

The Effective Juvenile Justice System

Name:

Institution:

The Effective Juvenile System

Historically, the primary task of the juvenile justice system has been not to punish minors but to prevent further misconduct. Their rehabilitation and resocialization have become substantial elements of rights and freedoms protection. The introduction of juvenile justice denoted a critical factor that has a positive impact on society and helps to strengthen the position of local communities. The juvenile justice system is effective if it assists in the practical functioning of restorative justice programs completed upon the principles of educating the offender, preventing the repetition of crimes, promoting social adaptation, and reintegrating minors into society.

Foremost, one should recognize that national political welfare is impossible without supporting and enhancing the authority and values of family ties, including the respect for parents and the older generation. The essential element in analyzing the causes of the rise in children's crime rates and finding solutions assumes the task of clarifying the character and part of the state in regulating child justice. The factors that have inspired this direction of children's rights protection (when it comes to a conflict with the law) comprise a sharp decline in production, an imbalance of economic relations, an increase in unemployment, an decrease in total family income, the destruction of the institution of children's preschools, the reduced access to medical services, and environmental degradation. These circumstances have led to a deterioration of demographics, an increase in child homelessness, and an upgrade in children's

crime rates. Subsequently, the new conditions should facilitate the state initiative to introduce a more progressive system of social rehabilitation of juvenile criminals.

Beyond the hearsay, there are persuasive practical examples of efficiently functioning juvenile justice systems. For example, the Anglo-Saxon (Australia, the U.S.) type provides for limited substantive jurisdiction: a juvenile court deals with all types of juvenile delinquency except for severe crimes (Junger-Tas, 2006). In Scotland, juvenile justice does not represent a part of the judicial but administrative system. Namely, the government has created special groups consisting of members of the public who are responsible for pre-discussing the case with the children's parents, teachers, and social service workers to determine effective means of influencing the offender. A principal role is played by a judge, whose task is to establish and maintain contact with a minor; he or she focuses on examining the conditions of the juvenile's life and social behavior for a comprehensive assessment. Respectively, the activities of the first American juvenile courts have combined the functions of prevention and rehabilitation. Prevention was achieved through informal contact between a judge and a minor. Thus, the judge sought the conscious involvement of the latter in rehabilitation practice. Educational institutions were under the patronage of the public during the first juvenile courts.

Juvenile courts operate a broad jurisdiction to consider all types of juvenile delinquency in a continental system (Germany, France). In France, juvenile justice contains a tribunal, an assize, a court, and a juvenile judge (Wyvekens, 2006). The Scandinavian system (the Netherlands) combines judicial and administrative juvenile justice. It does not have separate

juvenile courts: a juvenile judge handles cases in the local court or specially created separate departments (Songca & Karels, 2016). Local social services play a leading role as well. The presence of a juvenile judge, prosecutor, lawyer, and probation center reflects the positive elements of the Scandinavian system. Concerning Dutch adolescents, they have the Council for the Protection of Children working with the Ministry of Justice of the Netherlands. Notably, a personal training system is contributive, since a judge must possess specific expertise and ability to execute professionally. Overall, the Scandinavian approach is mild, and imprisonment is utilized rarely.

When it comes to universality, this element does not work in those systems. Despite the positive results of ones' work in particular countries, they still do not apply to every case. Also, the continental model of a juvenile system is the most effective due to its universalism regarding conditions of contemporary living. Juvenile justice should cover the whole sphere of legal relations between a deviant minor, the state, and the person who has found themselves in a complicated life situation. For example, as Sepeda (1999) highlighted, juvenile justice operates with all stages of justice in France, starting from an investigation and ending with a sentence. This practice still continues. It is especially relevant in the transitional conditions of statehood, where the minor needs special protection and attention from society and the state. Hence, the justice system should be universal—not merely cover a specialization.

To minimize the gaps in research of this effective system, there is a necessity to consider juvenile criminals as individuals striving for correction and improvement. Courts can be

recognized as both an auxiliary entity and broad institutional schemes of comprehensively functioning bodies. For instance, a positive factor in the French model of juvenile justice is that the educational measures (the specialization of courts and the work of psychologists with minors) have precedence over the punitive. There is also the practice of compulsory keeping of the perpetrator's social file. It embodies an effective way of preventing juvenile delinquency and controlling disadvantaged families by public authorities. This practice is an instrument to simplify the work with troubled teens who have been assigned a court educator, psychologist, teacher, and a juvenile justice procedure.

Among others, the most extensive system of professional requirements belongs to the German Juvenile Courts Act. The German doctrine of juvenile justice stems from the fact that its central figure is a judge, who has to impact a teenager's further life in the course of litigation; therefore, the juvenile criminal justice law gives the judge ample room for the powerful educational influence on the minor. The judge has to find an individual approach to the teenager, showing sufficient patience and professional tact to lay preconditions for the legal post-socialization of minors that requires a more scrupulous understanding as a process of acquiring vital qualities to be socially functional. The latter includes biological preconditions and the following elements of individual entry into a social environment: social cognition, social sharing practical activities, considering both the subject's world and the totality of functions, roles, norms, rights, and responsibilities. Otherwise, the central purpose of juvenile justice, namely the possibility of correcting and reeducating minors, will not be achieved.

To prevent adverse outcomes in effective juvenile justice systems, the law sets specific requirements for the life experience and education of a juvenile judge. Both judges and attorneys must specialize in juvenile law; thus, their specializations must be built-in the qualifying exams and during practice when they are obtaining a certificate in law. Pieces of evidence define the age of the minor—that the person is not yet physically and mentally mature. Therefore, professionals involved in litigation should be prepared to work with this category of individuals to provide legal assistance and to minimize the negative impacts on them.

Additionally, the presence of institutions for the compulsory treatment of minor's alcoholism or drug abuse in Germany can also serve as an example for imitation. Establishing such institutions signifies a potentially critical task of the state, as the prevalence of teenage drug addiction is a severe issue. Arguably, one may agree with the notion that minors commit the most crimes in the state related to drug or alcohol intoxication. In the U.S., alcoholic beverages are consumed at an early age despite legal restrictions; during such a period of physical growth, domestic drinking rapidly evolves into alcoholism. Drug statistics are also disappointing. Thus, supporting facilities for the treatment and rehabilitation of persons suffering from addiction constitutes a priority of the state.

Overall, while various effective juvenile justice systems exist, there are still gaps regarding research and the practical-theoretical definition of an objectively effective system that fulfills its primary goals without drawbacks. Aside from the problem of a generally efficient type of system, the ethical side of socially useful work as a method of reeducating also demands

further investigation and discussion. This option represents one of the viable alternatives to reeducating a delinquent juvenile in the context of a genuinely effective juvenile justice system while avoiding imprisonment and reducing the level of social maladaptation, which is a crucial factor in the future resocialization of a minor.

References

Junger-Tas, J. (2006). Trends in international juvenile justice: What conclusions can be drawn?.

In *International Handbook of Juvenile Justice* (pp. 505-532). Springer, New York, NY.

Songca, R., & Karels, M. (2016). A comparative study of child justice systems: Any lessons for

South Africa from The Netherlands?. *Journal for Juridical Science*, vol.41, no.2, pp.

47-67.

Wyvekens, A. (2006). The French juvenile justice system. In *International Handbook of Juvenile*

Justice (pp. 173-186). Springer, New York, NY.

Zepeda, J. A. (1999). Sentencing juveniles for murder in France and the United States: Are they

juveniles who commit adult crimes or adult criminals who are juveniles. *22 Loy. LA Int'l*

& Comp. L. Rev., 289.

Academic Experts

Your paper can be even better than this one.
Get help from real experts in academic writing.

**REQUEST
HELP**

**GET A FREE
QUOTE**