

### The Role of Family Situation of Delinquent Child and Juvenile in Crime Recidivism

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#### **Abstract**

Child and Juveniles' delinquency is a social phenomenon and an undeniable reality in every society. Considering the reasons and factors i.e. the etiology of this phenomenon shows that an undesirable family situation and disorders in family functions are the most important reasons for their tendency to commit crime and repeat it.

In this article the family situations of two groups of patients of Tehran Centre for Correction and Rehabilitation within 1378 to 1390 are described quantitatively and statistically and analyzed by their personal and judicial profiles; a group with delinquency background and a group without such a background. The different specification in family situations and their related problems in each family group specify that although the majority of each group belongs to the unorganized and discrete families, but the individuals with delinquency backgrounds have these characteristics more frequently which makes it more difficult to give up delinquency.

#### **Keywords**

Family, Child Delinquency, Recidivism, Juvenile Delinquency

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### Research Method

This article is based on an empirical study of the delinquency of children and juveniles and analyzing the information obtained from that with according to theoretical aspects of the subject. In order to do so, firstly the different aspects of the issue are discussed and some information related to the child, delinquency of children and adolescents, psychology of them and family are given. These information forms section "Introduction". It must be taken into account that this information is used in the second part to analyze the results of the survey.

At the second step all of the statistics related to crimes committed by children and juveniles are gathered by means of asking information from judiciary. Then, this information are categorized and are placed in several tables in order to the reader can have access to them easily and also the information can be analyzed. Finally in the last part of the article the results of the empirical study are going to be analyzed with according to the previously given information.

As a point it must be considered that this essay is an empirical one and all the information and content are result of the analysis that has done based on the available statistics. Nevertheless, it must also be taken into account that in the essay where any theoretical explanation was needed, necessary information was given.

### Introducing Part

Introducing the subject need some information about the different aspects of the Child as a social and psychological concept and also about the family that is the main and first institution in where child takes place and experiences life. So in this part we are going to give related information to these three categories:

#### 1. Child's situation in natural and social system

Child is the most beautiful and sensitive fruit of the garden of humanity whose, in regard to the other natural and divining creatures, most important feature is to enjoy the advantage of life, dynamism and perception as well as beauty and sense.

In Islamic point of view, human being and particularly child is God's creature and should be treated in a way that is pleasant to God. As The Creator is the most important attribute of God, only a child, on the literal meaning of the word, can be in the right path of theological education when

he or she receives comprehensive education and training to enter the scope of humanity, creativity and innovation.

Displaying and developing the inherent and God-given talents is not possible unless we provide a good system of education. Sensational, dynamic, behavioral and professional education all of them root in the family and are promoted in educational centers, primary and high schools and finally in the universities and social institutions. These steps of evolution can be directed to either positive or negative routes.<sup>1</sup>

## **2. Family and education's role in being child's character formed**

Family is the first institution in where children and juvenile's education and training start. It is obvious that only a family which enjoys such a privilege can provide the bases of an acceptable standard of education and training for its members. To improve the spiritual abilities and behavioral and mental tendencies, it is firstly required to discover these talents.

Paying attention to the child's growth from fetal period to adolescence represents the crucial role of education in the formation of child's character. Nowadays, on the basis of scientific educational psychology theories, there is no doubt on the importance of education and high quality of training in the path of growth.

The number of a baby's brain cells is equal to an adult's. Only educational and environmental Stimuli will cause inter - cell connections and will lead to evolution of brain structure as well as its function.

Our ignorance on different Stimuli within the two first years of a child's life can have some adverse effects on the brain's qualitative growth. Educational experts and psychologists believe that considering different scopes of emotional, social and cognitive development is really necessary by birth in a way that inattention to the child's emotional growth will affect their dynamic and physical growth.

Hence, paying due attention to the different steps of child's growth and development will lead to better evolution of its character. In other words, if one of the growth and development steps fails, a child will face mental and physical problems and this disturbance can provide a probability for his victimization or getting involved in delinquency in future.

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1. Bendora Albert. The Theory of Social Learning. Translated by Farhad Maher, Tehran: Rahgosha Press, 1372, p.231.

Family, including parents and the closest people who are in touch with the child, has the first and the most important effect on the formation of child's character. Family and parental responsibility in response to the emotional, sensory and dynamic needs of a child or disturbance in process of character formation are in close association with the child's delinquency, law-abiding and his mature character. But if child's immediate family have not developed these abilities and pre-educations or do not receive these Stimuli, definitely will not be able to provide them for the child.<sup>1</sup>

Recognition of the different aspects of behavior formation in the process of evolution of child's character, awareness of his needs in each growth stage and foreseeing educational, supportive and remedial programs have direct effects on making the identity of a child positive. Lack of such a recognition and program plays an important role in child's entrance in scene of delinquency and Recidivism.

### **3. Etiology of behavior in psychology**

In psychology the reason of a conduct is analyzed with regard to the matter of motivations. Motivation is a stimulus which makes the conduct targeted. Motivations are classified as bellow:

- Physiological motivations such as hunger and sexual;
- Social motivations such as altruism, progress and success;
- Mental motivations such as curiousness and love demanding.<sup>2</sup>

All of which, except for Physiological motivations, can be guided and controlled by education in childhood. However, it must be mentioned that in modern world, because of technology developments and globalization of connections, global education has a considerable role and a child inevitably receives positive and negative effects from the social environments. Considerable increase in child's crime rate and incompatible behaviors are because of the new structures and organizations. The child and juvenile's connections to the modern phenomena of science and technology such as internet, cellphone and direct and indirect education of science, culture and

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1. White Rob, Haines Fiona. *Crime and Criminology*. Melbourne: Oxford University Press, 1997, p.273.

2. Klainberg Avrohom. *Social Psychology*. Translated by Mohammadali Kardan, Tehran: Publishing Company Press, 1346, Vol.1 p.193.

connection's globalization play an important role in character formation of a child and leading him to disobey the law.<sup>1</sup>

Therefore, if we consider children and juvenile's delinquency by any reason, such as the lack of education and training, as an undeniable fact in modern law, confronting with this phenomenon requires a fresh, professional and Multidimensional view to use effective differential criminal policy with respect to the prevention, correction, cure and re-socialization of children and juveniles.<sup>2</sup>

Unfortunately, after a juvenile enters the scope of delinquency and commits the first crime, yet the recent instruments have not been successful to stop the delinquency cycle and most of the offenders commit Recidivism.

#### **Empirical work on the subject**

As said in the research method, this article is based on an empirical study and results from that are going to be evaluated and analyzed. Regarding that, in this section the information obtained from the empirical work in two parts are being given.

#### **Statistical analysis of juvenile delinquency in theft - Tehran Children Judicial Center<sup>3</sup>**

According to the juvenile's committed crimes research in Children Judicial Center that the writer did in 2001, it was concluded that among 260 children who were charged with theft, 225 of them had a conviction. Thus, the number of Recidivism who was juveniles in this children and juveniles specialized Judicial Center is so disturbing which implies lack of using scientific methods in correction, cure and re-socialization of the Juvenile delinquent.

So it seems that considering Clinical Criminology, as one of the modern result and efficient instrument, by which using child and juvenile's character

1. Arcra Tochoil Thomas. Child Psychology. Translated by Mohammadreza Naeenian and others, Tehran: Roshd Press, 1379, p.133.

2. Shamloo Bagher. Criminal Justice and Children. Tehran: Jangal Press, 1390, p.148.

3. This is a judicial center that has been specialized for addressing the crimes committed by juveniles and children under 18. All the cases that include a child or an adolescent are being brought before the courts that are in this center.

and studying on the reasons of creating crimes and analyzing mental tendencies not only can be considered as an efficient action in correction and cure of children who are against the law, but also they are inevitable necessities.

According to the research done in 2001 in relation to the crimes committed by the children under 18 years old and recorded in Children Judicial Center, the most common crime in Tehran jurisdiction is Robbery sentence which by frequency of 1973 is approximately equal to 19 percent of whole of the crimes. After robbery, assault and battery has the most frequency. The frequency of the most important crimes can be seen as bellow:

**Table 1. Distribution of the 5 Most Frequent Crimes among Juvenile Delinquent in 2001**

No.	Crime Type	Percentage	Quantity
1	Theft	18/8	1973
2	Assault and Battery	12/7	1333
3	Repugnant to Chastity	10/8	1133
4	Unlicensed Driving	9/4	990
5	Drinking	7/9	831

Official statistics show that the distribution of committing of the crimes for the adolescent under 18 years old from 2005-2007 is the assault and battery which implies the increase of violence and social incompatibility.

**Table 2. Distribution Frequency of three crimes with the most frequency 2005-2007**

No.	Crime Type	Frequency of cases (second half of 2005) in %	Final cases lead to conviction
1	Assault and Battery	534	480
2	Theft	384	397
3	liaison	260	240

These figures demonstrate that the numbers of the cases that have been brought before the court within the years of 2005-2007 are equal to the number of the cases that have led to the conviction. Therefore some results can be inferred:

- The courts tend to adjudicate the cases in which the children are included as soon as possible. Because being in the criminal process can be harmful for the children and their character;

- The Iranian Judiciary Power has allocated special resources to the children and juvenile criminal justice in order to cases related to juveniles and children come to an end in a reasonable time;

- According to the statistics of the three crimes mentioned here criminal justice system tries to deal with different types of crimes in the same way. As we see the numbers of the cases are equal to the number of the convictions.

As the last point we must make clear that pursuit to the empirical studies and observations that have been done by the writer, most of the child and juvenile criminals come from the families that are not in the good situation from the aspect of wealth and culture. In so many cases poor parents or none-educated parents make the children have a criminal lifestyle. This information show that one of the main measures that must be taken in the course of prevention of children and juveniles criminality is to enhance the quality of the families. In this regard we can consider so many factors like as economic and cultural ones.

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**Table 3. Frequency of three Important Juvenile Crimes in 2005**

No.	Crime Type	Quantity of Entered Files	Quantity of Closed Files
1	Assault and Battery	619	630
2	Theft	614	602
3	Drinking	224	246

**Table 4. Frequency of Three Important Juvenile Crimes in 2005**

No.	Crime Type	Quantity of Entered Files	Quantity of Closed Files
1	Assault and Battery	409	380
2	Theft	476	490
3	Drinking	232	192

These figures show that the numbers of the cases that have been brought before the court in the year of 2005 are equal to the number of the cases that have led to the conviction. Therefore we can infer that Iranian children and juvenile criminal justice system attempts to adjudicate the mentioned cases

in a quick and reasonable time so that children and juveniles can be protected from the side effects of the being in the criminal process.

Also here we can see that Iranian Criminal Justice system has success in dealing equally with the different types of the crimes.

Here, like as the table 2 we must make clear that pursuit to the empirical studies and observations that have been done by the writer, most of the child and juvenile criminals come from the families that cannot make the suitable situation and resources for their children to educate. Most of the criminal children and juveniles have dropped out the school in the very early stages. It also must be said that weak economic situation of the families have had negative effects on the view of the parents to the education of the children. In this type of the families, parents count the children as the work power and want them as soon as possible to work and earn money. Therefore in these families there is no attention to the education of the children. In this relation, tables 10, 11 and 12 could be justifying for this view.

**Table 5. Frequency Distribution of Committed Theft among 260 Convictions**

No.	Subject of Theft	Theft quantity to Whole
1	Money Theft	48
2	Car Radio Receiver Theft	28
3	Residential Theft	20
4	Motor and Bicycle Theft	19
5	Other Thefts-Gold, Edible, ...	145

**Table 6. Distribution of age among 260 Convictions**

No.	Age/ years old	quantity
1	-16	74
2	16-18	194

**Table 7. Frequency Distribution of the punishments among 260 Convictions**

No.	punishment	Quantity of conviction
1	Sentence	104
2	flog	116
3	fine	114
4	Multiple punishments	103



Results show that 225 of 260 people are convicted that is a high rate. In other words 86 percent of former convicted again committed a crime which implies that the punishments and methods of correction and at all cure were not suitable and compatible and didn't have intimidation, preventive and corrective description.

Of course 132 convicted i.e. 50 percent of convicted people were refugee children who emigrated from other counties to Tehran for finding a job.

#### Statistical analysis recidivists in Tehran correction and rehabilitation center

In addition according to the research done in 2012 on the convicted in Correction and Rehabilitation Center, the children under 18 years old who are recidivist were 29 percent of the convicted.

**Table 8. Frequency Distribution of Patients Delinquency Record in 2012**

No.	Record Status	Quantity	Percentage
1	The Same Crime Record	25	15
2	Multiple Crime Record	11	6/6
3	Different Crime Record	11	6/6
4	Without Record	118	71/1

This table shows that the record of recidivism in 2012 in comparison with 2001 -2005 has incredibly decreased. Its reason regardless of separation of Alborz which is a host province from Tehran is the view of Judiciary Power especially juvenile court to the alleviation of prison policy and use of alternative punishments.

Next table is related to the Frequency Distribution of Convicted Patients according to Tehran Correction and Rehabilitation Center which considerable rates of them committed several offenses as one of the causes of Toughen penalties.

**Table 9. Frequency Distribution multiple crimes of convicted patients in Correction and Rehabilitation Center 2012**

Multiple offense	quantity	percentage
Existence of Multiple offense	74	46.6
Lack of Multiple offense	92	55.4
total	166	100

**Table 10. Frequency Distribution of Patients according to Graduation Degree (Period of 2005-2010)**

No.	Graduation Degree	Quantity	Percentage
1	Unread	2513	15/5
2	Pre-school	6125	37/1
3	Junior High School	7045	42/6
4	Senior High School	840	5/1
5	Total	16525	100

Although patients go to the school in the Center, they are reluctant about it and have found the education useless.

**Table 11. Frequency Distribution of Father's Education Degree of Patients**

No.	Graduation Degree	Quantity	Percentage
1	Unread	47	28/3
2	Pre-school	36	21/7
3	Junior High School	32	19/3
4	Senior High School	5	3/0
5	Graduate	17	10/3
6	Bachelor	2	1/2
7	Unanswered	27	16

**Table 12. Frequency Distribution of Mother Graduation Degree of Convicted Patients in Tehran Centre for Correction and Rehabilitation (Period of 2005-2010)**

No.	Graduation Degree	Quantity	Percentage
1	Unread	66	39/8
2	Pre-school	44	26/5
3	Junior High school	23	13/9
4	Senior High school	3	1/8
5	Graduate	14	8/4
6	Upper Graduate	1	0/6
7	Unanswered	15	0/9

The table's statistics show that the lack of knowledge and education and cultural poverty in delinquent adolescences' families has considerable rate. The related explanation and analysis of this situation has been mentioned under the table 4.

### **Concluding Part**

Finally as a conclusion we can say that delinquency in children and adolescence is an unfortunate and regrettable incident. However, organizations for using differential legal system for children and adolescence have no successes in control, correct and cure of the delinquent.

Paying attention to the children as the most valuable sources is required by taking into account the remedies to execute more useful and effective policy in practical teaching of the Art of better living and neutralization of dangerous situations and potential criminal capacity.

Achieving these targets will be under the light of the priority of using the experts and the ones who are familiar to the child spirits, in addition to the establishment of specialized institutions and differential processes. All the people who are in the path of child's character evolution such as parents, judges, workers, psychologists and other people should have true and professional recognition to the child character, methods of correction and cure and returning the children who have conflicting behavior to law, to the social life.

Cases of children and juvenile offenders in Tehran's Correction and Rehabilitation Center and Juvenile Justice Center as well reflect this important point that, children and adolescents who are in conflict with the law are the victims of tragic circumstances and environment in which they have been.

Cultural problems and disruptions in the evolution of child's social character is the most important factor in formation of law and society incompatible tendencies. The tables clearly show this fact that children's recidivism that live in unorganized family is obvious and social organizations cannot be a suitable alternative for it. Moreover, unstable family, one -parent family, Unsupervised family and unwary family provide suitable grounds for empowerment of children's delinquent tendencies. Hence the best prevention, correction and treatment are giving them the mental and spiritual immunity and strengthening self-esteem and the sense of being useful and fruitful in the society.

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