

A Comparative Study on the Judicial and educational institutions regarding Juvenile delinquency

Amir Hosein jalalian larky¹, Zahra mehrAbadi^{2*}

¹.Department of law, Faculty of Humanities, Persian Gulf International Branch, Islamic Azad university, khorramshahr, iran

². Department of law, Faculty of Humanities, Persian Gulf International Branch, Islamic Azad university, khorramshahr, iran

Corresponding Author: Zahra. mehrAbadi 11@yahoo.com

Abstract: The emergence of delinquency of children and adolescents at large part and in different social classes and neighborhoods, and the consequent increase in crime among children and adolescents, has proved this fact for most pediatric criminologists that delinquency of children and adolescents belongs to the many problems of modern Iranian society. On the other hand, delinquency of children reflects the fact that not only children and adolescents are incapable of the rehabilitation of social rules, norms and values, but more importantly, it suggests two important issues. First, it is the failure and impotency of correcting and training institutions in the norm- taking by child offenders. Second, this has revealed a crisis and a moral and ethical breakdown in our society. The discrepancy that has made the researchers have in the field of criminology is that every child's delinquency is the product of the cultural, economic, and social interaction of the family, as the smallest member of the community, with its surrounding community. Therefore, in the present study, using descriptive-analytical method, it has been tried to study the fragile situations of delinquent children and adolescents and the conditions affecting them, including family, social, cultural and economic conditions, while also explaining the causes of abnormalities and deviances outside Custom and children's law in the domain of home and community, we will examine the status and position of judicial and educational institutions as effective penal and non-penal procedures for the degradation of children. So, in our study, we have considered the Children's and Adolescent Rehabilitation Center as a corrective and educative institution, and the Children's Court and the approved Children and Juvenile Justice Code as a judicial institution.

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Introduction

Undoubtedly, one of the most disturbing issues that have attracted the attention of many researchers, sociologists and psychologists is the issue of criminals, namely children and adolescents, delinquent and victim. Different opinions have been presented about young offenders. Some believe that guilty juvenile offenders belong to modern civilized societies, and believe that while humanity is moving towards industrial and material development and progress, simultaneously they are moving toward criminality and breaking the law and withdrawing from ethics. Some people believe that the cause of this phenomenon is the weakness of religious beliefs, and believe that knowledge, faith, and good deeds lead to human development, and that moral censure, such as selfishness, the worldly love, and Arrogance make the human being free from growth and perfection and finally, they lead to the crime of committing a sin. Still, others consider war to be of the most important factors in committing a crime. Hence, efforts to

identify the problems of juvenile delinquents and the victims and efforts to address them are the most important issues of all relevant organizations and institutions. Therefore, in this article, by doing a comparative analysis we are going to study the judicial and educative institutions for child offenders, in addition to examining concepts such as children and adolescents, education and training, crime and delinquency, and delinquents and victims. Institutions such as the Children's Court and the Correctional Rehabilitation Center are regarded as penal and non-penal corrective institutions, respectively.

Research literature

Abbas Ramezanzpour's dissertation at Allameh University, titled "Reviewing the Issues and Problems of the Delinquent Children after entering the Correctional Center", contributes a lot to our theoretical debates. In addition, in the international section of Shahbaz Fazli's dissertation titled "The Role of the Correctional Center in Enhancing

Socialization of Custodians”, looking at international documents, he provides useful references to international documents on children and adolescents in contact with law and the Correctional Center. There are international documents that can be used extensively. In the context of criminological theories, the book of Crime and Criminology, written by Robert White and Fiona Hines, translated by Ali Salimi, can be referred to. We can refer to the article by Dr. Moezenzadegan, who could be a good source for writing this research.

Research hypotheses

The main hypothesis:

1. The most important judicial institution for juvenile offenders is the Children's Court and the most important educative and support institutions are the correctional- rehabilitation centers.

The major hypotheses:

1- The most important solution is the criminal and non-punitive protection of delinquent children, preventive judicial and police protection on the one hand, and psychological, educative and educational support on the other hand.

2. One of the most important tasks of the Correctional Center is to guide, teach and educate delinquent children and to get their personal and social readiness for entering the community.

3. One of the most important tasks of the children's courts is the criminology of child crime and taking appropriate judicial measures in this regard.

Research society

Our research society is the delinquent children. In this research, we try to identify the features and the legal and executive and challenges in solving the problems of child offenders, especially their family and social problems, to achieve judicial and educational solutions to solve problems related to these children.

Method and tool for collecting information

In the research, indirect methods such as the use of documents for collecting data are used. In addition, scientific and research papers and authoritative sources will be used to collect data. In addition, the analysis method is quantitative and qualitative.

Therefore, the information gathering method in this research is library and online.

Offense

Criminologists believe that offense is social phenomenon that is caused by numerous and complex factors, which, for ease of study, divide them into two categories: endogenous and exogenous. The term "endogenous" is one of the factors of the person, which includes the vital and psychological factors in which several groups of biologists, criminal psychologists and psychiatrists are investigating the

vital and psychological causes that are involved in the occurrence of crimes.

Because the purpose of criminological doctrine is to dispel any kind of action that is contrary to the general order and peace, order and social expediency, and considers the treatment of delinquents in various ways. Its scope is wider than the limited realm of criminal law.

Support for juvenile offenders in judicial proceedings related to the fair trial process

Child Crime Complaint Bill

Looking at the legislation of the country in the past, we see that in the first comprehensive penal code of 1973 the children were gradually assumed to have a very brief and incomplete responsibility. In 1959, with the adoption of the "Child Crimes Act", the issue of arbitration was introduced into our legal system, namely, special courts and regulations Specific for the way of dealing with crimes the children were envisaged in the bill and compensated for some of the deficiencies in the public law regarding gradual liability. In 1959, with the formation of public courts, the subject of the gradual process of pedophilia was changed because child crimes should also be heard in these courts, and in the year 1982, with the passing of the law on the establishment of penal courts 1 and 2, the issue of differential treatment and gradual child-remittance remained largely absent and from then on, the procedure for adults were taken with children and their responsibility.

According to Article 26 of the Law on Islamic Penalties, approved by the Parliamentary Committee on Judicial Affairs dated 13/10/1982: " Criminal Children are not subject to criminal responsibility in the event of a crime, and their training is to be undertaken by the supervisor of children and in case it is needed, by the Rehabilitation Correctional Center for children.

The Code of Criminal Procedure, passed in 1999

The Code of Criminal Procedure Act of 1999, Articles 219 to 231, has assigned itself to the Code of Conduct for the Settlement of Juvenile Offenses. The most important issues in this material can be summarized as follows:

Appointing one or more branches of the general courts of all jurisdictions to all crimes of children; determining the age of 9 and 15 for girls and boys as the age of proceeding their crimes; keeping children in the center of correction or other suitable places; attendance Lawyer or guardian or guardian of the child in court; the authority to appeal to the child abusing court in its previous decisions and the reporting of the child from the status of the child.

Islamic Penal Code approved in 2013

In the Islamic Penal Code of 2013, under Articles 88 to 95, the 10th chapter of the first part of Book I, is

devoted to punishments and measures for the provision of children and adolescents. Article 88 refers to The crimes of children and adolescents between 9 and 15 years of age, Article 89 refers to the juvenile committing a crime of imprisonment between 15 and 18 years of age, Article 90 refers to The possibility of appeals by the court in its own vote, Article 91 refers to Attention to the growth and perfection of the law in the crime causes And retribution in adults under the age of 18, Article 92 is consistent with the discussion of Diya (blood money) in all Situations, Article 93, refers to the possibility of reduction and conversion of punishment and measures for the provision of education and training, Article 94 refers to Postponing and suspending the enforcement of the sentence, and, finally, Article 95, refers to the discussion of the lack of penalties for the sentences of children and adolescents.

5 Guidelines for the protection of child offenders in Iranian laws and international conventions

Today, preventing crime is a major concern for all experts in criminal science and is one of the most important goals of a practical criminal policy. Different categorization has been made around various types of prevention, including primary, secondary and third type prevention. In the case of sexual offenses, methods for preventing and reducing the percentage of delinquency and the probability of victimization should be taken into account according to the factors and backgrounds. Meanwhile, as the subject of our research is child offenders, we are focusing on methods that focus more on these two issues.

International Reforming Institutions

In England in 1788, the first correctional-Rehabilitation center was established, and before that, children were held in custody in an adult prison where they were imprisoned and held in detention In 1824, in New York, following the beliefs of John Howard, the first institution for the maintenance of delinquent children was founded, and in 1841, the United States exercised liberty with care. In 1847, the first correctional-Rehabilitation center with work was opened in Massachusetts.. In Russia, in 1864, children were sent to correctional centers from 10 to 17 years old if they committed crimes and sentenced to imprisonment. In Australia, in 1870, for the first time, the placement of children into a trusted family was foreseen in the laws of the country.

Conclusion

The results of this study have shown that crimes involving juvenile delinquency include addiction, conflict, theft, and murder, and these crimes are rooted in economic poverty, unemployment, lack of parents, addicted parents, educational level, low age of marriage, inappropriate living conditions, he

breakdown of the family and, to a lesser extent, the degree of social belonging. The juvenile delinquency of our research at the Correctional Center often lacked a good childhood due to poverty and unemployment of the parents, the lack of a calm environment and lack of learning skills for a healthy life from parents to adolescents. They have often been neglected and physically abusive and punished, and have escaped, or have given birth to early marriages to get rid of such a situation, in any case, failed and deviate and They have committed a crime. Their victimization in societies is both rooted in family and society. Because they are rejected by the family when they return to the community as their last resort, they will be a prey of the group of evil people who either have to commit any kind of crime or be displaced on alley and street.

The present study pointed to some of the disadvantages of internal rules in the areas of penal and non-penal areas in the pediatric criminology, and it was noted that there are many differences in the way of reforms to reach the desired frontier. But the first change that has to be done before adoption of differential support policy for all children is that they should be less than eighteen years of age as stated, except for those specifically referred to in specific age-limits, the law should refer to the principle and provide for prescriptive supportive provisions for children less than fifteen or nine years of age. This will leave the wide range of children out of the reach of the legislator. According to the research hypothesis, which is the most important approach to reducing the number of injuries and the age of delinquency in children and adolescents, in response to this, non-penal support is one of the most important steps that can be taken by the center of reform to improve the morale and cruelty and juvenile behavior of adolescents. In fact, support such as psychological and educational support and education can be the best way to improve their violent behavior. These support help juvenile delinquents go faster in the family and community, helping adolescents more fit into the crises and issues they face in the family and community. Legally, the corrective Rehabilitation center is a place for children's social inclusion and their return to the community.

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