated life situations and coming from a disadvantaged environment,
- children and young persons social-pathological phenomena and their prevention<sup>17</sup> “some authors consider the control of political system as a dominant function of communication tools”<sup>18</sup>.

## Family and its influence on young people

Also the family in relation to the children plays its role here. A worsening of family relations has been assessed as negative, because it has turned out that the quality of relations is one the most significant factors influencing the personality of a young person. Young people, who have created good and cordial relations with their parents, have mostly also the same relations to their siblings and to the environment. In the families where the parents and the children are not capable of creating good human relations, then in such families the children are also not capable of creating such relations with each other. When solving major personal problems the priority advisers of young people are parents, in particular mothers and friends. The style of parental education has the prime impact on the personality of the child, through which the character of requirements and the quality of reaction of parents is implemented upon the behaviour of the children. It is the complete family with sufficient economic means and properly built-up mutual relations securing mutual trust and help to the children, when tackling their personal problems that create the best conditions for the healthy mental and physical development of the child and the young person.

A young person is generally considered to be a specific social capital of each society. Such a person is an unthinkable entity of its presence and a presumption of quality of its future. Therefore emphatic and pro-social policy offers young human beings an opportunity to mature into an autonomous, free and self-sufficient individuality.

“In relation to the youth the government policy should ensure that the young people perceived in this way should have at least minimum standard conditions available for their universal and social development. In doing this the state is trying to apply mechanisms that protect the youth against sociopathological phenomena. It is in the interest of the state that «young people enter

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<sup>17</sup> Ibidem.

<sup>18</sup> O. Bočáková, M. Lincényi, *Úvod do sociálnej a politickej komunikácie*, 1. vyd. – Trenčín 2013, p. 109, [in:] *Lincényi Masmédiá ako tvorcovia verejnej mienky*, Issued by Trenčianska univerzita A. Dubčeka v Trenčíne, Trenčín 2014, p. 40.

the practical life prepared and ready to participate in the development of the society.» From the point of view of the state young people are in particular understood to be those who are learning to find their way in the sphere of work and are becoming citizens<sup>19</sup>

Behavior of young people is derived from the media, which are part of the normal life of people in society<sup>20</sup>.

“Mass media in the context of our social functions offer their own patterns of behavior, which then accepts a normal individual”<sup>21</sup>.

## Conclusion

Sociopathological phenomena (also remarked as social deviations or social-negative phenomena) is one of the most significant problems of the present-day social development. It is a problem which is still dynamically developing and in case of which the procedures generally used to tackle this problem so far cannot be assessed as effective. Sociopathological phenomena are closely connected with the state of affairs of the society and sensitively react to social changes and their consequences.

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<sup>19</sup> Source: [www.spravaomladezi.sk](http://www.spravaomladezi.sk) [access: 28.08.2014].

<sup>20</sup> Ibidem, p. 101.

<sup>21</sup> Ibidem, p. 72.

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