

# IMPACT OF EDUCATION AND FREEDOM OF CONSCIENCE ON JUVENILE DELINQUENCY

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**Abstract:** Children are entitled to freedom of conscience and a quality education, which aims to ensure equal opportunities, and develop their personality. The school is the strongest instance of socialization, being at the same time the gateway to the systematic acquisition and learning of desirable norms, values, and rules of conduct. But it is not the only instance of socialization: the family, informal groups of the same age, the church, and many voluntary organizations all play this role. An expanding social phenomenon, juvenile delinquency comes to highlight the generalized crisis in which the Romanian society finds itself in this period. In 2019, some 3,850 minors were sued, 146 more than in the previous year. The present study aimed to investigate whether there is a causal link between respecting the child's right to freedom of conscience in school and juvenile delinquency, but also to demonstrate the causal link between schooling and delinquent behavior. The research method chosen was a qualitative one, namely case study. The documentation was made within the Prahova Probation Service. Following the analysis of the cases, it was not possible to prove the causal link between respecting the child's right to freedom of conscience in school and juvenile delinquency. The case studies once again reveal the direct link between schooling and delinquent behavior. A low level of schooling favorably influences the chances for the minor person to adopt a delinquent behavior (a situation expressed in school dropout). On the other hand, a low degree of socialization but with a relatively high level of schooling also significantly influences the delinquent potential of the minor (in this case, the school exercises only its function of education, not that of socialization). In such a situation, there are teenagers who, although they finish high school classes and do not face major difficulties in the family environment or mental activity, choose an unexpected and inexplicable path for those around them: crime.

**Keywords:** *juvenile delinquency, freedom of conscience, socialization, education, school*

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## Introduction

In any society there are explicit and/or implicit rules that determine individuals to perform socially desirable actions and to manifest behaviors compatible with the standards of that society. The existence of these rules is incorporated in the norms or social values, which are part of the culture of any society and which any member of society is obliged to respect. Each individual is obliged to respect the standards of reason, normality or morality of the society to which he/she belongs.

A very simple definition of human rights is that of Louis Lenkin: „human rights are those freedoms, immunities and benefits established in accordance with contemporary values, which every human being is entitled to claim from the society in which he lives”<sup>1</sup>.

Dan Claudiu Dănișor refers to human rights as „inherent and inalienable rights of every person that define the human condition in a civilized society”<sup>2</sup>.

Children’s rights are comprehensively protected by a diverse set of international regulations, children enjoy the rights provided in the treaties both general and special laws.

UN Convention on the Rights of the Child in 1989 was the first treaty specifically concerned with children’s rights, which created a new vision of children as bearers of rights and responsibilities appropriate to their age. Minors should not be seen as the property of their parents or the helpless recipients of charity.

In Romania, Law no. 272/2004 on the protection and promotion of the rights of the child, provided in Art. 25 paragraph (1) that the minor „has the right to freedom of thought, conscience and religion”, but also „the right to receive an education that allows him to develop, in non-discriminatory conditions, of his skills and personality”. Those rights must be enjoyed by any child regardless of ability, race religion, ethnicity, gender, nationality or sexual orientation.

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1 Lenkin, L., *The Age of Rights*, New York, Columbia, University Press, 2008, p. 38.

2 Dănișor, Dan, Claudiu, *Drept constituțional și institutii politice*, Vol I. Teoria generală Ed. C. H. Beck, București, 2007, p. 3.

Children are entitled to a quality education, which aims to ensure equal opportunities, and develop their personality. The school is the strongest instance of socialization, being at the same time the gateway to the systematic acquisition and learning of desirable norms, values, and rules of conduct. But it is not the only instance of socialization: the family, informal groups of the same age, the church, and many voluntary organizations all play this role.

Through its functions of learning, instruction, and education, the school offers support for the completion of personality, representing the first “social universe”, in which the whimsical spontaneity and instinctive impulses of the child becomes a set, more or less homogeneous, skills and moral attitudes.

Among the socialization actions initiated in school, in the moral field, there are first of all those that contribute to the formation of adequate reactions to one’s own or others’ moral acts and to the shaping of moral conduct, consisting in the formation of authentic and viable normative beliefs.

Socializing means a complex psychological process of internalization of social norms and patterns of behavior, leading to obtaining the status of becoming a member of a social community by the individual. The socializing process coincides with the development and transformation of the child, the young person, even the adult, until his full integration in society.

The child’s entry into the school environment, the contacts with colleagues and teachers, determine a gradual detachment from the social models offered by the family, and an orientation towards the new social environment. If in the first years of life the child’s ego is formed by reflecting the appreciations of the adults around him, later, by entering the school, the child’s self-consciousness derives from the attitude of other people he comes in contact with. In certain periods of their growth, they seem to be modelled on the authoritarian people around them (teachers, parents, some of his colleagues).

The existence of a rhythm of development was identified: it was found that the periods characterized by a stormy behavior and which raise problems, alternate with periods of balance and greater sociability.

The integration of the student in the school community allows the acquisition of models of social action, learning of psychosocial behaviors, and is, therefore, a means of improving the participatory lifestyle. Social

life in the school community offers an opportunity to assert, but also to exercise new roles, to experiment with certain patterns of conduct requested by those with whom the student comes into contact.

An expanding social phenomenon, juvenile delinquency comes to highlight the generalized crisis in which the Romanian society finds itself during the last period. Juvenile delinquency „is a complex phenomenon that defines all the behaviors in conflict with the values protected by the criminal law”<sup>3</sup>. This phenomenon characterizes the violation of the norms of social coexistence, the discrepancy between individual attitudes and social requirements. Last year, 3,850 minors were sued, 146 more than in the previous year. Around 460 minors were arrested on remand, 76 minors committed the crime of rape, and 616 minors committed the crime of robbery. The counties with the most minors sent to court are Cluj and Galați, and with the fewest are Harghita, Covasna and Giurgiu. In 2019, „766 minors committed crimes against the person, 25 more than in the previous year. The number of minors who committed crimes against personal property has also increased: 2069, by 16 more than in the previous year”.

## Methodology

The present study aimed to investigate whether there is a causal link between respecting the child’s right to freedom of conscience in school and juvenile delinquency, but also to demonstrate the causal link between schooling and delinquent behavior. The data were collected between September 2019 and February 2020, within the Prahova Probation Service. In order to reach the established objectives, we searched from the following hypotheses:

- ✦ if the minor’s right to freedom of conscience is not respected in school, then he will adopt delinquent behavior;
- ✦ a low level of schooling favorably influences the chances for the minors to engage their delinquent behavior;
- ✦ a low degree of socialization but with a relatively high level of schooling significantly influences the delinquent potential of the minor (in this case, the school exercises only its function of education, not that of socialization).

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<sup>3</sup> Banciu, Dan, *Sociologie juridică și a delincvenței*, Ed. Universității din Pitești, 2006, p. 101.

The level of schooling is the quantitative component of schooling, expressed in the number of classes graduated, and the degree of schooling - the qualitative component of schooling, expressed by the manner and "measure" of adolescent involvement in the role of student.

The research method chosen was a qualitative method, as it aims to analyze in-depth the topic addressed so that the data collected are relevant to the study. The case study method was used, as well as the study of social documents (psycho-social surveys, reports, evaluation sheets, etc.). We have selected here the presentation of four case studies considered to be relevant for the chosen topic. The cases involve juvenile delinquents, who have committed various crimes (from theft to physical assault) and are included in a social reintegration program. In the presentation of the case studies were followed: family and social environment, education and professional situation, crime analysis.

Restricted access to juvenile delinquents is a limitation of the study, as the number of cases to which there was access has been reduced and has targeted a narrow coverage area. This situation did not allow a complete description of the phenomenon, but only the drawing of some general coordinates of it.

In the analysis of the information collected from the files of juvenile delinquents, anonymity was maintained, all identification data being modified in order to respect the right to privacy and to eliminate any risks to which minors may be exposed.

***Presentation of case studies:***

*Case I.* Sources used: the minor's parents and the minor's teacher;  
Family and social environment:

Minor H. P. lives with his parents in a three-room apartment, personal property, well maintained and furnished. "My mother is a teacher at the High School with a sports program and my father is an engineer". The parents' marriage dates from 1982, from this marriage resulting two children: H. C., aged 21, student and H. P., aged 16, a student in the 10th grade at the "I.L. Caragiale"

From the parents' accounts, it appears that H. P. is a sociable child, well developed mentally. He recognizes the authority of both parents.

Education and professional situation:

H. P. attended the gymnasium courses at the General School no. 8, with good learning outcomes. He is currently a 10th grader at the I.L.

Caragiale. The teacher's statements show that the minor is a sociable, well-adapted student who did not register significant absences. The conductor cannot explain the deed committed by H. P., which, in fact, she attributes to the influence of her entourage.

Case analysis:

The minor participated in the robbery of a grocery store, when he was coming back home, with two friends - the minors: F. G. (17 years old, a student at High School no. 5, evening classes), and C. D. (17 years old, without occupation). The two entered - after breaking a window - in the grocery store, from where they stole food worth 175 RON. Minor H. P. stayed outside, from where he watched so that his friends would not be surprised by anyone. The three minors were under the influence of alcohol.

The minor H. P. says that he did not realize at the moment, the consequences of his action and deeply regrets the deed committed, he goes alone to the police, after finding out that C. D. was investigated, and confessing the deed. After committing the crime, he severed all relations with the other two friends.

Conclusions:

Minor H. P. is very scared that he is involved in a criminal trial and has a low risk of recidivism. His parents were willing to "do anything so that their son would not miss his life."

H. P.'s family can provide him with the social and economic conditions for his reintegration, which is why we consider the measure of supervised freedom entrusted to the family to be adequate.

*Case II.* Sources used: Romanian language teacher and saleswomen from the "Junimea" bookstore;

Family and social environment:

Minor M.M. lives with his family in a three-room apartment in good condition. The family's financial situation is precarious.

The minor's parents have been married since 1979, from this marriage resulting in the children: M.R., aged 20, without occupation; M.D., aged 17, student; M.M., aged 16, a student in the 10th grade at the "Elena Cuza" High School. Relationships between family members are free of big conflicts, and the minor respects the authority of both parents.

Education and professional situation:

The minor is a student in the 10th grade at the "Elena Cuza" High School, philology department, registering very good results at school. The

statements of the Romanian language teacher show that the minor is a well-trained, talented student, who has never created disciplinary problems.

Crime analysis:

Minor M.M. tried to steal a book from the Junimea bookstore. He was caught by one of the saleswomen trying to get out of the bookstore with the book unpaid on him. The saleswomen called the police.

The minor admits his deed and regrets the crime committed. He said he wanted the book very much, but the family's financial situation did not allow him to buy it. M.M. he regretted his deed and said he would not commit any more crimes.

Conclusions:

From the discussions with him and his parents, we consider that the minor was aware of the gravity of the crime committed and the effects of the crime committed. The minor has a low risk of recidivism, and his chances of social reintegration are high, the family is open in order to collaborate with the social worker.

*Case III.* Sources used: the minor's mother (G.R.), the minor's teacher (professor S.A.); and the parents of the injured party (A and M.C.).

Family and social environment:

Minor G. F. lives with his mother and sister in a three-room, person-owned, well-maintained and furnished apartment. His mother is a doctor at a hospital in Ploiești with a stable income. G. M., aged 14, is an 8th-grade student at the "Mihai Viteazul National College".

The minor's parents have been separated since 1997. The minor's father is a doctor at the Boldești Medical Dispensary, Prahova County, but lives in Ploiești, keeping in touch with his family. Thus, the mother of the minor states that the relations between the family and her ex-husband are very good, there is even the idea of family reunification.

From the mother's reports, it appears that FG is a shy and isolated child, this also due to the mother's hyper protection and the conditions in which he was raised (the minor spends less free time in the company of friends, practicing various sports and being particularly concerned computers). The mother also states that F. recognizes the authority of both parents. We mention that the parents of the injured party filed a libel lawsuit against the mother of the minor, R. G.

Education and professional situation:

F. G. attended the course at the "Mihai Viteazul National College", without registering any repetition. He is currently a student in the 10th



grade at the same high school, mathematics-physics profile, and intends to attend the Faculty of Medicine.

Professor A. S.'s statements show that the minor is a retired student who did not create disciplinary problems for teachers or colleagues. The headmistress also states that F. does not act aggressively in school, does not register absences, and helps his colleagues when asked. However, the headmaster does not rule out the possibility that AC may have been physically assaulted by FG, since it is apparent from her statements that at the end of the friendship between the two, F. was threatened and physically assaulted by A.'s friends. the basis of this behavior of F. would have been the fear and the desire to do justice to himself (in this sense, the teacher remembers that he drove F. home because he was afraid to leave school because of the threats made by friends of AC).

#### Case analysis:

F. G. and A. P. were classmates in the ninth grade, soon became friends, and began to be absent from class and attend billiards and mechanical games. F. G. states that he decided to end his relations with A. C. when he was expelled for three days due to absences. This decision was the reason why A. started bringing various friends to school, who threatened and physically assaulted F.

F. G. does not admit that he physically assaulted A. C. He states that one day he met A and they had a discussion about his friends. He also states that although they broke up following a contradictory discussion, A. C. was not hit.

The victim's parents consider that, without the intervention of F.'s mother, the two would still have been friends. They claim that their son had nothing to do with the threats and aggression shown against FG. They also claim that A. was persecuted at school and remained correct as a result of Mrs. G.'s intervention, dissatisfied with the friendship between F. and A.

A. C. claims that F.'s father offered him a sum of money in order to withdraw his complaint, but this proposal was rejected. The same source also mentions that for A. it was extremely traumatic to be persecuted at school and abandoned by his best friend.

#### Conclusions:

F. G. is afraid that he is involved in a criminal trial and the consequences that this could have on his future. The minor has a relatively low risk of committing a new crime, given the socio-economic situation



of the family, the authority exercised by the parents over him, and the awareness of the consequences that this process could have.

The family can provide the minor with the social and economic conditions for his reintegration, which is why we consider the educational measure of supervised freedom with the custody of the family to be adequate.

*Case IV.* Sources used: the minor's mother, a major military leader from the Ploiești Police and Police Office, and a mathematics teacher (General School no. 3).

Family and social environment:

The minor X, of Roma ethnicity, lives with his family in a four-room house, personal property. The living conditions are improper, the house is not connected to the methane gas and water network. The financial situation of the family is precarious, the stable income of the family is obtained from the support allowance of one of the children and the income obtained from renting an area in the yard of the house. In addition to this amount, parents obtain sums of money from the manufacture and sale of products and clothing. Also, part of the family's food is provided by raising birds and animals.

The minor's parents have been married since 1976, from this marriage resulting in the children: Y (21 years old) - without occupation; M (20 years old) - without occupation, with delays in mental development; X. (17 years old) - without occupation; M (15 years old) - student in the 8th grade at the General School no.3. The underaged lives in cohabitation with W (21 years old) and she already has a child aged 2. The minor intends to marry after reaching the legal age of 18.

Relationships between family members are free of major conflicts and the minor respects the authority of both parents. The father of the minor was criminally investigated for committing the crime of theft in 1998.

Education and professional situation:

The minor is currently unemployed. He attended grades I-V at the General School no. 10, recording two repetitions in the 5th grade. He graduated from the 6th grade at the General School no. 3, after which he dropped out of school.

The teacher's statements show that the minor did not create disciplinary problems, but that he accumulated a large number of

absences, which is why he was expelled. The minor motivates his absences from school by the fact that he was called a “gypsy”.

To support himself, the minor works as a day laborer for various people. He is currently aware that the lack of studies and a diploma prevents him from finding a job and he wants to enroll in part-time courses to obtain a high school diploma.

Crime analysis:

The minor committed a burglary on a car, stealing a car radio cassette player. He pleads guilty again and regrets participating in the crime. He claims that he sold the cassette player and from the money obtained he withheld the amount of 50 RON for the purchase of food and the remaining 150 RON he used for the purchase of alcoholic beverages. The minor is scared by the consequences that his deed may have and declares that he will not commit other crimes because he wants to be with his family.

Conclusions:

Currently, the juvenile has become aware of the seriousness of the act committed and the long-term effects of his crime.

The minor is at risk of committing a new crime, given the difficult socio-economic situation in which he finds himself. Although his family can provide him with the moral support he needs, his supervision by an institution outside the family, as well as the pursuit of special education programs could be a premise for a good social reintegration.

## Research conclusions

The school, with all the limitations and dysfunctions that can be attributed to it, is the social court that ensures the child the systematic learning of the desirable norms, values, and rules of conduct. In school, the adolescent is placed in an active and conscious position towards social realities, towards social norms and values. The schooled adolescent/student discovers the socializing mechanisms involved in the existence of the group and the school situations and, especially, can change his / her status through initiative, satisfying the need to assert his / her abilities.

Freedom of thought, conscience and religion is a fundamental right, enshrined not only in the European Convention on Human Rights, but also in many national, international and European acts. We often hear in the press how children’s rights are being violated, how there

are countries that pay serious fines for violations, how there are brave people who end up appealing to international institutions because they have been deprived of their rights.

Many things can be said about the observance or non-respect of the child's right to freedom of conscience in school, but this is not the objective of this study. What is certain is that following the analysis of the cases, it was not possible to prove the causal link between respecting the child's right to freedom of conscience in school and juvenile delinquency.

The existence of some dysfunctions in the educational activity of the school, manifested by the presence of superficial and disproportionate social relations (the teacher or the teacher being the sole possessor of the authority), the ignorance by the school staff of the socio-familial conditions, and the students' entourage. school counselors (social workers, psychologists, sociologists), all these contribute to the formation of a school climate dominated by formalism, on the background of which the student relates to school almost without any emotional investment.

Correlated with negative extracurricular factors, it often leads to repeated absences, poor school results, running away from school, or dropping out of school.

The case studies once again reveal the direct link between schooling and delinquent behavior. A closer analysis of this relationship allows us to make a distinction with an increased heuristic value between two types of this relationship.

If we assume the level of schooling as the quantitative component of schooling, expressed in the number of classes graduated; and the degree of schooling as a qualitative component of schooling, expressed by the manner and "measure" of the adolescent's involvement in the role of student, by the "measure" in which he values the cultural goals and internalizes the social norms of the school; Assuming these things, we will refer to two essential situations for the topic addressed in this paper: a low level of schooling favorably influences the chances for the minor to adopt a delinquent behavior (situation expressed in school dropout); a low degree of socialization but with a relatively high level (of schooling) also significantly influences the delinquent potential of the minor (in this case, the school exercises only its function of education, not that of socialization.

In such a situation, there are teenagers who, although they arrive even in high school and do not face major difficulties in the family

environment or in mental activity, choose an unexpected and inexplicable path for those around them: crime.

The worst thing is that those who are “taken most by surprise”, those who “can not explain in any way” the teenager’s choice are their own teachers: teachers, principals, school or high school principals, school inspectors. Perhaps, to some extent, they should be the most responsible.

Although Romania is a European country and has ratified several international instruments for the protection of children rights, there are still social issues that violate a number of essential rights. Of course, Romania also faces the problem of poverty, which exists globally. Of course, Romania also faces the problem of poverty, which exists globally. Since human rights are most often violated in vulnerable groups, it tried to find solutions for protecting and implementing the rights of these groups through the creation of policies consistent with the law.

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