

The Minor in Relation to Criminal Sanctions – Socio-Legal Perspectives on the Fairness and Effectiveness of Applicable Punishments

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Abstract

The present paper analyzes public perceptions of the sanctions applicable to minors in conflict with the law, as well as the actual effectiveness of the educational measures provided by the Romanian legal framework. Starting from the observation of a persistent ambivalence in public opinion – between the desire for rehabilitation and the tendency toward firm sanctions – the study explores the social and institutional mechanisms that fuel this tension. The influence of mass media in shaping collective representations of juvenile delinquency is examined, with emphasis on the impact of stereotypes and alarmist narratives, such as the “super-predator”.

The evaluation of the effectiveness of measures applicable to minors is structured along three complementary dimensions: behavioral (recidivism and post-sanction conduct), social (community and family reintegration), and institutional (normative coherence and implementation functionality). Each dimension is analyzed in relation to specialized research and to international standards in the field of juvenile justice. The study argues for the necessity of a child-centered approach (“children first, offenders second”) and for integrated interventions that include educational, psychosocial, and family support.

By correlating examples from international literature and analyzing the dysfunctions of the Romanian system – such as the lack of specialized personnel, the inconsistent application of measures, or the deficient cooperation between institutions – the paper highlights the importance of systemic reform supported by evidence-based public policies. It underlines the fundamental role of civic education, institutional transparency, and the professionalization of the actors involved in

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building a fair, effective, and reintegration-oriented juvenile justice system.

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Introduction

The criminal treatment of minors represents a topic of major interest in contemporary legal doctrine, situated at the intersection between the need to protect the psychosocial development of the minor and the social demands regarding the prevention and combating of juvenile delinquency. Romanian criminal legislation establishes a distinct legal regime for minors, based on the principle of the best interests of the child, yet the effectiveness of this regime is often questioned both by judicial practice and by public opinion. In this context, the article aims to analyze the balance between sanction and re-education, correlated with social perceptions of the fairness of punishments applicable to minors, in an effort to assess the extent to which the current system meets the objectives of criminal policy.

The Regime of Criminal Sanctions Applicable to Minors in Romanian Law: Foundations, Principles, and Distinctions from the Regime Applicable to Adults

The legal treatment applicable to minors in conflict with criminal law occupies a distinct position within the broader framework of criminal regulations, being governed by specific principles that reflect not only the developmental particularities of the child, but also the international obligations undertaken by the Romanian state regarding the protection of children's rights. Juvenile criminal law is not a mere adaptation of general rules, but an autonomous subsystem, grounded in fundamental pedagogical, social, and ethical-legal rationales (Terec-Vlad, 2024).

Articles 113 and 114 of the Criminal Code establish the legal premises for the criminal liability of minors, outlining a graduated system that takes into account both age and the capacity for discernment. Minors under the age of 14 are exempt from any criminal liability. For those aged between 14 and 16, criminal liability applies only if the court establishes, through scientific means, that the minor had discernment at the time the act was committed. For minors aged 16 and above, criminal liability is presumed; however, even in these cases, the applicable sanctions are not punishments in the sense

defined by the general regime, but special educational measures adapted to the minor's age and personality.

The regulation of these provisions aligns with international standards promoted by the United Nations and UNICEF, which consistently support the view that criminal measures applied to minors must be predominantly educational in nature and must avoid detention whenever possible, as it is considered a measure of last resort (UNICEF, 2022). From this perspective, children in conflict with the law must be treated as individuals in development, whose behavior can be corrected through personalized interventions rather than through sanctions with repressive aims.

Romanian criminal law establishes a system of educational measures exclusively applicable to minors who bear criminal responsibility, organized according to the intensity of the intervention on individual liberty. These are regulated in detail in Articles 115–125 of the Criminal Code and are divided into two main groups: non-custodial educational measures and custodial educational measures. Each category has a distinct legal regime, and their application depends on the nature of the offence, the minor's age and psychosocial characteristics, as well as the results of the assessment carried out by the competent institutions.

Non-custodial measures are preferred by courts in most cases, as they allow the minor to remain in their family or social environment, avoiding disruption from school, family, or daily activities. These measures include: supervision by a designated person or institution; civic training programs, through which the minor is involved in educational activities concerning civic rights and duties; weekend curfew, which restricts movement on rest days; and daily assistance, which involves the minor's participation in activities conducted in a specialized support setting. These measures are established for fixed periods between 2 and 6 months and may be revoked, modified, or replaced depending on the minor's behavior and the interim results of the educational process (Criminal Code, 2009, Articles 117–121).

By contrast, custodial educational measures involve the restriction of the minor's physical liberty and are ordered only in well-justified cases. There are two types: placement in an educational center and placement in a detention center. The first measure is primarily formative in nature and has a duration of 1 to 3 years, with the possibility of reduction or early termination if the minor shows positive development. Educational centers are specialized institutions that provide not only accommodation and supervision but also schooling, psychological counseling, and vocational training. The

second measure, placement in a detention center, is reserved for particularly serious situations and is mainly applied in cases involving violent acts or repeated offences in aggravated form. This measure lasts from 2 to 5 years but may be extended under the conditions provided by law if the risk of reoffending remains high (Criminal Code, 2009, Articles 124–125).

The court is obliged to carefully examine the specific circumstances of the case and to choose the measure that is proportionate to the seriousness of the offence, while also maximizing the chances of the minor's re-education and social reintegration. The decision to apply a custodial measure must be thoroughly reasoned, explaining why more lenient alternatives would not be sufficient to achieve the intended objective. Moreover, during the enforcement of such measures, the law provides for periodic ex officio reassessments, which allow the judicial decision to be adapted according to the minor's behavioral progress (SGG, 2025).

This system of educational sanctions offers the court not only a tool for correcting unlawful conduct, but also a flexible legal framework that can be adjusted based on the minor's development. Through this gradual and differentiated structure, criminal intervention becomes less coercive and more oriented toward the genuine transformation of deviant behavior.

According to the National Strategy for the Prevention of Recidivism 2025–2029, the application of educational measures must be guided by principles such as individualization, proportionality, and early intervention. The document emphasizes that mere isolation in a center does not guarantee the reduction of criminal behavior; on the contrary, in the absence of an effective educational and psychological program, it may actually worsen the situation (SGG, 2025). From this perspective, not only is a rigorous selection of the appropriate type of measure required, but also inter-institutional coordination among courts, local authorities, social services, and educational institutions.

The current legal conception deliberately avoids applying punishment in the traditional sense, considering that such an approach would be counterproductive in the case of minors. The case law of the Constitutional Court and of the judiciary increasingly reflects this trend, in which the focus is placed on rehabilitation rather than punishment, and the measures applied aim to prevent the escalation of criminal behavior and to support social reintegration. This vision is supported by the National Administration of Penitentiaries, which, in its 2024 report, highlights that minors placed in educational centers show a

significantly lower risk of recidivism when the measures include integrated psychological, educational, and family support (ANP, 2024).

The Romanian legal regime has thus moved away from the repressive paradigm specific to classical criminal treatment and has embraced a modern legal philosophy, compatible with restorative justice and the principles of children's rights. This conceptual shift has been facilitated by doctrinal developments in criminal law literature, as well as by international pressure to align the juvenile justice system with European standards. Therefore, the sanctioning regime applicable to minors cannot be analyzed in isolation, but must be understood within the broader normative and institutional framework oriented toward prevention, reparation, and reintegration.

One of the most important elements that highlight the autonomy of the sanctioning regime applicable to minors is the fact that educational measures are not subject to the general rules regarding punishments applicable to adults. The Criminal Code does not qualify these measures as "penalties" in the traditional sense of criminal law, but rather as instruments with corrective, restorative, and formative purposes. For this reason, they do not generate legal effects such as entry into the criminal record, legal incapacities, or accessory bans - elements that are normally associated with the criminal conviction of adults (Criminal Code, 2009, Article 115, paragraph 3).

Moreover, the individualization of educational measures does not follow the same criteria as the individualization of punishments. The judge does not determine the sanction based on the special limits provided by law, but rather flexibly assesses the level of risk, the minor's degree of maturity, and their reintegration potential. Thus, the focus shifts from the committed act to the behavioral profile and the concrete needs of the minor in question. This approach is compatible with the restorative justice perspective – in which the state's response is not aimed at punishing, but at repairing and correcting.

The legal regime of educational measures is characterized by a specific mechanism of periodic reassessment – which fundamentally differs from the enforcement of punishments in the case of adults. The law provides for short intervals for evaluating the minor's progress – typically every six months – and allows for the modification, replacement, or even termination of the measure if it is found that the educational objectives have been met or that continuing the measure is no longer justified. This mechanism is not conditioned by the will of the minor or their legal counsel, but can also be initiated *ex officio*, which reflects the protective and adaptive nature of criminal intervention in the case of minors (SGG, 2025).

Therefore, the legal regime of educational measures is endowed with a high degree of normative flexibility, allowing the criminal justice system to adapt in real time to the behavioral development of the minor. This flexibility plays a crucial role in preventing disproportionate or prolonged interventions that could negatively affect the maturation process. At the same time, the system provides courts with tools to stimulate the minor's internal motivation for change and to avoid the entrenchment of their status as a person under criminal supervision.

Social Perception of the Effectiveness and Fairness of Sanctions Applied to Minors: Between Distrust, Empathy, and the Need for Social Protection

Collective perceptions regarding the criminal treatment of minors often reflect tensions between the need for public safety and the imperatives of a justice system focused on rehabilitation. These perceptions are shaped by a complex set of cultural, emotional, and institutional factors, among which the influence of mass media, populist political discourse, and the general lack of legal education among the population stand out. In many European societies, including Romania, public opinion tends to associate juvenile delinquency with impunity, perceiving the juvenile justice system as excessively lenient and ineffective in preventing recidivism (Dünkel et al., 2015; Fabian, 2010).

A study conducted in Bucharest by Haines-Delmont (2007) highlights a significant dissonance between the legal regime of criminal liability for minors and the perceptions of the general population. The research shows that a considerable portion of respondents support the application of harsher sanctions for minors who commit serious offences, which contradicts current legal regulations that promote educational and restorative measures aimed at supporting the reintegration and personal development of young people in conflict with the law. According to Romanian legislation and international recommendations on juvenile justice, detention should be used only as a last resort and for the shortest possible period, with the central principle being the best interests of the child and their accountability through non-custodial means.

However, the ambivalence of public attitudes is evident: alongside support for tougher punitive measures, a significant proportion of respondents also express support for the social reintegration of minors. This contradictory attitude reflects a deep gap between the reasoning behind criminal policy toward minors and the

public's understanding of such reasoning. The causes can be identified in a lack of institutional transparency, insufficient communication regarding the effectiveness and purpose of educational measures, and the emotional influence exerted by mass media on public opinion. In the absence of sustained civic legal education and public awareness campaigns, public opinion tends to rely on fragmented perceptions and emotional reactions, rather than on a balanced understanding of the goals of the juvenile justice system.

The influence of mass media in reinforcing ambivalent perceptions of the sanctioning regime for minors is both profound and persistent. On the one hand, mass media has the capacity to bring important social issues to the public's attention, to inform citizens about developments in the justice system, and to contribute to democratic debate on criminal policy. Investigative reports, documentaries, and interviews with experts in child protection can serve as valuable resources for a more nuanced understanding of the causes of juvenile delinquency and the effectiveness of educational or restorative interventions.

On the other hand, the negative effects of both traditional and digital media are at least equally significant. According to the analysis conducted by Allen and Whitt (2020), a substantial part of the Western press has, since the 1990s, resorted to the "super-predator" narrative - a stigmatizing construct that portrayed the juvenile offender as lacking empathy, instinctively violent, and beyond rehabilitation. Although this concept was later empirically and theoretically dismantled in academic literature, its long-lasting effects persist in the form of alarmist public rhetoric that demands harsh and immediate sanctions, often to the detriment of balanced analyses and evidence-based policies.

In the Romanian context, although the same type of discourse is not replicated in identical terms, similar trends can be observed. When criminal acts committed by minors are covered in the media, the emphasis is often placed on dramatizing the situation, blaming the minor, and presenting the legal system as either ineffective or overly lenient. Such approaches contribute to reinforcing a punitive perception among the public, as well as to fostering distrust in the effectiveness of the educational measures provided by law. In the absence of explanatory context, balanced presentation, and the participation of expert voices, journalistic information can become a tool for distorting reality, sustaining stereotypes, and fuelling collective emotional reactions that are disproportionate to the statistical reality of juvenile criminality.

Nevertheless, there are also media initiatives that diverge from this model and actively contribute to promoting a justice system focused on rehabilitation. Educational programs, awareness campaigns supported by international organizations, as well as independent platforms that give voice to young people and professionals in the juvenile justice system, represent positive examples of media responsibility. Such interventions can balance public perceptions, counter unjustified fear of recidivism, and offer a realistic perspective on the role of the state in protecting minors and supporting their social reintegration.

Therefore, the role of mass media is an ambivalent one: both potentially formative and distorting. In the absence of a consolidated journalistic ethic and constant collaboration between legal institutions and responsible media, society risks reacting to exceptions and isolated cases rather than understanding phenomena in depth. Only through a sustained effort to balance public discourse and promote journalism based on data, rather than emotion, can the gap between legal reality and collective perceptions be reduced.

From a perspective focused on children's rights and the long-term effectiveness of the juvenile justice system, the works of Case and Haines (2015) advocate for a paradigmatic shift in how society and institutions treat minors in conflict with the law. The model proposed by them, summarized in the phrase "Children First, Offenders Second," entails repositioning the minor as a vulnerable rights-holder with particular support needs, rather than merely as an agent of an antisocial act.

This approach contradicts the retributive vision, often supported by public opinion, which emphasizes the proportionality of punishment in relation to the gravity of the offence rather than the potential for rehabilitation. In the "Children First" model, the focus shifts from the legal labeling of the minor to the recognition of their status as a developing child who may make mistakes but who fundamentally has the right to a second chance. From this perspective, justice is not merely a mechanism of correction, but also an educational and actively supportive framework.

A central element of this vision is the involvement of the minor in their own rehabilitation process – not merely as a passive recipient of system-imposed measures, but as an active participant in shaping their reintegration pathway. This requires listening to their views, assessing individual needs, providing psychosocial support, and setting realistic goals that encourage responsibility and behavioral change. Thus, the emphasis falls on engagement, personalized

support, and the construction of a partnership between the minor, the family, the community, and institutions.

The model is supported by empirical data showing that educational measures, when applied in a participatory framework adapted to the individual context, are significantly more effective in reducing recidivism compared to custodial sanctions. Moreover, this approach aligns with international requirements, such as those set out in the UN Convention on the Rights of the Child and the recommendations of the European Committee for the Prevention of Torture, which emphasize the treatment of minors in a manner that supports their harmonious development and prevents negative social labeling.

Nevertheless, this philosophy encounters difficulties in being widely adopted due to the pressures exerted by public opinion – which is often influenced by mass media and fear of criminality. For a significant portion of the population, the idea of treating a juvenile offender with empathy seems incompatible with the need for collective safety. As a result, a tension arises between the proven effectiveness of rehabilitation policies and the immediate public demands for “tough justice”.

The coherent implementation of the “Children First” model thus requires not only an internal reform of the juvenile justice system, but also a profound cultural shift – one that prioritizes prevention, reintegration, and the construction of an alternative path for young people who have committed criminal acts. In the absence of such a shift in vision, the risk is the perpetuation of an inefficient, punitive system that generates social marginalization – incompatible with the main objective of juvenile justice – that of forming responsible citizens, not producing repeat offenders.

The UNICEF report (2022) draws attention to the risks generated by the lack of early interventions and to the importance of informing the public about the role of the juvenile justice system. The lack of trust in the effectiveness of restorative measures is closely linked to the absence of coherent institutional communication and of civic education that would promote a differentiated understanding of criminal liability.

At the same time, systematic research on institutional legitimacy shows that perceptions of procedural fairness significantly influence the level of public acceptance of judicial decisions. Mazerolle et al. (2013) demonstrate that transparency, fair treatment, and the active involvement of citizens in the justice process contribute to

enhancing its legitimacy – including in the context of sanctioning minors.

At the national level, the analysis conducted by Fabian (2010) provides an essential contribution to understanding the social perception of sanctions applied to minors, offering a sociological perspective on the mechanisms that fuel public distrust in the effectiveness of juvenile justice. The author argues that the post-transition period in Romania was marked by profound institutional, economic, and cultural instability, and that these rapid transformations created a context characterized by daily insecurity and latent social anxiety.

In this climate, society experienced a weakening of traditional normative references and an erosion of the symbolic authority of state institutions – especially regarding their ability to control criminality and maintain public order. Thus, instead of a functional trust in the justice system's ability to re-educate and reintegrate minors, a social expectation emerged for "exemplary responses," often in the form of harsher sanctions perceived as a sign of state firmness. This demand for symbolic punishments holds more emotional than rational value and derives from a collective need to reaffirm social norms in a context perceived as chaotic or dangerous.

In this sense, public opinion is guided not necessarily by the actual effectiveness of a sanction, but by its visible impact and its presumed capacity to send a message of intolerance toward deviance. This mechanism is reinforced by a profound lack of legal education among the population – which leads to educational measures, although designed as solutions tailored to the age-specific characteristics and needs of minors, being perceived as forms of impunity rather than interventions with restorative and preventive purposes.

On the other hand, Fabian's observations also indicate a structural contradiction within post-communist Romanian society: although citizens frequently express a lack of trust in state institutions, they simultaneously demand a harsher response from those very same institutions. This paradoxical attitude reflects a disconnect between what the state does and what the population expects to see, as well as a tendency to transform criminal justice into a substitute for absent social policies. In the absence of coherent measures for prevention, educational support, and social protection for vulnerable youth, society projects onto the criminal justice system an excessive and inappropriate burden – that of correcting the failures of the social system through punishment.

This conclusion has important implications not only for understanding public perceptions, but also for formulating public policies in the field of juvenile justice. It highlights that legislative and institutional reforms, however well-intentioned, risk failing in the absence of a broader cultural shift that promotes solidarity, shared responsibility, and trust in rehabilitation mechanisms. In this regard, the reconfiguration of juvenile justice must take into account not only legal norms and international standards, but also the social dynamics and collective psychology of the society in which it is implemented.

At the same time, Eberhardt's research (2019) brings to the forefront an essential aspect of how social perceptions of juvenile justice are formed: the influence of unconscious biases, also known as implicit cognitive biases. These subtle yet pervasive psychological mechanisms affect the way individuals process information related to crime, deviance, and punishment – even when they are unaware of their influence. In particular, Eberhardt shows how these biases can shape collective reactions toward certain social groups – such as minors involved in criminal acts – often leading to affective judgments rather than rational assessments.

Thus, in the context of juvenile justice, these perceptual distortions can result in the overestimation of risks associated with juvenile delinquency or in a tendency to interpret deviant behavior through a moral lens rather than a socio-educational one. These reactions are not merely personal but are propagated at the level of public opinion and, in some cases, can even influence political and administrative decisions. For example, a young person who commits an offence may be automatically perceived as “dangerous” or “beyond help,” without taking into account their family context, experienced trauma, or opportunities for rehabilitation.

More seriously, these biases can lead to support for disproportionate punitive solutions, driven by emotions such as fear, indignation, or distrust – to the detriment of measures grounded in scientific evidence regarding the effectiveness of rehabilitation. Eberhardt emphasizes that such tendencies become even more pronounced in contexts of media pressure or social instability, when public opinion seeks rapid and visible responses, even if they contradict legal principles or international norms on child protection.

On the other hand, understanding and acknowledging these perceptual distortion mechanisms represents an important step toward a more equitable and effective justice system. Educating the public about the functioning of the legal system and the true purpose of educational measures – not as “lenient punishment” but as corrective

and integrative intervention – becomes a strategic necessity. This direction is all the more important in the case of minors, for whom international law emphasizes the need for differentiated treatment and for prioritizing reintegration over stigmatization.

In conclusion, Eberhardt's contribution brings forth a profound and often overlooked dimension in the analysis of public perception: it is not enough to have proper policies or functional institutions if collective opinion is dominated by emotional automatisms and unconscious biases. Any effective reform in the field of juvenile justice must take this psychological substratum into account and integrate educational measures, strategic public communication, and continuous training on bias – both for citizens and for justice professionals.

Thus, the social perception of the effectiveness and fairness of sanctions applied to minors is marked by a constant tension between normative reasoning and emotional reaction. Between distrust, empathy, and the need for social protection, public discourse oscillates without coherently integrating the principles of juvenile justice. Genuine reform cannot take place without educational interventions, institutional transparency, and the conscious involvement of society in understanding the differentiated role of criminal law with regard to minors.

Assessing the Effectiveness of Measures Applied to Minors in Conflict with the Law – Criteria, Dimensions, and Systemic Implications

Assessing the effectiveness of measures applied to minors in conflict with the law requires a multidimensional approach – one that goes beyond merely reporting recidivism rates. This analysis must integrate relevant criteria concerning social reintegration capacity, psycho-educational development, and the reduction of vulnerabilities at both individual and institutional levels. As previously mentioned, the special legal regime applicable to minors does not merely imply differentiated treatment compared to that of adults, but pursues predominantly restorative and educational goals. Consequently, the evaluation of the effectiveness of these measures cannot follow the same logic applied to criminal sanctions for adults but must instead reflect the specific objectives being pursued.

From this perspective, we propose structuring the assessment of the effectiveness of educational measures into three complementary dimensions:

*Behavioral Dimension. Recidivism and the Minor's Conduct
After the Application of the Measure*

The assessment of post-sanction behavior is an essential element in analyzing the effectiveness of educational measures applied to minors. Traditionally, the recidivism rate has been used as a basic quantitative indicator for evaluating the success or failure of institutional intervention. However, this approach is reductive and risks providing a distorted image of the reality of the rehabilitation process.

As Fabian (2010) emphasizes, recidivism does not necessarily reflect the failure of the educational measure itself, but may instead be a direct expression of weaknesses within the post-institutional system. In many cases, minors do not benefit from real continuity of intervention after the formal measure ends – mentoring programs, psychological counseling, tailored educational support, and genuine opportunities for professional reintegration are lacking. Moreover, community services are often undersized and fragmented, which prevents the formation of a functional network of individualized support.

Another key aspect is that, in the absence of an integrated monitoring plan, a minor released from an educational or detention institution risks returning to the same family or social environment that generated, maintained, or amplified the deviant behaviors. If risk factors – such as abuse, neglect, lack of material resources, or negative peer influence – are not counteracted systematically, a return to criminal conduct is not a deviation but a predictable continuity.

The human and logistical infrastructure deficits within probation services or the child protection system further amplify these risks. The lack of specialized personnel, excessive caseloads per counselor, limited financial resources, and poor inter-institutional coordination lead to formal, rather than substantive, monitoring. Furthermore, in many cases, the minor is not actively involved in their own rehabilitation, and the measures applied are not aligned with their specific needs but are rigidly standardized.

In this logic, recidivism becomes not only a symptom of deviant behavior but also an indirect indicator of the lack of adaptability and coherence in the post-sanction support system. For this reason, the assessment of the minor's behavior must be accompanied by a contextual analysis of their living conditions, the support networks available, and the manner in which previously applied measures have been integrated into a coherent rehabilitation pathway.

It is essential that the interpretation of recidivism not rely solely on raw data, but be contextualized through qualitative evaluation

inquiries and post-institutional trajectory studies. Only in this way can one distinguish between personal failure and systemic failure, between individual conduct and the system's inability to provide the minimum conditions for reintegration. In the absence of this distinction, there is a risk that criminal policies will be misdirected, emphasizing the repressive dimension at the expense of the restorative and educational one.

Social Dimension. Community and Family Reintegration

The assessment of the social reintegration of minors in conflict with the law involves examining how they are reintegrated into functional social relationships — within their families, schools, and communities. This dimension goes beyond the legal criteria for the termination of an educational measure and focuses on the system's capacity to ensure a real and lasting return to ordinary social life, under conditions of emotional stability and coordinated institutional functioning.

As previously mentioned, the reintegration of the minor cannot be approached in isolation from their family and community context. The families of minors subject to criminal sanctions are often affected by vulnerability factors such as material deprivation, lack of stable housing, emotional instability of parents, or even their involvement in antisocial behavior. In such cases, returning the minor to an unsafe or conflictual environment only perpetuates the initial risks. It is therefore necessary to involve social assistance services not only for assessing living conditions, but also for providing basic material support, parental counseling, and medium-term family accompaniment.

At the same time, the school plays a crucial role in strengthening reintegration, but here too one frequently encounters the lack of effective educational readaptation policies. Returning to the educational system after a custodial educational measure requires psychoeducational support, individual assessments, and the school's willingness to accept students deemed problematic. In practice, the lack of specialized staff, school counselors, or structured remedial programs limits schools' real capacity to support reintegration pathways.

UNICEF (2022), in a regional comparative framework, has highlighted the importance of creating stable inter-institutional mechanisms through which local authorities, probation services, school inspectorates, and general directorates for social assistance act in coordination – not in parallel. This approach requires defining an individualized reintegration pathway, in which education, vocational

training, psychological support, and behavioral monitoring are coherently correlated – not fragmented or formal.

At the community level, social perceptions of minors subject to criminal sanctions can significantly influence the success of reintegration. Low tolerance, stigmatization, and the reluctance of employers and educational institutions to engage with such individuals lead to latent rejection, which can negate the positive effects of educational measures. Social reintegration, in this regard, also requires a community education effort, public information, and the reduction of collective prejudices toward minors at risk or post-conviction.

This dimension, although often overlooked in standard evaluations of the sanctioning system's effectiveness, is decisive for a comprehensive understanding of the actual functioning of juvenile justice and of society's capacity to fulfill the reparative and protective role recognized by both national and international legislation.

Normative and Institutional Dimension. Coherence of the Legal Framework and Functionality of Implementation

This dimension analyzes the extent to which the legal norms regulating the sanctioning regime applicable to minors are applied consistently, in full accordance with the principles of juvenile justice and the restorative and educational aims enshrined in both international and national legislation. As previously mentioned, the “children first, offenders second” approach, formulated by Case and Haines (2015), requires not only the existence of appropriate regulations, but also their effective implementation through specialized structures with adequate institutional and human resources.

In Romania, although the current legislation – including provisions of the Criminal Code and Law No. 272/2004 on the protection and promotion of children's rights – enshrines a differentiated sanctioning regime for minors, its application is affected by territorial disparities, the systemic underfunding of related services (education, social assistance, mental health), and a shortage of specialized human resources. In particular, the probation networks suffer from professional undercapacity, both in terms of staffing levels and competencies adapted to working with minors.

As a result, the lack of personnel with continuous training in juvenile justice, the absence of unified intervention standards, and the existence of non-homogeneous practices at the level of courts and associated services generate formal applications of educational measures, without real restorative or reintegrative impact. For

example, the UNICEF report (2022) highlights difficulties in ensuring continuity between the educational measure and post-measure services – including due to staff turnover and lack of interinstitutional coordination.

By comparison, in juvenile justice systems in countries such as the Netherlands or Norway, the approach is integrated, with each measure ordered by the court followed by a standardized, monitored, and adaptive trajectory, involving multidisciplinary teams (including psychologists, educators, social workers, and youth counselors). This model minimizes the risk of institutional breakdowns and optimizes the effectiveness of educational intervention.

In the absence of systemic interventions that align legal standards with the operational reality of public services, the effectiveness of applying educational measures risks being structurally compromised – even when the law appears to be formally respected (Rusu, Terec-Vlad, 2025). Thus, normative coherence is not sufficient in itself, but must be supported by a functional institutional framework, well-funded and tailored to the specific needs of minors in conflict with the law.

Conclusions

Juvenile justice lies at the intersection of the requirements of a fair legal system, the particular needs of minors in conflict with the law, and the often contradictory expectations of society. The evaluation of the effectiveness and fairness of the measures applicable to minors cannot be reduced to simple figures or popular impressions. Beyond legal regulations, a major role is played by social representations, cultural influences, and the capacity of institutions to implement the measures coherently and with adequate resources.

Collective perceptions of juvenile offenders are deeply influenced by social, cultural, and media factors. The public image of minors in conflict with the law oscillates between two extremes: on the one hand, labeling them as a social threat requiring firm punitive responses, and on the other, recognizing their vulnerability and supporting rehabilitation. This dichotomy generates constant pressure on the juvenile justice system – caught between the imperatives of child protection and the demands for public order.

The normative tools available to the Romanian system are, in theory, aligned with international standards. The existence of both non-custodial and custodial educational measures, the principle of the best interests of the child, as well as the specific provisions of the Criminal

Code regarding the criminal liability of minors, reflect a special legal framework. However, the uneven application of these provisions, regional disparities in institutional infrastructure, and the insufficient number of specialized personnel generate significant dysfunctions. The effectiveness of a measure depends not only on the judge's decision but also on the capacity of the probation system, education, social protection, and family support services to contribute to the reintegration of the minor.

Assessing the effectiveness of this system requires a multi-layered analysis. On a behavioral level, recidivism remains a partial indicator that does not reflect the complexity of the rehabilitation process. The reappearance of young people within the criminal justice system may result from a lack of support, social inequalities, or the failure of other institutions to take responsibility after the measure ends. On a social level, the reintegration of the minor into family, school, and community is often hindered by the absence of a coherent network of services and by the continued stigmatization of those labeled as offenders. From a normative and institutional perspective, the system's deficiencies concern not only legislation, but especially the lack of coherence in implementation, insufficiently trained human resources, and the limited capacity to respond differentially according to the needs of each case.

Mass media plays a dual role in this equation: on the one hand, it has the potential to educate the public and support rehabilitation-focused policies, but on the other hand, it contributes to distorting reality by emphasizing sensationalism and perpetuating stereotypes. The emotional reactions thus generated influence public discourse – and at times even political decisions regarding criminal legislation applicable to minors.

In this context, the effectiveness of the sanctioning system for minors cannot be evaluated in isolation, but only in correlation with the overall functioning of social, educational, and judicial institutions. Although there are positive trends and reform initiatives, these must be consolidated through evidence-based public policies, the professionalization of involved actors, and institutional communication that restores citizens' trust in the juvenile justice system's capacity to meet the real needs of society – without abandoning the fundamental principles of fairness and child protection.

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