**FAMILY AS A FACTOR FOR RECIDIVISM AMONG CHILDREN IN CONFLICT WITH THE LAW**

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***Abstract***

*The increase of the number of children who are recidivists in perpetration of criminal acts indicates that there is inappropriate response to the needs of the children. The stratification, poverty and unemployment result with revolt of the children towards the dysfunctional system, which leads to aggressiveness and violence. The family, namely the parents are role models for perception of positive identification at children and imposing of own parenthood styles (authoritarian style, permissive style, democratic style or indifferent style). The dysfunctionality of family leads to incapability for fulfilment of the obligations for assistance, care and protection of the children.*

*The conducted research with the families related to the profile of the recidivist children in conflict with the law, resulted with cases of: children living with both parents, children with a status of children born in marriage, family not in position to control the child’s behavior, serious social problems in the family, parents with completed primary or secondary education, employed father, unemployed mother, beneficiaries of social financial assistance or with salary above 21.000 denars and children living with the parents in their own house.*

*The results from the conducted research indicate the need for long-term solutions for proactive interventions through modification of informal and formal mechanisms in line with the needs of the children in conflict with the law. Interventions should be based on professional work with the children, their families, utilization of the local resources in the community through intensive family therapy and established support network; overall planning, implementation, monitoring and evaluation of the interventions; and modification of interventions according to the individual needs of the children.*

***Key words:*** *child, family, criminal act, recidivism, risk factors.*

**Defining recidivism among children in conflict with the law**

Etymologically the term „recidivism “comes from the Latin words prefix *re-* and the verb "cadere" (meaning "to fall") or literally “to fall back”. There are many different synonyms, such as: reversion, relapsing, backsliding”. There are three main definitions of recidivism:

* Criminal-legal definition – according to which recidivism represents a repetitive perpetration of crimes by a person who has previously been convicted for perpetrated crime of similar and/or different nature. The criminal-legal recidivism may be general or special depending on the fact whether the previously convicted person perpetrated a new crime of a same nature as in the previous case (special recidivism) or the newly committed crime is of different nature compared to the crime for which the person was previously convicted (general recidivism).
* Criminological definition - recidivism represents a repeated crime regardless of the sentence for the previously committed crime. In this sense, it would be if a person committed a new crime, and there isn't still passed valid verdict which sentences the person for a crime which has been previously committed;
* Penological definition of recidivism - recidivism means that the person has been sentenced again with a measure/sanction after paid penalty/spent time in institution for the previous measure/sanction. The penological recidivism results due to two types of factors:
* inappropriate social reaction – improper selection of criminal sanction, for previously committed crime, or
* inadequate treatment in the process of resocialization, that is, inappropriate treatment in educational-correctional institutions where the sanction is taking place.

The recidivism in perpetration of crimes is a very worrying phenomenon and requires appropriate social reaction. In the scientific literature (Milutinović, 1976, Singer, 1996, Lakićević, 2000, Buljubašić, 2008) the recidivism at children perpetrators of crimes is marked as definite indicator for unsuccessful re-socialization measure or lack of appropriate social measures, which is common feature of all recidivisms, regardless of other divisions, meaning that the criminal sanction or other alternative forms of social reactions for the first crime or previously committed crimes, did not give positive results and the children continued to commit other crimes.

**Family as a risk factor for recidivism**

The family, namely the parents are the *role model for perception of* positive identification of the children and they impose own parental styles (authoritative style, permissive style, democratic style or indifferent style). A dysfunctional family is considered the one which is not in a situation to fulfill the obligations which ensure proper development, assistance and care and protection of the children. The modern family entails feature of a pluralistic family which has changed structure and functions, transformation of emotional and sexual relations, legal, economic and social equality of the woman, and changed attitude between genders, partners with divided parental functions. The family is a complex system that regularly changes. Inside this system, there are several subsystems of which most important are the subsystem parent/child and the sibling’s ones.

The reasons for recidivism in perpetration of crimes are very complicated, and the most frequently mentioned factors are different events in the family. The most important factor in the life of the child and in the development of his/her behavior, is the family environment and the family relations.

The families with more family members have several subsystems such as grandfathers/grandchildren, etc. The family as a system, needs to have also adequate relations with the external world, and if these relations do not function properly, the family may lose its identity as a family become isolated from the community in which it exists and functions.

Each family has a different type of functioning regardless of the composition, its past, the personalities within the family. Still, the roles are most frequently guided by the family rules that represent “repeated mode of interaction that is developed by family members (Crosson – Tower, 2005).

The dysfunctional family usually faces one or multiple social problems, such as alcoholism, drug abuse, sexual abuse and family violence, etc. which may significantly contribute for delinquent behavior (Subotin and Odalovik, 2016: 43-55). Conflicts in the family, negative emotional situation, crime and alcoholism in the family, particularly of the parents, lack of attention and following the behavior of the children and lack of involvement of the parents in the everyday life of the children, causes and provokes deviant behavior of the children. Absence of emotional attention, love and parental support and guidance, living in difficult circumstance, suffering psychological and physical abuse, having sense of constant fear and anxiety, or witnessing some kind of violence towards other family members can also provoke deviant behavior. In situations when one of the parents is an alcoholic, the effects of alcoholism have destructive impact on the spouse, and the partner is also not in position to pay attention to the child and its development, because it has to look after, equally or even more, for the partner (Subotin, Odalovik, 2016: 43-55). When the parent feels unsafe and is under the impact of stress, he/she does not have strength to cope with the daily problems of the child. The duties and responsibilities become more complicated and the parent does not have the strength and energy to cope with the changes in the family.

Due to financial challenges, both parents in the family are forced to work long hours and leave their children to be taken care of by other people, by the grandparents or left on their own. Nowadays, more families experience the economic crisis, which results in increasing in number of divorces, and the relationship parent/child becomes more complicated than in the past.

**General data on children in conflict with the law– recidivists**

Data presented in this article are gained as e result of the research conducted in twelve centres for social work in Skopje, Kumanovo, Tetovo, Radovish, Kavadarci, Ohrid, Negotino, Shtip, Veles, Bitola, Strumica and Delchevo; as well as in the public institution for children and youth with educational – social problems and deteriorated behavior – Skopje. Total of 104 questionnaires were processed with children in the conflict with the law who repeated the criminal act in 2018.

* **Gender and ethnic background**

Available data from the analyzed files showed that only one child-recidivist was female, while the other 103 children recidivists were male.

All children are citizens of the Republic of Macedonia, but there is a difference in terms of their ethnic background. The level of their participation in the total number of analyzed cases shows significant differences. It is evident that the highest percentage of the children-recidivists are with Macedonian ethnic origin – 38%, followed by children - recidivists with Roma ethnic origin – 33%. The children - recidivists from the Albanian ethnic community amount to 20% of the surveyed children. There is insignificant number of children recidivists with Turkish, Serbian or Bosnak ethnic origin, having in mind the fact that the children from these three ethnic groups participated only with 9% in the total analyzed cases.

The analysis showed that there is no case in which parents belong to different ethnic groups, meaning that there is no risk factor for delinquent behavior at children from „mixed marriages".

* **Family situation**

In terms of the family situation of the child - recidivist, it’s a quite concerning fact that 66% of these children live with both parents, and 71% of the children were born in marriage. The analysis indicates 50% of the children included in the research are neglected without family protection and control of the behavior of the child. In most of the cases, these are extended families uncapable to be functional in terms of provision of care, protection, assistance and supervision over the children. This is a result of impact of several reasons that cause dysfunctionality of the family functions: reduced authority of the parents due to consumption of alcohol, verdicts, imprisonment, poor economic situation in the family, unemployment and inability of the parents to reduce the gap between desires, possibilities and needs of the child, leaving the family, divorce and destroyed marriage, new and unstable partnerships.

As indicated by Subotin and Odalovic (2016: 43-55) the dysfunctional family characterized by alcoholism, family conflicts, lack of discipline may trigger delinquent behavior.

Prevailing problems in the family are as follows:

* Bad relationship with the parents, brothers and sisters;
* Conflicting relationship with the parent;
* Criminal behavior of other children in the family (brothers in institution, brothers in prison, perpetration of crime with brother / father);
* One of the parents left the family (mother in new illegitimate marriage; unknown whereabouts of the mother; the child had no contacts with any of the parents; the father left the child; the father lived in a new illegitimate marriage, unknown whereabouts of the father since the earliest age of the child);
* Both parents left the family – the child lives with the grandmother; the uncle is the guardian of the child; the child is sheltered in an institution for children without parental care;
* Both parents are in prison (for theft, robbery, drug trafficking, child neglect and child maltreatment);
* None of the children (in a family with many children) is not included in the education process (street children);
* Family violence (violence by the father; child victim of family violence by the stepfather);
* The parent is serving time in prison (in most cases the father; in one family both parents are in prison, and one brother in an institution, and the sister in a foster family);
* Family conflicts which reflect on the children (divorce procedure in process);
* Drug abuse in the family (two brothers died of overdose; father is a drug addict; father is in prison due to drug trafficking);
* Alcohol abuse in the family (most frequently, the father abuses alcoholic; in some rare cases, under treatment;
* Nomadic lifestyle of the family (the children are not included in the educational process; absence of elementary housing conditions; father without birth certificate);
* Vagrancy and beggaring of all family members;
* Chronic disease in the family (depression; psychiatric illnesses; emotional disorders; heart diseases; blindness; schizophrenia);
* Deceased parent, and the other parent has no authority over the child; the other parent left; the other parent has new illegitimate marriage where the child could not adapt due to aggressiveness, anxiety, uncertainty, recklessness, impudence, disrespect, etc.
* The child is not supported by the father in the family (the father manifests resistance and unwillingness to cooperate with the centre for social work instead of participation in activities and implementation of measures for correction of the child’s behavior).
* **The age of the parents at the time of the birth of the child**

The research team was interested in data regarding the age of the parents at the time of the birth of the child in conflict with the law, mainly in two aspects: whether there are cases of young parents that could be one of the risk factors and whether there are cases of significant differences between the parents and children’s ages that could impact on the generational gap and insufficient communication.

The results showed thatsome of the mothers were quite young (15% of the mothers are in the age group between 16-20). The dominant group at both parents in the moment when they became parents is the age group between 26-30. Higher percentage of fathers belong in the age group 31--40, compared to the low percentage of mothers in these age groups. A significant number of respondents (22% of the respondents) did not provide data on their age due to lack of data in the files, not provided information in questionnaires, or due to unknown parent or deceased parent.

* **Educational and employment status of the parents**

Previously was elaborated the impact of the family status of the children – recidivists, on the criminal behavior since their early childhood. Another important aspect related to assessing the risk factors for recidivism at children is the level of education of the parents and their employment status.

Both parents of the children – recidivists, in most cases (over 2/3 of all analyzed cases) have primary or secondary education. Around one third of the parents fall into the group of persons with incomplete education, illiterate or persons who don’t have any data on education in the file.

The educational status of the parents has an impact on the employment status. The highest percentage are unemployed parents (father 40%, mother 65%). Although, there is assertion that the incriminating behavior of the children partially is a result of the employment status, emancipation and absence of the mother from the home, this cannot be supported by the results from this research. On the contrary, the fact that 65% of the mothers of the children – recidivists are unemployed, indicates the absence of family care and attention despite the lack of employment obligations. It is quite concerning that in most of the cases, the professional team from the Centre for social work stated that the family is not in position to control the behavior of the child.

The employment and educational status of the parents, as shown by the research results, has significant impact on the behavior of the children.

* **Material and housing conditions**

In order to obtain more data on socio-economic status of the families with children recidivist, there was a need for analyses of the material and housing conditions of these families. The results showed as follows:

* most of the employed parents belong to the group with salary above Denar 21.000 (17%),
* most of the unemployed (26%) are beneficiaries of social financial assistance.
* close to ¼ of the surveyed are families without income and those that lack data about concrete income (unknown whereabouts of the parents, child in an institution, child living with relatives, parent in correctional institution, etc.).

The economic situation of the family of the child with delinquent behavior results with two extreme situations: on one hand, the families where the parents are unemployed, experience difficult economic situation due to lack of regular income or if they are beneficiaries of social financial assistance or permanent financial assistance, and on the other hand, families with employed parents, regular and solid income and appropriate housing.

Material situation usually is in line with the housing status of the families, which seems not to be very concerning fact in the analyzed cases. Namely, 44% of the surveyed families have decent housing conditions. However, the first impression is corrected with the fact that close to 30% of the families have unresolved housing situation (no bathroom; improvised dwelling; living in rented premises or with relatives or with unmarried spouses; and there are cases of those living in premises given on use by the local self-government). Analyzed together with the number of families lacking data in the files it appears that significant percentage of the families have serious problems due to unresolved, partially resolved or temporarily resolved housing status.

As a result of the data gathered in the research, it can be confirmed that poverty has impact on perpetration of crimes, as indicated by Skakavac (2014).

* **Change of the place of residence**

During the research, information was gathered related to different places of birth and place of residence of the children. It was important to obtain this data, since in the criminal etiology of crime behavior, it is indicated that the internal migration process has undoubtedly significant impact on the adaption of the child in terms of the living environment, adaptation to the new educational environment, change of friends and the behavior with the peers, the sense of uncertainty that may be manifested such as introversion, as well as aggressiveness and stressed frustration.

Nevertheless, it is evident from the obtained data that in the analyzed year, the problems related to change of place of residence compared to the place of birth are completely irrelevant, and they are present in only 13% of the cases and cannot be considered as a risk factor which contributed for appearance or escalation of criminal behavior at children.

**Conclusion**

Knowledge acquired in this research related to family situation of the children in the conflict of the law as a risk factor for recidivism in committing criminal acts is in the line with the previous gained theoretical and empirical statements. Social problems, such as poverty and unemployment, conflict family relations, drug and alcohol abuse, history of deviant and criminal behavior of the family members leads to the dysfunctionality of family and incapability for fulfilment of the obligations for assistance, care and protection of the children.

Analyses of the gathered data reveals the profile of the recidivist children in conflict with the law as: children living with both parents, children with a status of children born in marriage, family not in position to control the child’s behavior, serious social problems in the family, parents with completed primary or secondary education, employed father, unemployed mother, beneficiaries of social financial assistance or with salary above 21.000 denars and children living with the parents in their own house.

The results from the conducted research indicate the need for long-term solutions for proactive interventions through modification of informal and formal mechanisms in line with the needs of the children in conflict with the law. Interventions should be based on professional work with the children, their families, utilization of the local resources in the community through intensive family therapy and established support network; overall planning, implementation, monitoring and evaluation of the interventions; and modification of interventions according to the individual needs of the children. There is a need for enhancing parental skills for ensuring daily functioning of the family in positive, caring family environment, which would stimulate appropriate development of the child and ensure prevention of problematic deviant behavior.

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**ПОРОДИЦА КАО ФАКТОР РЕЦИДИВИЗМА ДЕЦЕ У ВРШЕЊУ**

 **КРИВИЧНИХ ДЕЛА**

*Абстракт*

*Повећање броја деце који су рецидивисти у вршењу кривичних дела указују на неадекватан одговор на потребе деце. Раслојавање, сиромаштво и незапосленост родитеља деце доводе до револта према нефункционисању система, повећању агресије и насиља. Породица или родитељи су узор за сагледавање позитивне идентификације код деце и намећу властите стилове родитељства (ауторитарни стил, пермисивни стил, демократски стил или равнодушни стил). Дисфункционална породица није у стању да испуни обавезе за правилан развој, помоћ, бригу и заштиту деце.*

*Спроведено истраживање о породичним приликама указује да је профил детета-рецидивиста у вршењу кривичних дела дете које: живи са оба родитеља, има статус брачног детета, породица није у стању да контролише своје понашање, постоје озбиљни проблеми у породици, родитељи имају завршену основну или средњу школу, отац ради, мајка не ради, породица користи новћану помоћ или имају плату изнад 21.000 денара и дете живи са родитељима у сопственој кући.*

*Резултати са спроведеног истраживања показују да постоји потреба за дугорочним решењима за проактивне интервенције кроз модификацију неформалних и формалних механизама за решавање потреба и проблема деце у сукобу са законом. Интервенције требају се базирати на професионалним радом са дететјом, његовој породица и ресурси у локалној заједници, уз интензивну породичну терапију, кроз изградњу мреже подршке, као и комплетно планирање, праћење и евалуацију интервенција, као и њихова модификација у складу са индивидуалним потребама детета.*

*Кључне речи: дете,породица, кривична дела, рецидивизам, фактори ризика.*

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