

The Role of the Family in the Education of Children in Conflict with the Law: Empirical Evidence from Albanian Context

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Abstract

A child is considered in conflict with the law when he/she has committed or has been accused of committing an offence (UNICEF, 2006). According to local context, a child can also be in conflict with the law, when it is taken up by the justice system for minors or for adults, due to the alleged dangers faced by the child in view, or behavior or environment (IDE, 2016:2). The family is a primary agency that influences the child socio-psychological formation. In the case of children in conflict with the law, on one hand family can contribute on creating causes of antisocial and deviant behaviors of children, but on the other hand, it can be an important factor for rehabilitation and correction of the children attitudes. Recently, in Albania, children in conflict with the law have been in center of the attention of policymakers and researchers, but very few of them have explored in depth the role that the family plays on the education of children in contact with the law. This paper aims to fulfill that gap of researches in Albanian context. The methods used to gather data are based on: (a) the use of the secondary data such as international and national literature about the topic, researches with the focus on children in conflict with the law, statistics and other data from different Albanian institutions; (b) the use of the primary data taken from the interviews with experts who work in Probation Service in Albania, school psychologist, experts and professionals in prisons etc. The study revealed that the role of the family is crucial, especially for the children in conflict with the law. Empirical evidence from Albanian context shows that children in conflict with the law came mainly from families with socio - economical problems and/or lack of the attention to the education of the children. The collaboration of the family with other socialization agencies such as schools etc., can be an effective way for the correction of the attitudes of this category of children.

Keywords: family, children in contact with the law, education.

Introduction

The term 'children in conflict with the law' refers to anyone under 18 who comes into contact with the justice system as a result of being suspected or accused of committing an offence (UNICEF, 2006). According to local context, a child can also be in conflict with the law, when it is taken up by the justice system for minors or for adults, due to the alleged dangers faced by the child in view, or behavior or environment (IDE, 2016:2).

This article aims to explore the influence of the family on the children in conflict with the law. On one hand the family is seen as a social agency which can generate push factors for children who come in conflict with the law, but on the other hand it can serve as an important agency for the support, rehabilitation and reintegration of this category of children.

Recently, in Albania, children in in conflict with the law have been in center of the attention of policymakers and researchers, but very few of them have explored in depth the role that the family plays on the education of children in contact with the law. This paper aims to fulfill that gap of researches in Albanian context.

Family, as primary agency and its role on children in conflict with the law. International literature review

Although the family does not perform all the childrearing functions that it once did, it is still regarded as the primary agency of education and socialization of children that encompasses emotionally significant relationships. In national and

international interdisciplinary studies, contemporary societies are increasingly focusing on the most important role of the family and especially parents in successful socialization of children. In identifying the role of the family in the child raising process, it is important to clarify the similarities and the differences between the three concepts that are often used in confusing ways instead of each other:

socialization as the process of acquiring the ability to participate in society and includes the way to learn the norms, beliefs and the values of a particular culture;

the *development* of child that considers the time dimension of change and growth;

education entails those processes used to assist and to enhance the learning of skills, knowledge, and other life tasks of one person from another (Darling, 1987: 823).

From one side, the way that the family fulfills the functions of socializing, educating, and developing children is one of the determining factors for children's reports with law and society. On the other side, a child's level of well-being is socially influenced within all social contexts. Given that children have little control over the social and family contexts influencing them, then they are at the mercy of the adults and cultural influences that contexts provide. The parent-child relationship initiates a child into the social world. Through the socialization process, children acquire the knowledge, attitudes, skills, values, and expectations that allow them to become increasingly integrated into new social relationships (Peterson and Rollings, 1987: 470).

The existence of threatening and difficult environments may be a threat for child's well-being. In such cases, the family and the role of the parents became a key microsystem influences through the definition of the socialization goals, the ideologies that drive parents' plans for their children's future, and influence the parenting tactics they implement (Howe, 2012: 304).

In the sociological analysis of the causes of children in contact with the law is referred the importance of social competences that are part of the process of socialization and education in the family. This set of competencies learned in family is then used to guide the action of children outside of it. The multidimensional complexity of the use of social competencies becomes a determining factor for the child's relative abilities to function effectively within long-term reciprocal role relationships in society. Thus, young people are socially competent when they demonstrate high levels of self-esteem, conformity to (cooperation with) significant others, moral development, independence, achievement, and internal control. In contrast, children are less competent within the learned roles when they are low in these qualities, display substantial antisocial behavior, and have identifiable personality disorders (Peterson and Rollings, 1987: 476). In this sense, the child's social incompetence would be a cause for conflict with the law.

A wide range of sociological texts emphasize that parent-child socialization consists of both "structured" role relations and dynamic processes. Howe in her analysis of family life differentiates the family structure from family processes. According to Howe (2012:8) "Family structure itself does not reveal very much about a person's experiences. Family health, success, and happiness don't depend exclusively on family structure, its composition, how many members it has, whether people are married, their ages, and other demographic variables... To understand a person's long-term adjustment we must look into a family's processes, that include interactional variables like problem solving, quality of emotional support, and discipline provided for children."

For this reason, the causes of the child who conflicts with the law will be analyzed by linking them with some of the most important processes that take place in the family and are a natural part of the educational, socializing and child rearing functions.

Following the recognition of a broader international literature, the most frequent causes of deviant and problematic behavior of children closely related to family processes are:

various family problems, deviances in the family;

the problems of young people with romantic relationship;

problems with friends, deviants in peer groups;

school problems;

the degree of religious engagement;
use of prohibited substances;
participation in the gang.

All of the above categories of causes are potentially risky for the deviant behavior of the children and express aspects of the family's inability to successfully control and manage processes within it. The findings of Froggio and Agnew (2007) Froggio and Lori (2010) orient the attention to the importance of any problematic display in family life starting from any difficulty of relationship with the parents and siblings, a bitter discussion between one's parents, parents' divorce, misunderstandings with parents, emotional distance of parents, to the predictive significance of the precedents of deviant behavior in the family (mother, father, sister, or brother) if someone on the family had committed any deviant or delinquent act. Despite all the influential role of the family and the relationship within it, there are studies that neglect the negative influences of the family in the emergence of deviant behaviors. The findings of a study conducted by Brank and Lane (2008) with 147 juveniles in Florida Department of Juvenile Justice revealed that the juveniles generally did not believe their parents were responsible for the illegal activities of the juvenile. Often, studies on the role of parents in the behavior of children are directed towards monitoring and continuous control of adults on their children. According to this point of view Brank & Lane (2008: 344), Lippold et al. (2014: 1816) children break the rule and law even when their parents are very involved in the continuous control of children. Parental control and monitoring may not be enough to keep the child away from legal problems. Parental monitoring is important but it is not the only factor that can minimize the incentives for anti-child behavior to children and young people in relation to other important factors outside the home.

Researchers Wood, Avellar and Goesling (2008:9) Thornton, Axinn and Xie (2007:124) evaluate the importance of family processes, referring to how children and young people project the importance and form of romantic and intimate relationships. According to Crockett & Randall (2006:765) family models are also important in how conflict resolution is addressed in the romantic relationships of young people. Lack of conflict resolution tactics may be a cause for deviance and contact with the law. Froggio and Lori (2010:587) found that among young Italians romantic engagement or betrayal of one partner and breaking up of romantic engagements, as well as breakup of an important friendship often become a cause for deviant behavior or behavior contrary to cultural and even legal norms. Among the young Italians resulted to be important the level of involvement in peers group. According to this study the more involved in the group the child is, the less likely to behave deviant behaviors, and the less involved in the group the child is the more inclined to the deviance in the family, school environment, and the wider social environment. Children involved in non-stigmatizing groups are likely to have low indicators of deviant behavior. Often not legal behavior of children is found in patterns of deviant behavior of the peers group.

Part of the discussions of many studies are also the problems of children in the school, a bad relationship with teachers or bad academic performances, getting failing grades at school.

When the discussion is oriented towards the causes of anticonformist and deviant behaviors among children and adolescents, studies also refer to the importance of religious beliefs in the family. Frequently, religious belonging and religious practices in the family have been seen in sociological studies as important elements in family processes to mediate deviant behaviors and to incorporate the importance of social control and social morality among children and adolescents (Simons et al., 2004; Pickering and Vazsonyi, 2010). In the study of Simons et al. (2004: 559) the results showed that religious belief is important to help young people to perceive social morality. Generally they tend to choose people of common beliefs and values in their peers group, so religion commitment serves to discourage involvement with deviant peers.

Among the most problematic profiles of behavior in conflict with the law of young people are their engagement in the gang and the use of forbidden substances (Velleman and Lorna, 2007; Young, Fitzgibbon, Silverstone, 2014). As has been discussed earlier, even in these cases the family is placed at the center of the debate on sociological studies being seen on the one hand, as a result of conflicting behavior with the law on children (Young, Fitzgibbon, Silverstone, 2014: 173-177) and on the other hand, as a factor in helping their rehabilitation through its participation in the criminal justice and education system (Velleman and Lorna; 2007: 28).

The interest of this article is to explore the importance of some of the factors analyzed in the review of literature in the cases of minors in conflict with the law in Albanian society.

General description of the methodology

The overall analyze is based on two main methods:

First, the analyze of the secondary data was based on the documents taken from different sources such as, research and studies from Albanian and foreign actors related to the children in conflict with the law.

Second, the analyze of the primary data was based on the information gathered empirically through in depth interviews with professionals who work with children in conflict with law.

In the interviewing process participated 17 professionals. 6 of them were school psychologists, 6 employees of the social care sector at the Institutes for the Execution of Criminal Offenses, and 5 specialists in Probation Service Offices, mainly professionals who work with the category of 14-18 years old but in the case of school psychologists the information was referred even for the category of 12-14 year old. The study was conducted in cities of Durrës, Kavaja, Elbasan, Rrogozhinë and Tirana.

Study limitations

First, this study is part of a larger research, conducted by the authors, so the findings are limited and should be considered as preliminary data.

Second, the data are collected only from professionals who served as key persons, so, the results reflect only their perceptions. The whole research involves a larger interviewing process, including minors and parents, but at this stage the data are based only on the perceptions of professionals working with minors in conflict with the law.

Third, given that the study is based on qualitative methods, its findings are limited and can not be generalized.

Empirical evidence from Albanian context

There are some studies In Albanian context, undertaken from different actors, who deal with children in conflict with the law. Usually the studies in Albanian context are focused on exploring the risk factors that influence the criminality of juveniles in Albania, among which the family factors remain the most important ones.

According to Haxhiymeri, family environment shapes the life and the character of children, young people and adults, in general. A large number of minors and youths involved in criminal offenses come from problematic families. The rise of criminality at young ages over the last ten years is directly linked to the crisis experienced by Albanian family during the transition years. Juvenile delinquency often meet with those individuals who come from families with divorce parenting, violence, or parenting in immigration. In such environments, with significant emotional but also material shortcomings, children and adolescents are not exposed to the appropriate model they need at this stage of their development. They can feel unsupported, neglected, and not respected. Moreover, the environment brings them to the stressful situation and difficulties often unaffordable by them (Haxhiymeri, 2007: 8).

Another study conducted by Beqo and Doçi from General Directorate of Prisons in Albania on 2015, untitled "Minors in conflict with the law. Analysis of risk factors that influence the criminality of minors" revealed that family and elements related with it, such as antisocial or criminal parenting behaviors, substance abuse, neglect, type of parenting, domestic violence, parent divorce, psychopathology of the parents, family structure, multiple family members, economic problems of family, etc. can lead minors to delinquency. According to Beqo and Doçi family factors do not act outright but often they are related to other factors such as the influence of peer groups, place of residence, school, community, etc. (Beqo and Doçi, 2015).

According to a study conducted by Cilingiri, family factors compose important factors of influence for minors recidivism risks. According to her study, many of recidivist children in Institutes of Execution of Criminal Offenses, have lived in families where violence was exercised, in families with divorced parents or with cousins with physical and mental health problems (Cilingiri, 2015: 25).

The above studies stressed the role of family as an agency that creates the risk factors to the juvenile delinquency. A very interesting study conducted by Albanian Foundation for Conflict Resolutions (AFCR) reveled that family can be an important factor for the correction of attitudes of children in conflict with law. According to this study, regarding the question of "who

do you think is the most appropriate person to help you resolve a conflict?", the juvenile involved in the study listed three main sources: a family member (47.2 percent) a professional mediator (18.9 percent), a friend (14.2 percent) (AFCR, 2016: 24). That means that family composes an important source of trust for juveniles, and as such, a very important agency for reintegration and re-socialization of juveniles in conflict with the law.

According to the data taken from the General Directorate of Prisons in Albania in August 2018, the number of minors sentenced in Albanian prisons was 5, (1 from the category 14-16 years old and 4 from 16 to 18 years old) and the number of pre-detainees was 17 (5 from the category 14-16 years old and 12 from 16 to 18 years old), mainly in Kavaja, Korça, Vlora and Lezha IECO.

| IECO | Pre-detainees | | Sentenced | |
|--------|------------------|-------------------|------------------|-------------------|
| | 14 -16 years old | 16 - 18 years old | 14 -16 years old | 16 - 18 years old |
| Korcë | 1 | 4 | 0 | 0 |
| Kavajë | 2 | 3 | 1 | 4 |
| Vlorë | 2 | 5 | 0 | 0 |
| Total | 5 | 12 | 1 | 4 |

Table nr.1: Number of minors in the Institutions of Execution of Criminal Offences in Albania, August 2018

Source: General Directorate of Prisons in Albania

Comparing to the previews years, the number of sentenced and pre-detainees minors in Albania has decreased considerably. On August 2016 the number of pre-detained minors in all IECO-s of Albania was 67 and the number of the sentenced was 7, while 2 years later, on August 2018 the number of pre-detainees was 17 and that of sentenced was 5 .

| IECO | Pre-detainees | | Sentenced | |
|-------------|---------------------------------|----------------------------------|---------------------------------|----------------------------------|
| | 14 -18 years old August 2018 | 14 - 18 years old August 2016 | 14 -18 years old August 2018 | 16 - 18 years old August 2016 |
| Ali Demi | 0 | 1 | 0 | 0 |
| Korcë | 5 | 11 | 0 | 0 |
| Kukës | 0 | 1 | 0 | 0 |
| Lezha | 0 | 20 | 0 | 0 |
| Kavajë | 5 | 18 | 5 | 7 |
| Vlorë | 7 | 16 | 0 | 0 |
| Total | 17 | 67 | 5 | 7 |

Table nr.2: Number of minors in the Institutions of Execution of Criminal Offences in Albania, August 2016-2018

Source: General Directorate of Prisons in Albania

The Juvenile Justice Code, which came into force on 01.01.2018 in Albania strengthened the application of alternative sentences for this category of people. There are not official statistical data about the category of 14-18 years old in Probation Service, but specialist from local offices report that recently the number of juveniles who are followed by this institution is considerably increased.

Important findings

The three main topics which oriented the interviews with professionals were:

The familiar conditions of children who are in conflict with the law

The outside influence on children in conflict with law and the role of the family

Recommendation: How families can help the reintegration of children in conflict with the law

The familiar conditions of children in conflict with the law

When it comes to describe the family conditions of children in conflict with the law, attention generally focuses on the socio-economic status of their family.

A specialist of social care sector at the Institute of Execution of Criminal offenses in Kavaja, claimed:

"Children with whom we work come mainly from marginalized families, with very few opportunities to make a normal life. Generally are children from poor families, with hard economical problems, but even with parents with law education level. This is reflected on the level of education of these children. Rarely you may find children who have finished the obligatory education. Usually they have 2, 3 or 4 years of formal education. Generally these children come from periurban or rural zones".

Professionals who work with this category of minors claim that in many cases the difficult economical situation drive the child to the road of delinquency.

"We work with children who have committed minor theft. They often have done so to help economically their families. For example, someone have stolen ironmongeries, in order to take some money by selling them, or someone has stolen a mobile, because he thinks he will never have the possibility to buy it...and many times we are very sorry about that..."

Some professionals stress the idea that minors who come in conflict with the law, lack the right education from their families. They come from families who haven't give to their children the adequate attention or who have not modeled them with the right values. Focusing on their prolonged-time work, parents may have neglected these children and have not exercised their parental control properly with them. A specialist from Local Probation Service Office of Durrës, during her interview claimed:

Generally minors in Probation Service have committed offenses such as theft, distribution of narcotics, blows between peers, etc. It is true that the biggest part of our minors comes from families with low socio-economic status, but there are also those who, have been introduced to the deviance route, benefiting from the lack of parental control. In a family where the rules do not work, it is easier for kids to "slide down". Especially in adolescence, parents need to have a special focus on children.

According to a interviewed psychologist the emotional support of family for its member is crucial, especially the emotional support of parents towards their children. Interviews showed that a part of juveniles in conflict with the law comes from troubled and dysfunctional families, such as single parent families, a dead parent, family with communication problems, families with many children, with physically or mental health disabled parents, with parents having problems with alcohol, orphans or abandoned children. With a big compassion, a specialist from the Institute of Execution of Criminal Offenses in Kavaja, claimed:

Do you know that some recidivist children in our institution come again here, because they do not have a home and a family. When they go out of here, they intentionally commit an offence and come again and say "At least here we have a bad, something to eat and people who care about us. Outside we have nothing."

Another specialist from the same institution claimed:

In my experience, I remember two cases that, when came the moment for the minor to go out from here, there was nobody from his family to come and take him. We have been in trouble to find him a cousin, a relative or a responsible person. It's a big drama.

Different studies show that a member of the family in conflict with the law can serve as a model for a minor. As Froggio and Agnew (2007) Froggio and Lori (2010) have revealed, the precedents of deviant behavior in the family (mother, father, sister, or brother) influence the deviant behavior of minors at the same family.

According to a study conducted by Cilingiri around half of children who participated in the study have had member of their families in conflict with the law. Their father or brother was or had previously been convicted of at least one criminal offense (Cilingiri, 2015: 38).

According to the interviews of professionals a family model can strongly influence the experience of the minor. A specialist from the Local Probation Office in Elbasan claimed:

We have many cases of minors who come from families where the father, big brother, or uncle, have had stories of delinquency or criminality. For these children the commission of an offense or criminal act is not a big problem, but as I can say... "a part of the life".

Some other social factors that have influence the family life may also influence to the children in conflict with the law. For example, emigration of father or other family members or the migration of the whole family from one part of the country to another may influence to this category of children. In many cases families of children in conflict with the law live in periurban zones, where the social control is weak and the possibility of the involvement of minors in deviance groups is greater. A specialist of the social care sector in Rrogozhina IECO, during her interview claimed:

For a teenager, especially boy, the presence of the father is crucial. In my experience I have had to do with boys who lived with their mothers because of the fathers emigration, divorce of the parents or because their father have passed away. In such conditions, mothers who deal with many other issues of management of the family, have no possibilities to control their sons.

The outside family influence at children in contact with law and the role of the family

Many studies show that in general teenagers and especially those in conflict with the law are strongly influence by their mates or other adults. According to a study conducted by Cilingiri, more than 50 per cent of minors have committed the offence in collaboration with adults or other minors (Cilingiri, 2015). A specialist from Probation Service of Durrës claimed:

In my experience the biggest part of the cases, where minors have been involved, were offences in collaboration with adults or mates. I remember a girl 14 years old have stolen scrap metals in collaboration with her mother. They came from Roma minority, with socio-economic problems and the sale of scrap metals served to them to survive. In many other cases of drug dispersions and thefts, teenagers are involved in groups, they do not act alone.

From the above interview it is clear that in some cases the collaboration for committing an offence comes from the family or at least a member of the family, and in other cases it comes from other social agencies influence, such as peers, a group of adults etc. When the influence comes from outside of the family and the lack of the family control is weak, the probability of child to be involved in criminal offences is high.

Another important factor that should be taken in consideration is the relationship with the school. The interviewed professionals indicated that the majority of minors in their institutions have had a poor relationship with the school and their parents had been uninterested in their school progress and development.

According to a school psychologist, when teenagers are focused on school achievement, the probability for them to be involved on criminal acts is low, while if their focus is not directed to the school success, the possibility of involvement in deviances and delinquency is higher. According to her, nowadays the exposure of teenagers to different information offered by the internet platforms, strongly influence their behaviors and attitudes. Family must play an important role on controlling children in this aspect.

Instead of conclusions, some recommendations: How families can help?

As we explained above, one of the topics discussed on the interviewing process was the role of the family as a rehabilitation agency for children in conflict with law. During the interviews, the professionals who work with children in conflict with the law, mentioned that the role of the family on the reintegrating of this category of children is crucial. During her interview, a specialist from Probation Service, Office of Tirana, claimed:

Some parents are not aware about the importance of their presence on the children's life. The parents negligence and the lack of the control toward their children can have important consequences for these children, directing them towards antisocial and deviant behavior. It is important to include these parents into special programs in order to raise their awareness about the important of parental control .

As mentioned above, family is not an agency that operates alone, but its life is strongly influenced from social conditions and other social agencies. Consequently the improvement of these social conditions can lead to the improvement of the family function. During the interviews a set of recommendation about how to strengthen the positive influence of the family on rehabilitation of the children in conflict with the law, have been gathered.

Including parents on special programs in order to raise their awareness about the important of parents care, interest and control towards their children.

Offering free assistance (medical, psychological, legal, etc) for parents of children in conflict with the law.

Drawing policies for raising professional skills for parents of children in conflict with the law and creating employment possibilities for them.

Strengthening the collaboration of the family with other social agencies such as schools and extracurricular centers, legal and psychological services etc, in order to offer to the children predisposed to be in conflict with the law, another vision and constructive possibilities for their lives.

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