
CONCEPT AND DEFINITION OF JUVENILE DELINQUENCY (YOUTH OFFENDING)

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Abstract: Juvenile delinquency encompasses various forms of unlawful and deviant behavior among young individuals under the age of 18. In contemporary conditions, it is gaining new dimensions due to rapid social changes, technological development, economic crises, and transformations within society. Juvenile delinquency represents significant social phenomena that directly influence the safety, social stability, and development of children. Juvenile delinquency includes different forms of unlawful behavior committed by children under 18 and is often the result of a combination of family, economic, educational, and psychological factors, which from an etiological point of view are defined as criminogenic or risk factors. From a legal perspective, juvenile delinquency is defined as unlawful or antisocial behavior committed by juveniles that triggers intervention by the juvenile justice system. Legal definitions vary across jurisdictions, particularly with regard to age limits and the classification of offenses. Juvenile delinquency includes not only acts that would constitute crimes if committed by adults, but also status offenses—behaviors like truancy or running away from home that are considered violations solely because of the offender’s age. This distinction highlights the protective and corrective orientation of juvenile justice systems, which prioritize rehabilitation over punishment. Sociological definitions expand the concept beyond legal violations by focusing on delinquency as a form of deviant behavior shaped by social structures, family environment, peer influence, education, and broader socio-economic conditions. From this perspective, juvenile delinquency is viewed as a product of socialization processes and systemic inequalities rather than merely individual wrongdoing. Psychological approaches further contribute by defining juvenile delinquency in relation to developmental factors, emotional regulation, personality traits, and cognitive maturity, recognizing that adolescents differ significantly from adults in decision-making and impulse control. The abstract underscores that juvenile delinquency is not a static or uniform concept but one that evolves across time, cultures, and legal systems. Understanding its definition requires acknowledging the interplay between age, responsibility, social context, and legal norms. A clear and comprehensive conceptualization of juvenile delinquency is essential for developing effective prevention strategies, fair legal responses, and rehabilitative interventions. By clarifying the concept and definition of juvenile delinquency, this paper contributes to a foundational understanding of juvenile delinquency (youth offending).

Keywords: Juvenile delinquency, crime, etiology, criminogenic factors, violation of social norms

1. INTRODUCTION

Crime and delinquency are complex and heterogeneous phenomena, as well as one of the key problems of modern societies; they represent the most serious threat to human rights, juvenile delinquency, which appears as a phenomenon, or rather an issue that shows a growing trend in the past decades.

The idea of treating juvenile delinquents differently from adults has existed for several hundred years. Until the mid-18th century, children were treated as "minor adults" when imposing sanctions, or rather, no different sanctions were foreseen for child offenders; on the contrary, they were punished in the same way as adults. But, at the end of the 19th century criminology began to show interest in the issues surrounding juvenile delinquency.

Delinquency is often defined as a social disease because delinquents are considered to be people who do not live in accordance with moral and positive norms and who therefore often find themselves in conflict with the law. In Republic of North Macedonia the law recognizes two categories of children in conflict with the law, aged 14-16 and 16-18 (Ibish, 2023). Modern theories of juvenile delinquency hold that a juvenile is not born a delinquent and does not decide to become one; rather, several external factors shape a delinquent profile, thereby justifying multifactorial theories of delinquency. Certain theories state that a juvenile is “drawn into delinquency” due to lack of control, initially by the family, and then by the school, social environment, neighborhood, etc. The reason behind this is precisely the criminal history of the juvenile’s family, or rather of one or both parents, because it is incomprehensible that a minor, taking into account his age, can manifest delinquent activities if this does not primarily stem from the family, school, family ties, neighborhood, peers or the social environment in which the minor is in close contact.

Juvenile delinquency, from a criminological-sociological perspective, is a special category characterized by biological, psychological, social, criminal-political, and penal-legal factors. It is not easy to give a complete and generally accepted definition of juvenile delinquency, because in different countries it is linked to different causal factors, and hence the problem is defined based on the reasons that arise in a particular society. Juvenile

delinquency, by its nature, represents the same types of criminal behavior as in adults, but with special characteristics such as the underdevelopment of the minor's psychological structure, immaturity, and age as the main determinants for different treatment of this phenomenon.

From a social and legal point of view, the term juvenile delinquency refers to any child or group of children who act against the provisions codified in the Law on Justice for Children. When defining the term juvenile delinquency, it is important to emphasize that the following are subject to the same term: delinquent behavior, child delinquency, antisocial behavior, asocial behavior, deviant behavior, educational neglect, risky behavior, criminal behavior, negative social behavior among young people, juvenile delinquents, hooligans, etc.

2. DEFINING JUVENILE DELINQUENCY

Social reactions to juvenile delinquency date back to ancient Roman law, where several categories of juvenile offenders were distinguished under Justinian. The first code that introduced a higher limit of criminal responsibility (16 years) was the French Code (the so-called Napoleonic Code) of 1810. In the European legislative system, the earliest roots of sanctioning this phenomenon are found, for example, in Great Britain in 1908, in France and Belgium in 1912, and in Germany in 1923. Juvenile delinquency is an increasingly serious social problem and is becoming a challenge for today's society. (Kalmar, 2022)

Juvenile delinquency, in the most general sense, is a phenomenon with a negative connotation. Globally, juvenile delinquency shows a rapid growth trend, hence the need for a tough fight against delinquency. The terms *pre-delinquent* and *delinquent* arise from the term juvenile delinquency. A pre-delinquent is a juvenile who is not the perpetrator of acts criminally incriminated, but whose activities take on the character of undesirable, unusual, or non-standard behavior, whereas the term delinquent refers to a juvenile who has committed a crime incriminated under the norms of substantive criminal law. (Kitkanj, 2013)

In addition to the term delinquency, the terms deviant behavior and criminal behavior are often used in the literature to denote this phenomenon. Deviant behavior is created by deviating from social rules, by violating social norms, especially during adolescence. This phenomenon has pathological variants such as suicide, drug use, inappropriate behavior of young people, participation in criminal activities, etc. From a penal perspective, different terms are used in different legislations to define juvenile delinquents, or rather child perpetrators of criminal acts, such as: children at risk, children in conflict with the law, and children involved in crime. The understanding that there are no children who commit crimes, but only children who are drawn into crime, is a widely accepted idea in criminology, and this understanding is supported in the literature by the teachings of Alfieri: "society prepares the crime, the individual commits it" (Besime Ozturk & Huseyin Erkul, 2023)

Criminal behavior is the manifestation of antisocial, socially unacceptable actions by young people that violate criminal law norms and moral values in society. Regarding the issue of the criminal behavior of children at risk, attention should also be paid to the criminal behavior of children at risk with intellectual deficits as a more complex category. In the criminal law and criminological literature, there are numerous definitions of juvenile delinquency. Each definition starts with various factors, such as the minor's age, the crime, the minor's psychological state, the form of deviant behavior, the manner of committing the crime, the perpetrator's mental state, etc. Taking into account the above categories and the different starting points for defining this issue, the definitions below present a combination of traditional and modern definitions of juvenile delinquency, which together create a complete picture of the issue. Kambovski, defines juvenile delinquency as part of the crime problem in modern society and as the most serious threat to the quality of human life, which has primary importance. It is a sphere of crime, specific primarily because of its actors, i.e., juveniles and their delinquent behavior. (Kambovski, 2006) He also adds that it cannot be subordinated to the classical criminal-political and criminal law concepts for crime prevention.

One of the reasons for building a special system of crime prevention among minors is because, firstly, we are talking about children who are in a period of development (puberty), secondly, any mistreatment of a child can contribute to building a criminal profile and growing into a true professional criminal, and thirdly, the increase in the number of delinquencies among minors.

However, the term juvenile delinquency aims to express the specificities of juveniles when they appear as perpetrators of criminal acts, and refers to the criminal-legal position in criminal law and the ability to be held criminally liable, the special system of sanctions applied to these perpetrators, and the specificities in the treatment of these persons when they are before the criminal prosecution authorities. To define the term "juvenile delinquency," the following basic criteria should be considered: the age of the delinquent, the type of deviant behavior, and the form of the deviant behavior. (Arnaudovski, 2007). Juvenile delinquency refers to socially unacceptable, or antisocial, behavior of young people, namely behaviors that are defined as crimes and misdemeanors in the law, as well as other behaviors that, by their content, warrant the application of educational and

other social measures. This phenomenon also includes running away from home and school, wandering, and other behaviors that society disapproves.

Milutinović emphasizes that juvenile delinquency occurs at certain points in adolescence as a result of specific situations or changes; i.e., it represents the culmination of a series of physical, psychological, economic, and even political influences that cannot be determined exclusively within the framework of legal provisions. The delinquent behavior of minors is the result of a disruption of the child's relations with society, the family as a micro group, peers, school, the immediate environment and other relations with which the minor is in constant contact, and on the other hand, delinquency is the result of a violation of substantive law and moral norms as a social consciousness that encompasses a system of attitudes, opinions and beliefs about what is good or bad for the individual. Vilić and Ristanović, from a socio-criminological perspective, consider juvenile delinquency a special category of crime due to the biological, psycho-social, criminal-political, and legal characteristics of minors. Socially negative behaviors of minors are the most serious problem on a national and international level.

Leferens speaks of juveniles with intellectual deficits who manifest delinquent behavior and divides them into four groups. The first group of juveniles with intellectual deficits is characterized by quick and short reactions that are difficult to stop. The second group consists of juveniles who commit crimes with elements of violence. The third group includes those juvenile delinquents with intellectual deficits who are characterized by great irritability and explosiveness, due to which they commit crimes in a fit of emotion. The last group consists of severely mentally retarded juveniles who almost never commit crimes.

Gunther Kaiser characterizes juvenile delinquency by the transience, episodic nature, and short duration of committing crimes. According to him, juvenile delinquency is primarily explained as a defect in relationships and a socialization defect, because these are considered correlates of normlessness, disorientation, hopelessness, or anomie. According to another definition that divides juvenile delinquency into a broader and narrower sense, it is considered that in a broader sense, juvenile delinquency encompasses the following behaviors: social maladjustment, loitering, smoking at school, running away from home and school, and similar behaviors that are outside the legal framework, as well as deviation from the norms provided for in substantive law, while in a narrower sense, juvenile delinquency encompasses the activities of juveniles that are incriminated in the positive criminal laws of certain countries.

According to Shannon, delinquency is treated as a process of developing the criminal career of young people, most often by criminal associations (gangs). Here he adds that juvenile delinquency and crime are more a product of negative factors that affect the juvenile by the environment than a product of hereditary physical and mental aberrations and genetic causes. The completely opposite view regarding juvenile delinquency is given by Wilson and Harnstein: there are psychological traits that have a biological origin that turn delinquents into delinquents. According to Brand, the problem with defining the term juvenile delinquency is that it encompasses the legal aspects of this phenomenon. "Conduct disorder" is a more acceptable term because it accurately describes this phenomenon that encompasses problematic adolescents. From a social and legal point of view, the term juvenile delinquency refers to any adolescent who is in conflict with the law. Adolescents in a society tend to have a higher profile as a child at risk, most often by engaging in sexual intercourse, using drugs, and alcohol. The need to create a precise definition of juvenile delinquency is due to the following three reasons: first, the connection between the delinquent and his behavior should be clearly specified, second, in scientific research in this area, detecting the nature of the problem is not disputed, and third, the method of preventing delinquency should be clearly and precisely defined.

When defining this issue, Cohen uses the term hooligans, which was first used in 1898. The word "hooligan" is synonymous with the following terms: teddy boys, skinhead, which were most often used in London in the 1950s and 1960s to describe hooliganism among young people, more precisely among juvenile delinquents. (Cohen, 2010) Some definitions of juvenile delinquency divide its etiology into macro and micro factors. According to the above, macro factors that influence juvenile delinquency are: economic factors, specifically economic crisis, war and the consequences of war, political factors (it is about the attitude of the government towards crime), media and the messages transmitted by them, migration and urbanization as social mobility, moral panic, human rights violations, increasing the overall crime rate as a social reaction. Micro factors that influence juvenile delinquency are: family circumstances and relationships (parental neglect), stable and unstable families and their relationship towards the child, violence towards juveniles, and material problems. One of the main factors in determining juvenile delinquency is education.

The etiology of juvenile delinquency is often categorized into macro and micro factors. Macro factors include economic crises, war and its aftermath, political influences such as governmental attitudes toward crime, media messaging, migration, urbanization as a form of social mobility, moral panic, human rights violations, and an overall increase in crime rates as a societal response. Micro factors encompass family circumstances and relationships,

including parental neglect, family stability, violence directed at juveniles, and material deprivation. Education is also identified as a primary determinant in the development of juvenile delinquency.

Deficiencies within the educational system are linked to increased rates of juvenile delinquency. International evidence indicates that children lacking access to education exhibit significantly higher crime rates. The UNESCO Global Education Monitoring Report (2023) states that 244 million children globally are deprived of formal education, with 30% of these children involved in criminal activities. (Odil Buriyev Qobilovich, Normatov Dilshodbek Komilovich, 2025)

In contemporary criminal law literature, two primary perspectives on the definition of juvenile delinquency exist: a broader and a narrower interpretation. The broader perspective encompasses behaviors by minors that reflect social maladjustment, defined as actions contrary to societal norms or prescribed models of behavior. The narrower perspective restricts juvenile delinquency to behaviors criminalized by statutory law, particularly the criminal codes of individual countries, and uses the term 'delinquent' to denote minors exhibiting clear antisocial tendencies and a propensity for criminal or misdemeanor conduct. Certain legal provisions emphasize the need to define the terms 'juvenile' and 'juvenile offender' before addressing delinquency. These terms are explicitly defined in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (A/PE3/40/33, 29/11/1985). Rule 2.2 specifies 'juvenile' and 'offender' as components of 'juvenile delinquent' (Vlado Kambovski & Tatjana Velkova, 2008)

A minor is defined as a child or young person who, under the relevant legal system, may be held liable for a misdemeanor in a manner distinct from adults, while a minor offender is a child or young person presumed or determined to have committed a misdemeanor. In this analysis, a distinction is made between 'delinquency' and 'delinquent,' associating certain characteristics with behavior and others with the individual. Juvenile delinquency is thus characterized as a violation of statutory law, societal moral norms, participation in socially pathological phenomena and criminal activities, and disruption of the minor's relationships with parents, immediate family, social environment, peers, and other individuals in regular contact. Conversely, the concept of 'delinquent' emphasizes age, as well as negative psychological and biological traits that contribute to the profile of a juvenile delinquent or a child at risk.

From the above definitions of juvenile delinquency as a starting point, various characteristics have been identified that contribute to its definition. Definitions that find the root of juvenile delinquency as a primary and main element in childhood trauma are very rare. Thus, childhood trauma in the context of juvenile delinquency is linked to violence in the community, child abuse by parents or family, poor performance in school, as well as neglect of school, which also leads to juvenile delinquency.

When defining this complex phenomenon in more detail, it is important to emphasize that within the framework of this paper, we have opted for the following two terms: "child delinquency" and "juvenile delinquency".

We use the term 'child delinquency' to follow the Convention on the Rights of the Child and the Law on the Rights of the Child. The term 'juvenile delinquency' is common in both domestic and foreign literature and some international documents on children's rights. For these reasons, we have chosen to use both terms.

3. CONCLUSION

The growth rate of juvenile delinquency, the involvement of delinquent children in crime, and the emergence of juvenile gangs are sufficient to describe the complexity of juvenile delinquency and the fact that this social phenomenon increasingly poses a serious threat to society. (İbish, 2023) If we exclude the outdated theories of a born criminal, children are born without predispositions to crime, and it is the environment in society that instills crime in them. (Charu Singh, Rajeev Singh Bhandari, 2024) Hence, it is important to emphasize that the above-mentioned factors are only part of the criminogenic factors that directly influence juvenile delinquency. The issue of juvenile delinquency is not only related to criminology and criminal law, but it also has close links with psychology, given that it concerns children in a period of development, namely in the context of the above, but the developmental stages of the child from the first year to the period of puberty and the last phase of childhood are also covered. Developmental stages are especially important for countries that determine the criminal responsibility of the child according to their psycho-physical maturity. In the context of delinquency, it is particularly important to emphasize the distinction between criminality and delinquency; the latter is a broader term that encompasses crime, misdemeanors, and sociopathic phenomena. With the term "delinquency", there is a need to explain why the term "children involved in crime/delinquency" is mostly used in criminology for juvenile offenders, while the term "delinquency" is rarely used for adults. This is because it is a question of the influence of multiple factors on children when committing crimes (imitation, peers, family with a criminal profile, juvenile gangs, poverty, unemployment, etc.) that directly or indirectly affect the child, and the child does not choose to become a criminal, hence the justification of the term "children involved in crime/delinquency".

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