

REDRESS AND CRIMINAL DEVIANCE IN USE OF DRUGS AND PSYCHOTROPIC SUBSTANCES IN ROMANIA

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Abstract

In Romania, the approach to assistance to drug users had an incoherent evolution that ranged from a medical approach to drug-intensive psychiatric drug use since the 1990s, focusing on detox services and only exceptionally on methadone substitution, to a system integrated assistance.

Accordingly, "until 1999, the addicted persons had many relapses/relapses due to the lack of all therapeutic treatments (eg socio-vocational center and therapeutic communities) and the fact that, following diagnosis, consumers were not entitled to assistance free medical service"¹.

In 2000, the first strategic response from the Ministry of Health emerged to meet the needs of assistance in this field, namely the National Health Program of the Ministry of Health (Program 8), which led to the development of pilot sections for treatment within some psychiatric hospitals, and a first methadone maintenance center. Thus, in addition to the medical perspective, the development of the principles of harm reduction is envisaged. The lack of a complete therapy unit leads to a large number of relapses, and the recovery of patients is often impossible. Starting with 2004, the system of integrated medical, psychological and social assistance of drug users was established. By GD no. 1093/2004, the 47 Drug Counseling and Prevention Evaluation Centers (6 in Bucharest and one in each county) became territorial structures of ANA (National Antidrug Agency)² and, since 2005, according to the standards of the National System of Medical, Psychological and Social Assistance to Consumers drugs³, coordination of consumer assistance and general management of each case across different services.

Keywords: *Drug redress, criminal deviance, drugs, drug relapse, drugs risk.*

1. Risk and prevention of relapse

Reducing use of drugs and psychotropic substances is part of the process a dependent person goes through in an attempt to quit consumption or reach moderate / controlled and less harmful consumption. Reducing may occur after a day, a month or years after stopping the consumption of the substance the person has become dependent on. The trigger factors of relapse may be multiple or just one.

¹ National Drug Report 2010, Chapter 11, p. 126

² The centers have become operational since September 2006 and offer the following types of services: prevention, evaluation, psychological assistance, social assistance and case management.

³ Do not refer to: alcohol, psychoactive substances administered on prescription, persons under 18 years of age, assistance in detention.

Risk of relapse and prevention of relapse. Reducing is being tried to be prevented by certain therapeutic techniques. If this form of psychosocial support that would follow the medical stabilization period did not exist, the medical treatment of the problem of consumption would have failed the failure and would be a negative conditioning factor for the following attempts to implement the change⁴.

The response of the community service network to the return of former injecting drug users who have served a custodial sentence. According to the study carried out by the National Anti-drug Agency and the National Administration of Penitentiaries in Romania's penitentiaries in 2006, it appears that:

- the prevalence of illicit drug use in Bucharest is 5.9% in the penitentiary;
- Lifetime prevalence of illicit drug use by educational level is 24% for those without primary education, 20.3% for those with upper secondary education and 15.1% for those with gymnasium / studies professional / 10 classes;
- the distribution of consumers by type of consumption is 22.3% individually and 77.7% in the group, most frequently, the group being made up of 3 persons⁵.

The addiction service system envisaged to be developed in Romanian prisons is described in the Joint Order of the Ministry of Health and Family and the Ministry of Justice no. 898/725/2002 no. 898/2002 on medical and educational measures applied to drug addicts in penitentiaries.

In the Common Order no. 898/2002 does not provide services for former consumers to be released. Only consumers who continue or initiate a penitentiary assistant are covered by the Order.

There is a risk of not considering a prisoner as a former consumer, perhaps he is an active consumer, but denies it because of the stigma, the humiliation he might be subjected to or the fact that he would not be able to explain the existence of the drugs in a carceral environment. Thus, the detainee who is an active consumer but is a consumer, is not considered in the population to whom the service network is addressed and which provides bio-psycho-social assistance in the penitentiary.

⁴ Prelipceanu, D. ed. (2002): Treatment Guide to Psychoactive Substance Abuse, 2nd Edition; InfoMedica, Bucharest. Hriscu, E., Ioan, M. (2004): Prevention of recurrences in drug-related disorders (Practical Guide for Health Professionals), InfoMedica, Bucharest.

⁵ National Anti-drug Agency, National Administration of Penitentiaries (2006) - Prevalence of drug use in the penitentiary system in Romania.

In the case of inmates who are indeed former injecting drug users, there is a risk of relapse after release, as evidenced by the experience of injecting drug users who have had several episodes of detention and as many retreats closer or farther release.

An institutional response to this risk category that comes to meet and prevent the risk of relapse is almost inexistent. We say almost because they are services that respond to the need to prevent relapse to former consumers, but only at their request and if they are aware of the existence of such services in the community.

In this regard, we propose that there is a need for a return risk management offer to meet former injecting heroin users who have been deprived of their liberty and returning to the community.

We believe it is useful for our work when talking about drug use to make a few points about the causes of the criminal behavior of drug-using people and, in particular, juvenile offenders.

The important weight of youth in the contemporary structure of contemporary society as well as its ever-increasing contribution to the different spheres of economic, social and spiritual life reinvigorates older and newer discussions and controversies regarding the status and role of this highly mobile age group creative. Youth is a social category subject to different bio-psychic and socio-cultural determinations, but individualized through a range of age, thinking, skills, mentality and behaviors.

The phenomenon of adolescent deviance, known as juvenile delinquency, is now manifested in our country with increased intensity. Criminal statistics, made up of specialized social control bodies, which have begun to be presented to the public, are revealing in this respect, demonstrating an increase in the frequency of delinquency committed by minors and young people in the period following the December 1989 revolution and, increasing the severity of these crimes.

Our intention is to present and highlight, in a scientific way, the causes and conditions that generate and favor the criminal behavior of minors.

In most cases, in the field of social inadaptability, behavioral disorder and personality, the phenomenon of juvenile delinquency involves a series of complex problems that cannot be highlighted and solved only from the perspective of a single discipline. That is why our effort has been placed on a multidisciplinary approach, assuming the approach of societal, psychological, psychiatric, pedagogic, criminological - to the motivations and causes of juvenile delinquency

behavior from different angles, in order to be able to offer a meaningful and appropriate answer to the question: "*Why are young people violating criminal rules?*". To properly answer such a question, detailed studies are needed on the individual features and social variables that characterize the life situation of minors and young people, as well as on the etiological mechanisms of delinquency.

This problem of particular scientific and practical complexity tends to become increasingly a priority direction of sociological, psychological and criminological research being imposed both by the necessity of improving the criminal policy measures, meant to prevent and diminish the anti-social manifestations among the young people, and the need to identify and adapt effective educational solutions.

The necessity and usefulness of a complex study in this field is all the more necessary, as nowadays, as a result of the anomalous situation existing in our country, part of the moral and legal norms suspended their functionality, contributing to a hesitant oscillation of the conduct of the young deviators between educational and regulatory contradictory norms.

Therefore, the importance of these specifications is determined by:

- increasing the number of offenders, as well as diversifying the crimes committed by minors;
- the need to establish a methodology and method involved in the investigation of juvenile delinquency in order to identify the peculiarities of juvenile offenses, the factors that contribute to the orientation of minors towards behavior that is inconsistent with the law and the conditions for preventing and combating the criminality of minors;
- changing and completing legislation in the field.

The experience gained by non-governmental and governmental organizations through their programs of information, education, support, guidance, counseling and practical involvement in preventing and intervening in solving cases where children are victims of various forms of neglect within the family and the society in which we live, and the fact that many young minors fall prey to drug use and crimes, so that many of them get into re-education and penitentiary centers for minors and young people as a result of the crimes they commit, justifies once again the importance of addressing the phenomenon of social delinquency.

Derived from Latin the *Delinquere* and *Juvenis*, this notion designates "*the set of deviations and violations of social norms, legally sanctioned by minors.*"⁶ The term deviance was first used in

⁶ Mitrofan, N., Zdrengea, V., Butoi, T. (1992): *Judicial Psychology*, Publishing House and Press "Iansa" SRL, Bucharest, p. 267

1938 by American sociologists Sellin as "*the set of behaviors against norms behavior or institutional order*" and by Merton, who considered deviance to be "*a normal reaction of normal people in abnormal conditions*".⁷

According to the Sociology Dictionary (Zamfir, Vlăsceanu, 1993), deviance is "any act, conduct or manifestation that violates the written or unwritten norms of society or a particular group".⁸

As a special form of social deviance, juvenile delinquency defines "*the whole of the conduct of minors and young people in conflict with the norms of social co-existence accepted and recognized in a society*".⁹ This legal concept is useful as it allows us to avoid the ambiguity of other definitions but simplifies perhaps too much complexity of the phenomenon. By violating the social norm, delinquency is a sociological approach; in the fact that it implies the violation of criminal law, being a subclass of crime or criminality, juvenile delinquency is in the legal and criminal field involved in the detection, deferment of justice and prevention. The delinquent act is ultimately the product of the action of an individual, of a personality, the phenomenon calls for a psychological or even psychiatric approach.

Referring to people in an age-class normally enrolled in schooling, juvenile delinquency is also a psycho-pedagogical problem. The accents of analyzes vary, depending on the angle of approach. As a distinct form of deviance (of criminal nature), juvenile delinquency is a complex phenomenon, defining the set of conduct in conflict with the values protected by the criminal norm.

From the above it is explicitly stated that the term "*juvenile*" (juvenile delinquency) refers only to the age group of the minority. The legal perspective cannot be used to distinguish between the specifics of the juvenile delinquency and the peculiarities of adult crime and the criminality, so when it comes to juvenile delinquency we need to know in what sense do we use this notion and if we use it to designate a behavior that is dependent on the official competence of the criminal system. If, from the normative point of view, the undesirable character can be (but does not mean that it is) an essential condition of the criminality, it implies that it is also a condition of the facts as such.

The undesirable nature of the facts imputable to a teenager is also the product of a general perception of the public about the notion of offense which must necessarily fall within the scope of

⁷ apud Banciu, D., Rădulescu, S. (1990): Introduction to sociology of juvenile delinquency. Adolescence - between normality and deviance, Medical Publishing House, Bucharest, p. 9

⁸ Zamfir, C., Vlăsceanu, L. coord. (1998): Sociology Dictionary, Ed. Babel, Bucharest.

⁹ Banciu, D., Rădulescu, S., Teodorescu, S. Current Trends in Crime and Criminality in Romania, Ed. Lumina Lex, Bucharest, 2002, p.7

the law and be sanctioned. This collective reaction ignores the significance of the violation of the norm for the teenager. An incriminated flight, for example, "*vagabondage*" is often a normal behavior, based on multiple motivations related to conflicts with family, educators, or the temptation of adventure typical for the adolescent period.

Therefore criminal career of a young man does not resemble the adult, his actions illegitimate or illegal due to the fact mistakes made by educator and not some so-called antisocial motivations of the young offender. These minors, for the most part, are neither cruel offenders nor stranded marginal elements, but simply drifting children, lacking the educational benefits of a favorable family environment.

A number of authors consider that the specific features of delinquency consist mainly of:

- violation of laws and legal prescriptions prohibiting the commission of certain actions;
- manifesting behavior contrary to moral rules and social cohabitation;
- conducting an anti-social action that jeopardizes the safety of institutions and social groups, creating a sense of fear and insecurity among individuals.

2. The phenomenon of juvenile delinquency

Even if the offense appears to be a legal phenomenon governed by the rules of criminal law, it is fundamental, a social phenomenon that occurs in society, with negative and destructive consequences for the security of individuals and groups.

A delinquent behavior, according to Sutherland¹⁰, has the following characteristics:

- Has a number of negative consequences, by damaging the interests of the entire society;
- subject to prohibitions or constraints formulated by criminal law;
- presents a deliberate antisocial intent following a destructive purpose;
- the deed is legally proven and sanctioned as such.

Depending on these characteristics, delinquency is "*a particularly complex phenomenon, including a number of aspects of statistical, legal, psychological, sociological, prospective, economic and cultural dimensions*"¹¹.

- the statistical dimension highlights the state and dynamics of delinquency in time and space;
- the legal dimension highlights the type of legal norms violated by antisocial acts and deeds,

¹⁰ Sutherland, E.H., D. Cressey, *Principes de criminologie*, Editions Cujas, Paris, 1966

¹¹ Banciu, D., Rădulescu, S., Introduction to the sociology of juvenile delinquency. Adolescence - between normality and deviance, Medical Publishing House, Bucharest, 1990,

their social danger, the severity of the damages produced, the ways of resocialization of the delinquent persons;

- the psychological dimension that highlights the personality structure of the delinquent individual and the normal individual, the motivation and mobs of committing the offense, the offender's attitude towards the offense committed;
- the sociological dimension centered on the identification, explanation and social prevention of crimes and crimes in relation to multiple aspects of inadequacy, disorganization and deviance existing in society and the forms of social reaction to different crimes;
- the economic dimension highlights the direct and indirect consequences of material and moral crimes;
- the prospective dimension highlights trends in the future of delinquency.

"Social deviance means non-compliance, deviation or violation of social norms and rules. So deviant behavior is <atypical> behavior that moves away from the standard position and transgresses accepted norms and values and recognizes within a social system¹². "

Deviance can manifest itself in one of the following forms of individual or group behavior¹³:

- moral deviance in the form of one or more violations of the moral norms accepted by a particular community, the norms of the global society and the deontological rules of a particular profession. All persons committing immoral facts which are not criminal because of their low social danger fall into this category and the situation of minors who commit immoral acts that do not meet the constitutive elements of a crime (the category of "under moral danger", "pre-delinquent");
- functional deviance consisting of deviations from the rules and standards of the specialty (techniques) of the exercise of a certain profession or occupation; these are rules of competence. It may consist of disciplinary misconduct or manifestations of incompetence or inability to pursue an occupation or profession;
- the criminal deviance which includes all the facts provided by the criminal law committed, even if the circumstances in which they were committed or certain age characteristics, or the mental state of the authors or potential participants are legal causes for the elimination of the criminal character of the deed or responsibility criminal offense of perpetrators. We include here the criminality of adults (persons who have passed the age of civil minority and have committed

¹² Dragomirescu, V., Psychology of Deviant Behavior, Scientific and Encyclopaedic Publishing House, Bucharest, 1976, p.53

¹³ Banciu, D., Rădulescu, S., op. cit. pp. 162-165

acts that constitute the constitutive elements of a crime) and juvenile delinquency (of minors aged between 14 and 18 who have deliberately dealt with a deed constituting the constitutive elements of a crime) ;

– the deviance of juvenile offenders with behavioral disorders made up of all the deeds committed by juveniles who, due to their age, are not criminally responsible or have committed the act without discernment. Only protective measures can be taken against them.

– the deviance of mental aliens that encompasses the totality of criminal law committed by irresponsible people due to a pathological condition that seriously affects their discernment.

3. Determinants of deviant behavior

The factors that determine juvenile delinquency can be divided into two main categories: internal factors, individual factors and external, social factors.

The first category includes the neuro psychic features and structure, the particularities of the personality in training.

In the second category are socio-cultural, economic, socio-emotional and educational factors within the micro and macro groups of the human groups in which the child and the young person must gradually integrate from the family¹⁴. "The inclination towards deviance and the adoption of criminal behavior results from" meeting "the different factors for each case.

In juvenile and juvenile delinquency groups we find a relatively large number of cases with serious deficiencies in their psycho-intellectual development, reduced intellectual capacities that prevent, in particular, anticipating the consequences and implications of the actions taken.

In the view of Mitrofan, the minor offender presents a series of specific features¹⁵:

– lives longer at present, his actions being carried out in a supportive manner under the tyrannical pressure of present impulses and needs;

– low criticism of thinking;

– the difficulty or inability to anticipate mentally the unavoidable consequences of the offense;

– the absence of emotions and selfless and sympathetic inclinations;

– mild inhibition;

– lack of "conditional brakes" underlying the inability to control and overcome the tendencies

¹⁴ Idem, p. 59

¹⁵ Mitrofan, N., Zdrengea, V., Butoi, T. Judicial Psychology, Publishing House and Press "Iansa" SRL, Bucharest, 1992

and impulses that push him to antisocial acts;

- increased suggestiveness.

Minor delinquencies are characterized either by insufficient affective maturation or by various states of affective disorder. Insufficient maturation is characterized by:

- lack of affective autonomy, which leads to increased suggestiveness;
- insufficient development of affective self-control, related to insufficient knowledge and ability

to control emotional reactivity;

- Poor development of emotions and superior feelings, especially moral ones.

In the category of affective disorder states are included:

- states of affectional frustration and feelings of frustration;
- affective conflicts;
- affective instability;
- affective ambivalence;
- affective indifference;
- the absence of emotions and altruistic and sympathetic inclinations.

Stoian characterizes the juvenile delinquent as: "lacking anxiety, especially those caused by the *feeling of guilt* that does not exist at all; has a great ingenuity in his constant endeavor to dissimulate, to defend himself through lies, to take *precautionary measures* against everything he could take by surprise; mastered by vivid self-esteem, proves remarkable faculties in adapting to new situations, in organizing negative actions; unbelievable resistance to pressures of any kind, intimidation, reprimand - using magistral technique of despising silence; obvious emotional maturity¹⁶. "

Research on the juvenile delinquent has highlighted that it is characterized by: a level of immaturities characterized by the following: insufficient self-control, impulsivity and aggressiveness, underestimation of mistakes and dissociated or antisocial acts committed, indolence, indifference and contempt labor, egocentric tendencies, the absence or insufficient development of higher social motives and ethical-moral feelings, the desire to achieve an "*easy life*" without work.

¹⁶ Stoian, M., Minor Drift, Encyclopedic Publishing House, Bucharest, 1972, p.9-10

4. Family and deviant behavior

One of the most important functions of the family is the education and training of young people with a view to their optimal integration into life and social activity.

Studies of juvenile delinquency have shown that the atmosphere of disorganized families, lack of parental authority, control, and their affection, as a result of divorce, have led children to adopt social and antisocial acts.

Also, there are some families that, although organized, are characterized by accentuated conflicting states that can be of varying intensity and can extend over different periods of time. In these families, because of their great sensitivity, children receive and live intensely any "event" interfered with by their parents.

The main effect of conflicting interpersonal relations within the family on the personality of children is the devaluation of the parental model and the loss of the possibility of identification with this model. Often children who feel strongly the influences of the family conflict run away from home and seek to find different groups of belonging which, in turn, can be antisocially oriented. Children's home run is associated with the lack of purely extra-family supervision with great delinquent potential.

Also, the excessive severity, with many rigidities, with interdictions sometimes lacking in brutality, with all sorts of deprivations, leaves its mark on the process of forming the child's personality. Keeping a child in a hipper sever climate gradually drives serious changes into one of the most important dimensions of personality - it's about the attitude-relational one - translated into phenomena of apathy and indifference to what it needs to do or to the relationship with others. In the face of the over-hater and hyper aggressive parent, the child has no alternative but blind obedience, unconditional in relation to his requirements and claims, the personality is not delayed. There are also super protective parents who have simply invaded the child with affective investment, but not assuring educational treatment can lead to delinquent conduct, mostly explained by low resistance to frustration. The research also confirms that there is a correlation between delinquent conduct and schooling level, meaning that juvenile delinquents usually have a very low level of school education.

Conclusions

It can be said that the level of juvenile delinquency of a country sufficiently reflects the interest and capacity of this society to resolve the difficulties of raising and educating younger generations and at the same time warns of the gravity and extent of tomorrow's crime.

The teenager of these troubled times faces difficulties and multiple situations of conflict in the course of his integration into the social and legal field. At the microsocial level, preventive programs should aim at revitalizing the educational and social control functions of the main social institutions: family and school. Measures taken in the family area consist of economic support (for example, the increase of current childcare allowances) or in free counseling through family counseling cabinets within social welfare networks. The school in turn asks for a rethink of its role and system of functioning. The steps taken in this area have been small, perhaps due to the financial difficulties in recent years.

Organizational changes and changes to the ideas and principles under which school activity is guided are promising ways to prevent delinquency through school.

In this context, we mention the mentality of some of the teachers who cannot build a healthy school climate that is conducive to getting closer to the pupils he should find his replacement with responsible attitudes in terms of education. No less important is the organization of services with specialized staff (psychologists, social workers, etc.) within schools with the task of identifying and treating those students with serious behavioral and understanding disorders.

At the individual level, the re-education and re-socialization measures in the institutionalized environment (re-education centers, medical-educational institutions, minors' reception centers) and measures for social reintegration of juvenile offenders become essential. This process of social reinsertion of former delinquents is experiencing difficulties in psychological terms, the success being not only ensured by the correct behavior of the former criminals but also by the society that receives them and should have an integrative action. To ease their way into life, it is not enough to be offered only a job, but also the opportunity to be successful at socio-emotional level. This is because the spectrum of social stigmatization frightens the ex-offender ever since its detention and is one of the major psychological barriers to its total reformation.

The juvenile delinquency as a whole is nothing but the consequence of the lack of moral support offered by the adult, the lack of protection and care received in the family, the failure of the activity of moral education received in school, etc. A delinquent minor is, in fact, a victim and

not a culprit aware of the responsibilities imputed to him. He does not have the awareness of his inadequacy to normative requirements, experiencing a social experience different from that of the adult. For this reason, juvenile delinquency appears as an effect of the lack of responsibility of the family, the educators, the factors responsible for forming the young man's moral conduct.

Improvement of the prison regime for minors sentenced to imprisonment is also required, in the spirit of European rules, taking into account the experience of other developed countries.

Finally, it is recalled that in recent literature, the role of the community (local or neighborhood) in preventing crime and supporting educational and training actions at the family and school level is becoming more and more frequent. The UK model of community intervention with the help of agents specializing in reporting and resolving confidential sector issues (street children, playgrounds, sports grounds, pollution, road quality, promptness of social services, families with difficulties, unemployed, accommodating those released from penitentiaries and re-education centers, finding workplaces) can be successfully applied in our society as well. Far from being frightening in size, juvenile delinquency in drugs is steadily increasing, but significant in the antisocial character of its human and material components.

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