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Romanian probation system and the effect of semantics in social work

Dr. Mihaela TOMIȚĂ*, Dr. Cosmin GOIAN**

Abstract

Institution of probation occurrence was determined, on the one hand, the need to develop systems tailored to the dynamics of judicial crime, and on the other hand, the emergence of new current accounts in criminology, which advocates crime outside the criminal justice system and reflects the essential mutations to the traditional philosophy of punishment and its functions. Probation as an alternative measure, promote social rehabilitation of offenders for which reason, the correct assessment, complete training conducted by the probation counselor, support activity of the court in the individualization of punishment in accordance with the risk posed by criminal and real prospects for social reintegration. Social worker and the probation counselor must have communication skills and understanding appropriate to each case, the language used by him to facilitate communication both with other specialists, judges, prosecutors, lawyers, service providers and beneficiaries of probation, meaning offenders. Constituent particle of the relationship between professional social worker/counselor and the probation client is interpersonal communication and effective communication between them, in the process of solving the problem, is determined by professional jargon which creates barriers that affect communication and the implicit lack of effectiveness of intervention recuperative. Probation and other community sanctions are under the legal nature of a criminal sanction. Through the goals and objectives followed it detaches from the traditional system focused on repression and isolation.

Keywords: probation; alternative sanctions; punishment; social reintegration; language; communication.

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Introduction

The new criminal policy comes as a contra argument to the old concepts of retribution justice, coercive and intimidating, as stated in the Criminal Code in force, where death occurs as “a measure of coercion and a means of reeducation of the convict”. Unfortunately, the size of re-education remained for a long time a simple goal. An overwhelming share of prison sentences have resulted in an overflow in the prison environment and the creation of optimal conditions for the improvement of criminal behavior, with a high percentage of recidivism. Especially in the case of minors, the lack of alternatives to detention was the premise for an excessive sanction of criminal behavior, taking little account of personal circumstances and objectives of each case. As the penal system centered social control, criminal punishment (particularly the deprivation of freedom) was considered the most suitable re-education of persons who have committed crimes and prevention of the commission of such acts. Criminal practice developed in this axiological horizon of a certain steadiness route, from which there were few exceptions. Since entry into the system, is faithfully followed all procedural stages.

The Strategy for Developing the Romanian Penitentiary System from 2009-2013 is set out in strategic objectives: (1) office development and educational assistance tailored psychosocial needs of people in custody; (2) ensuring the safety of detention; (3) institutional performance management; (4) quality health care for persons deprived of freedom, protecting and promoting health and prevent illness; (5) transparency and a real picture of the penitentiary system to the company. Currently, the prison system has: 32 prisons, including one prison for women, 2 prisons for young children, 6-prison hospitals, 3 re-education centers and 2 units of education. In mid 2009, the number of persons deprived of liberty which carries a penalty of deprivation of liberty in the prison system prison units is 27,151, compared to an accommodation capacity of 34,150.

In the European Penitentiary Rules, emphasis is placed on concepts based on human and positive treatment of detainees, on the role that it plays in penitentiaries serving staff and modern management, effective with them. Under these rules, deprivation of liberty will be the moral and material condition to ensure appropriate respect towards human dignity without discrimination against race, color, sex, language, religion, political or other views. The goal of treatment applied to persons in prison custody will be maintained so as to protect their health, their respect, and help them develop sense of responsibility and encourage those attitudes and skills to use them for reintegration into society.

In the Romanian penal policy, efforts are being made for implementation of such measures or non-custodial sanctions recommended and otherwise insisted on in all international documents. In this new century, specialists are called upon

to find effective solutions and real-time crime prevention and treatment of criminals; they still face a large dilemma: the treatment of criminals in prison or outside. Regardless of the traditional arguments about the contradictions inherent in security features of the prison and reeducation, other factors such as appearance of prisons dehumanize, and have negative and weak influences of the on human personality, achievement and acceptance that imprisonment is not able to improve the chances that a delinquent path to follow the law and the fact that the prisons can not sink crime, gave new impetus to the movement favoring treatments criminals outside prison, by a new and dynamic approach based on community.

The tradition of Western countries shows that a system based on community resources is much more efficient.

Alternative sanctions versus prison punishment

Diversion from punishment by imprisonment in itself requires monitoring (probation and suspension of sentence or conditional release under supervision, community work, contracts with minors, training in a new, open settlements, custody of minors and young adults of the community of organisms) and control measures which do not require such supervision (conditional suspension of execution of sentence, conditional payments, delaying the execution of punishment). Criminal warnings, including reprimand and payment of unconditional and conditional payments are used for minor offenses, and other measures of diversion from the pain of imprisonment are: (1) *pecuniary penalties* (fines); (2) *compensatory payments* (which may be imposed as one of the terms of the conditional suspension of execution of sentence); (3) *personal compensation* (often used in common systems of justice); (4) *confiscation*. Certainly, there is a problem of resources, both material and human, namely the need to entrust this task to a staff which is professional, carefully recruited and trained and paid for this purpose is essential for the purpose of justice. For any person, minor or adult, deprivation of liberty in the penitentiary is a special situation, with the broad resonance in his life, both during detention and after release. As long as the individual is in prison, people who also committed antisocial acts, the greatest difficulties are located in relations with people, but also adapt to a lifestyle that involves multiple deprivation.

In most cases the onset of crime is carried out from acts of bravery, terribly and in company of friends, not premeditated and not completed with very large losses. Many children who arrive before the judges receive uncustody punishment, but no institutions to deal with changing their criminal behavior, the risk of recurrence is high and they arrived the second time for another act, before the judge, the latter can give another uncustody sentence. Experience from other countries in

the justice system for children and young people shows clearly that the severe system of punishment does not offer an effective solution to reduce the phenomenon of juvenile delinquency. Commission of „school crime”, high rates of recurrence, to commit more serious crimes after the expiration of the sentence and the inability to identify appropriate ways to demonstrate that the rehabilitation of traditional retribution or punitive justice works in inefficiently without producing the expected results.

Recourse to other sanctions in place of prison punishment is a significant reduction in recidivism, since studies show that children in detention show a substantial rate of reoccurrence. By diversion from punishment by imprisonment and punishment based on their services in the community, they will be able to maintain positive ties with family, school and community. These links increase the chances of beneficial reintegration of the child. Specialized studies show that children who go to prison for the first time have multiple symptoms (weaken, have insomnia, crying, pain in the lower limbs are disoriented in time). In this case the feeling of shock in a prison for juveniles is directly proportional to the pre-existing emotional disorder feelings, the sensitive, and the immature in social and emotional, the sick usually suffer most. During this period disappointment replaces despair because children are leaving the family, they take personal strength, and contact with the mentality and life style difficult to understand for they are the children to join fast enough to informal norms and values which are at odds with those promoted by the prison.

Intervention service may occur at an early stage of criminal proceedings, in a period very close to committing the crime. For example: at the stage where the accused is in research, probation advisers can be called to resolve a number of issues purely material, such as prevention of family arrested in explaining the different phases of the judicial process, but prosecutor to provide for other elements to clarify the nature of the procedural guidance (such as where are the preventive arrest). Probation services contribute to improving public safety through supervision of persons who have committed acts provided for in criminal law and are maintained in a state of freedom by the courts. Also, the intervention of probation is found in the protection of victims of crime as shown in nr.211/2004 law on measures to protect victims of crime. Services are currently held on the courts across the country and run its business by attracting and involving the local community in the process of social reintegration of persons, but also in protecting victims.

Probation and the social space for community safety

The main tasks of the probation service concerns: (1) supervision of compliance by the person convicted of the following measures: the presentation, the data set, the probation service, announced in advance of any change of domicile, residence or dwelling and any travel beyond 8 days, communication and justification of the change work, communication of any information which may be controlled means of livelihood; (2) monitoring performance of obligations imposed on the convict by the court such as conducting an activity or participation in a course of education or qualification, to not attend certain set, not to get in touch with people, not lead any vehicle or obligation is subject to control measures, treatment or care, especially in order of desintoxication; (3) monitoring performance of obligations imposed by the juvenile court, such as the obligation not to frequent certain places set, not to get in touch with certain persons, to perform unpaid work in an institution of public interest; (4) drafting at the request of the court or the prosecution, assessment of essays on the defendant; (5) collaboration with public institutions to measure child forcing performance in providing an unpaid in an institution of public interest; (6) individual counseling of offenders in terms of social behavior, group and individual; (7) special protection, social and legal assistance to children and young people who have committed crimes; (8) reintegration requiring offenders to participate in such programs, to assist them in complying with conditions imposed by the court and for their social reintegration; (9) identifying jobs available, training school, as well as skill training or retraining for persons in the records.

Another important task is required by law nr.211/2004, probation services are competent to provide psychological counseling and other forms of assistance to certain categories of victims of crimes of attempt to murder, or other personal injury and violence on members of the family, the crime of serious personal injury, intentional crimes of which were due to serious personal injury victim, the crime of rape, sexual act with a minor, sexual perversion and sexual corruption, the crime of ill-treatment of the minor and the crime in nr.678/2001 Law on Preventing and Combating Trafficking in Persons, with subsequent amendments. The volume of activity increased in the period 2003 - 2005 by a percentage of 150%. If in 2003, services were highlighted on 5943 people in 2005 they recorded a total of 15,230 people. To this is added a volume of additional work resulting from the granting of psychological counseling and other forms of assistance to victims of crime.

So that probation represents a sine qua non condition for the reform of the criminal justice system, as it is in all countries with tradition in this domain, it has to be correctly sized and so to represent the basis of respecting human rights and to lead to uncongestion of the prison system

When drafting the legal acts mentioned, both national experience and international were taken into account, as well as a number of recommendations of the Council of Europe, such as Recommendation R (92) 16 on the European Rules on community sanctions and measures, Recommendation R (2000) 22 on improving the application of European Regulation on Community measures and penalties. Development of probation in Europe followed like a geographic algorithm, West to East. Differences between probation systems in different countries have been and are still evident especially from the perspective of belonging to a particular system of law or another (Neamtu and Stan, 2005, pp. 299). The judiciary in Romania operates under Continental law, which means that court decisions are based mainly on the Constitution, codes and various special laws (Kalmthout, Roberts, Vinding, 2003- p.p. 257).

Romanian system of probation

In Romania, probation services are established in addition to all courts in the country, most of them based right in the court building. Each service is headed by a chief of service, coordination of work and services is provided by the social reintegration and supervision of the Ministry of Justice. Activity probation services are developing to enhance solidarity and community safety, reduce the risk of committing new criminal offenses and to adopt a behavior according to social rules and laws by those who were sanctioned criminals. Declared aims of the probation service, as they appear in good part of criminal laws are: (1) social reintegration of persons who have committed acts provided for in criminal law and whose guilt has been established; (2) attracting and active involvement of community in the process of social reintegration of those who have committed crimes; (3) ensuring a balance between social security needs of the community and the specific needs of offenders.

Effectiveness of intervention for these services, probation must meet a set of requirements/basic obligations which include a high level of supervision of a felon who is under the control of sentences with respect to probation or conditional is free. Teams work within the probation service, should be coordinated so that the circuit to ensure the supervision of those who committed criminal acts when they take the first contact with the justice system and until they are able to cope with the rules of social coexistence. Thus, probation services are not carrying on separately, but fall into the state institutions aimed at protecting the general public.

In establishing the detention must be taken into account the legal situation (unimprisoned or convicted detained, criminal misconduct or to the first repeater, short sentence or punishment large), the special requirements of their needs such as medical, age and sex. Thus, children will be held under conditions to protect the possible negative influences, taking into account the specific needs of their

age. However, it is shown that the deprivation of liberty, incarceration, is a punishment in itself. Therefore, prison conditions and prison regimes will be considered as separation to do to maintain discipline without thereby aggravating the situation of detainees. Efforts must be oriented so that these institutions ensure conditions of living compatibly with human dignity and in accordance with the community, minimizing the possible negative effects of imprisonment and the differences between life in prison life and freedom, which may lead to lowering of respect from him and a sense of personal responsibility to inmates. It is also recommended to be supportive and strengthen ties with family and outside the community to promote the best interests of prisoners and their families, ensuring that educational resources, moral and spiritual are in a direct line with their specific needs. The conflict between the purpose of retribution and punishment to restorative may be regarded as a catalyst for fluctuations in the European penal policy. Influence is reflected equally in the evolution of the Romanian penalized. The principle that generated new guidance system is penalized Romanian participation in the process of offender reintegration into the community, the community whose values he endangered by crime.

The probation service is an alternative to punishment in prison with people who have committed crimes with low social risk. The Global Opportunity Fund project that was conducted over a period of 2 years and endorsed the implementation of a management in the probation service. Within this was imposed the Excellency European Model, a tool that allows system management, to evaluate activities of the probation service and to determine the extent to which they were achieved the objectives set. Global Opportunity Fund Project "Strengthening the system of probation in Romania" came to support implementation of new legislation in criminal matters. Through this project cooperation between agencies and interdisciplinary training has been improved, essential components in probation service. The project also aimed to increase information on legislative changes and awareness of the role of various institutions of the criminal justice system. Designed as a continuation of the project DFID „Probation in Romania”, the Global Opportunity Fund (GOF), has established, as pointed out earlier, as the training of probation staff in issues management through the European Excellence Model, a tool for self-model created the National probation service in England and Wales, which allows staff to assess their activities and to determine the extent to which targets set were achieved, both in terms of results and quality work. Thus was created the Romanian Model of Excellence, in agreement with the organization and operation of probation services in Romania and the stage of development thereof. Romanian Model of Excellence is not only one of the GOF projects, but a materialization of the popular activity at the level of the Romanian community sanctions. To achieve this objective, various regional seminars on community sanctions to support the Romanian authorities in implementing the new criminal legislation were organized in 2006-2007. These seminars were well

aware of the specialized units of police, the prosecutor, the courts, probation services, city halls and prison establishments, which have received specialized training in issues of community sanctions and conditional freedom training offered by the British experts. The model was successfully piloted in three probation services of the courts and has been adapted entirely to the Romanian realities in probation. Applying the Romanian Model of Excellence is one of the most important ways to ensure compliance with the principles of diversity, fairness and honesty. The European Excellence Model has been implemented at probation institutions in Romania, both at central and local levels. The target areas of specialization were: self-planning, the quality of legal services provided, effective networking with partner institutions and other collaborators, activity multidisciplinary team consisting of social actors involved in the act of justice. The seminars were conducted on a number of specific objectives aimed for the training of specialists in this field, in the following aspects: (1) general presentation of the functioning of community service in England and Wales; (2) highlighting examples of activities undertaken by the Community in England and Wales; (3) analyzing the structure and inter-institutional processes necessary to provide community service; (4) developing plans for the development and implementation of community service; (5) analyzing the purpose of issuance under the supervision and monitoring program content; (6) stimulating inter-institutional cooperation for managing the risk posed by offenders released under supervision; (7) developing plans for the development and implementation of release under supervision.

Creating a specialized circuit and an appropriate procedure for cases involving minors, such as to ensure speed in solving these cases and more effectively protect the rights of the child, led the establishment of services to protect victims and social reintegration, which operates besides courts. If in 2000 there were 10 experimental centers of probation and was enshrined in legislation Ordinance nr.92/2000 during 2001 - 2002, Ministry of Justice and has assumed responsibility for the establishment of probation services in addition to the 41 courts. A number of acts initiated by the Ministry of Justice have been adopted by Parliament and entered into force, becoming operational during 2005, as part of the reform of the judiciary in Romania. These laws were designed to harmonize national legislation at the European and international level, and also to contribute significantly to improving access to justice and ensuring transparency in the act of justice. New laws on enforcement of sentences set the task of probation powers in new functions. However, with the entry into force of the new Criminal Code, probation services will have responsibility for implementing the provisions of this act and will be responsible for supervision of offenders as juveniles and the adults in a diverse range of community penalties. The project came to support the successful implementation of new legislation in criminal matters because mediate inter-institutional cooperation and interdisciplinary training are essential, while

ensuring full information. The Global Opportunity Fund (GOF) was just one of the programs through which the UK has provided assistance to Romania. But it was an effective tool that has made presence felt in areas such as judiciary reform, fight against corruption, enhancing capacity to absorb EU funds, and local government reform. However, one of the areas that have benefited most from British expertise through GOF was the probation. The fundamental idea of the program was to adapt the principles of organization and functioning of the probation and support post-criminal in the UK to conditions in Romania. These are the goals of this program in: (1) promotion of relevant solutions for depletion Romanian prison; (2) avoid adverse effects that imprisonment has on particular categories, especially minors; (3) responsible involvement of local authorities and a group of volunteer social workers in social reintegration of criminals etc.

Communication as a core of social work for justice

Starting from the principle that probation is the social assistance for justice and the essence of this penal alternative sanction is based on social work; we will highlight several key issues relating to semantic ambiguities and influence their evolution since the probation system in Romania was marked by a series of modifications and changes terminology. The ambiguity of language semantics in social work can contribute to reducing the recuperative effects of social intervention and may lead to more marginalization of the delinquent in general and the minor in particular. Before presenting the study results achieved, we consider extremely important to have some specifications in this regard. Social work, is in the first place, an activity that is language centered where to speak and to converse are seen by the practitioners as origins of the profession. Anyhow, beside the leading position of the written and spoken language in many activities of social work, including social assessment, intervention, social policies, research and learning, social workers and others professional have given a minimal consideration to the significance of language in professional practice” (Hall, 2006, p.1; Ruzzene, 1998, pp.16–21; Miftode 2007, pp. 37-41). In analyzing the language of social work our attention was attracted by the stereotypes and by the amplification of deviance by using by the professionals of the field of unfit concepts with the persons in detention.

We consider as a deontological responsibility for social workers to use always the „cleanest” concept. For instance, it is the professionals’ choice to use concepts as detainee, delinquent, lawbreaker etc instead of person in detention/surveillance. As the perception and experience of one person differs from that of another person implicated in the conversation, the simplest words can have different meanings for different persons. As the meaning depends from their own experience, it might be that a word or a phrase be decoded in different ways from

what the transmitter intended. We refer here to what is known in the literature as the semantic triangle of Ogden Richards. We give one example of many: the social worker can transmit to a person under surveillance the following message: *Tomorrow I will come for a social assessment*, using the term for his basic work instrument of investigation in order to offer help: the social assessment. But the beneficiary will make the connection with the experience of detention and on this way the concept of assessment will be understood as an instrument of penal pursuance. In this manner, communication difficulties will irrecoverably destroy the process of help. (Goian, 2007, pp. 37-41) This situation is frequently encountered in the work of probation counselors, when they must provide the psycho-social assessment, at the request of the court.

So, at the level of interaction, social worker- beneficiary blockages may appear when the social worker perpetuates communication difficulties by using excessively professional terms (Nash, 2003, pp. 2-4). Occasional usage of it creates barriers; it distances the social worker from the beneficiary, the transmitted messages being unclear and lacking sense. Because the social workers work with the most vulnerable persons of the society, in their relationships with them it is preferable for the professionals to use a simple language used in daily interaction. When the recommendation during the interactions with the beneficiaries of the services are expressed in professional terms, they must be compulsory associated with short explanations (Pracsiu, 2008, pp. 59 -61).

Social workers must always ensure themselves that their interlocutor understood the message and when needed clarifying explanations must be given. Slang, as presented previously can create important blockages in the activity of the social workers with the beneficiaries of the services. Using slang makes the simple become complex, what is common to become deep, and what is obvious to become unclear. From this point of view, slang is not used to express something, but to impress somebody. Seen as a euphemism, slang can have a negative face, too. Slang may be demanding, obscures, esoteric, this terminology giving the impression of authoritarianism, deepness and prestige both to the persons who communicate and to the subject of conversation (Lutz, Doublespeak, Harper, 1990, pp. 3-6). Any common language can have many dialects, jargons and variations, each of the completely structured in each own symbol system. Regional differences, those of class, ethnicity, and of gender are crystallized in diverse ways of language and each difference has its own coherence.

Social workers have to learn the language of the beneficiaries in order for the act of communication to be as efficient as possible. The language used by the beneficiary when he presents his problems both to the social worker and to other persons can create problems due to the way they are presented. The way of presentation refers to the way in which a person builds his own psychological reality. Our language is structured in the way in which we perceive it, and any significant change in our way of speech can lead to changes in our way to think.

(Postman, 1976; Bloom, 1991, pp. 530-536). Social work and probation must dictate, through new deontological and institutional regulations, the usage of concepts which should not aggravate and stress the marginal situation of the beneficiaries. For this reason we join to other specialists and highlight that the integration and social reintegration of young people in the community has a number of difficulties due in part to training and professionalization of human resources operating in the area. (Cojocaru and Cojocaru, 2008, p. 160)

Not always deprivation of liberty is the best way for resocializing young delinquents, control delinquency and reducing this phenomenon. Avoiding the use of custodial sentence for juvenile delinquents whose crimes are low-hazard, and prevent the direct intervention of relapse in patterns of criminal antisocial behavior can be achieved by providing for a certain period of time, a wide variety service to help test new behaviors they offer the chance of a real integration into society. These are alternative penalties. For their implementation, however, Romania needs specialists to come up with effective and viable ideas and a network of support services to deal with the faith of those who receive such sentences. We can not claim to have a system that worked so long in a particular way to change overnight. Both the factors must be taken into account: lack of sufficient material and human resources (the mentality and attitudes of those working in the system). That is why research aims to examine the role and place of sentencing alternatives in the resocialization young delinquents. The subject of the study is the implications and effectiveness of the control system to prevent the phenomena of crime with emphasis on the role of alternative sanctions. The main hypothesis of the research was to know how alternative punishments contribute to resocializing young delinquents.

Methodology

Talking about the methodology, it is not only a matter of rhetorical epistemology but one of the highest priorities in the current development of social sciences; methodology in social and behavioral sciences has two sides: a critical analysis of research and formulation of proposals for improving this activity (Mărginean, Chelcea, Cauc, 1998, p.35). Regardless of the perspective (economic, sociological or psychological), the methodology is a basic element of any approach, only able to justify the theoretical and practical conclusions. Against this background knowledge, the researcher can not theorize on the basis of simple documents or information and to take responsibility with the stated minimum. It is to render conduct scientific conclusions from the research on which to justify rigorously through a systematized methodology and to ensure the relevance of the findings. Thus, it must necessarily distinguish between common knowledge and scientific knowledge, to benefit society in a context of globalization and issues of resource

use efficiency. Carrying out a research approach to a problem once, like the present, we are therefore obliged to put in relation methods, techniques, processes and tools of investigation, adequate them to study the subject.

Starting from the objective and purpose presented in our study, we developed a group interview (focus group) to highlight specific aspects of juvenile delinquency from practice in the context of alternative sanctions system (Tomită, 2008, p. 214). Focus-group's was on a representative sample of individuals from academia (professors from the faculties of law, sociology, psychology, social work), specialists from justice (magistrates and lawyers), and probation counselors, prison and centers reeducation officers and policemen. Focus-group is defined as „research strategy involving extensive discussions and interviews of small groups of people on a set topic” (Marshall, 2003, p. 244). Interview group has the advantage that it removes what literature is called „nuclear error, ie to deduct the state of the collective spirit of statistical aggregation - no matter how refined it is - the opinions of the individual” (Rotariu and Iluț, 1997, p.64). Group interview is a qualitative method because it involves the interaction of participants, the exchange of replies, views and ideas on the questions asked, surprising aspects of a quantitative method (a questionnaire).

In order to have constituted three groups: Group A, Group B and Group C, each with 8-10 participants. Discussions of the focus group members were informal, face to face at a round table to encourage open discussion. These were audio recorded and their duration did not exceed 90 minutes.

The discussions were conducted by two moderators, they having the role of state discussed issues and to oversee how they are achieved key points of discussion, without themselves formulate opinions. The only tasks of the moderator were to coordinate the discussion thread topics and to ensure that the questions were well understood. Time for discussion in each group was part of 60 to 90 minutes, during which each participant reported from experience that you are interacting with young criminals and believed about the role and importance of alternative sentencing. The number of persons present in each focus group was 8-10.

Discussions have started with the following questions: (1) What do you think about the phenomenon of juvenile delinquency in Romania? (2) What do you think about the current system of penalties applicable to minors and young people? (3) What do you think about alternative sanctions? (4) What are the advantages of this system compared to penalties involving deprivation of liberty? (5) How involved should the media or other institutions in promoting the benefits of alternative sanctions?

Accordingly, the discussion has the following themes: (1) highlight the characteristics of the phenomena of juvenile delinquency; (2) psycho-social assessment of the young delinquent; (3) evaluation of alternative sanctions, assessment

advantages / disadvantages in relation to punishment by deprivation of liberty; (4) problems encountered when dealing with the minor delinquent; (5) issues affecting the implementation of alternative sanctions.

Objectives focus group are: (1) identifying how each participant relates to the phenomena of juvenile delinquency and delinquent minor; (2) establish the extent to which children in alternative punishment is better than those in the deprivation of liberty, in terms of social reintegration and the risk of recurrent falls; (3) identify ways in which each group is related to alternative sanctions in relation to the deprivation of liberty; (4) to identify problems encountered in applying alternative sanctions; (5) describe the application of alternative sanctions and the situations in which recourse to them; (6) appreciation of the existence of specialized personnel in the implementation of alternative sanctions; (7) assessing the need for establishment of juvenile courts; (8) identify measures to prevent the phenomenon of juvenile delinquency; (9) identifying barriers faced by each group in interacting with juvenile offenders and young people; (10) presentation of suggestions for optimizing specific business entities involved in working with children and young delinquents.

Hypotheses of research by focus-group are circumscribed general research hypothesis, namely: (1) if alternative sanctions are applied, the child has greater chances of success in social reintegration than in the case of deprivation of liberty; (2) if family support doubled the alternative penalties, then chances of resocialization and social reintegration of the child are increased; (3) if the population participates actively in the implementation of the control and prevention of delinquency, then their effectiveness is enhanced and ensure the social integration of a young man who committed a deviant act.

Discussions

The study started from the fact that specialists with an important role in promoting and applying social modern policies in the domain of social recovery of minor offenders are magistrates, police officers, probation counselors and last but not least teachers from the academically fields.

The results presented in this paper are related not only to the role and importance that alternative sanctions have, especially probation but to the role of communication between specialists and not less important between specialists and the clients of the social services specialized in justice.

Indeed, the risk of recidivism especially in the case of delinquent minors, is seen, by the specialists in the academically field as well as by the ones in the area of applying the law, as being strictly related to the way of punishing the offence regarding its gravity but from the point of view of criminal law they have some

sensitive differences of opinion. Thus, the academics consider the criminal law as being too severe while, as expected, magistrates highlight the procedure in the cases of juvenile delinquents as it is dictated by special instructions in the Penal Code, which stipulates that pursuing and trying criminal cases involving minors, as well as enforcing decisions regarding these cases, are to be carried out in accordance with normal procedures, with some completions and derogations, applicable only in cases of minor delinquents, but not when the victims are also minors. However, all specialists consider that the alternative punishments represent an immense potential for the criminal policies applied to minors and youths who have committed delinquent acts.

Analysis of the opinions of academics

This section of the study was focused on specifying and underlines how teachers understand the role of alternative sanctions applied in general and children in particular.

- *The perception of juvenile delinquency.* In this area we can distinguish two thematic guidelines. A first category would be those who believe a juvenile social phenomenon that has experienced growth in recent years alarming. Then moderate views would be more accurate perception of this phenomenon as a direct consequence of the changes which have occurred after the revolution in Romania.

- *Type of offense and type of sanction.* Report crime - penalty unit is in the opinion of teachers, specifically the penalty - or deprivation of liberty or alternative sanctions - should be applied depending on the seriousness of the crime on the one hand, and on the other hand, given the consequences of a psychosocial of these convictions, are necessary strategies for social reintegration of the child.

- *The alternative penalties.* From the specialists from academia, the role of alternative sanctions applied to children and young people who commit crimes is ordered by social and educational intervention and the reintegration into society after the execution of a sentence and avoid a repetition of criminal behavior.

- *Penalties versus alternatives.* The alternative punishment is considered more functional, at least in terms of psychosocial, rather than the deprivation of freedom, in terms of teachers who participated in focus group. Thus, were highlighted a number of advantages of replacing punishments involving deprivation of liberty with alternative sanctions: from family support to rehabilitate the minor, less possibility to associate with other juvenile delinquents; continuing education in a normal school attendance through counseling and psycho-pedagogical, as well as disadvantages: a lower control of the authorities regarding the child; unawareness of the gravity of the crime committed by the minor and the risk of recurrence and

indifference from family and/or friends from delinquent behavior of the minor and the consequences thereof.

- *Current capability of institutions to manage the phenomenon of juvenile delinquency and to ensure proper re-education of minors and young offenders.* In direct or indirect connection with juvenile delinquency issues, academics who responded to our request us on their perception of this phenomenon consider that the current social institutions can manage this trend of minors to violate social and legal norms, as have the resources human - personal - and materials.

- *Problems encountered in applying alternative sanctions to minors.* The main problems that arise in applying sanctions for juveniles, in general, and of the alternatives, in particular, are legislative. The legal system is not developed consistently and is not suitable for Romanian social space. There have been a series of difficulties in the adoption of specific strategies for the rehabilitation of minors, and social reintegration after the punishment, regardless of type. Also an important role in this area has the collaboration between the authorities - police, Department for Child Protection (DPC), probation service, etc.

- *Measures for preventing juvenile delinquency.* Regarding this aspect, it was emphasized that collaboration between lawyers, sociologists, psychologists, social workers, teachers recovered by probation counselors and specialists in child protection could result in the development of relevant strategies that might lead , following the materialization of their beneficial consequences in terms of prevention of social phenomena juvenile delinquency.

Analysis specialists opinions from the court: prosecutors, judges, lawyers

The next step of the study was reviewed without a claim to extrapolate the results, how these professionals perceive juvenile delinquency, and penalties, the social actors directly involved in this area - prosecutors, lawyers, judges.

- *The perception of juvenile delinquency phenomenon.* The magistrates associated the juvenile delinquency phenomenon with social disruption of the Romanian transition, indicating that factors generators: low standard of living, the weakness of the educational system or even excessive media violence.

- *Type of crime and type of sanction.* In turn, lawyers, judges and prosecutors interviewed considered that the type of penalty should be decided according to the seriousness of the crime committed by juveniles or youngsters. There should not be ignored any area of educational and psychosocial delinquent child and the perception that the society or social groups it is part of him, but also the opportunity to continue their studies in normal conditions, along with their classmates in a stable and educational quality.

- *The alternative penalties.* For the specialists of justice, the role of applying alternative sanctions is centered on the social reintegration and correction of minor criminal behavior. By such punishment, the process of educating and re-education is easier and more efficient, and there are several entities that can provide support for the rehabilitation of the child: the legislative authority, psycho-social counseling teachers, family, school, and entourage. There are also remembered the adverse consequences that deprivation of liberty may have of the child: traumatizing him, renunciation from education, and direct contact with other juveniles who have committed crimes.

- *Deprivation of liberty penalties versus alternatives sanctions.* Regarding replacing punishment with deprivation of liberty with alternative sanctions, opinions are divided. On the one hand, it underlines the usefulness of alternative measures and their need, because they are less serious acts that would be recommended. On the other hand, it stresses the role of example and deterrent punishment of incarceration.

- *Capability of current institutions to manage the phenomenon of juvenile delinquency and to ensure proper re-education of minors and young offenders.* Asked if they think that the current institutions are capable to handle juvenile delinquency phenomenon and to ensure proper re-education of minors and young offenders, magistrates are reluctant. Those convicted are optimistic that the strategies adopted by the institutions will be successful, but most are quite reserved in this regard.

- *Problems encountered in applying alternative sanctions to minors.* Problematic area of the application of sanctions for juveniles differs in terms of legal specialists. Some of them have not encountered any problem with regard to punitive aspect of minors. On the other hand, the problematic aspect of the application of sanctions is the lack of a central legal system specific to our society, and lack of specific training in psychosocial areas, the staff of the institutions authorized or not involving civil society in this area. It was shown that, should not forget the difficulties of psychological or behavior that may occur during the application of sanctions.

- *Measures for preventing juvenile delinquency.* Regarding measures to prevent juvenile delinquency, it outlines the two poles of opinion. A first pole would be the shaping of educational strategies that can expose children to school not only deviance problems and delinquency. A second pole would identify causes delinquent behaviors and attitudes that they have children and to counter them.

Analysis of the views expressed by police officers, employees of probation services and penitentiary officers

The third focus-group had the following subjects: policemen, officers from the prison and probation counselors. Mode selection was experience in working with juveniles delinquents. We present in this chapter their perception of the social phenomenon of juvenile delinquency and default on alternative punishment. In terms of subjects, juvenile delinquency is a social phenomenon present in most companies are in a transitional period and supporting changes in all social systems and subsystems: educational, cultural, legal/regulatory etc.. Deviant exists in some limits in any society, and when they are excessively exceeded, measures must be taken to prevent and/or punish. Disruption of the Romanian society is direct or indirect causes of delinquent behavior of children.

- *Type of crime and type of sanction.* Regarding the punishment of minors, by deprivation of liberty or by alternative measures, it depends on the seriousness of the crime, the social situation of the child, the context in which the offense was committed, and why not, pro or antisocial behavior of the youthful offender.

- *The alternative penalties.* Perceptions of prison officers, employees from the reeducation centers, police, and probation advisers on the role of alternative sanctions are grouped around the notions of education and social reintegration of the delinquents, but also awareness of the gravity of acts committed. Increased attention from family and from teachers, guidance and support for rehabilitation may be a key factor in avoiding a repeat of the youthful offender, on the one hand, and the formation of prosocial behavior, on the other.

- *Deprivation of liberty penalties versus alternative sanctions.* Deprivation of liberty is seen by these specialists as punishment can not be replaced today with alternative sanctions. However, provided that alternative sanctions be rethought that exist in the Romanian legislation, could be used as a first step in sanctioning juvenile delinquent.

- *Current capability of institutions to manage the phenomenon of juvenile delinquency and to ensure proper re-education of minors and young offenders.* Existing institutions are not capable, in the opinion of subjects to properly manage the social phenomenon of juvenile delinquency and to ensure proper re-education child offenders. The reasons vary, from dysfunction of the educational system and up to reduce the number of specialist institutions.

- *Problems encountered in applying alternative sanctions to minors.* Difficulties in applying alternative sanctions that subjects remember the focus group can be classified according to two thematic areas. Firstly it is notable legislative issues, specifically the absence of a legal system specifically for this age group, along with dysfunction in the educational system. The second thematic area is

that the deprivation of liberty the child is taken from his family while they form their personality and builds a system of norms and values and would have a major need that parents and relatives to be close and to sustain him.

- *Measures to prevent juvenile delinquency.* Measures to be taken to prevent the social phenomenon of juvenile delinquency are included in the educational area, but also in the area of social policies. Identifying the causes of such behavior and to resolve by abilitated institutions and the construction of coherent government policy on this theme would be ways to prevent and combat juvenile crime.

Conclusions

Juvenile delinquency is perceived by all three discussion groups as a consequence of the implicit structural changes that meet Romania in recent years. The difference is that for the social actors who have direct contact with juvenile offenders - police, social workers, probation advisers - deviant is a normal aspect of any society in development, which should attract attention only when they exceed the normal range, and must be fought by appropriate strategies and social policies consistent.

Regarding the type of sanction that should be applied to juvenile delinquent, all groups are the same trend: the punishment should be decided according to the seriousness of the crime committed, noting that only violent criminal acts - serious personal injury or even kill - should be penalized by deprivation of liberty. In other situations, alternative sanctions are recommended and supported by those interviewed.

The role of alternative sanctions is to re-education, social reintegration of the youthful criminal, but also to determine him to understand the seriousness of his acts. Social labeling and deprivation of liberty at the age when the family should occupy an important place in the life of the minor can leave serious traumas that will be difficultly treated and could lead to the emergence of antisocial behavior from the minors. Also internment in a reeducation center along with other juveniles who have committed criminal acts may be a factor in generating recidivism because association with individuals with a criminal record can have damaging consequences in the minors.

Deprivation of liberty should be replaced with alternative sanctions, particularly if the facts of a gravity low in the opinion of the teachers surveyed. Magistrates are more reserved on this theme, the alternative punishment allows the child to be near the family and participate in regular educational system, but the deprivation of liberty is the role of deterrent and example and should not be replaced entirely. For policemen, rehabilitation counselors, officers from the prison - internment in a reeducation center would be replaced by alternative

measures, on the one hand because of the lack of specific legislative system in this area, secondly because of the lack of specialists to handle serious child under supervision or who is reprimanded.

Regarding the capability of existing institutions to manage the phenomenon of juvenile delinquency and to achieve a complete re-education of young offenders, teachers are optimistic and believe that the authorities can make adequate strategies by specialists in areas related to juvenile delinquency area. Magistrates reproach the lack of such specialists in the institutions, but some of them believe that they can properly manage the phenomenon of juvenile crime. The third group has a uniform answer: not being able to handle these institutions present problem, because frames are not specialized, they are not interested, but there are gaps which prevent proper deployment of the actions in this regard. Absence of consistent legislation, appropriate social system Romanian, generates failures in the management of juvenile delinquency, prevention and/or combats it. As measures in this sense there have been mentioned by all specialists interviewed in the study: improving education, the education system adapt to the specific needs of adolescents, parental involvement, school and, more generally, civil society in social projects to identify the causes deviance, develop appropriate strategies to combat the phenomenon but also for social reintegration of minor criminal.

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