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Legal Aspects of Juvenile Delinquency in Romania. The Reinsertion of the Juvenile Offender into Family and Society

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Abstract. The aim of the article is to present the legal aspects of juvenile delinquency and the reinsertion of the juvenile offenders into the family and society. In order to do this, it shortly presents the history of the evolution of the re-educatory system for juvenile offenders, the system of the criminal responsibility of minors, the age and conditions under which a minor can be held criminally liable, the special situation of minors who are not criminally responsible and those who are criminally responsible, and, finally, it points out the penalty regime of juvenile offenders.

Keywords: juvenile delinquency, criminal responsibility, re-educatory system, reinsertion into society

Introduction

Juvenile delinquency represents a crucial and sensitive problem for the entire society and, when ignored or mishandled, its long term consequences usually create new, even more difficult and costly issues that society has to deal with.

During the last quarter of a century, the majority of European and USA statistics constantly warned us about the growth in youth crimes and about the more serious nature of the offences committed by minors. Moreover, the legislator widened the sphere of what is to be considered a law-infringement action or inaction by including increasingly more types of behaviour which were unheard of before or whose degree of social danger was not initially recognized; these kinds of new offences were previously only sporadically sanctioned by authorities.

With these new juridical traits in mind, I intend to present in this paper the evolution of the re-educatory system for juvenile offenders and the essential aspects of their reinsertion into family and society, along with the punishment process they must undergo throughout.

Short history of the evolution of the re-educatory system for juvenile offenders

"The institution of re-education constitutes a specific implement whereby society expresses both its position towards this category of offenders and its option concerning the fundamental means that must be used in exercising coercion and during the recovery of convicted juvenile delinquents. These features weave themselves together in the content of the re-educatory institution, infusing the re-educatory measures with the substance necessary for the realisation of their purpose" (Brezeanu 1998, 3–4). Popescu-Neveanu (1978), however, draws attention to the fact that the concept of re-education, as a criminal law institution, must be differentiated from the concept of re-education understood from a psychological-social perspective, because the latter concerns the systematic process of moral and social transformation of the juvenile offender through pedagogic, psycho-therapeutic means, as well as other adequate educational methods. Nevertheless, in both of its senses, the educational dimension is two-fold: it is characterized, firstly, by the diversity of the methods and means involved in the individualizing process entailed by the execution of the penalties stipulated in the criminal law, and, secondly, by the organization of an adequate pedagogical environment according to the pressing requirements of re-educating juvenile offenders (Popescu-Neveanu, 1998).

In the following sections of the paper I will present the historical evolution of the Romanian legal framework regarding the re-education of juvenile delinquents. There are three particular phases depicted in the scholarly literature that merit to be mentioned. The first one refers to the evolution of the re-educatory system of juvenile offenders until the Criminal Code of 1936; the second phase is comprised between the said Criminal Code from 1936 and the Criminal Code of 1969, and the last one begins with the Criminal Code from 1969 and continues today (Popescu-Neveanu, 1998).

The first written laws regarding juvenile delinquents were conceived and implemented by Vasile Lupu (1646) and Matei Basarab (1652). According to these laws, age is deemed to be a mitigating circumstance which protects the juvenile offender from the harshest punishments or provides grounds for commuting his/her sentence. The documents state that children under the age of 7 were not held criminally liable for their actions, that those between the age bracket of 7 to 14 years old (for boys) and to 12 years old (for girls) were given easier sentences, and, finally, that the boys aged from 14 to 20 and the girls from 12 to 25 benefitted from the improvement of the sentencing regime. If minors committed serious offences, they received the same sentences as those who attained legal majority.

In 1818 Caragea's Law (*Legiuirea Caragea*) came into effect in Wallachia, which differs from Lupu's and Basarab's law in one single respect: within the age

of 20 to 25, the "unfledged" (*nevârstnicii*) – those aged under 25 years – had the possibility to request the ruler "venia aetatis" (literally, forgiveness, or grace, as to age) which is the privilege whereby the minor was considered to have attained majority before the age of 25.

In Moldavia, the "Criminal Register" (Condica Criminalicească) of Ion Sandu Sturza, which appeared in 1826 and had the Austrian Criminal Code from 1803 as an inspiration model, is the first legislative work that bears significant connections with modern criminal codes. The same role was played later, from 1852 onward, by the "Criminal Register" (1852) of Barbu Stirbei in Wallachia (Popescu-Neveanu).

Under the reigning of Alexandru Ioan Cuza, the first Romanian Criminal Code took effect on May 1, 1865; the code was inspired by the French Criminal Code from 1810, the Prussian Criminal Code from 1851, the Moldavian Criminal Code from 1826, the Muntenian one from 1852, as well as (partially) by the German Criminal Code. According to this new Criminal Code, minors under the age of 8 are not held criminally accountable for their deeds, whereas minors aged from 8 to 15 years old have their capacity taken into account: "minority represents either a ground for criminal incapacity when the minor acted without capability [...], or a ground for sentence mitigation when he/she acted in capacity. [...] In the first situation, upon judicial approval, the acquitted minors will be sent to a monastery for a certain period of time which cannot exceed 20 years. In the second situation, the court will proceed to reduce the sentence" (Popescu-Neveanu, 17). Therefore, the minors aged between 15 and 20 years old enjoy the benefit of having their sentence reduced.

The Criminal Code from 1936 performed a key role in completing the unification process of the Romanian criminal law in the wake of the political unification from 1918. According to this new Criminal Code, the minors' age is split in two phases: childhood (up to 14 years old), during which they are not accountable from a criminal point of view; and adolescence (14–19 years old), during which the minor can be held accountable only in the case of having acted in discernment at the time of the perpetration of the offence; if this is not the case, the minor is not responsible for his/her deeds. Moreover, this Criminal Code envisaged preventive-educatory, foster-care related and protection measures for minors under the age of 14 and for those aged from 14 to 19 who lacked discernment; these measures were applicable until the person in question had reached the age of 21. For the minors from the age group of 14 to 19 years who acted in discernment, the law specified safety measures, such as supervised freedom and corrective education, as well as punishments like reprimand, reformatory prison, or simple detention. Finally, it is important to draw attention to the fact that this Criminal Code stipulates that for minors the educatory measures must replace as much as possible the punitive ones.

In 1948, the Criminal Code was republished without significant modifications concerning juvenile delinquents. A year later, in 1949, only the regulations regarding the protection of minors were modified by paying more attention to vagrancy and mendicancy issues; they were subsequently retained in the Criminal Code from 1957. Nevertheless, the provisions stipulated by these criminal codes are not full-fledged innovations that emerged in those historical times, but "only adaptations of certain forms of juridical, educational, healthcare and social protection of the minor, which were already well known and which were backed by the long tradition of the Romanian protection system" (Popescu-Neveanu 1998, 29).

With the Decree no. 213 from June 18, 1960, published on the same day in the Official Bulletin no 9, the judicial procedure regarding the minors who have not committed offences was reintroduced and it had remained in force until January 1, 1969, when the new Criminal Code took over. This third Criminal Code proposed the generic concept of offence as denoting every illicit, criminal act, abandoning thus the previous distinction between crimes and felonies (délits).[1] Except for minor modifications, this Criminal Code is still in effect in Romania today.

According to the Criminal Code from 1969, minority "is not considered anymore a personal circumstance, but a transitory state in the perpetrator's life which raises a set of particular problems and which entails special provisions and a distinct approach" (Brezeanu 1998, 33).

The penalty system applied to juvenile delinquents provided regulations according to three age categories:

1. Minors under the age of 14 who committed offences (délits) were exonerated of criminal responsibility on the grounds of the conclusive presumption of lack of discernment, in the sense in which it is presumed that they did not have the psycho-physical capacity necessary for understanding the consequences of their deeds. It is important to state that in the previous Criminal Code, the minimum age limit for the criminal responsibility of a minor was 12.

2. For the minors aged from 14 to 16 who committed offences (délits), the criminal responsibility was determined by the existence or the non-existence of discernment. The rebuttable presumption of irresponsibility worked in their favour. Therefore, they could be sanctioned with penalties when the forensic examination report proved that they had perpetrated the act in discernment.

3. Minors aged from 16 to 18 who committed offences (délits) were considered to conclusively possess both the capacity needed for perpetrating the act and

1 It should be noted that the three-tiered structure of the judiciary in European countries which promoted the distinction between crimes, délits and contraventions does not have a corresponding differentiation in the Anglo-American judicial systems. Therefore, seeing that crimes, felonies and misdemeanor do not completely cover the legal sense of crimes, délits and contraventions, I chose to specify in parentheses the French equivalent for felonies: délits.

criminal responsibility, except for the situations provided in articles 44–55 of the Criminal Code (legitimate defence, state of necessity, physical and moral coercion, irresponsibility, error *de facto*, inebriety) which constitute sufficient causes for the removal of criminal capacity and implicitly of criminal responsibility.

The penalty system from 1969 to 1977 provided in the Criminal Code for juvenile delinquents, had a mixed character: the court could either take educatory measures (reprimand, supervised freedom, admission into a special re-educatory centre, admission into a medical-educatory institute), or apply penalties.

After the implementation of the Decree no. 218/1977, the treatment and re-socialization regime of juvenile delinquents was exclusively based on educatory measures, according to which the minors were entrusted to work or attend educatory units, or they were admitted in special schools – work or re-educatory schools; thus, the jail penalty was excluded.

According to Brezeanu, in spite of being called educatory, these measures were in reality even more severe than prison punishment. Consequently, "by their extremely elliptical formulation, these provisions masked the real signification of the measure, which is that it replaces in a modern fashion the service of the penalty in jail, applied until then to juvenile delinquents" (Brezeanu 1997, 16).

After 1989, the penalty and treatment system provided in articles 99–100 of the Criminal Code was reinstated by the implementation of the Law 104/1992 (which abrogated the Decree no. 218/1977) and of the Law 140/1996, which both widened the modalities and the forms of re-socialization and re-education of juvenile delinquents without, however, requiring a deprivation of freedom and of open environment (Banciu and Rădulescu 2002). The regulations in effect during this period of time are approached further in the next section of our paper.

The system of the criminal responsibility of minors

In this section I intend to advance with the study of the articles from the Criminal Code that refer to the penalties applied to juvenile delinquents, as well as to the odds of their successful recovery and reinsertion into family and society.

The process of applying a sanction to the minor offender must take into account, in the first instance, his/her own interests, preventing him/her from committing a new offence, and his/her education in view of a better living in society and for society.

Research in the field of physiology and psychology, as well as common sense emphasize the fact that childhood and adolescence represent an important and sensitive phase in any man's life. Unlike the adult, the child and the adolescent do not have the full capacity to evaluate their own actions according to certain social and legal requirements.

The particular situation of children and adolescents, viewed from a bio-psycho-physical perspective, should translate accordingly in criminal law, which provides a special juridical status, different in key points from the provisions concerning adults: the protection of the minor's interests, the educatory system, and criminal responsibility.

In the following section, I will analyze the third item – criminal responsibility – as it refers directly to the minors who perpetrate delinquent acts. The legal responsibility of minors is approached from two major perspectives: age and the conditions under which a minor can be held liable; the penalty regime which must correspond to the age and personality of the juvenile offender.

Age and conditions under which a minor can be held criminally liable

"Until the age of 14, a natural person cannot be an active, general subject of the offence which entails criminal responsibility because the person did not reach that degree of physical and psychological development that would allow him/her to understand the dangerous character of the consequences of his/her own actions (inactions); therefore, from a criminal point of view the person does not act in discernment. The presumption of lack of discernment is conclusive because under no circumstances the opposite could be proven, that is the existence of discernment" (Godea 1998, 59).

The age of criminal responsibility is equally determined according to other factors, among which is the evaluation of the minor's criminal capacity. Criminal capacity is the ability to differentiate between a harmless behaviour, which is allowed, and a socially damaging behaviour, which is restricted or completely forbidden and which consequently entails a form of punishment.

The age limit of the capacity for criminal intent cannot be *a priori* established; but in view of sociological and psychological criminal research, certain conclusions were reached, which were equally confirmed by the judicial practice and appropriated by the legislator. Consequently, the majority of criminal legislations provide the division of minority in three periods, according to the progressive development of minors: 1. the period of absolute and unconditional non-responsibility; 2. the period of doubtful or relative responsibility, whereby the existence of criminal responsibility is conditioned by the commission of the act in discernment; 3. the period of indubitable, although mitigated, responsibility.

The capital criterion for this classification is the age of the juvenile offender and this fact confirms that during childhood there is an incapacity for acting with criminal intent that must be legally acknowledged. With growing, the sole criterion of age becomes insufficient and another, complementary one is needed: discernment.

From the point of view of criminal responsibility, according to the Criminal Code, minors are divided into two categories: those who have criminal capacity

and are held accountable for their deeds, and those who lack criminal capacity and are not criminally responsible.

Thus, article 99 of the Criminal Code states that: "A minor under the age of 14 shall not be criminally responsible. A minor aged from 14 to 16 shall be criminally responsible, only if it is proven that he/she committed the act in discernment. A minor over the age of 16 shall be criminally responsible."

In order for a minor aged from 14 to 16 years to be held criminally responsible for the commission of an act provided by the criminal law, it must be established whether he/she acted in discernment. Discernment is evaluated by the institutions of forensic medicine, through a specialized expertise conducted on the basis of clinical examinations and supplementary exams (Government Resolution no. 774, September, 2000).

Minors who are not criminally responsible

According to article 50 of the Criminal Code, the criminal character of the deed is removed if it is ascertained that at the time of its commission the minor did not meet the legal conditions for criminal responsibility. These conditions are specified in article 99 of the Criminal Code where it is stipulated that the minors under the age of 14 and those aged from 14 to 16 who acted in lack of discernment are not criminally responsible.

Minors who completely lack criminal capacity

Article 99 of the Criminal Code provides a conclusive presumption of criminal incapacity for this category of juvenile offenders. Because it is a conclusive presumption, it can never be rebutted, irrespectively of the minor's qualities or lack thereof. In these cases, from the point of view of the criminal procedure, the criminal prosecution authority must decide the release from prosecution and the court must ordain the acquittal of the minor. No sanction can be handed down to the minor who committed an offence and who has no criminal responsibility; he/she can only be subjected to the protection measures established by the specialized units of the tutelary authority, such as special supervision of the parents or the tutor, or admission into a special re-educatory school.

Minors that relatively lack criminal capacity

Minors aged 14 to 16 are also presumed by the law not to have criminal capacity; but this time the capacity is only relative, and the presumption stands as long as there is no proof that the act was perpetrated in discernment. That is why the presumption is rebuttable, not conclusive.

Between the minors aged 14 to 16 and those under 14, if the former acted in lack of discernment, there is no difference concerning the provisions of the law: the same rules apply to both categories. Their release from criminal prosecution or their acquittal does not translate onto the persons who instigated or helped them to commit the illicit deeds; on the contrary, these persons will be criminally responsible according to the degree of their contribution. Therefore, the non-fulfilment of the conditions for the minor's criminal responsibility does not equate with the non-existence of the offence.

Minors aged 14 to 16 who acted in discernment will be assimilated to those aged over 16. The notion of discernment is not defined by the Criminal Code and the judicial practice does not propose a unanimous view in this regard. There are multiple definitions of discernment, but the one that is the closest to the juridical essence of discernment is Dongoroz's: the capacity to understand and to conscientiously manifest one's will in relation to a certain fact; discernment is, therefore, the criminal capacity limited to the concrete case, not generalized to any manifestation of a person (Godea 1998).

The lack of discernment is not conditioned by certain circumstances and does not conceptually have any connection with the notion of irresponsibility provided in article 48 of the Criminal Code. Irresponsibility is due to certain causes which alter or disrupt the normal functioning of psychological faculties, whereas the minor who lacks discernment is usually, from a psycho-physical point of view, an entirely normal person.

At the same time, the idea of discernment employed to delineate the category of persons who, because of their age, did not reach the full functional use of their psychological faculties, must not be mistaken for the concept of guilt. Thus, if a 16 years old minor acted in discernment, this does not necessarily mean that he/she committed the act in guilt; this is a situation that the minor in question can prove to be the case.

The proof of the existence or inexistence of discernment is not an issue bereft of divergent points of view. Accordingly, one perspective considers that the only conclusive proof would be the forensic-psychiatric expertise. The judicial practice, however, rejected this opinion on the grounds that the expertise is not the only proof needed and in many cases it is not even necessary. Thus, the Supreme Court of Justice shows that "for the assessment of the discernment of the minor aged 14 to 16, the court must examine not only the psychological state of the minor, but also the nature of the deed, the concrete circumstances of its commission, the possibility for the minor to assess, in view of his/her education and of the influences sustained from the social environment, that he/she commits a harmful deed and that it can entail penalties."

When assessing discernment, the nature of the act is very important; some acts are known from childhood as having an illicit character (stealing, hurting,

destroying), but there are also deeds that require a greater life experience (perjury, deceit).

An essential role is played by the obligatory social enquiry conducted in cases where the discernment of minors is at stake, and by the minor's behaviour in court.

Minors who are criminally responsible

According to article 99, paragraph 2 of the Criminal Code: "A minor aged from 14 to 16 shall be criminally responsible only if it is proven that he/she committed the act in discernment," while paragraph 3 states that: "A minor over the age of 16 shall be criminally responsible."

In this section, I will present the second category of minors: *those who have absolute criminal capacity*. The category comprises all minors aged over 16. A 16 year old minor is deemed to have committed the act in discernment, and although there is no difference from the point of view of criminal capacity between him/her and the adult offender, the former profits from a juridical treatment that is qualitatively different.

The conclusive presumption of discernment does not exclude, however, the possibility to prove that minors are irresponsible according to article 48 of the Criminal Code.

The penalty regime of juvenile offenders

Article 100 of the Criminal Code stipulates that: "With regard to a minor who is criminally responsible, one can take an educatory measure or apply a penalty. In choosing the sanction, one shall take into account the degree of social danger of the act committed, the physical condition, the intellectual and moral development of the minor, his/her behaviour, the conditions in which he/she was raised and lived, and any other elements likely to characterize the minor's person. The penalty shall be applied to minors only if it is deemed that educatory measures would not be sufficient for correcting the minor's behaviour." In this way, the legislator envisages a special criminal regime for the minor offender by introducing educatory measures as criminal sanctions.

According to article 101, paragraph 1 of the Criminal Code, there are two kinds of criminal sanctions established for juvenile offenders: certain sanctions have the nature of educatory measures, whereas others are penalties.

The Criminal Code provides the following educatory measures: reprimand, supervised freedom, admission into a re-education centre, admission into a medical-educatory institute.

Reprimand is stipulated by article 101 of the Criminal Code and is defined by article 102 of the same code as the educatory measure which consists of scolding

the minor and of showing him/her the degree of seriousness of the committed act; moreover, the minor is advised to behave in such a way as to show correction and not to perpetrate any criminal offences; if not, the court takes more severe measures. Reprimand, therefore, is more than a simple scolding; it forces the minor to realize and understand the fact that he/she committed a forbidden deed and that in future he/she must conduct him/herself better. "Practice proved that a reprimand which suits itself to the personality of the minor and which applied in such a way that the minor is not only affected by the scolding, but also stimulated to adopt a better behaviour due to the trust showed to him/her by the court, the trust that he/she can better him/herself, that he/she can obtain positive and lasting results" (Godea 1998, 94).

Supervised freedom is defined by article 103 of the Criminal Code: "[…] giving freedom to the minor for one year under special supervision. Supervision can be entrusted, as the case requires, to the minor's parents, to the person who adopted him/her or to the legal guardian. If they are unable to ensure satisfactory supervision, the court shall entrust the minor's supervision, for that period, to a trustworthy person, preferably a close relative, upon request from the latter, or to an institution legally charged with the supervision of minors."

Upon ordaining this measure, the court establishes a set of obligations, duties and responsibilities that the persons legally entrusted with the minor's supervision must comply with; these persons must warn the minor about the consequences of not abiding by certain interdictions and they must also notify the school the minor had attended or the unit where he/she was hired in order to contribute to the betterment of the minor, to the re-educatory activity that the juvenile delinquent must undergo (Banciu and Rădulescu 2002).

The court can demand the minor to observe one or several of the following obligations: not to frequent certain places established; not to come into contact with certain persons; to carry out an unremunerated activity in an institution of public interest decided by the court, from 50 to 200 hours, for no more than 3 hours per day, after school and during holidays.

If during the term of one year established by the court the minor eludes supervision, behaves inappropriately, or commits another criminal deed, the court can revoke the measure of supervised freedom and, instead, take the measure of admission of the minor into a re-education centre.

Admission into a re-education centre is an educatory measure, which according to article 104 of the Criminal Code, is taken: "in order to re-educate the minor, who shall be provided with the possibility to acquire the necessary education and professional training according to his/her skills." This measure is consequently "[…] taken towards minors regarding whom the other educatory measures are insufficient."

This educatory measure is undertaken for minors who committed more serious offences (délits), who manifested structured delinquent behaviours, or who

committed offences (délits) in an organized group, as well as for minors towards whom the application of the first two educatory measures proved to be inefficient.

The admission measure is taken for an indeterminate period, however, it can only last until the minor reaches the age of 18; nevertheless, the court can ordain the prolongation of admission for no longer than 2 years, if it is necessary in order to achieve the purpose of admission (the pursuit or the completion of the minor's school or work education).

Admission into a medical-educatory institute is an educatory measure defined by article 105 of the Criminal Code: it is "[...] taken for minors who, because of their physical or mental condition, need medical treatment and special education." This measure has a mixed nature – medical and educatory – and the medical-educatory institute has the purpose of ensuring offenders with physical or psychological deficiencies a particular medical treatment and a special educational regime which are adequate to their state of mind and to their bodily condition.

According to article 109 of the Criminal Code, the penalties that can be applied to criminally responsible minors are fines or imprisonment. They receive these penalties only when the court evaluates that other educatory measures are insufficient for their proper re-education. The limits of these penalties can be reduced by half, but in no case shall the minimum of the penalty exceed 5 years. The criminal law in effect stipulates the measure of conditional suspension of penalty service applicable to delinquent minors; the trial period consists of the length of the penalty of imprisonment, to which 6 months to 2 years are added, as the court ordains. With conditional suspension of penalty service, the court can decide to take the measure of supervised freedom towards the minor in question; this measure can last until the minor reaches the age of 18 (Banciu and Rădulescu 2002).

According to Lăudatu and Tolstobrach (1995), the reintroduction of the imprisonment penalty in the Romanian legislation for juvenile delinquents was based on the following argument: 1. seeing that the admission into a re-educatory school could be established only for a period of up to 5 years, during which some of the minors overran the majority limit; keeping them into a collectivity constituted prevailingly of minors has proved to be inadequate for their development; 2. juvenile delinquency did not decrease, but on the contrary, its numbers kept being relatively high during the time when this penalty has not been yet introduced.

"The penalties applied to delinquent minors must be, as much as possible, educatory and not punitive; the measure of imprisonment must be considered *ultima ratio* and applied only in the case of minors who committed very serious offences (rape, homicide, robbery) or of recidivists. For this reason, in the Romanian juridical practice, two types of alternative sanctions to the imprisonment measure were introduced: carrying out community service and the institution of probation" (Banciu and Rădulescu 2002, 224).

The choice of the sanction (educatory measure or penalty) applicable to the juvenile delinquent, must, according to article 100, paragraph 1 of the Criminal Code, take into account two principles: 1. the degree of social danger of the committed act; 2. the personality traits of the offender (the physical condition, the intellectual and moral development of the minor, his/her behaviour, the conditions in which he/she was raised and lived, and any other elements likely to characterize the minor's person) (Vasiliu et al. 1972).

The necessity of this kind of mixed penalty system regarding the juvenile delinquent is supported by the following facts: until he/she reaches majority, the minor is undergoing a process of ongoing transformation; during this period, his/her education and preparations for life have the best chances of success; in order to correct his/her behaviour and to educate him/her in the spirit of moral and social values, punitive measures that might deform and disrupt his/her personality, are most of the time not needed. Therefore, the legislator gave priority within the penalty system applicable to juvenile offenders to those educatory measures which seem to be, through their effect and goal, the most adequate to achieve the proper correction of minors.

After the commission of the offence, the educatory measures are the first forms of sanctions to be taken into account; if these are not applicable for whatever reason provided in law, then penalty measures can be taken. It is important to notice that it is much easier to deal with the prevention of the offence than with the subsequent consequences of actually committing the offence. Especially for juvenile delinquents, the consequences are more complex, severe and often less predictable.

In conclusion, I deem extremely important to concentrate the efforts of competent authorities and of society at large in the prevention of minors' delinquent behaviour.

Seeing that juvenile delinquency is a multi-layered issue (social, legal, educational, psychological, etc.), for its prevention certain measures are needed to be taken by social and socio-educational instances. Juvenile delinquents develop forms of affective immaturity and are more aggressive and hostile towards themselves and others. This critical situation underlines the role of bio-constitutional factors in the life of children and adolescents. The causes of juvenile delinquency are multiple: the more causes the minor has to sustain, the more certain it is that he/she will become an offender.

According to Mitrofan (1994), if the socio-economic and affective-educational family measures are negative, then it is very likely that the minor will drift towards delinquency.

Therefore, by thoroughly discovering and researching these precarious, socio-economic and affective-educational conditions, the removal of the minor from this type of family would constitute a primary preventive measure in fighting juvenile delinquency.

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