

Q4 Define the term Juvenile Delinquency
Write note on history of Juvenile
Justice system and role of Juvenile
court in reducing Juvenile Delinquency

Overview

There was a time when there was no concept of juveniles and Delinquency in any society. Both adults and children were depicted and treated as same when commit crime. Post industrialization and era of Enlightenment changed the perception of males for treating both adults and juveniles separately and under different law. With the passage of time, the judicial system for children, under age of 18 years, treating differently in different code of conduct, in separate manners, unlike adults do.

The only purpose of juvenile Delinquency to address the issue without hurting young people.

Juvenile Delinquency

The term "Juvenile" originated from Latin language meaning child or youthful.

The Delinquency is also came from Latin word "delinquere" mean negligence or failure of duty.

→ Juvenile Delinquency refers to the offence committed by minor or individual of under age i.e 18 years which is against social norms of society.

→ According to Siegel and Welsh "Juvenile Delinquency is an unlawful act committed by the minor or individual younger than statutory age of minority"

→ Delinquency is an activity called crime it done by child of under age, but it not a crime when committed by adult.

→ In Pakistan any individual under the age of 18 years are depicts juvenile.

History of Juvenile Justice System.

In history juveniles were not treated separately as today. They used to treat with adults in mainstream courts and then were separate protocols and justice system sketched either.

→ The first law that disbanded adult criminal procedure and case related to the juveniles were "Roman Civil law".

→ Situation in Europe

In Europe, it was a norm that a child or beyond 7 years were treated as same as adult. The penalties were same for the children such as death penalty.

→ Massachusetts law of 1646

The law passed in Massachusetts in 1646 that allows the harsh penalties to the outborn childrens such as death penalty. Children disobedient to their parents also ends up with severe penalties as adults face.

Major breakthrough that changed the Juvenile Justice System.

There were some events in history that changed the justice system regarding juveniles for the purpose of safeguarding their future.

→ Prevalence of nuclear families

Along with era of ~~big~~ enlightenment in the world, the traditional norm of combined family started eroding. The families started disbanding. This major breakthrough in the family structure had paved the way for conceptualizing children's right. According to the Seigel:

"There is a changing concept of marriage that changed the way children were treated within the family structure."

These steps also influenced the justice system over children to save them from any severe sentence. They emphasized on more to rehabilitation programs.

→ Doctrine of Parens Patrie and Doli Incapax

Parens Patrie is the concept meaning "Parents of lands", that state act as the parent of poor, weak, insane or any other while Doli Incapax is a term that suggests that nothing is a crime if done by a child. They don't see children as offenders but as victims of crime.

→ The child saving movement

Following the industrial revolution it was become a norm that children were working in industries and factories. On one hand children were getting ill in mass quantity due to unsafe environment of factories; on the other hand, the character of children were also in risk, as working in work place there must be interaction with variant people. The children become vulnerable to ~~be~~ be the victim of toxic work place environment so such events put forth the need of treating separately than adults while considering the age of children.

Role of Juvenile court in reducing Juvenile Delinquency.

Courts can play utmost important role in reducing and containing juvenile Delinquency.

→ Focusing Rehabilitation programs.

Courts have the power to contain juvenile Delinquency by focusing on rehabilitation

programs. As is the young or under aged person sent to the jail, their future get worse as the society does not accept it as previously do. Moreover the toxic environment of jails can hurt the child inadvertently, may be physically or mentally.

→ Separate Justice System

The purpose of reducing juvenile delinquency can be achieved through separating the criminal justice system for juveniles for swift trials and hearing of cases. In these courts it must be compulsory to not treating juveniles as criminal, though as the victim of crime.

→ Separate jails for juveniles

If, unfortunately, juvenile has to put in jails, there must be different jails for them. Putting juvenile along with adults could cause serious treats. In combine jails the purpose of detention fails and the consequences are even worse than ever.

Conclusion

Juveniles do commit crime, treated as the victim of the offence rather than offender. Young souls are the asset and future of the nation they must be treated with dire caution. The purpose of jailing system is to rehabilitate the offender and secure the community from the ineffectual role of person. While juveniles are detained in jails, their future would go in risk and their behavior and mental condition may get worse. For this purpose separate justice system for juveniles are appreciated to make children a productive member of society.