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WAYS OF SOLVING THE SOCIAL AND LEGAL PROBLEMS OF THE YOUTH IN THE CZECH REPUBLIC

Статья содержит перечень и описание мер, которые предпринимались правительством Чешской Республики, начиная с 1989 г., с целью сокращения уровня преступности среди молодежи. В статье представлена динамика преступлений, совершенных в период 1994-2010 гг. детьми в возрасте 1-14 лет, подростками в возрасте 15-17 лет и молодежью старшего возраста. Проведен анализ статистики совершенных преступлений. Результаты анализа подтверждают тенденцию снижения уровня преступности, которая стала следствием внедрения приведенных мер.

Ключевые слова: молодежь, преступление, уровень преступности, дети, подростки, юноши, статистика преступности, законодательство, предотвращение, эффективность мероприятий.

The integration of young people into society is a complicated procedure which is in some cases accompanied by crime. For individuals, who follow this way, the process of integration is all the more complicated. The issue of juvenile delinquency is a very important sphere which involves state and private organizations, specialist criminologists, pedagogues, psychologists and other. On the one hand there has been a measure of tolerance, when offenders are children with regard to their immaturity. On the other hand fear of juvenile crime rises and society calls for more efficient measures, for example the age limit reduction of criminal responsibility for 14 years, what really happened in originally approved Criminal Code. During the year 2009, before Criminal Code came into force, it had become the return to the original state after extensive discussions of the lay and professional public, consequently the age limit of criminal responsibility was appointed at 15 years. The age limit reduction of criminal re-

sponsibility for 14 years was implemented already in Slovakia. In respect of crime solution the different sorts of measures are taken both on the legal and non-legal level. In the year 2004 the law on juvenile criminal responsibility was implemented, which provides a special care of the juvenile delinquents. In recent years, called "the restorative justice" the system of "probate organisation" is exercised in the Czech Republic, which should conduce to the better integration of the delinquent individual into society. I would like to show it in my paper, whether and to what extent these measures are effective.

After year 1989 in the Czech Republic and in post-communist countries the great attention is given to the juveniles. It happened to adopt number of new legal regulations or an amendment to the original legislation. A number of measures were taken in private sector too. Among the best legal regulations, which were taken after 1989 and which should help in the fight against juvenile crime especially the following ones belong:

Act on Probation and Mediation Service (Act No. 257/2000 Coll.)

Probation and Mediation Service carries out the tasks specified in the Act on Probation and Mediation Service, and performs multiple tasks under other legislation, particularly by the law on juvenile liability for unlawful acts and on jurisdiction in cases of juvenils. Adults and juveniles Probation and Mediation Service creates the conditions to enable the matter to be dealt with in appropriate cases, in one of the special types of criminal proceedings, or it can be stored and executed punishment not involving imprisonment or detention has been replaced by other measures. To this purpose it provides the accused professional guidance and

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assistance, it monitors and controls its behavior and cooperates with family and social environment in which he lives and works so, that to lead in future such an orderly life.

In the matter of the Probation and Mediation Service, the juveniles have the following powers and shall perform the following tasks:

- supervision of juvenile behavior in their family and how the educational influence of parents on them;
- observance of the imposed probation program and educational obligations and imposed restrictions;
- oversight in protective care and supervision in the transformation of institutional and protective education;
- supervision of the suspended sentence and conditional sentence with supervision;
- cooperation with law enforcement authorities and the social and legal protection of a child by review of custody reasons;
- identification relationships of the juvenile and clarification the conditions for needs to preliminary hearings and preparation reports;
- submitting a proposal to change the educational measures, to abandon the exercise protective care, to release from protective care to a suspended location outside the educational establishment, the extension of protective care, to change the protective care.

Act on the juvenile liability for illegal acts and on the jurisdiction in cases of juvenils (Act No. 218/2003 Coll.)

The law on juvenile liability for unlawful acts and juvenile justice is the most important piece of legislation accepted after 1990 on youth issues in the criminal field. The act aims to give special care to children and adolescents who are guilty of unlawful conduct. It places the great emphasis on juvenile correction and its integration into society. It observes that the one who committed the offense, the measure used to contribute effectively to continue to refrain from committing the offense and found it to apply the appropriate social skills and mental

development and by its forces and capabilities contributed to the injury of atonement resulting from the unlawful act. The Act on the juvenile liability for illegal acts and on the jurisdiction in cases of juvenils is governed by the purpose, which in relation to the subject of regulation is defined mainly in terms of preventing the unlawful activities of juvenils, which is the primary group on which to focus the attention of the entire justice system and society. This law is criminal prevention, to ensure a reduction in juvenile participation in the unlawful conduct. The basic provisions are:

- a special law to the Criminal Code, Criminal Procedure, Code of civil proceeding, the Family Law and Act of the social and legal protection of children in criminal proceedings;
- preference of educational and protective measures against criminal;
- preference to participate in a juvenile rehabilitation and education programs and vocational training;
- defining the active involvement of probation officers.

The restorative justice

In recent years, the Czech Republic, like in other countries of the European Union the so-called restorative justice is implemented. It is a process in which the victim and the offender, but also other stakeholders are actively involved in working together on the consequences of crime. Also it is called restorative justice. Its principle consists in the fact that revenge against the offender, his strict punishment is preferred in the interest of the victim satisfaction. It is about to be filled as soon as the primary needs of victims of the moral and material satisfaction. This is, i.a., achieved by facilitating contacts between the victim and offender, if possible between them there, to direct and rapid settlement, without waiting for court proceedings. It is anticipated that the delict is first of all a conflict between the offender and victim and then between the offender and the state. This approach is preferred particularly for adolescents, which

plays an important role in the individual reintegration into society. Restorative justice is based on the following fundamental principles:

- crime is seen as the victims of damage;
- for the removal of the damage;
- for the creation of conditions for the damage control;
- for the active participation of the offender to pay compensation;
- when involuntary of compensation is, state coercion comes.

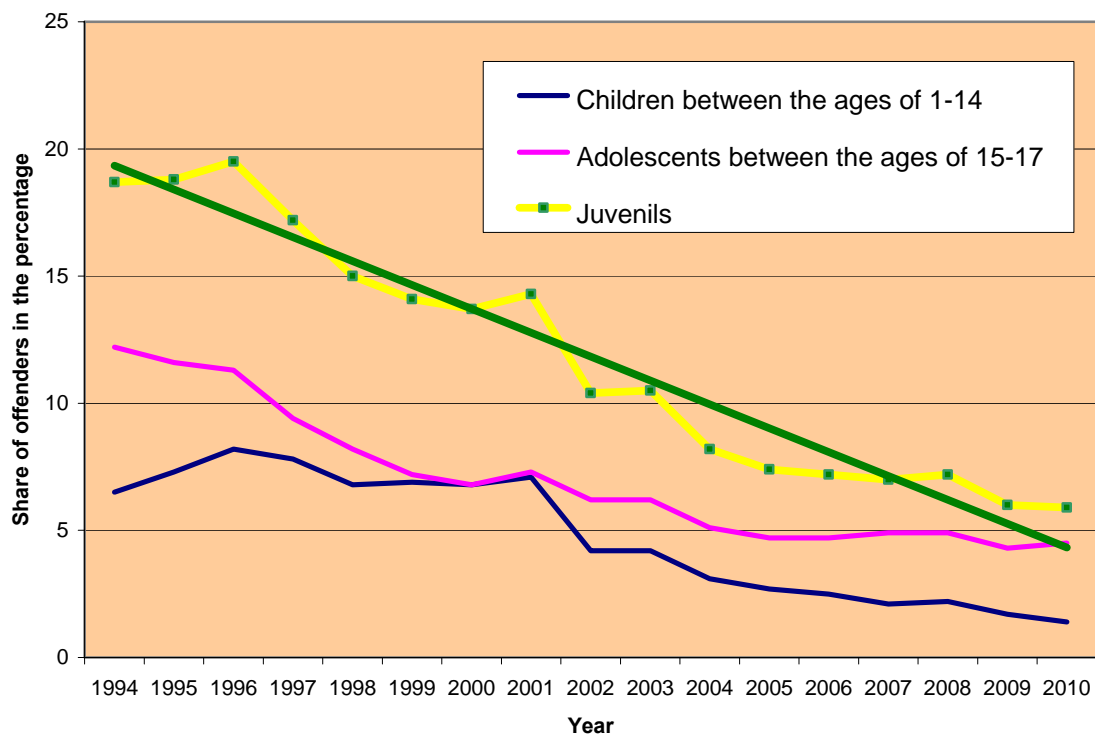
In the Czech Republic after 1989, as mentioned above, the number of measures were taken, which should lead to a reduction

in juvenile participation in crime. Whether these measures are effective and how much they try to capture the following graphs.

The share of offenders development of the juvenile number of total crime in the Czech Republic

The juvenile delinquency is best described, if we look at the proportion of total crime. The ratio shows us the values, which really express how it is on juvenils in crime in relation to the total population. It best reflects the effectiveness of measures, which were taken on the problem of juvenile crime after 1989 in the Czech Republic.

The share offenders development of total crime in the Czech Republic by age in the percentage



Graph 1

Note to the graph 1

The graph shows the evolution of the proportion of juvenile offenders, including children (1-14) and adolescents (15-17), to all offenders. So what percentage of the total number of offenders in a given year has the juvenils (children (1-14), adolescents (15-17)). Further, the graph shows a linear trend in the proportion of different groups of offenders.

Table 1

**The share offenders development of total crime in the Czech Republic
by age in the percentage**

Year	Children between the ages of 1-14	Adolescents between the ages of 15-17	Juvenils
1994	6,5	12,2	18,7
1995	7,3	11,6	18,8
1996	8,2	11,3	19,5
1997	7,8	9,4	17,2
1998	6,8	8,2	15
1999	6,9	7,2	14,1
2000	6,8	6,8	13,7
2001	7,1	7,3	14,3
2002	4,2	6,2	10,4
2003	4,2	6,2	10,5
2004	3,1	5,1	8,2
2005	2,7	4,7	7,4
2006	2,5	4,7	7,2
2007	2,1	4,9	7
2008	2,2	4,9	7,2
2009	1,7	4,3	6
2010	1,4	4,5	5,9

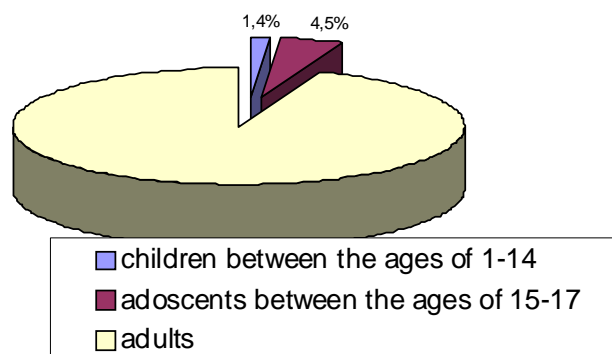
Note to the table 1

The table shows the evolution of the share of juvenile offenders, including children (1-14) and adolescents (15-17), to all offenders, and in percentage.

Over the past sixteen years, especially since 1997, the share of the total number of offenders steadily declines. This fact contradicts the thesis (presented to the public from unprofessional circles), that juvenils are still "worse" and still committing more crime

than in the past. The opposite is true. If we divide offenders for a number of juvenils into children (1-14) and adolescents (15-17), the development of the percentage of these offenders from the total number of offenders is also declining. These facts distinctly show linear definite trends. The downward trend is especially for adolescents (15-17). These indicators suggest that relatively well-effective preventive measures are directed into the ranks of juvenils. The impact of these measures is mainly active after 1996.

**The offenders share of total crime
in the Czech Republic in the percentage
in the year 2010**

**Graph 2**

Conclusion

In the introduction, We have set the target to assess the effectiveness of measures taken after 1989 in the Czech Republic, which should lead to a positive effect on young generation of juvenile delinquent and integration of individuals into society. We have no ambition that I absolutely succeeded. Nevertheless We believe that the measures taken by their positive role played and positively influenced the proportion of young offenders in crime. The idea can be pronounced, that the measures actually taken

after 1989, especially those bound to crime prevention – working with delinquent juvenils, bore “fruit” and lay claim to rebut allegedly among the “worse and worse” young generation. This trend must be sustained.

Data source:

Crime statistics, Police Presidium of the Czech Republic.

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