



Kolegji AAB

FACULTY OF LAW

DEPARTEMENT: CIVIL LAW

MASTER STUDY

THEME:

**CRIMINAL OFFENSES OF JUVENILE PERPETRATORS IN THE
TERRITORY OF THE BASIC COURT OF FERIZAJ, 2007/2011**

Mentor:

Prof. Dr. Rexhep Gashi

Candidate:

Fjolla Shabani

Pristinë, 2016

CONTENT

INTRODUCTION

1. Object and aim of the study
2. Methods of the paper
3. Short structure of the paper

CHAPTER I

MEANING AND CHARACTERISTICS OF CRIMINAL OFFENSES OF JUVENILE PERPETRATORS

1. Understanding of criminal offenses of juvenile perpetrators
- 2. Characteristics of criminal offenses of juvenile perpetrators**

CHAPTER II

CRIMINOLOGY OVERVIEW OF CRIMINAL OFFENSES OF JUVENILE PERPETRATORS IN THE TERRITORY OF THE BASIC COURT IN FERIZAJ, 2007/2011

1. Some phenomenological characteristics of criminal offenses of juvenile perpetrators
 - 1.1. Volume and dynamics of criminal offenses of juvenile perpetrators
 - 1.2. Structure and dynamics of criminal offenses of juvenile perpetrators
 - 1.3. Some basic personal and social characteristics of juvenile perpetrators
 - 1.3.1. Age of juvenile perpetrators
 - 1.3.2. Gender of juvenile perpetrators
 - 1.3.3. Education of juvenile perpetrators
 - 1.3.4. Social status of juvenile perpetrators
 - 1.3.5. Nationality of juvenile perpetrators
2. Several factors of criminal offenses of juvenile perpetrators
 - 2.1. Objective factor
 - 2.2. Subjective factor

CHAPTER III

MEASURES AND PENALTIES IN ORDER TO COMBAT THE JUVENILE PERPTRATORS IN THE TERRITORY OF THE BASIC COURT IN FERIZAJ, 2007/2011

1. Application of measures and sanctions against juvenile perpetrators

1.1. Application of diversion measures against juvenile perpetrators

1.2. Application of educational measures of juvenile perpetrators disciplinary

1.2.1. Discipline measures

1.2.1.1. Judicial admonition

1.2.1.2. The sending in the disciplinary center

1.2.2. The increased surveillance measures

1.2.2.1. Added surveillance by the parent, adoptive parent, or guardian

1.2.2.2. The added surveillance by other family

1.2.2.3. The added surveillance by the guardianship authority

1.3. Institutional educational measures

1.3.1. The sending in the educational institution

1.3.2. The sending in the educational correctional institution

1.3.3. The sending in the institution of the special care

1.4. The application of penalties against juvenile perpetrators

1.4.1. Penalties

1.4.2. Order for work in community service

1.4.3. Prison for juveniles

CONCLUSION

LITERATURE

INTRODUCTION

1. Object and aim of the study

This research deals with the criminal offenses of juvenile perpetrators and imposition of sanctions against juvenile perpetrators, therefore, the object of study and research of this paper is the criminal offense of juvenile perpetrators in the Basic Court in Ferizaj during 2007/2011, these offenses which cause severe repercussions on Kosovo's society. Because of the numerous consequences of the criminal offenses of juvenile perpetrators, there were many efforts to combat and prevent these offenses.

Criminal offenses as a negative phenomenon, historically have followed humanity, regardless of the development and progress that human society has reflected during centuries. The causes of criminal offenses of juvenile perpetrators are different. Many renowned scholars, the main causes of criminal offenses of juvenile preparators, confirm related with statistics and objective factors, in the social conditions, including demographic, political, economic elements.

Delinquent behaviors of juveniles have much greater importance than thought. Setting and characteristics of their meaning depend on the views of the environment in which they manifest and of many other elements. This understanding includes a wider part of children than thought. This complex phenomenon, starts from minor violations of norms and ends with very serious conflicts in society and its norms.

These behaviors are expressed in certain actions and habits, such as: escape from the house, absenteeism, drinking, smoking, beatings etc., so these children violate fundamental rules of meaningful education, so if no measures are taken these skills can be developed and such children become adult people with very negative consequences. For solving this problem, we need collective commitment of all social forces, and this goal cannot be achieved without the commitment of institutions such as schools and police.

Negative behaviors are the result of a group of physical, mental, psychological, social, economic factors etc. Therefore, the psycho-physical maturity is an essential component because the child's

personality includes variable attributes, which change along with changing living conditions. These criminal offenses of juvenile perpetrators may continue until adulthood, so these juvenile perpetrators require a special treatment by the family and other educational institutions.

Behavior of young people, often it has greater impact than that of adults, especially if it is negative, so that encourages society to take particularly hostile view of young offenders. The criminal offenses of minors should be looked at very carefully, because we are dealing with a generation of people being formed and towards which for the first time start the criminal sanctions as a punitive measure.

The problem of criminal offenses of minors remains a priority as they threaten to be a very dangerous contingent on the future of society. The transition period in which Kosovo is going through, is one of the reasons that influenced the appearance of criminal offenses of minors, so this transition occurring after the war, appeared in all spheres of the life therefore influenced the lifestyle, culture, education as well as juvenile delinquents. The difficult economic situation, the difficult living conditions, unemployment, school dropout, are some reasons that has forced a minor to commit criminal offense.

The aim of this paper is to introduce the comprehensive study of the delinquent behavior of juvenile perpetrators during the period 2007 - 2011, in Ferizaj. The aim of this paper is to examine the cases and analyze factors of criminal offenses of juvenile perpetrators in Ferizaj. I think it is a moral obligation of every citizen to give suggestions and proposals regarding the selection of these delinquent behavior of children, to have less criminal offenses of juvenile perpetrators in Ferizaj.

The period of postwar transition in which Kosovo is going through is also one of the reasons that has contributed to the delinquency of minors. This change was manifested in all areas of life to us, in lifestyle, also due to the created economic situation, difficult life conditions changed in the way of the formation of their personality, behavior, and with this it begin to change the delinquency of minors.

The justice system began filling it, adopting laws borrowed from countries with an advanced democracy and adapting Kosovar reality in dealing with this phenomenon of juvenile crime. If we consider the personality of this category of minors, they are some essential features:

psychological, social, biological, psychological, etc. We see that minors in this regard are separate, so the treatment of this category of personality of minors must be given the special treatment.

The aim of the research is also viewed with great devotion, on what are the causes that have led the minors of Ferizaj commit such criminal offenses, as well as potential opportunities in combating and preventing this harmful social phenomenon with multiple consequences as well as its combat with efficient measures of repression.

According to statistical data obtained from the Basic Court in Ferizaj, I notice that minors deal with all kinds of criminal offenses. Criminal offenses of juvenile perpetrators should be followed regularly to find the way to prevent and combat this negative and very dangerous phenomenon for our society.

Juveniles should not be viewed as criminals, although their behavior can be risky in the social point of view, but they should be treated fairly by the society, because the aim of criminal sanctions towards them is re-socialization, rehabilitation, and reintegration into our society.

Criminal offenses of minors are subject to the occurrence of many causes and factors, which are also linked to the social and economic circumstances of a region, or even a society. The impact of these causes was present even in the phenomenon of criminal offenses of minors in the city of Ferizaj during the period 2007-2011. I will try to lighten a period of five years, knowing all the important procedures which characterize the actions of minors, starting from their performance to the implementation of legislative measures and their execution.

METHODS OF THE PAPER

The phenomenon of criminal offenses of juvenile perpetrators is best presented through the methods of work, therefore these methods play a particular importance in the treatment and processing of criminal offenses of juvenile perpetrators.

We can say that this topic is very special and specific, and therefore the working methods are many and varied, but there will only be used several methods ranging from the most important and meaningful, through which this topic will be reviewed and analyzed better and that is a very important and sensitive topic, both in our country and in the world.

So, we know that every working method is required to be used and done, because through the large number of methods of work, any work comes out as complete and analyzed. The main methods that I have used in this work are:

Historical method - consists in determining the meaning of the criminal-legal norm, based on the story of its establishment, determining the causes of which have conditioned for criminal offenses of juvenile perpetrators.

For this reason, all actions are researched that preceded the issuance of certain law.

Therefore, through this method, we realize that criminal offenses of juvenile perpetrators were not emerged by chance, but since the emergence of these ugly problems different factors or conditions have affected, ranging from economic - social conditions within the family and beyond, social – political circumstances, cultural - historical circumstances and certain religion.

So, through this method, the main factors are actualized that lead the minor to commit a criminal act.

Statistical method - through this method we give figures, facts and reasons therefore represent the nature of the criminal offense of juvenile perpetrators. We follow closely the movements in terms of structure, volume, and dynamics during this period (2007-2011).

So, through this method, we should give an accurate statistic regarding this period. It can be said that the statistical method occupies a very important place in terms of preparation and creation of

proper preventive policies oriented against the phenomenon of criminal offenses of juvenile perpetrators. This method is applied correctly, always referring to statistical indicators of judicial authorities.

The method of comparison - this method in general criminal sense, is such method of interpretation, which determines the law by comparing two or more authentic same law texts, which were announced in different languages Therefore, this method is very important because it can monitor criminal offenses of younger juveniles, compared with older juveniles, thus seeing the difference in committing criminal offenses even though they are very close in age years.

Through this method, we make comparisons of criminal offenses committed in Ferizaj. Comparisons can be made between criminal offenses of juvenile perpetrators in different periods of time.

In researching the criminal offenses of juvenile perpetrators, we also use the interview and survey methods, methods of observation, clinical method, the study of individual cases. I think that these methods are quite efficient on what are the causes or specific reasons, motives and consequences that cause these offenses in my country.

Short structure of the paper

The structure of this paper is divided into introductory part and three chapters.

The introductory part contains the object and aim of the study. The object of study in this paper are the criminal offenses of juvenile perpetrators in Ferizaj Basic Court 2007/2011, the aim of this paper is the study and comprehensive study of many issues dealing with criminal offenses of juvenile perpetrators in Ferizaj Basic Court 2007/2011.

The first chapter contains the meaning and characteristics of criminal offenses of juvenile perpetrators. Juvenile delinquency is the antisocial behavior and illegal persons of minors aged 14- 18. Characteristics of criminal offenses of juvenile perpetrators are protective scope of juvenile delinquency, perpetrators of juvenile delinquency, juvenile criminal responsibility, the consequences of juvenile delinquency.

The second chapter contains criminological view of criminal offenses of juvenile perpetrators in

the Basic Court of Ferizaj 2007/2011.

Some phenomenological characteristics of juvenile perpetrators, such as: the volume and dynamics of juvenile perpetrators and structure of criminal offenses of juvenile perpetrators, then some basic personal and social characteristics of juvenile perpetrators as age, gender, education, social status, and ethnicity of the juvenile perpetrators and factors of juvenile perpetrators, objective factors, and subjective factors.

The third chapter contains measures and penalties to combat criminal offenses of juvenile perpetrators in Ferizaj Basic Court, 2007/2011. The application of measures of diversity of juvenile perpetrators, the application of educational measures of juvenile perpetrators, the application of punishment against juvenile perpetrators. Educational measures of juvenile perpetrators are disciplinary measures, measures of intensive supervision, institutional educational measures whereas penalties against juvenile perpetrators are fines, orders to work in the community and prison for juveniles.

CONCLUSION

The criminal offense of juvenile perpetrators is the kind of crime that has been present in all economic - social formations of development of human society. This form of crime continues to arouse great interest in government circles at all levels, because it causes a range of socio-economic, psychological, and other individual and social consequences.

Study object in this paper are criminal offenses of juvenile offenders, obtained from Ferizaj Basic Court during the period 2007/2011, as well as penalties that follow judicial review of such offenses of juvenile perpetrators. In this paper, punitive policy is treated towards the criminal offenses of juvenile perpetrators, their prosecution, and imposition of sanctions against juvenile perpetrators.

This punitive policy approach provides a more complete view of the legal - criminal measures undertaken by the judicial authorities to combat and prevent criminal offenses of juveniles. The study of criminal offenses of juvenile perpetrators is with special social interest, because the offenses of juvenile perpetrators present serious consequences for the individual and for society. Therefore, the punitive policies towards the juvenile perpetrators are dealing with this issue, with the aim of combating and preventing the criminal offenses of juvenile perpetrators.

As a result of criminal offenses of juvenile perpetrators are objective and subjective factors. So, the results of this research lead to the conclusion that criminality of juveniles is motivated from social - economic, political, educational, and cultural circumstances.

In this paper, I found some personal characteristics of juvenile perpetrators such as; age of juvenile perpetrators, their gender, education level, ethnicity.

I concluded that it is considered that higher penalties could not prevent the decrease of criminality of minors, if in addition, there is also taken other measures to choosing social, economic, and social problems, that affect to not orient the juveniles towards the dangerous ways.

This research shows that juvenile perpetrators of Ferizaj, mainly derived from degraded - problematic families and those with more members, who for reasons of certain circumstances have not been able to care enough about them.

So, the lack of proper family custody has been a factor with particular impact on the reporting of crimes of minor perpetrators. Therefore, the increase of the role of the family and the solution of many problems, in which it faces today, it will certainly affect the reduction of criminal offenses of juvenile perpetrators.

In this paper, I have documented some juvenile perpetrators features as the age of juvenile perpetrators of 14-16 years are 334 or 43.4% and from 16-18 years old are 434 or 56.5% of cases during the period 2007 - 2011. The number of persons convicted by gender are 768 or 15.3% where males are 757 or 15.1% and females are 11 or 2.2% of cases.

The rate of juvenile perpetrators education is 768 or 15.3%, then the economic situation is 768 or 15.3%, ethnicity has 265 or 5.3% of cases, Albanian nationality has 751 or 15.0% and other nationalities is 17 or 3.4% of cases.

The low educational level, especially poor performance at school, was a factor that contributed to the commission of criminal offenses of juvenile perpetrators. Therefore, establishment of educational and cultural level will certainly affect the prevention and reduction of criminal offenses of juvenile perpetrators.

The consolidation of democracy and the rule of law is of particular importance to the prevention of delinquency of juveniles. So, it is imperative that the state authorities to increase the efficiency of their work, especially state authorities such as the police, prosecution, courts, which many times leave the cases unresolved and thus juvenile perpetrators find space to operate again, so they must act with urgency.

Aware, in the successful combating and preventing of criminal offenses of juvenile perpetrators is necessary to study and know the causes and conditions affecting their emergence. In this paper, I concluded that besides the objective and subjective factors, there is a need for recognition and those of individual factors that affect the reporting of criminal offenses of juvenile perpetrators.

During the 2007/2011 in Ferizaj Basic Court there were imposed 34 or 8.8% of educational - judicial measures of admonition. In the measure of intensive supervision by a parent, adoptive parent, or guardian there are 194 or 3.8% of cases. Number of increased surveillance measures by the guardianship is 37 or 7.4%. and sending in the educational - correctional institution is 14

or 2.8% of cases.

I think that in the future, courts should be more active and pay greater attention to the circumstances of reasoning, which relate to the personality of juveniles in the development rate and the time needed for education, reeducation, education, and vocational training of juveniles.