

## What is Juvenile Delinquency?

What is juvenile delinquency? The meaning of **juvenile delinquency** is the engagement of illegal behavior by minors (youths) who have not reached the statutory age of majority. In most states, that age is 18 years old. The legal term juvenile delinquent was established in the United States in the late 1800s to describe young lawbreakers.

Most offenses committed by juveniles are less serious, such as truancy, curfew violations, and underage drinking. These are usually considered status offenses and not juvenile delinquency. However, juveniles can also be charged with more serious crimes, such as murder, rape, or robbery. These would be considered juvenile delinquency. The consequences of a juvenile delinquency conviction can be harsh, including jail time, fines, and a criminal record.

But not all minors who break the law are treated equally. There's a big difference between the juvenile justice system and the adult criminal justice system. The juvenile system is known to focus more on rehabilitation than on punishment. And there are different procedures for handling juveniles, including detention centers specifically for minors.

### **Juvenile Delinquency Definition**

A juvenile is "a person who has not attained his eighteenth birthday or her nineteenth birthday," according to the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C.A.) The term "juvenile delinquent" was established in the United States in the late 1800s to describe young lawbreakers. The definition of a juvenile delinquent is a person who has not attained their eighteenth birthday and commits an act that would be considered a crime if they were an adult. The term "juvenile delinquency" is defined in section 2(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 as "the act or process of violating the law committed by a person who has not reached his or her 18th birthday." The definition of a juvenile delinquent does not include status offenses, which are defined as "activities that are unlawful for minors because of their age, such as truancy, running away from home, and curfew violations."

Juveniles who commit serious crimes, such as murder or rape, can be prosecuted in the adult criminal justice system. In contrast, juveniles who commit less serious crimes, such as petty theft or vandalism, are usually prosecuted in the juvenile justice system.

### **Types of Juvenile Offenders**

A juvenile offender is someone who has not reached the age of majority, which is 18 in most states, and commits an act that would be considered a crime if they were an adult. There are two main types of juvenile offenders - repeat offenders and age-specific offenders.

- Repeat offenders are minors who have been adjudicated delinquent or convicted of a crime in the past and have re-offended.
- Age-specific offenders are minors who have committed a crime that is specific to their age group, such as truancy or underage drinking.

### **Juvenile delinquency system in the 18<sup>th</sup> century:**

Management of juvenile delinquency has been evolving for centuries. Before the 18th century, juveniles over age 7 were subject to the same criminal justice system as adults. In the 18th century, children entered the workforce young and aligned with society like adults. The economic hardship during this era led to juveniles losing their jobs as factory workers. Without the structure of the labor system juvenile delinquency rose. In 1825, the House of Refuge (reformatory) opened its doors in New York City. The House of Refuge was organized to rehabilitate juvenile offenders (delinquents). The House of Refuge's rehabilitative process involved discipline, guidance, and education. Only juveniles who were considered changeable were admitted into the House of Refuge. Juvenile offenders not regarded as changeable were sent to adult correctional facilities. The organizational concept behind the House of Refuge spread to other cities where additional facilities opened and eventually became overcrowded. Cook County, Illinois, was the first county in the United States to establish a juvenile court. This juvenile court focused on treatment objectives instead of punishment, reclassified terminology associated with juvenile offenders, and deemed juvenile records confidential to reduce stigma.

### **Juvenile delinquency system in the 19th and 20th centuries:**

The workforce changed in the 19th century due to industrial advancements. These advancements in the workforce required complex skillsets beyond what juveniles could perform without proper education and training. Therefore, society recognized that children needed higher education to learn advanced skillsets. As a result, the birth of the term adolescence arose, and laws were enacted such as:

- mandatory school attendance,
- designated work hours, and
- marriage legal age requirements.

From this point, adolescents began to be categorized and managed differently from adults. In 1968, the Juvenile Delinquency Prevention Control Act was enacted to encourage states to address juvenile delinquency. This act led to the National Juvenile Justice and Delinquency Prevention Act in 1974, which created the Office of Juvenile Justice and Delinquency (OJJDP), the Runaway Youth Program, and the National Institute for Juvenile Justice and Delinquency Prevention (NIJJD). In addition, the National Juvenile Justice and Delinquency Prevention Act afforded states more funding for:

- deinstitutionalization of juvenile-status offenders,
- sight and sound separation,
- prevention of juvenile incarceration in adult facilities, and
- management of minority over-representation in incarceration.

Fatal violence, aggravated assaults, and school violence surged among juvenile offenders during the 1980s and 1990s. As a result of the surge, amendments were made to the National Juvenile Justice and Delinquency Prevention Act that allowed states to try juveniles as an adult

for violent and weapon offenses. Today, the manner in which juveniles are processed in the juvenile justice system varies between jurisdictions. Some states enacted procedures such as:

- “parens patriae” (state assumes the role of the parent),
- juveniles no longer tried as adults,
- juvenile cases heard in informal juvenile courts, and
- extenuating evidence is taken into consideration.

Processing of juvenile offenders continues to change into the 20th century. The current juvenile justice system focuses on rehabilitation and has a restorative approach.

### **Supreme court’s impact on the juvenile delinquency system:**

Several supreme court cases have significantly shaped the juvenile delinquency system. In *Kent V. United States* (1966), the court ruled that juveniles being transferred to adult court have a right to a judicial hearing. In *re Gault* (1967), the court ruled the right to due process, counsel, and protection against self-incrimination in juvenile delinquency hearings. In *re Winship* (1970), the supreme court ruled that juvenile offenses must be proven beyond a reasonable doubt. In *Furman v. Georgia* (1988), the supreme court ruled that the death penalty for an offender under 16 was unconstitutional. In *Roper v. Simmons* (2005), the supreme court ruled the death penalty for offenses committed under 18 was unconstitutional. In this case, the supreme court considered a juvenile’s culpability and vulnerability to influences. In *Miller v. Alabama* (2012), the court ruled that mandatory sentencing of a juvenile to life without the possibility of parole was unconstitutional. These supreme court cases have significantly shaped the juvenile delinquency system.

### **The distinction between delinquency and adult criminality**

The distinction between the actual crimes committed when it comes to juvenile and adult crimes is pretty much non-existent besides age. For example, if a 40-year-old committed armed robbery, he’d be prosecuted to the full extent of the law and most likely receive jail time. However, if a 15-year-old committed the exact same crime, his consequences would be drastically different.

Although the crimes are the same, courts use different terms for juvenile offenders than for adult offenders, juveniles have different constitutional rights than adults, and judges must follow certain guidelines when sentencing a juvenile in order to act in the best interest of the child.

- Juveniles commit “delinquent acts” instead of “crimes.”
- Juvenile offenders have “adjudication hearings” instead of “trials.”
- Juveniles’ adjudication hearings are heard by judges instead of juries, because a youthful offenders peers cannot be subject to jury duty.
- Juveniles do not have the right to bail or to a public trial.

- Juveniles' records are sealed, and are generally erased once they turn 18 in order to keep their offenses from haunting their futures—unlike adult crimes.
- Juvenile sentencing is meant to primarily rehabilitate the youthful offender so he can have a better future. Unfortunately, adult prosecutions are more adamant about punishing the guilty, not necessarily rehabilitating him.

## Terms to Ponder

Juvenile – persons below the age of majority or below eighteen years old. Juvenile Delinquent/ Delinquent – a minor whose behavior is in conflict with the law. A minor who have violated the criminal laws or engage in disobedient, indecent or immoral conduct and who are in need of treatment, rehabilitation or supervision. Status Offense – acts that are illegal if committed by juveniles and not if committed by adult. Acts that not criminal in the usual sense but appears to be in conflict with the best interests of the minors involved. Acts that violates the law applicable only to children.

## NATURE OF DELINQUENCY

Factors affecting the rate of Juvenile Delinquency:

1. Age – change in the age distribution of the population deeply influences crime and delinquency rate.
2. Economy – expert believes that long-term economic downturn coupled with a relatively large number of teens in the population will produce high delinquency rates.
3. Drug abusers are particularly crime prone, so as drug use levels increase, so too do crime rates.
4. Media – some experts argue that violent media can influence youth crime. Watching violence on television is correlated to aggressive behaviors, especially for kids with pre-existing tendency towards crime and violence.
5. Ongoing social problems – (divorce, school drop-outs, teen pregnancy and racial inequality) as the level of social problems increases so do crime and delinquency rates.

## PSYCHOLOGICAL AND BIOLOGICAL THEORIES OF DELINQUENCY

### Biological Theories of Crime

#### *Atavistic Theory*

**Proponent:** Cesare Lombroso (1835–1909). Lombroso was Italian physician, criminologist, and founder of the positivist school of criminology. He is regarded as the first to apply scientific methods to studying crime.

#### *Assumptions*

1. Atavism: Lombroso proposed that criminals are biologically predisposed to deviance and possess “atavistic” traits, resembling primitive humans. These traits were believed to be evolutionary throwbacks.
2. Physical Stigmata: Criminals could be identified by specific physical features, such as large jaws, asymmetrical faces, protruding ears, and excessive arm length.

3. Types of Criminals: Lombroso classified criminals into categories, including:

- Born Criminals: Individuals with atavistic traits.
- Criminaloids: Ordinary individuals influenced by environmental factors.
- Insane Criminals: Those with mental disorders contributing to criminal behaviour.

4. Biological Determinism: Criminality is largely determined by biology, leaving little room for free will or environmental influences.

### ***Weaknesses***

1. Scientific Validity: Lombroso's methods lacked scientific rigour, and his findings have been largely discredited.
2. Determinism: The theory overlooks environmental, cultural, and economic factors influencing crime.
3. Ethical Concerns: Profiling individuals based on physical traits can lead to discrimination and injustice.
4. Application to Modern Crime: Modern crimes such as cybercrime or fraud cannot be explained by physical features.

### ***Somatotypes***

**Proponent:** William Herbert Sheldon (1898–1977)

Sheldon is an American psychologist and physician. He linked physical body types to personality and behaviour.

### ***Assumptions***

1. Somatotypes: Sheldon proposed that individuals' body types could predict their temperament and likelihood of deviance. He identified three body types:

- Endomorphs: Round and soft; sociable and relaxed.
- Mesomorphs: Muscular and hard; aggressive and risk-taking.
- Ectomorphs: Thin and delicate; introverted and sensitive.

2. Mesomorph Predisposition to Crime: Sheldon argued that mesomorphs were more likely to engage in deviant behaviours due to their aggressive and assertive nature.

Somatotype research is based on the assumption that people are born with certain body types and that these body types influence personalities and behavior. William Sheldon, for example, reasoned that there are three dominant body types: ectomorph, mesomorph, and endomorph. Somatotypes are determined on the basis of relative scores along each dimension of the three dominant ones, ectomorph, mesomorph, and endomorph. In addition, each body type is associated with a personality, according to Sheldon. Ectomorphs are characterized by a thin,

frail body type. Mesomorphs are muscular and athletic, while endomorphs are soft, round, and flabby. Ectomorphs are shy and withdrawn, mesomorphs are aggressive, and endomorphs are outgoing and happy. It is not clear which factor actually causes delinquency, but it is presumed that all operate together to produce a tendency to commit juvenile crime.

### ***Weaknesses of Sheldon's Theory***

1. Stereotyping: Classifying individuals based on body type leads to unfair generalisations.
2. Cultural and Environmental Factors Ignored: Crime in Nigeria is often driven by socio-economic conditions rather than physique.
3. Empirical Weakness: There is little scientific evidence linking body types to criminality.
4. Zero explanation for Modern Crimes: Crimes like cybercrime or financial fraud cannot be explained by physical body types.

## **Psychological Theories of Delinquency**

### **Psychoanalytic Theory**

Proponent: Sigmund Freud (1856–1939). He's an Austrian neurologist and founder of psychoanalysis, focusing on the unconscious mind and human behaviour.

#### ***Assumptions***

1. Personality Structure: Freud identified three components of personality that influence behaviour:
  - Id: The primitive and instinctual part of the mind, driven by desires and impulses.
  - Ego: The rational part of the mind that mediates between the id and societal expectations.
  - Superego: The moral conscience that enforces societal norms and values.
2. Crime and Imbalance: Deviance arises from an imbalance in these three components, such as:
  - An overactive id (impulsive, pleasure-seeking behaviour).
  - A weak superego (lack of moral restraint).
3. Early Childhood Experiences: Childhood traumas or poor parenting may lead to unresolved psychological conflicts that manifest as deviant behaviour.

### **The Psychoanalytic View**

One of the earliest psychological interpretations of crime and delinquency, the psychoanalytic approach, was offered by Sigmund Freud and his followers. Freud conceptualized the human mind into three categories: the id, the ego, and the superego. The id is the basic part of ourselves, the part of our mind that is selfish and full of basic "instincts," such as the instinct

for survival. The ego is thought to be the rational component of our psychological makeup. It is the part of ourselves that regulates and balances id impulses with social restrictions and conventions. These social conventions, sometimes called morals, are represented by the superego. This component of the mind is also referred to as the conscience. Another feature of psychoanalytical thinking is the notion that painful experiences, particularly those occurring before adolescence, are repressed into the unconscious. . That is, people who have had bad things happen to them tend to forget, on a conscious level, those experiences, but the deeper recesses of the mind still retain these memories. In addition, these memories, although on an unconscious level, affect one's outward behavior. Motives for behavior, then, are hidden from the individual and all around him or her. the person is said to have a strong superego, resulting in a shy, neurotic personality. with a weak superego, resulting in an aggressive, impulsive personality.

### ***Weaknesses***

1. Freud's ideas are based on case studies and lack empirical evidence.
2. The theory overlooks contemporary social and economic factors influencing crime in Nigeria.
3. It suggests individuals have limited control over their actions, reducing personal accountability.
4. Freud's concepts is not fully applicable to non-Western societies like Nigeria, where extended family and communal living significantly shape behaviour.

## **Theory of Personality and Delinquency**

Proponent: Hans Eysenck (1916–1997)

-Eysenck was a British psychologist who studied personality, intelligence, and behavioural science.

### ***Assumptions***

1. Three Personality Dimensions: Eysenck identified three core personality traits that influence behaviour:
  - Extraversion: Outgoing, sociable, and thrill-seeking individuals.
  - Neuroticism: Emotional instability, anxiety, and impulsiveness.
  - Psychoticism: Aggressive, hostile, and antisocial tendencies.
2. Biological Basis of Personality: Personality traits are influenced by genetic and biological factors, such as the functioning of the nervous system.
3. Criminal Propensity: Individuals with high levels of psychoticism, extraversion, and neuroticism are more likely to engage in deviant or criminal behaviour.
4. Conditioning and Deviance: People with certain personality traits are less responsive to social conditioning and more likely to resist societal norms.

### **Weaknesses**

1. Overemphasis on Biology: The theory does not adequately address social, cultural, and economic factors contributing to deviance.
2. Reductionism: Complex behaviours are oversimplified by linking them solely to personality traits.
3. Cultural Bias: The theory is based on Western contexts and may not fully capture the cultural dynamics in Nigeria.
4. Lack of Empirical Support: The relationship between personality traits and crime is not always consistent in research.

### **Social Learning Theory**

**Proponent:** Albert Bandura (1925–2021). Being a Canadian-American psychologist known for his work on social and observational learning.

#### **Assumptions**

1. Behaviour is Learned: Deviant behaviour is acquired through observing and imitating others, especially role models.
2. Reinforcement and Punishment: Positive reinforcement (rewards) or the absence of punishment encourages deviant behaviour.
3. The social environment, including family, peers, and media, plays a critical role in shaping behaviour.
4. Individuals actively process information, evaluating the potential consequences of their actions before engaging in deviance.

### **Attachment Theory**

**Proponent:** John Bowlby (1907–1990). He was a British psychiatrist and psychoanalyst who studied the role of early relationships in personality development.

#### **Assumptions**

1. Importance of Early Bonds: Secure attachment between a child and caregiver is essential for healthy psychological development.
2. Deviance from Insecure Attachment: Children with insecure or disrupted attachments are more likely to develop antisocial or deviant behaviour.
3. Maternal Deprivation: Prolonged separation from the mother during early childhood leads to emotional and behavioural issues.

## **Sociological Theories**

Social control and social process theories represent yet another approach to understanding juvenile delinquency and crime. Sociological explanations emphasize social influences on individuals caused by the structure of society, societal change, social disorganization, subcultural differences, and social processes that influence behavior.

### **LABELLING THEORY**

The work of Howard Becker, with what came to be called labelling theory, has been particularly influential. There are two strands to Becker's (1963) labelling theory: a concern to address how a particular behaviour is labelled as deviant and a concern to understand the impact of that labelling process. As Becker states Social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labelling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'

The deviant is one to whom that label has been successfully applied; deviant behaviour is behaviour that people so label. In understanding deviance, then, importance lies in the reaction to the behaviour not the behaviour itself. This led Becker to construct a fourfold typology of possible labels (reactions) to perceived deviant behaviour: the falsely accused, the pure deviant, the conformist and the secret deviant.

### **STRAIN OR MOTIVATIONAL THEORY**

Robert Merton (1930 – 2003), the Harvard sociologist modified Durkheim concept of Anomie and applied it explicitly to deviant behavior. The word anomie according to Durkheim is used to describe a social context in which the moral order has broken down for an individual or group, a situation in which normal social structural constraints or behaviour become inoperative. Merton identifies two important and related elements in any society, cultural goals and institutionalized means. Cultural goals are the things a society's normative system defines as worth being and having. The institutionalized means are the ways a society accepts as legitimate for attaining the cultural goals. (McGee). Anomie arises when individuals are unable to obtain the goals they have been taught to strive for with means that the society puts at their disposal. The following are the Merton's mode of individual adaption from Anomie. Conformity. Conformity is taken or pursuing of conventional goals by approved means that is, accepting both cultural goals and cultural means of achieving them. Those who achieve success that is those who gain wealth and prestige through talent and hard work have pursued it through the conventional goals by approved means. But not everyone who desires conventional way has the opportunity to attain it. INNOVATION Innovators are deviants who desire to achieve success but the legitimate means may have been blocked for them, perhaps they were denied educational opportunities or acquisition of skilled trades. Therefore resulted in using forbidden means to achieve it. These people accept the goal or success while rejecting the conventional means of becoming rich. They make money through illegal ways. Examples are burglaries, Robbers, Drug trafficking, Prostitution etc. RITUALISM People who lose sight of the goal

while slavishly adhering to the means are ritualists. They resolve the strain of limited success by abandoning cultural goals in favour of almost compulsive efforts to live respectably. Ritualists concentrate on obeying all the rules of the system rigidly and without question. Some civil service bureaucrats fall into the category. They are honest in character. RETREATISM Retreatism is the rejection of both the cultural goals and the accepted means of material success. It is the inability to succeed. Retreatists are alcoholics, Drug-addicts, street or area boys who are alienated from society. They do not believe in hard work, honest investment and education, even in seeking wealth. They are unwilling or unable to compete and drop out entirely. REBELLION Rebellion is the rejection of both conventional goals (cultural definition of success) and approved means (the normative means of achieving it). They seek to change the goals and the institutions that support them. They go advocating for radical alternatives to existing social order.

## **DIFFERENTIAL ASSOCIATION THEORY**

Edwin H. Sutherland (1883 – 1950) in his book “Principles of Criminology” published in 1939 proposed the theory of differential association to explain criminal behavior. Its basic assumption is that criminal behavior, like any other social behavior, is learned through association with others. He argued that either physiological or inherited, not the product of warped psychology. Sutherland argued that any person’s tendency toward conformity or deviance depends on the relative frequency of association with others who encourage conventional behaviours or norm violation. He stressed that if criminal behavior is learned as any other behavior is learned, then it learned through association with others especially interaction within intimate personal groups. Since by interaction and association with others, motives, attitudes, values, norms and rationalization are taught. Therefore, differential association means the differences in the people with whom one associate will determine how we behave. How much we deviate from or conform to the norms depends on the people we associate with