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Juvenile Delinquency in Poland : Dimensions and Selected Forms of Response

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Introduction

Delinquency is a dynamic phenomenon and is subject to continuous changes. In Poland an increase in delinquency has been observed since the early 1990s as a result of the political transformation. Recently the presence of various negative problems has even grown. More and more often certain social phenomena can be observed among children and teenagers, including home escapes, failing the school obligation, alcohol abuse, taking drugs, legal highs, or aggression.

It is juveniles who comprise a special category among those socially maladjusted. The juvenile delinquency is a serious social dilemma. The problem leads to a certain moral and psychosocial loss. Demoralized youth, having a depriving impact on peers or younger friends, provides conditions conducive to identifying themselves with these forms of behavior. Juvenile delinquency is the most serious sign of distorted process of socializing and is: “[...] treated as a marginal form of antisocial behavior, a drastic indication of violating the principles of social coexistence”¹.

In the Polish legal system juvenile delinquency is defined by the Act of 26 October 1982 on juvenile justice. In accordance with the said Act juveniles are persons²:

¹ A. Stankowski, N. Stankowska: *Wybrane problemy patologii społecznej i resocjalizacji. Szkice pedagogiczne*. Żiar nad Hronom: Aprint, 2002, p. 42.

² Ustawa z dnia 26 października 1982 r. o postępowaniu w sprawach nieletnich. Dz.U. 1982, nr 35, poz. 228, z późn. zm. – Preambuła; see also: J. Szum-

- to whom the provisions of the law apply within the scope of preventing and combating deprivation; to persons of undetermined minimum age, who are under 18 years of age;
- who committed a penal act upon completion 13 years of age, but are under 17;
- on whom educational or corrective measures have been imposed, of undetermined minimum age, but not longer than until the age of 21.

Research methods

Brunon Hołyst determined four types of delinquency which provide us with the relevant information within a different scope³:

- actual delinquency – described as all criminal acts committed during a given time unit and in a definite area. Both the scale and the structure of this set are unknown. The attempts to estimate the magnitude of actual delinquency are presented in criminological literature within the scope of the so-called obscure number.
- disclosed delinquency – defined as all acts known to law enforcement authorities and based on the information the pre-trial proceedings are initiated. This category of delinquency is often referred to as apparent delinquency because not all the acts qualified as crimes during the pre-trial stage, are actually delinquency.
- determined delinquency – covers the totality of acts whose nature is confirmed during the pre-trial proceedings.
- convicted delinquency – means all acts whose nature is confirmed during legal proceedings.

Due to the nature and the specific characteristics of the study, the diagnostic survey method was used for the study purposes. Under this method the analysis of documents was applied⁴. The technique of documents examination was used in the analysis of statistical reporting of the Statistics Department of the Ministry of Justice in Warsaw. It should be added that the reporting of the Statistics Department of the Ministry of Justice is conducted on the basis of court statistics.

ski: *Postępowanie w sprawach nieletnich*. [Stan prawny na dzień 26 października 1982 r.]. Gdańsk: Wydawnictwo Info-Trade, 1996.

³ B. Hołyst: *Kryminologia*. Warszawa: PWN, 1994, p. 38.

⁴ See M. Łobocki: *Metody i techniki badań pedagogicznych*. Kraków: Oficyna Wydawnicza „Impuls”, 2003, p. 266.

Results

Published reports and studies⁵ have revealed increasing psychosocial development disorders in children and youth, a growing tendency towards health-risk attitudes, a growing number of individuals abusing alcohol, taking drugs, showing aggressive behavior, using violence and committing illegal acts. These data can be confirmed in the author's own research displayed herein, according to which the number of juveniles increased from 34,545 (in 2000) to 47,046 (in 2008) over the analyzed period, and despite a systematic drop in the number of individuals aged 13–17 years. Over the period 2000–2008 the total number of 13, 14, 15, 16, and 17-year old teenagers decreased by as much as 24% (from 3,194,553 in 2000 to 2,419,645 in 2008)⁶. In spite of such a drastic demographic crisis which affected this age group (during this 9-year period the number of the teenagers fell by 775 thousand), the number of penal acts and deprivation behavior increased. Since 2009, a systematic decrease of juvenile delinquency and deprivation has been observed, yet not achieving the level in 2000 (apart from penal acts the number of which has been decreasing to the level lower than the one recorded in 2000). In 2009, a reversal of this unfavorable trend was noticed, which could have been predicted anyway as the population of young people was shrinking. In the years 2009–2012, this group lost another 271,897 (a drop by 12%) juveniles aged 13–17. The decrease in delinquency and deprivation is only apparent. It can be said that that the number of offences committed in the society by juveniles tends to be going down, but this decrease is inappropriately low when compared to the reducing number of individuals in this age group. It can be clearly seen that an average statistical number of delinquencies per one teenage person even increased over the analyzed period. Relevant figures are shown in Table 1.

The sharp increase in the number of juvenile delinquents and those with deprivation symptoms occurred in 2004 (a 15.4% rise when compared to the previous year) and in 2007 (by 13.5% when compared to 2005). During the entire 13-year period the increase in the number of juvenile

⁵ See e.g.: B. Woynarowska: *Samoocena zdrowia, zadowolenie z życia i zachowania zdrowotne młodzieży w wieku 11–15 lat w Polsce*. W: *Zagrożenia okresu dorastania*. Red. Z. Izdebski. Zielona Góra: Uniwersytet Zielonogórski, 2008; K. Ostaszewski: *Młodzież a substancje psychoaktywne*. „Remedium” 2007, nr 2/3; *Używanie środków psychoaktywnych przez uczniów w percepcji studentów – kandydatów na nauczycieli. Raport z badań*. Red. J.A. Malinowski. Toruń: „Akapit”, 2005; B. Stańkowski: *Problemy dorastających nastolatków*. „Edukacja”, 2005, nr 4.

⁶ Population broken down by gender and age. The data as of 31.12.2009. <http://demografia.stat.gov.pl/bazademografia/Tables.aspx> [accessed 1.06.2015].

offenders was 5% (from 34,545 to 36,227, i.e. by 1,682 cases). Once again, it should be emphasized that in the period between 2000 and 2012 the population of young people in the age group 13–17 years decreased by one million (to be precise, by 1,154,601 individuals)⁷, thus, this age category decreased by 36%. A significant decrease in the population of teenagers who were subject to educational and correctional measures ordered by family courts, was paradoxically accompanied by a 5% increase in the number of juveniles.

Table 1

The total number of juveniles as regards deprivation and ascribed penal acts

| Years | Deprivation and penal acts | | |
|-------|----------------------------|---------------------|--------------------|
| | TOTAL including: | deprivation (total) | penal acts (total) |
| 2000 | 34,545 | 8,878 | 25,667 |
| 2001 | 35,417 | 9,441 | 25,976 |
| 2002 | 35,744 | 10,633 | 25,111 |
| 2003 | 37,727 | 12,206 | 25,521 |
| 2004 | 43,535 | 15,193 | 28,342 |
| 2005 | 41,682 | 15,454 | 26,228 |
| 2006 | 44,397 | 16,978 | 27,419 |
| 2007 | 47,293 | 19,503 | 27,790 |
| 2008 | 47,046 | 20,089 | 26,957 |
| 2009 | 43,174 | 18,221 | 24,953 |
| 2010 | 38,876 | 16,118 | 22,758 |
| 2011 | 38,477 | 15,670 | 22,807 |
| 2012 | 36,227 | 15,247 | 20,980 |

Source: The author's own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw

The share of girls and boys in the total number of juveniles is varied. Boys clearly pre-dominate in the population involved in the study. There is on-going concern about the number of girls, which over the period of 2000–2012 increased by 91% (i.e. from 4,635 to 8,854). Therefore, in the years 2000–2012 girls comprised a growing percentage in the total number of juvenile delinquents (respectively: 13, 14, 15, 17, 18, 18, 19, 20, 22, 23, 23, 24.5, and 24% of all juveniles).

According to the aforementioned law on juvenile justice, juvenile behavior which requires the reaction of the court includes penal acts and behavior showing juvenile deprivation. Juvenile offences relate to behav-

⁷ Population broken down by gender and age. The data as of 31.12.2009. <http://demografia.stat.gov.pl/bazademografia/Tables.aspx> [accessed 1.06.2015].

ior revealing elements of criminal acts or some delinquencies as specified in the said law (e.g. against public order). Hence, this includes behavior which is defined by The Penal Code as an offence, but juveniles are not held liable before the criminal court, and only the family court applies educational or corrective measures in these cases⁸.

Table 2

The total number of juveniles in gender breakdown

| Years | Gender (total) | | |
|-------|------------------|--------|--------|
| | TOTAL including: | boys | girls |
| 2000 | 34,545 | 29,910 | 4,635 |
| 2001 | 35,417 | 30,393 | 5,024 |
| 2002 | 35,744 | 30,247 | 5,497 |
| 2003 | 37,727 | 31,448 | 6,279 |
| 2004 | 43,535 | 35,937 | 7,598 |
| 2005 | 41,682 | 34,167 | 7,515 |
| 2006 | 44,397 | 36,035 | 8,362 |
| 2007 | 47,293 | 37,753 | 9,540 |
| 2008 | 47,046 | 36,691 | 10,355 |
| 2009 | 43,174 | 33,348 | 9,826 |
| 2010 | 38,876 | 29,752 | 9,124 |
| 2011 | 38,477 | 29,048 | 9,429 |
| 2012 | 36,227 | 27,373 | 8,854 |

Source: The author's own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw

As far as deprivation is concerned, juvenile justice regulations do not define this term, but only contain a catalogue of such circumstances and exemplary behavior as the following⁹:

- disruption of social coexistence principles;
- committing an offence;
- regular evasion of school obligation or vocational training;
- drinking alcohol or taking other intoxicants;
- immorality;
- vagrancy;
- engaging in organized crime.

⁸ J. Błachut, A. Gaberle, K. Krajewski: *Kryminologia*. Gdańsk: Wydawnictwo Arche, 2004, p. 318.

⁹ Art. 4, §1 ustawy z dnia 26 października 1982 r. o postępowaniu w sprawach nieletnich.

Criminologists¹⁰ assume that depriving a state of cognitive structures, which does not result from a disease or a developmental condition, leads to ignoring moral principles and is conducive to breaching legal standards. Therefore, it is believed that behavior that indicates a risk of creating, existing or worsening the state of deprivation in juveniles should be treated as a signal of a higher likelihood of criminal behavior, that is, requiring a response of formalized agendas of social control. The behavior indicating elements of deprivation mentioned by the legislator in Art. 4 § 1 of the Law on Juvenile Justice can be divided into three groups, namely, actions involving¹¹: (1) violating the ethical norms (immorality); (2) breaching legal standards (committing an offence, engaging in organized crime); (3) failing to fulfill school obligation (evasion of school obligation or vocational training).

The term of deprivation is most often used in criminology, where it generally means a high rate of social maladjustment, that is, a considerable accumulation and duration of different types of behavior inconsistent with conduct rules regarded as standard among children and youth¹².

During the analyzed period, decrease in the number of offences committed by juvenile boys was observed. Quite an opposite tendency was seen in the case of girls – the rate of crimes committed by girls increased from 2,675 to 4,092, i.e. by 53%. In the case of both genders, there is a concern about the growing number of deprived juveniles which increased over this period by 72% (from 8,878 to 15,247 individuals).

For a couple of years there has been observed an increasing interest rate regarding activities aimed at preventing and reducing many worrisome behaviors among children and youth. Focusing on this issue can be explained when looking at police or court statistics and displayed research results revealing each year a growing number of juveniles reaching for alcohol or other intoxicants, starting sexual activity early, committing brutal acts of aggression and criminal acts, destroying their own educational career, etc. As Irena Mudrecka indicates: “For many years court statistics have been informing about an increasing rate of juveniles on whom court measures shall be imposed”¹³.

¹⁰ J. Błachut, A. Gaberle, K. Krajewski: *Kryminologia...*, p. 320.

¹¹ A. Gaberle, M. Korcyl-Wolska: *Komentarz do ustawy o postępowaniu w sprawach nieletnich*. Gdańsk: Wydawnictwo Arche, 2002, p. 69.

¹² B. Kowalska-Ehrlich: *Młodzież nieprzystosowana społecznie a prawo*. Warszawa: Wydawnictwo Prawnicze, 1988, p. 17.

¹³ I. Mudrecka: *Instytucjonalne formy pracy resocjalizacyjnej z nieletnimi*. Opole: Wydawnictwo Uniwersytetu Opolskiego, 1999, p. 7.

In its broadest sense, a court measure is already initiating proceedings concerning juveniles, because¹⁴:

- it gives juveniles a clear signal of a negative judgment of their conduct;
- frequently leads to a psychological shock in juveniles, who take it as a negative sanction, especially in the case of the first-time juvenile delinquents;
- means a change in juveniles' situation and subsequent consequences which might have an impact on their further lives (e.g. social stigma).

Table 3

Juvenile deprivation and ascribed penal act in gender breakdown

| Years | Deprivation, penal acts and gender | | | | | |
|-------|------------------------------------|--------|-------|-------------|--------|-------|
| | deprivation: | | | penal acts: | | |
| | total: | boys | girls | total: | boys | girls |
| 2000 | 8,878 | 6,918 | 1,960 | 25,667 | 22,992 | 2,675 |
| 2001 | 9,441 | 7,323 | 2,118 | 25,976 | 23,070 | 2,906 |
| 2002 | 10,633 | 8,128 | 2,505 | 25,111 | 22,119 | 2,992 |
| 2003 | 12,206 | 9,145 | 3,061 | 25,521 | 22,303 | 3,218 |
| 2004 | 15,193 | 11,285 | 3,908 | 28,342 | 24,652 | 3,690 |
| 2005 | 15,454 | 11,498 | 3,956 | 26,228 | 22,669 | 3,559 |
| 2006 | 16,978 | 12,438 | 4,540 | 27,419 | 23,597 | 3,822 |
| 2007 | 19,503 | 14,115 | 5,388 | 27,790 | 23,638 | 4,152 |
| 2008 | 20,089 | 14,229 | 5,860 | 26,957 | 22,462 | 4,495 |
| 2009 | 18,221 | 12,895 | 5,326 | 24,953 | 20,453 | 4,500 |
| 2010 | 16,118 | 11,434 | 4,684 | 22,758 | 18,318 | 4,440 |
| 2011 | 15,670 | 10,811 | 4,859 | 22,807 | 18,237 | 4,570 |
| 2012 | 15,247 | 10,485 | 4,762 | 20,980 | 16,888 | 4,092 |

Source: The author's own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw

It is commonly known that standard juvenile proceedings provide numerous possibilities of influencing children and youth involved in breaking the law. In Poland, three juvenile delinquency measures, including educational, therapeutic-educational and corrective measures can be applied. The penalty is only imposed in cases provided for by provisions when other instruments are not capable of assuring a juvenile rehabilitation. When conducting the characteristics of juveniles in terms of measures imposed on them by family courts, it is worth comparing figures concerning imposed measures (Table 4).

¹⁴ J. Błachut, A. Gaberle, K. Krajewski: *Kryminologia...*, p. 372.

Table 4

Dynamics of court measurements imposed on juveniles

| Years | Type of court measurement: | | | Measures in total |
|-------|----------------------------|-------------------------|------------|-------------------|
| | educational | therapeutic-educational | corrective | |
| 2000 | 37,562 | 133 | 1,170 | 38,865 |
| 2001 | 39,002 | 103 | 1,146 | 40,251 |
| 2002 | 39,345 | 66 | 1,296 | 40,707 |
| 2003 | 41,857 | 62 | 1,266 | 43,185 |
| 2004 | 48,500 | 77 | 1,325 | 49,902 |
| 2005 | 46,822 | 88 | 1,161 | 48,071 |
| 2006 | 50,718 | 79 | 1,076 | 51,873 |
| 2007 | 55,468 | 69 | 1,027 | 56,564 |
| 2008 | 54,808 | 75 | 927 | 55,810 |
| 2009 | 50,280 | 88 | 870 | 51,238 |
| 2010 | 45,483 | 106 | 882 | 46,471 |
| 2011 | 45,030 | 119 | 691 | 45,840 |
| 2012 | 42,654 | 111 | 646 | 43,411 |

Source: The author's own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw

As one can observe, the analyzed years were dominated by educational measurements, followed by corrective and then therapeutic-educational measures. As the number of juveniles considerably grew over the years 2000–2008, the number of educational measures ordered increased as well. In 2000, there were 37,562 measurements ordered, whereas nine years later the number amounted to 54,808, hence there was a 45.9% growth. From the year 2009 the reducing number of teenagers co-existed with less frequent ordering educational measures. Over the years 2008–2012 the number of these measures decreased from 54,808 to 42,654 (reduction by 22%).

Pursuant to Art. 6, item 1–9, 11 of the Law on Juvenile Justice, the family court may apply the following juvenile measures: give a caution, oblige a juvenile to a definite action (repair damages, perform certain work in favor of a victim), oblige to apologize, oblige to undertake education or a job, to participate in classes of educational, therapeutic or training nature, oblige a juvenile delinquent to prevent from staying in certain environments (places), to give up drinking alcohol; there can be also applied parental guidance (supervisor), a supervision of a youth organization or other social institution, an employer, a court-appointed trustee, a probation officer; alternatively a juvenile can be sent to a therapeutic center, a social organization or an institution involved in dealing

with juveniles for educational, therapeutic or training purposes, a driving ban may be imposed, a juvenile can be placed in a youth correctional facility, a youth socio-therapeutic center, a foster family, in a special education care center or other instruments can be applied (including those provided for in the Family and Custody Code). The measures mentioned above can be imposed jointly, individually, or additionally, for example, together with a correctional measure. The law does not specify when and which means shall be used, which means that the legislator does not make the choice of a given measure dependent on the type and legal qualification of an offence committed by a juvenile. It is the wellbeing of a juvenile that counts the most. In this case an individual approach is clearly emphasized to achieve the intended goal. Therefore, the choice of a suitable measure needs to consider the purpose to be applied. The major purpose is to combat juvenile depravation, which means choosing an effective measure. In consequence, significant as it seems to be is to determine the right deprivation predictor before choosing the right measure so that an applied instrument could level the sources of these failures.

The catalogue of educational measures provided by the legislator can be structuralized according to different criteria. As regards the purposes of prevention being a peculiar response to attitudes and conduct of juvenile offenders, it is worth considering the classification of educational measures according to the environmental criteria, that is¹⁵:

- measures leaving juveniles in their current environment,
- measures aimed at placing a juvenile in a facility or an institution taking over a part of educational duties and custody of them from their parents (careers),
- measures involving a total change of a juvenile's environment.

The classification presented below is related to the range of court interference in parental custody, which is why it is advisable to consider the statistical data concerning this division.

Measures which do not lead to a change in a juvenile's environment interfere the least in parental custody. This group includes: giving a caution, obliging a juvenile to a definite action (repairing damages, apologizing to a victim, performing certain work in favor of a victim, obliging to undertake education or a job, etc.), a supervision of a parent or a career.

¹⁵ B. Stańdo-Kawecka: *Prawo karne nieletnich. Od opieki do odpowiedzialności*. Warszawa: Oficyna Wolters Kluwer Business, 2007, p. 302. See also: A. Nowak: *Zapobieganie demoralizacji i przestępczości nieletnich w świetle regulacji prawnych*. W: *Wybrane zjawiska powodujące zagrożenia społeczne (rozpoznawanie i przeciwdziałanie)*. Red. A. Nowak. Kraków: Oficyna Wydawnicza „Impuls”, 2000, p. 89.

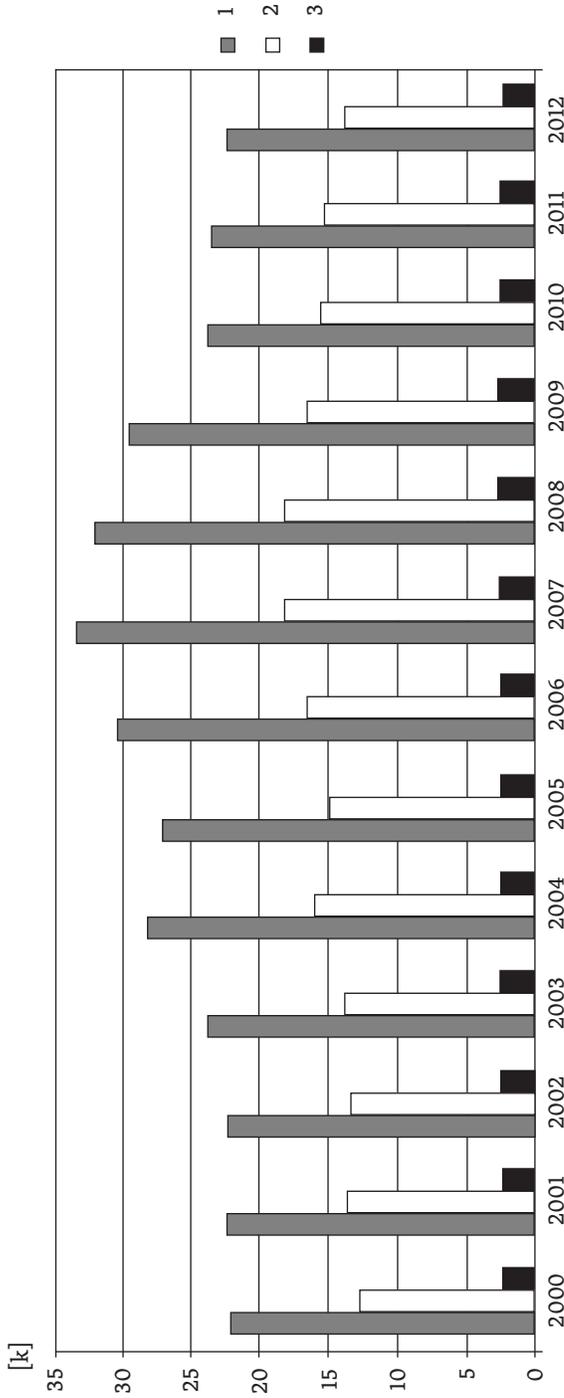


Figure 1. Educational measures (in numbers) according to environmental criteria (2000–2012)

Explanations: 1 – measures leaving juveniles in their current environment; 2 – measures aimed at placing a juvenile in a facility or an institution taking over a part of educational duties and custody of them from their parents (carers); 3 – measures involving a total change of a juvenile's environment.

Source: The author's own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw.

Statistical data for 2000–2012 reveal that measures of this kind were most often used by family courts and accounted for more than a half of all educational measures. Another group consists of such instruments which do not separate juveniles from their natural environment, but subject them to educational procedures along with outside support, that is, assistance provided by other persons, institutions, or facilities. The measures defined by lawyers as “radical” or “the most drastic” causing a separation from the natural family environment, meaning a total change of a juvenile’s environment, comprised an insignificant share of all measures (4–6%).

Epidemiological studies conducted in Poland¹⁶ show an increase in psycho-social disorders in youth, demonstrated by health-risk attitudes, a growing number of individuals abusing alcohol, taking drugs and committing illegal acts. This means that there are more and more young people showing various risky behavior that leads to negative consequences for physical and mental health alike, as well as for social environment of an individual¹⁷.

Mental health means the lack of psychological, emotional, behavioral, and social disorders. The examples of emotional and behavioral problems include anxiety disorders, depression, or schizophrenia. Their presence disturbs everyday functioning (e.g. learning, interpersonal relations), and may also pose a risk to physical health (e.g. suicidal attempts, taking psychoactive substances). A social and psychological wellbeing relates to the presence of individual and interpersonal support for the right functioning and concerns pro-social abilities, positive interactions with others, skills of coping with stress or misfortunes. According to an American classification of psychiatric diagnostic systems, the main mental disorders typical for adolescence include¹⁸:

- mental disability,
- overall developmental disorders (e.g. autism),
- specific developmental disorders (e.g. troubles with reading, speaking, articulation),

¹⁶ As the research shows, Poland is the country where 20% of children and young people at the age 7–19 have serious emotional and behavioral problems. This group demands psychological and medical help. See: S. Nikodem ska: *Młodzi a alkohol - wyniki badań realizowanych przez Instytut Psychologii Zdrowia w latach 2000–2002 na populacji młodych Polaków*. W: *Młodzi z grup ryzyka. Perspektywy profilaktyki*. Red. M. Prajsner. Warszawa: Wydawnictwo PARPA, 2003, p. 22.

¹⁷ J. Szymańska: *Programy profilaktyczne. Podstawy profesjonalnej psychoprofilaktyki*. Warszawa: Wydawnictwo Centrum Metodyczne Pomocy Psychologiczno-Pedagogicznej, 2000, p. 11.

¹⁸ A.E. Kazdin: *Adolescent Mental Health. Prevention and Treatment Programs*. „American Psychologist” 1993, no. 48.

- destructive behavior disorders (e.g. motor overexcitability disorder, attention deficit, behavioral disorders),
- anxiety disorders,
- hearing disorders,
- gender identity disorders.

The magnitude of these issues affecting youth reflects in the statistical data concerning the educational-care measures imposed by courts, the therapeutic ones in particular.

Table 5

Therapeutic and educational-care measures imposed on juveniles

| Years | Measure type: | | | | Total | |
|-------|---------------|------|------------------|------|-------|-----|
| | therapeutic | | educational-care | | | |
| | N | % | N | % | N | % |
| 2000 | 129 | 97.0 | 4 | 3.0 | 133 | 100 |
| 2001 | 83 | 80.6 | 20 | 19.4 | 103 | 100 |
| 2002 | 47 | 71.2 | 19 | 28.8 | 66 | 100 |
| 2003 | 41 | 66.1 | 21 | 33.9 | 62 | 100 |
| 2004 | 50 | 65.0 | 27 | 35.0 | 77 | 100 |
| 2005 | 53 | 60.2 | 35 | 39.8 | 88 | 100 |
| 2006 | 47 | 59.5 | 32 | 40.5 | 79 | 100 |
| 2007 | 53 | 76.8 | 16 | 23.2 | 69 | 100 |
| 2008 | 48 | 64.0 | 27 | 36.0 | 75 | 100 |
| 2009 | 68 | 58.8 | 20 | 36.3 | 88 | 100 |
| 2010 | 76 | 57.0 | 30 | 38.4 | 106 | 100 |
| 2011 | 102 | 56.9 | 17 | 38.4 | 119 | 100 |
| 2012 | 101 | 58.6 | 10 | 37.6 | 111 | 100 |

Notes: N – the number of respondents

Source: The author's own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw

The research revealed that during the analyzed period (2000–2012) the rate of therapeutic-educational measures imposed on juveniles decreased (from 133 in 2000 to 111 in 2012), including the number of therapeutic measures that decreased from 129 to 101.

According to Andrzej Gaberle and Marianna Korcyl-Wolska¹⁹, therapeutic measures – are applied if a mental disorder, mental disease, or any other mental disorders, alcohol abuse or taking other intoxicants are

¹⁹ A. Gaberle, M. Korcyl-Wolska: *Komentarz do ustawy...*, p. 85. See also: A. Nowak: *Zapobieganie demoralizacji...*, pp. 90–91.

identified in a juvenile; if this is the case a referral to a mental hospital or other treatment facility is ordered. As for the educational-care measures – they are applied if mental functions are determined in a juvenile and it is required to provide special care; then the court refers the juvenile to a respective educational-care facility or a center (youth educational or socio-therapeutic center), and in the case of mental disability to a grave degree – to a nursing home.

The reasons for applying the most severe measure which is placing the juvenile in a correctional facility are:

- a high degree of depravation,
- circumstances and the nature of a penal act,
- determined or expected inefficiency of the actions being taken (i.e. other measures).

Placing the juvenile in a correctional facility may be imposed irrevocably or as a suspended measure. A conditional suspension of placing the juvenile in a correctional facility is applied if the juvenile delinquent's personal and environmental properties and conditions, as well as the circumstances and the nature of an act justify the assumption that educational purposes will be achieved without the need of placing the juvenile in a correctional facility immediately. This type of a corrective measure is determined for a trial period of 1 to 3 years, during which the court applies educational measures to the juvenile²⁰.

Based on the data revealed, the frequency of imposing an irrevocable referral of a juvenile delinquent to a correctional facility tended to grow until 2004. Over the subsequent years a significant decrease was observed – from 544 in 2004 to 250 in 2012, i.e. by 294 court orders. Over this 8-year period the number of individuals being placed in a correctional facility significantly reduced – by 54%. This tendency can be explained by two phenomena. The first one refers to the decline in the number of juvenile delinquents as a result of the demographic crisis concerning this age group, while the other one concerns the courts' ruling practice as a consequence of which family courts refer juveniles more often to education care centers than to correctional facilities. A similar tendency can be seen in case of a conditional suspension of placing the juvenile in a correctional facility.

Corrective measures in the years 2000–2012 (see Table 4) accounted for 1–3% of all imposed types of measures provided for in the Law on juvenile justice. This situation should be given a positive feedback and the causes of such status quo can be seen in the fact that the court regards the corrective measure as the final means. According to Zofia Ostrianska and Dobrochna Wójcik, “less frequent ordering of the latter measures could

²⁰ B. Stańdo-Kawecka: *Prawo karne...*, pp. 306–307.

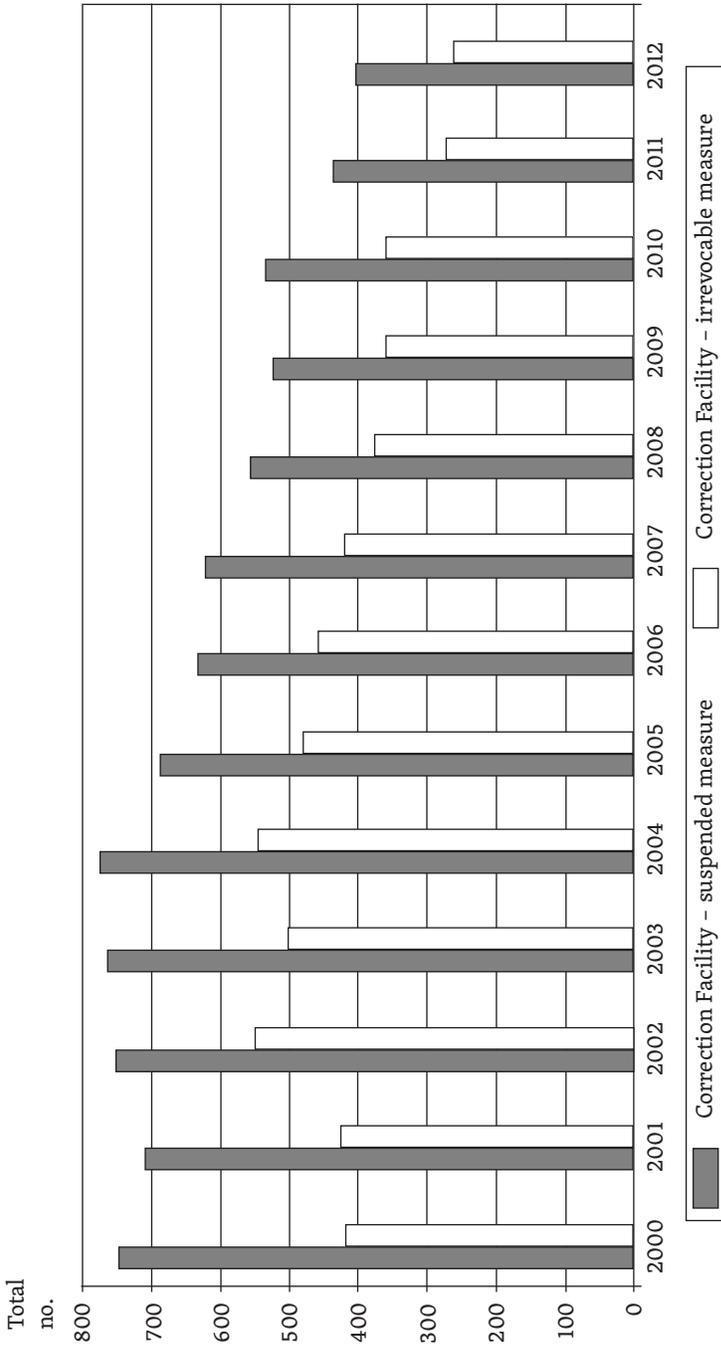


Figure 2. Measures imposed on juveniles in corrective proceedings (2000–2012)

Source: The author's own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw.

be expected to be given a positive feedback as this tendency is in our opinion right and consistent with international standards, postulating the reduction of the measures involving an isolation of the juvenile from the society to the required minimum”²¹.

Conclusions

The statistical data presented herein show the growing number of juvenile delinquents especially as a result of an increase in deprivation issues – in the years 2000–2012 from 8,878 to 15,247 juveniles (i.e. by 72%). The number of penal acts committed by juveniles decreased. An increase in the number of juvenile delinquents (Table 1) incites a reflection on the preventive measures taken to counteract this issue and to an attempt to answer the question about the adequacy of applied responses to the changing social situation (the issue of new risks including new forms of addiction). The statistical data displayed in this paper concerning the actions being taken (court orders) in case of juveniles cannot be assessed unambiguously. It is encouraging that the prevailing court reactions are educational measures which do not contain repression elements as a rule. Besides, they are imposed not only on the juveniles revealing depraved behavior, but also – except for some cases – on those committing penal acts.

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²¹ Z. Osrihanska, D. Wójcik: *Zasady odpowiedzialności nieletnich wobec kodyfikacji karnej*. „Państwo i Prawo” 1998, z. 9–10, p. 208.

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Monika Noszczyk-Bernasiewicz

Juvenile Delinquency in Poland Dimensions and Selected Forms of Response

Summary: This paper provides data concerning the scale (dimensions), dynamics, and structure of deprivation, as well as penal acts committed by juveniles over the period 2000–2012. The research results presented here are the author’s own elaboration of the data from the Statistics Department of the Ministry of Justice in Warsaw.

The prevention of juvenile deprivation and delinquency requires the use of countermeasures against these issues on an individual and collective basis and against the deterioration processes.

For several years, there has been observed an increasing interest rate regarding activities aimed at preventing and reducing many worrisome behaviors among children and youth. Focusing on this issue can be explained when looking at police or court statistics that each year show a growing number of juveniles reaching for alcohol or other intoxicants, starting sexual activity early, committing brutal acts of aggression and criminal acts.

Key words: juvenile, deprivation, penal act, delinquency

Monika Noszczyk-Bernasiewicz

Die Jugendkriminalität in Polen

Ausmaß und ausgewählte Vorbeugungsmittel

Zusammenfassung: Der Artikel präsentiert die, den Ausmaß, die Dynamik und die Struktur von der Demoralisierung und von Straftaten der Jugendlichen in dem Zeitraum 2000–2012 betreffenden Daten. Die Ergebnisse der Analysen werden von dem Departement für Statistik des Justizministeriums in Warschau bearbeitet.

Die Bekämpfung des Sittenverfalls und der Jugendkriminalität heißt, dass man Maßnahmen zur Verhütung von den Erscheinungen und deren Festigung sowohl im individuellen und allgemeinen Ausmaß trifft.

Seit einigen Jahren beobachtet man in Polen ein steigendes Interesse für Maßnahmen, die vielen Besorgnis erregenden Handlungen von Kindern und Jugendlichen entgegenwirken und deren Anzahl reduzieren sollten. Dieses Interesse ist in den Statistiken von der Polizei und von dem Gericht begründet; diese deuten zwar darauf hin, dass die Anzahl der Jugendlichen, die nach Alkohol oder anderen Rauschmitteln greifen, mit der sexuellen Aktivität sehr früh anfangen oder brutale Aggressionsakte und Straftaten verüben jedes Jahr ansteigt.

Schlüsselwörter: Jugendliche, Demoralisierung, Straftat, Kriminalität