RISK AND PROTECTIVE FACTORS FOR CHILDREN FACING THE CRIMINAL JUSTICE SYSTEM

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Abstract: Juvenile delinquency as an antisocial phenomenon is characterized by features and specific notes of the age category as well as by personality characteristics within a particular socio-economic and cultural framework.

Juvenile antisocial manifestations should be understood by taking into account the conjugate (perspective of multiple causality) of individual psychological, social, cultural factors.

The aim of this paper is to highlight the socio-cultural diversity within the criminal justice system as protective or risk factors for the resilience of youth delinquents.

The educational and residential climate in which the minors live marks significant differences between resilient and non-resilient minors. Resilient adolescents live in a positive emotional climate and are immersed in a non-conflictual environment, cohesion, in which their autonomy and openness are improved. At the same time, their educational climate pleads for the value of success and promotes stable religious values.

Key words: criminal justice system, diversity, socio – cultural context, resilience, minors

Introduction

Through its various manifestations, aggressive and problematic, delinquency is a general, universal human phenomenon that arouses

interpretations and reactions, both social and individual. Delinquent acts violate the law and the illegal act is transgressive as it attempts to exceed the imposed limits by taking a risk. Thus, illegal acts are personal and collective experiences that allow testing capabilities, autonomy, assertiveness, personal boundaries and the meaning of life.

Nowadays, the juvenile justice reform has become a largely bipartisan issue as lawmakers work together to develop new policies to align fiscal responsibility, community safety and better outcomes for youth offenders. New legislative reforms reflect an interest in developing appropriate approaches towards more evidence-based methods and cost-effective alternatives to incarceration. It is important to take into consideration the researches available to lawmakers in the field of adolescent development—which includes the latest neuro, social and behavioral science that distinguishes juveniles from adult offenders. Recent trends in juvenile justice legislation across the country represent a significant new direction to broadly reform the justice systems. Specific trends have emerged to:
  - Restoring jurisdiction to the juvenile court.
  - Shifting resources from incarceration to community-based alternatives.
  - Providing stronger public support for youth in risk.
  - Addressing racial and ethnic disparities in the criminal justice systems.
  - Responding more effectively to the mental health needs of young offenders.
  - Improving aftercare programs for young offenders.

The association of many behavioral problems with deviance led to numerous links between individual, social and family risk factors during childhood and adolescence and delinquent activity of young people. Family and social risk factors have the most important influence and parenting practices and contextual variables are often linked to the early-onset of antisocial behavior.

Often, at school and in the community, young people experience inappropriate and punitive reactions in response to their own aggressiveness or violent behavior, such as punishment, suspension, expulsion. These zero-tolerance approaches are in most cases inefficient, resulting in increased aggression and violence (Leone et al., 2000).

Research supports the idea that, in return for these approaches, a proactive, integrative approach would be desirable to identify those factors that contribute to resilience in the presence of risk factors, but also to create strategies for prevention.

Problematic

Much of the research on resilience has focused on the risk factors that contribute to problematic behaviors rather than on the factors that promote

positive development (Smokowski, 1998). Although information on risk factors is important from a theoretical perspective, developing interventions focused on changing the risks for delinquent youth may not be the most effective approach. The knowledge that a child is at risk for delinquency because she lives in a disadvantaged neighborhood or has a history of abuse is insufficient information for researchers and practitioners to develop an effective intervention program because these risk factors are not easily amenable to change in intervention programs (McKnight & Loper, 2002).

As the study of violence risk has proceeded, risk factors have been identified. Lipsey and Derzon (1998) found that risk factors predicting violence were somewhat different for younger children aged 6 to 11 than for older children aged 12 to 14. The younger group's later violent behavior was better predicted by factors that are more difficult or impossible to change such as prior antisocial behavior, male gender, parent antisocial behavior, and low socioeconomic status, whereas older children showed social predictors such as problematic social relationships and lack of strong social ties and prior antisocial behavior. A comprehensive list of empirically derived risk factors is grouped into individual, school, peer-related, and community factors (Hawkins et al., 1998). Similar categorizations of risk factors along community, family, school, and rebelliousness classifications suggest that juvenile violence is a product of our unique norms and social conditions (Howell, 1997).

The deficiency of social maturity and also personality development is structured in some of the negative features encountered more frequently at delinquents, considered caracterologically immature.

G. Canepa groups these features of psychosocial immaturity into: low frustration tolerance, deficient self-control, egocentrism, impulsivity and aggression; underestimation of the seriousness of committed mistakes and antisocial acts; lack of moral feelings, superior social motives (learning, work); the avoidance of voluntary effort; the desire to achieve a mild life without work; opposition to legal norms, morals and their rejection; devaluation of oneself and adherence to delinquent status and undesirable social life; false image about the world, interpersonal relations, autonomy and individual freedom, usually conceived under the sign of aggression. The characteristic symptoms that arise from childhood are exacerbated in adolescence, due to individual disturbing factors (the gap between physical and psychological maturity) and especially family disturbances (Petcu, 1999, pp. Preda V. 1998).

Typically, in the structure of human personality, the following components are retained as essential: affectivity, motivation, determination, temperament and character. Those components which, in the case of deprivation of liberty, acquire a very special importance in supporting the youngster: the body, the clothing, the family, the house, the close friends, the

family objects, the consideration of the peers.

It is only in this context that the drama of their presence in the education and detention centers environment becomes visible. The sudden separation of these elements contributes to the psychological disintegration of the child / young person, who attempts to compensate for the "loss" through various defense behaviors. It is to be understood that those who have a weaker endowment will suffer less coming into this closed environment, in some cases the conditions in the centre are appreciated by them as being better than the outside ones.

In view of the limitations of risk focused intervention strategies, research on resilience turned toward protective factors—aspects of individuals and their environments that buffer or moderate the effect of risk (Fraser, Kirby, & Smokowski, 2004; Wright, & Masten, 2005). The socio-cultural protective factors discussed in this paper offer an explanation for why children and adolescents who face similar risk factors may or may not have a propensity toward negative outcomes like delinquency. Given the multiple processes involved in resilience, there are also multiple pathways to resilience, embedded in various contexts that require our attention and understanding (Masten & Obradovic, 2006). In this respect, Ungar underlined that ''resilience has global as well as cultural and contextual specific aspects'' (Ungar, 2011). The Minority World (also referred to as the West or Developed World) includes people who form the dominant culture in countries that are numerically small but exert a eurocentric bias in areas of politics, economics, science, and art. Majority World cultures, which include economically underdeveloped nations, former East Bloc nations with economies in transition, and marginalized populations such as immigrants and native peoples living in the Minority World, have yet to be systematically included in studies of resilience. Most commonly, Minority World researchers describe resilience as a quality of individuals that reflects their capacity to engage in processes that make it likely they will overcome adversity and achieve normal or exceptional levels of psychosocial development (e.g., they will go to school, maintain a prosocial peer group, and avoid delinquency (Ungar & Liebenberg, 2011).

Reflective analysis

The social development model combines key elements of social control, social learning, and differential association theories in order to explain how risk and protective factors influence behavioral problems such as delinquency. The primary sources of social control refer to the bond between children, youth and their families and peers, and the community context that surrounds them (Snyder, Merritt, 2014). Thus, neglect and lack of supervision, control and attention of the child may affect the development system of internal and

external social control.

The cultural context in which adolescents live, the way they are treated by the community they live in, the fact that there are people they respect, are aspects that demonstrate the importance of protective factors for the healthy development of adolescents, and these issues should be given priority in the construction of individualized intervention programs for the juvenile delinquents.

Their social situation also includes, for the most part, poor school involvement, often academic and social failures, lack of consistency in compliance with rules, poor administrative and/or inconsistent support, rejection by conformational congeners, and association with antisocial congeners.

In these cases, individual risk factors often include a certain focus on strong sensations, poor control of impulses, attention deficit, hyperactivity, risky actions, low social skills, instability, anger, and certain beliefs and attitudes (eg Necessity of revenge). They often suffer from certain disabilities, such as emotional disorders, attention-deficit deficiency, certain learning disorders, usually presented in psychological literature as risk factors for aggression and violent behaviors (Leone et al., 2000).

This profile may lead to a certain type of manifestation, such as posttraumatic stress disorder or a variety of psychopathological manifestations including depression, alcoholism, generally addictive behaviors, and permanent sadness (Dohrenwend, 2000).

The importance of psycho individual causes stems from the involvement of the personality of the young person in the delinquent act, deciphering the insufficiency of social maturation and the presentation of the difficulties of social integration, including respecting the legal norms. The delinquent, due to a socialization deficit, fails to actively adjust his conduct to social relations, presenting a failure or disruption of assimilation processes and adaptation to social requirements and norms.

The system of interpersonal relations comprises, in general, two poles that are in interaction, on the one hand, the collective with its structure, dynamics, role and functions; on the other hand the individual with his/her psychic peculiarities, his/her interests and needs, aspirations and desires.

Understanding the child/adolescent internment in an educational center is absolutely necessary in order to impart a positive course to the training and manifestation of interpersonal relationships in order to carry out effective re-education work.

By the very situation in which he is, the delinquent child represents a specific human universe, full of contradictions, frustrations and incompleteness. Everyone comes to this "closed" universe, as a result of flagrant antisocial

conduct, committing crimes of which, some particularly serious. Many are socially unresponsive, refractory or incapable of integrating with the normal requirements of social cohabitation, come with a life subordinated to primary instincts and needs, with a dubious morality and often a painful childhood that presses their conscience.

The impact of deprivation of liberty on personality components is in many cases dramatic, generating different behaviors than those in the free environment.

The decisive factor for the child's evolution is the position it takes towards the committed deed and the degree of biological and psychological security it perceives in the new living environment.

If the adaptation to the life in the center is good, the tolerance towards environmental conditions is greater. But even in this situation, the problem of incompatibility between delinquent children admitted to re-education centers - as a result of individual histories and personality peculiarities - remains a difficult task to solve.

Another aspect that has an effect on the affective feelings of children and young people at the educational center is the constant violation of intimacy: everything happens in front of others, which in turn leads to sensuality and often to the conviction that everything is allowed.

The social and psychological profile of most of the juvenile delinquent population shows that many of these adolescents have at least one risk factor, usually more, for aggression and violence patterns.

Many times they face difficult environmental factors: their neighborhood promotes unofficial laws and rules favorable to antisocial attitudes; the socio-economic status of their family is often defined by poverty and economic deprivation, with a low level of education and few economic opportunities.

These young people also face interpersonal and social risk factors. In the family profile we can discover different traits often considered to be responsible for chronic patterns of antisocial attitudes (McEvoy, Welker, 2000). They often come from difficult families, dominated by poor communication, disorganization and conflict, with a weak link between parents and children (for example, the family can break direct or indirect links with the delinquent teenage immediately after entering the center and throughout the re-education process); inefficient parental discipline, lack of parental involvement, parental criminality, alcohol and drug abuse in the family, abuse or neglect, rejection. Farrington (1995) identified poor childhood growth as one of the most important independent predictors of juvenile delinquency (Farrington, 1995, p. 930). Henry et al. (1993) considers that the existence of domestic criminality and parental characteristics may be responsible for a greater proportion of

delinquent behavior.

Conclusions

Reforming criminal policies for minors and young people remains a desideratum. Risk and protection factors that influence the behavior of juveniles in the criminal justice system, and especially recuperative interventions that can trigger positive changes, need to change the focus, from the negative aspects that influence or have influenced the negative behavior, to the potentials and protection factors. All these have to create a new perspective on recuperative treatment.

In this entire context, social awareness plays an important role. There are two reasons why it's important for those working in the justice system to have an understanding of multicultural differences. First, when a group of people is alienated from a system because of disparities, that group's distrust with the system will grow. Secondly, an awareness of social differences is necessary to ensure a harmonious environment in the workforce of the social justice system itself.

From the point of view of improving the resilience of this category of children and young people, it becomes essential to change, in relation to which a specific position must be taken over significant issues such as the future, the family, the relations with the center's staff, a position that provides an important leverage for the recuperative effort.

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