

THEORIES AND CONTRIBUTING ELEMENTS OF JUVENILE DELINQUENCY

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ABSTRACT

This article is all about juvenile delinquency. Its various theories and aspects. What are the various reasons and causes of the delinquent behavior of juveniles? This journal article includes constitutional provisions for juveniles, who are juvenile delinquents. The purpose of writing this article is to make awareness among people about delinquency as this is an issue of great importance that should be brought up. Children are the bright future of our nation so they must be taken care of and hence juvenile delinquency must be brought to light. India is an illustration of a developing country where adolescent misbehavior is widespread. Many young people participate in official adult equity frameworks all across the world. These kids frequently have financial difficulties, so when they are abandoned and in need, they run a high risk of being trafficked or used for prostitution. Yet for kids who already have legal issues, protracted court proceedings for arrests can wreck their whole adolescence. Because of this, many of them have slim odds of getting well and rejoining society.

Keywords: juvenile delinquency, constitutional provisions, theoretical aspects, trends

INTRODUCTION

A young adult who breaks the law by engaging in juvenile delinquency is not punished with death or life in prison. Antisocial juvenile behavior is out of the child's parents' control and is thus illegal and subject to punishment. The relevant amendments have been passed to the laws for "unsound minds" and "juvenile delinquents."

The Juvenile Justice (Care and Protection of Children) Act, 2015 was enacted by the Indian Parliament to enable juveniles who commit serious crimes between the ages of 16 and 18 to be tried as adults. This may not apply to everyone because the Intelligence Quotient is based on mental aptitude rather than chronological age. What if a young crime boss is in the room? What if a young kid who was weak gave in to peer pressure and committed a crime? With the help

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of criminology and restorative justice, it is essential to perform sympathetic research on teenagers to enhance the criminal justice system.

Who is a juvenile?

Juvenile refers to a child who has not reached the legal age at which he can be prosecuted for illegal behavior as an adult under the laws of the country. A "juvenile in conflict with the law" is any person under the age of 18 who has dealt with the legal system as a result of committing a crime or being suspected of committing one.

What is juvenile delinquency?

Juvenile delinquency refers to the antisocial or criminal activity of the child which violates the law. A juvenile delinquent is someone who demonstrates behavior that might endanger society while still being younger than the minimum age required by law. Children between the ages of 10 and 17 who have committed a criminal act are frequently classified as juvenile delinquents. The two main categories of guilty parties are repeat offenders and age-specific guilty parties.

- Rehashed Wrongdoers also known as "life-course consistent wrongdoers"—are guilty persons who repeatedly commit crimes. These juvenile offenders begin to commit crimes or make suggestions of other lone activities in their pre-adult years. Even after reaching maturity, repeat offenders continue to engage in violent or illegal behavior.
- Individuals who have violated the law by their age Adolescent reprobate behavior, according to offenders, begins in adolescence. The age-specific guilty party's behaviors end before the minor becomes an adult, which is very different from the repeat wrongdoers.

The behaviors that a teenager engages in while they are young frequently serve as good indicators of the type of criminal they will grow up to be. Age-specific violators stop acting delinquent when they reach adulthood, but they frequently experience worse psychological problems, drug misuse, and economic hardship than individuals who never acted delinquent as children.

In *Gopinath Ghosh v. State of West Bengal*, the accused claimed that he was far older than the legal minimum age for children. To ensure that the accused's age could be verified, the court in this case did more than simply allow the juvenile status defense to be raised for the first time.

It sent the case to the session's judge. The Supreme Court affirmed this tactic in *Rajinder Chandra v. State of Chhattisgarh* and further stated that the standard of proof for determining age is the degree of possibility rather than proof beyond a reasonable doubt.

Juvenile delinquency refers to a youngster who commits a crime between the ages of 10 and 17. A person is considered to be acting delinquent when their behavior differs from the norm of their social existence. If a child engages in behavior that might be harmful to them personally or to society as a whole, they may be labeled a juvenile offender. Juvenile offenses include both male and female offenders under the age of 18.

A juvenile delinquent is an incorrigible or habitually disobedient young person. In recent times, due to several causes and circumstances, these illegal activities are growing rapidly. Young children below the age of 18 years are at a higher risk of becoming delinquent life in difficult circumstances. They are surrounded by an environment where parental alcoholism, poverty, family breakdown, overcrowding, violent conditions in the household, the rising HIV/AIDS scourge, or the death of parents during armed conflicts are predominant. To elaborate on these better following are the factors which trigger this delinquent behavior among children. A wide variety of child and adolescent behaviors that are not sanctioned by society and for which the public interest justifies rebuke, punishment, or preventative and remedial measures are referred to as juvenile delinquency. Juvenile delinquency is the term used to describe when children and young people fail to fulfill obligations imposed on them by the society in which they live. The term "juvenile delinquency," according to "Walter Reckless (1957)", refers to breaching the law and acting in ways that are inappropriate for children and young people.

It has been abundantly evident in recent years that the most significant part of the field of criminology is juvenile delinquency. Juvenile delinquent behavior has taken on major implications, which is an indication of an unhealthy society. Deviant behavior is a global issue that causes chaos and damage that is growing to worrisome dimensions.

CONTRIBUTING ELEMENTS TO JUVENILE DELINQUENCY

Domestic violence: The prevalence of violence in families is one of the main causes of delinquency. Many people frequently lash out at others in response to the violence they witness at home. Teenagers who are subjected to violent behavior or who see it in others are more inclined to express their anxieties and resentments via action. Their propensity for a "don't care" attitude makes it easier for them to get into trouble.

Violence Occurs within Their Social Circles: A child is more likely to participate in delinquent behavior if they live in a violent neighborhood. Many people refer to this as a sort of street survival since the young person gets into trouble to escape neighborhood gang members or other harmful persons. Removing the child from settings like these often decreases their inclination for misbehavior.

Economic and social variables: In underprivileged areas, juvenile criminality is more prevalent. Delinquent behavior does occur in all neighborhoods, but it is thought to be more prevalent in those where kids feel they must commit crimes to succeed. In addition to being small offenses, theft, and related crimes may also be the result of a lack of resources. Making sure that kids in these communities have access to what they need and are aware that they don't have to commit crimes to succeed in life is the only real solution to this problem.

Absence of moral guidance: Parental or adult interaction is crucial in avoiding delinquency. When a parent or other adult interacts with a child and models appropriate and inappropriate behavior, the probability that the child will behave in a way that is not delinquent rises. A child requires a close relationship with a good adult who can set boundaries for behavior and educate them on the difference between right and wrong.

Insufficient academic standards: The setting in which a youngster is educated may also have an impact on that child's propensity to commit crimes. Overcrowded and underfunded schools typically lack organization and structure. Children react more defensively as a result of the constant stress and upheaval they encounter in these settings. Parental involvement in children's academic and extracurricular pursuits has been found to dramatically lower the chance of delinquent behavior. When an adult is actively involved in a child's life, they are more likely to succeed academically and socially because they are aware that the adult will be.

Social Circle: Peer groups are informal networks of youths of a similar age that frequently form on their own in settings where youngsters may readily interact and meet. Common behaviors among young people and their friends, such as stealing and smoking, gambling and smoking, and consuming alcohol and smoking, are frequently displayed by these peers.

Disorders of the Mind and the Heart: Juvenile misbehavior can result from a variety of mental health issues, not only depression. Children and adolescents with conduct problems, which cause them to act violently and destructively, may also be motivated to commit crimes like assault and vandalism. These diseases, in turn, are caused by several variables, including

the teenager's social environment, genetics, brain traumas, and malformations. These diseases can and frequently do coexist with other illnesses including depression and attention deficit hyperactivity disorder (ADHD). Teenagers with mental and emotional disorders might have to contend with other recognized factors contributing to juvenile delinquency, such as a hostile school environment. The student may be identified as needing specialized education services but not getting them, or he or she may have a parent who is hesitant to participate in the school's efforts to provide these services. Being alone may make the child more prone to misbehave or experimenting with drugs.

Poverty: The fact that a sizable percentage of juvenile reprobates originate from low-income families is one of the primary reasons for juvenile delinquency. The majority of offenders come from the lowest socioeconomic groups, even if intelligent pupils might not be aware of juvenile misconduct. Instead of reporting crimes together, they do so individually. Poverty frequently leads both guardians to spend a very long time away from their homes due to hunger and other fundamental needs not being met. The kids will be disregarded. By unintentionally or intentionally touching hands with gangsters, such kids face the danger of developing criminal tendencies. This happens in slum regions and places where the majority of residents hold jobs.

Social Media: Social media promotes aggressive behavior in kids, which raises the incidence of juvenile crime. Violent images and videos that are posted on social media might stimulate feelings and attitudes in young children that can end in aggressive behavior or conceit. These effects have varying times.

Faulty recreation: Mobile phones are currently the only kind of amusement available to kids, which to a large part contributes to juvenile delinquency and anti-social behavior. An individual is exposed to various criminal news patterns via social media, the internet, etc. The internet has such a strong hold over adolescents that when some crimes become viral, they multiply. Depending on their age, children may react differently to pornographic content that is available on social media. Additionally, research has shown that there is a significant direct effect of movies and TV shows on young people's conduct.

Mental Disorders: Criminals fall within the category of mentally ill people who need both treatment and punishment. Some neurologists and psychiatrists believe that those with psychopathic personalities have an impact on criminal behavior. Psychopathic children generally come from families where there is a near-total absence of love, affection, and

authority. The child in issue is, among other things, very backward, excessively sexual, furious, harsh, stubborn, suspicious, self-centered, lonely, and loaded with retaliatory impulses.

Psychological Instability: Emotional instability is one of the most important causes of crime. Children with unbalanced personalities often suffer from a lack of love and affection, emotional instability, extremely strict discipline, a sense of inadequacy and inferiority, and a repulsive reaction. Such a way of thinking promotes the child to participate in illegal conduct.

Personality Traits of Individuals: It has also been discovered that personality qualities are directly associated with criminal propensity. How someone responds to their environment reflects their personality. Criminally inclined children can employ questionable adaptation strategies. As a result, it has been shown that adolescent offenders have several personality features that provide light on their motivations. A normal youthful person is social, affable, not overly explosive, calm, and submissive. On the other hand, it is found that young offenders are violently antisocial and disobedient.

CONSTITUTIONAL PROVISIONS

The Constitution is regarded as India's fundamental law. According to the constitution, citizens have rights and duties. It also includes provisions for how government machinery would function. Both in Part III and Part IV of the Constitution, the Directive Principles of State Policies (DPSP), which act as general guidelines in formulating governmental policies, are provided for the people. The constitution grants a few essential rights and provisions, primarily for the welfare of children.

- For all children between the ages of 6 and 14, there is a right to free and required primary education under Article 21A. (Venkatesh, 2023)
- Article 24 provides the right to protection from any dangerous work before the age of fourteen. (Venkatesh, 2023)
- The right to protection against adult abuse in whatever form is guaranteed under Article 39. Protection from forced labor and human trafficking is guaranteed by Article 39. (Venkatesh, 2023)
- A good standard of life and a nutritious diet are guaranteed under Article 47. (Venkatesh, 2023)

- The State is given the power to adopt any special law for the welfare of women and children under Article 15(3) of the Indian Constitution. (Venkatesh, 2023)
- **INDIA'S JUVENILE SYSTEM**

Juvenile delinquency is not as prevalent in India as it is in the west. It could be due to the wide variety of housing conditions, such as higher parental and family control, the persistence of religious beliefs, and the proper concern for moral ideals in Indian culture. This does not suggest that teenage misbehavior is insignificant in India. The appeal of a luxurious lifestyle and the influence of western civilization has had a big influence on young people in India today. As a result, there are now considerably more juvenile offenses. Based on three key tenets, India seeks to solve the issue of juvenile delinquency:

- Young offenders shouldn't be tried; instead, they should be corrected;
- They shouldn't be punished; instead, they should be reformed;
- Delinquents, or children in conflict with the law, should be excluded from the court's jurisdiction, and emphasis should be placed on their non-penal treatment through community-based social control organizations like the Juvenile Justice Board and Observation Homes.

The Juvenile Justice Act of 2000 (Rishi, 2019) designated neglected and disruptive teenagers as "children in need of care and protection," and a unique system has been established to meet their needs. According to the rules of the Juvenile Justice (Care and Protection of Children) Act, 2000 (Rishi, 2019), India's courts do not have jurisdiction over a kid who is in legal trouble, unlike those in the United States and England. Additionally, juvenile delinquency refers to actions that are analogous to crimes committed by adults.

Apart from the fact that an offense committed by an adult must be punished in ordinary court, the Juvenile Justice Board's unique trial process against a juvenile who commits a delinquent act is the only distinction between delinquency and an offense.

The 1973 Code of Criminal Procedure and the Indian Penal Code both have specific provisions that allow adolescent and juvenile offenders preferential treatment and procedure.

THEORIES OF JUVENILE DELINQUENCY

Since the dawn of time, criminologists, psychologists, and even sociologists have disagreed over what constitutes juvenile delinquency. Many individuals with divergent and congruent viewpoints have been concentrating on the true reason, which may be described by utilizing many theories ranging from classical to current ones.

To better understand these trends in adolescent criminality, philosophers have developed a variety of hypotheses. Aspects of ethnicity, gender, and poverty that are portrayed by low socioeconomic position have been linked by some, while childhood trauma including sexual or other types of physical abuse has been linked by others. Influence from peer groups has also created a lot of room for adolescent delinquency to grow. In both a conventional and modern or advanced perspective, there are socially based theories that explain adolescent delinquency.

Institutional Anomie Theory / Strain: The Strain theory was developed by Robert Merton in the 1940s. According to the concept, children's misbehavior results from a lack of resources to fulfill their wants. Since they failed to accomplish their goals by legal means, they resort to unlawful means. Although most young people have similar aspirations, values, and goals, the strain hypothesis emphasizes that not all young people are equally capable of reaching these goals, such as obtaining success in their careers or their personal lives. Robert Agnew (1992) gave a thorough exposition of Merton's theory of strain to use it to shed light on the many types of delinquent behavior.

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Three sources of stress were cited by Agnew:

- Anomie as defined by Merton's notion of anomie is stress brought on by failing to achieve favorably valued goals.
- Stress is brought on by the removal of the person's highly valued rewards. Losing a girlfriend or boyfriend, divorcing or separating from your parents, losing a loved one, or moving away from your pals to a different area or school are some examples.
- Negative stimuli such as child abuse and neglect, corporal punishment, peer and family conflict, difficult living circumstances, academic failure, and victimization by the criminal justice system are examples of strain.

Subculture theory: An alternate idea to explain teenage delinquency is the subculture theory. In 1955, Albert Cohen combined some of his thoughts into the concept of a subculture. This

theory is based on the assumption that isolated groups of people have ideals and standards that are different from those of the greater society because modern civilizations have fostered a culture of exclusion. Through these activities, antisocial behaviors that are considered crimes by criminal studies have been introduced. According to Cohen, society is to fault for juvenile crime. Since stealing is not socially acceptable and since it fits with their subculture, minors do it.

Differential Opportunity Theory: The idea of unequal opportunity raises concerns about young people who commit crimes. Richard Cloward and Lloyd Ohlin presented the topic of why people prosper or achieve in life. Why do some people commit some crimes but not others? Criminologists have been researching these problems for a while, and numerous theories have been put out. Cloward and Ohlin, however, assert that opportunities have a substantial impact on juvenile delinquency because of the stress brought on by a lack of resources. The differential opportunity hypothesis considers the notion that elements outside social circumstances could also be involved in a juvenile's criminality. Young people will be less likely to turn to subculture organizations for assistance if they have more options to succeed.

A young person may excel intellectually yet fail to find profitable work or an honest career, according to Cloward and Ohlin's theory. The juvenile's failure to find a gainful job is what drives them to behave out, not social conditions. The differential opportunity hypothesis varies from the subculture theory in that a young person's criminal behavior may be influenced by factors other than only social ones. If a young person has more possibilities, they will be more motivated to succeed than to join a certain subculture. This theory was developed in 1960 by Richard Cloward and Lloyd Ohlin.

UNDER THE JUVENILE JUSTICE ACT OF 2015 AND OTHER STATUTES, THE TERMS "CHILD" AND "JUVENILE" HAVE DIFFERENT DEFINITIONS

The term "child" is frequently used to describe a person who has not yet turned 18 and is not yet developed enough to distinguish between good and wrong. The majority of countries in the modern era recognize the idea of "doli in Capex," which is knowing that what one is doing is against the law. The penal law also stipulates that only minors aged seven to twelve may be judged guilty, provided that the offense they committed was serious and that they understood or had gained sufficient knowledge to comprehend the ramifications of their acts.

A "child" is defined as a person who is under the age of 18 under sub-section 12 of Section 2 of The Juvenile (Care and Protection) Act, 2015. The Act divides the term "kid" into the following two groups: -

- "child in conflict with law"
- "child in need of care and protection"

RISK ELEMENTS AND INDICATORS OF YOUTH DELINQUENCY

Typically between the ages of 6 and 12, a large number of kids develop into blatantly teenage offenders at a young age. Many teenage behaviors throughout the pre-high schooler and young years may be seen as normal behavior for children as they push their limits and work to develop their self-awareness. In any case, there are certain warning signs that a child could be going in the wrong route. The following are common signs of teenage misbehavior that can appear as early as preschool:

- The irregular or uneven development of critical skills, such as speech and accent.
- Persistent violation of the rules.
- Significant physical violence towards other students or teachers.

According to studies, a young child's likelihood of developing into a pronounced teenage reprobate depends on several different life factors. The following are the most well-known risk factors for teenage misbehavior, however, there are numerous and they change:

- The use of harsh penalties and an unwillingness to offer any other rationale for penalties than "because I said so" are characteristics of authoritarian parenting.
- The social association can lead a child to behave badly among his social group, which usually occurs when parents leave teens alone.
- Permissive parenting, which lacks repercussions for misbehavior, may be divided into two subtypes: (1) inattentive parenting, which involves not keeping track of a child's actions, and (2) indulgent parenting, which involves tolerating misbehavior.

RECENT TRENDS AND DEVELOPMENT

A uniform policy that protected a juvenile's interests and rights and took into account the child's care, treatment, rehabilitation, and overall development was established by the Children Act of 1960, which was passed before the Juvenile Justice Acts of 2015, 2000, and 1986. This act was intended to put into practice the international responses to the juvenile justice issue.

Given recent world events and the rise of juvenile involvement in crime, the Indian government is obligated to propose new, progressive, and stronger rules for the country's juvenile system. As a result, the Juvenile Justice Act was enacted by the Parliament in 1986, again in 2000, and most recently in 2015.

Justice V.K. Krishna Iyer, a former Chief Justice of India, once said that we should have a criminal code since children are the father of men and if we disregard their underdevelopment, we would be responsible for several sins and mistakes linked to leaving them.

The number of crimes committed by minors under the age of 16 has increased over the past few decades. The child's rearing environment, the economy, illiteracy, and parental care may all be contributing factors to the rising crime rate. These are some of the fundamental explanations. The most upsetting aspect of all is that kids these days, especially those between the ages of 5 and 7, are exploited as tools for crime because their minds are still so innocent and susceptible to manipulation.

The terrifying "Nirbhaya Delhi Gang Rape Case" that occurred on December 16, 2012, horrified the entire nation and sparked several discussions among the legal profession and leftists. The main driving force and discussion point was the accused's involvement, who was only six months away from turning 18 years old. A new law known as "Juvenile Justice (Care and Protection), 2015" was created by the Indian Parliament as a result of the accused's involvement in the terrible crime of rape, which forced the country's legislation to change.

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The Act's introduction has superseded the previous juvenile rules and brought about some remarkably significant modifications. One of the notable modifications is that minors between the ages of 16 and 18 should be prosecuted as adults.

CONCERNS AROUND THE WORLD FOR JUVENILE

The Convention on the Rights of the Child, which stipulates a set of standards to be followed by all States Parties in ensuring the best interests of the child, was approved by the United Nations General Assembly on November 20, 1989. International agreements and conventions have made a significant impact on the problem of children's rights and child abuse prevention. International organizations like the United Nations and UNICEF have traditionally placed a higher priority on the growth of children. The following are the international agreements and conventions that all UN member states have ratified to safeguard children's rights:

- “UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)”
- “UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)”
- “UN Rules for the Protection of Juvenile Deprived of their Liberty (Havana Conventions)”
- “Guidelines for the Action on Children in Criminal Juvenile System (Vienna Guidelines)”

TRENDS AND OBSERVATIONS ABOUT JUVENILE DELINQUENTS

1. Girls are less likely to conduct crimes than males because they do it less frequently than women. Between 6 and 7 percent of girls engaged in adolescent crime up to 1987. This remarkably increased to 13.4% in 1988 as a result of a revision in the definition of children, which now only covers girls between the ages of 16 and 18. If we calculate the proportion of girls for a certain age group using data from previous years, we get at 13.1%, which is lower than the 13.4% in 1958. It follows that there are normally 4.5 arrests of boys for every female, according to the most current data (from 1994).
2. Juvenile delinquency has the highest crime rate (12-16-year-old age group). According to the 1988 revision of the concept of child abuse, 66.9% of robberies between the ages of 12 and 16 happened over the average five-year period between 1989 and 1994. The majority of terrorists (71%) belonged to the 18–21 age group (adolescent group), followed by the 16–18 age group (15%), the 12–16 year group (9%), and the 7–12 year group (5%). Ratings for age groups have changed since then. Around 21.5 percent of people are aged 7 to 12 and 14.3 percent are aged 16 to 18 in the population.
3. In contrast to rural areas, cities are more likely to experience child abuse. Young offenders are produced in greater numbers in small cities and towns than in big metropolis (more than 10 lakh people). Seven of India's 23 main cities accounted for over three-quarters (74.7%) of the 1,362 cases brought under the IPC in 1994: 16.6% in Delhi, 12.5% in Bangalore, 14% in Ahmedabad, and 10.7% in Pune. The two largest cities in India are Nagpur (5.6%) and Hyderabad (5.2%).
4. Youngsters who live with their parents or other adult guardians are more likely to perpetrate crimes against children. 1994 saw the discovery of less than three-quarters (71%) of criminals who were living with their parents when they were arrested, less

than one-fifth (20.2%) of offenders and their guardians, and less than one-tenth (8.8%).

The importance of the family environment in fostering juvenile crime is shown by this.

5. Lack of information is the main cause of crime. In 1994, one-fifth (21%) of pupils graduated from middle and high school, over half (43.6%) completed elementary school, and just a tiny proportion (5.5%) completed high school. Less than one in three children, or 29.9%, were determined to be illiterate. Because of this, the majority of factions are from societies that lack historical literacy or education.

REAL-LIFE EXAMPLES OF JUVENILE DELINQUENCY

- Nirbhaya gang-rape case: The deadly attack and gang rape in Delhi in 2012 is a well-known landmark case that affected the Indian judicial system. In this case, one of the rapists was a child.
- PUBG killer: Recently occurring crime cases all across the world have been connected by PUBG as a common factor. Upon being ordered to stop playing the game, a 15-year-old kid reportedly assaulted his older brother with scissors and bashed his head against the wall.
- 40 rupees tussle: For forty rupees, a youngster killed his sibling! A 14-year-old boy in Aurangabad confessed to killing his sibling the day following their money-related argument.
- The killing of a toddler: In retaliation, an 8-year-old kid killed a 1-and-a-half-year-old child by putting him in a little water tank. The toddler's sister was accused of falling, and the accused's younger sibling claimed responsibility. He drowned the child as retaliation.

CONCLUSION AND ANALYSIS

Since a significant portion of criminal behavior has its origins in childhood and creates significant issues across the world, juvenile delinquency is a method for youngsters to participate in adult crime. It should be discussed more seriously now that it has grown to be a significant matter of concern. As we compare statistical data from industrialized to emerging nations, difficulties grow. Theft and robbery have been seen to be involved in a significant portion of these incidents.

We can envision a brighter future for India's young with programs like Functional Family Counseling and Instruction that focus on fostering youth strengths and assets rather than punishing them. Effective adolescent development, anti-bullying services, reducing imprisonment, evidence-based methods, a focus on high-risk kids, and solid community partnerships are all important factors to consider if we want a juvenile justice system that will last. The communities' stance on this subject is to offer more effective preventive and recovery programs to our at-risk adolescents and offenders, as well as to collaborate with the federal and state governments to develop a better plan for allocating funding for these services.

Various informal organizations, including registered residential groups, may be interested in receiving complaints about young people who act inappropriately or whose behavior is difficult for parents to control. Families are powerful socialization and social regulating forces, as was stated in this article. As a result, families may play a bigger role in implementing preventative measures with other important societal groups.

