

## Legal Education and Upbringing of Order

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### Abstract

A great importance to a democratic society is the creation of legal literacy education on rule. Such a breeding seems to be primarily present in the consciousness of every citizen. The principles of a democratic state should be installed, first to society. These principles embodied in the individual consciousness in the form of legal and institutional consciousness. Moreover every man should know that c`demands of an institution, and should make it impossible to solve the institutional and democratic way, even when he finds the office door closed, even by officials when a problem exists as insoluble. An individual should not be equated with the passivity that is generally characterized by officials, but must use every means to protect the right and dignity. Methodology: First, quantitative analysis was used to see why the number of citizens dissatisfied with the exercise of their rights is increasing. Secondly, qualitative analysis was used by analyzing the social and objective causes that lead to a lack of legal education of the public. Expected results: the consequent link between the lack of information on the law and non-exercise of the right. This scientific paper seeks to give concretely what are some of the strategies that should be used to have a well-informed public and satisfied with the exercise of law.

**Keywords:** law, regulation, education, rule of law, individual.

### Introduction

#### **Youth and the importance of legal education in their awareness.**

Adolescents, in the stage of physiological and psychological growth, will be easily influenced by different thoughts and bad social behaviors. This is because in schools, legal education is not perfect and family information is lacking. As a result, illegal behavior and criminal actions will be produced. There is a simple analysis of the impact of legal education produced by society, school and family. And we will introduce appropriate countermeasures to strengthen legal education for adolescents, improve legal awareness, and avoid illegal and criminal behavior (Sun, 2015, pp.892).

Juveniles and young people are the hope that the future of our society will be better and that they will be the first to contribute to reducing the crime rate. The consequence of the high number of crimes committed by juveniles and young people in recent years has been very high.

Also, poverty continues to be a rural phenomenon also because of the possibility limited that the rural population has in the use of public services. 1.8 percent of children live in extreme poverty according the Assesment on measuring the standard of living, 2008, while 17.14 percent of children live in poverty. 13.48 percent of children of mountainous regions live in

families in it which both family holders or just one are unemployed, while at the national level this indicator is 9.33 percent (Action plan for children, 2012-2015, pp.8)

We need to focus on the essential role of legal education in helping people understand and use the law as a tool for change. In this regard, we know that there are a significant number of people who cannot get justice for everyday problems and that these unmet needs cause or exacerbate sets of issues that have a social and economic impact on individuals, communities and the broader goals of public policy. We believe the law should be available at times and in places where people need it.

Young people show that there is a wide range of areas where the law affects them. These include legal age restrictions (sexual consent, voting, smoking, alcohol consumption, etc.), labor regulations (especially concern for young people on the move), education laws (dropout, discipline, home schooling), children's rights and the Internet (especially You Tube and social media) etc.

Often, most states believe that by submitting periodic reports to the United Nations Committee in Geneva, their work is complete, but in our view this is not enough. The Convention on the Rights of the Child, which in itself consists of a number of non-negotiable standards and obligations, which is universally agreed upon, provides protection and support for the rights of the child. In adopting the Convention, the international community realized that people under the age of 18 often needed special care and protection, which adults did not need. The Assembly of the Republic of Albania ratified the Convention on the Rights of the Child with law no. 7531, dated December 11, 1991.

Ratification of the CRC and its optional protocols have had a positive impact on the development of legislation and policies in the country. However, there is a general lack of adequate resources allocated to ensuring its implementation. This material will be a basic tool for informing young people about their fundamental rights and freedoms, so that they understand what is right to do and what is not. They need to know what the age for criminal responsibility is and what the negative consequences of juvenile punishment are.

To help curb the growing abuse and exploitation of children worldwide, the United Nations General Assembly in 2000 adopted two optional protocols to the Convention in order to increase the protection of children from involvement in armed conflict; and from sexual exploitation.

### **Juvenile Criminal Justice Code, a product of UNICEF**

The Juvenile Justice Code is a product of UNICEF. This code shows that justice for minors has been and is a priority of the Albanian state. It is guided by the principle of the highest interest of the children. "Higher interest of the child" means the right of the child to have a healthy physical, mental, moral, spiritual, social development, as well as to enjoy a family and social life suitable for the child (Law no. 37, 2017, article 3).

Undoubtedly, the commission or exposure of a juvenile to criminal offenses carries responsibility for him. What we want to achieve is to prevent the involvement of more and more juveniles in crimes than to punish them.

The Albanian Government through the Ministry of Justice, with the support of UNICEF and partners and civil society actors whose mission is the rights of minors, have had supplemented the Code with its bylaws. These changes establish a criminal justice framework for children,

in line with the UN Convention on the Rights of the Child (CRC) and other international standards. Our vision aims to establish an effective and child-friendly system, which protects their highest interest. The establishment of an integrated data system will serve to generate information for juveniles in conflict with the law at any time and at any stage of the prosecution, trial and execution of the court decision. One of the priorities of 2020 is the treatment of juveniles by two institutions that will offer rehabilitation programs, reintegration based on the individual plan of each juvenile.

What are the terms by which minors should be introduced and educated?

"Juvenile criminal justice" as proceedings relating to criminal offenses, including the investigation, prosecution, trial, execution of a sentence, any other measure involving a juvenile in conflict with the law, victim or witness of a criminal offense.

"Minor" is any person under 18 years of age

"Juvenile in conflict with the law" is any person who has reached the age of criminal responsibility up to the age of 18, against whom there is a reasonable suspicion that he has committed a criminal offense, has been taken as a defendant and / or has been convicted with a final court decision for the commission of a criminal offense.

"Juvenile victim" is any person under the age of 18 who has suffered moral, physical or material damage as a result of a criminal offense.

"Juvenile witness" is any person under 18 years of age, who may have information related to the criminal offense.<sup>1</sup>

"Rehabilitation" is the encouragement and development, in the sense of the responsibility of the juvenile, of a sense of respect for the rights of others, to promote and enable the healthy physical, mental, spiritual, moral and social development of the juvenile; and to prepare him to return to society.

- "Competent body / participant in the administration of juvenile criminal justice" is, as the case may be, a judge, prosecutor, judicial police officer, state police officer, lawyer, psychologist, social worker, mediator, employee of the Unit for Protection of Child Rights and probation service, the employee of the juvenile rehabilitation and detention facility, as well as any other structure / official involved in this process, who exercise the responsibilities and competencies provided in this Code and who are trained and specialized in criminal matters with juveniles and young people.

- Restorative justice measure "is any measure that allows a juvenile in conflict with the law to understand the responsibility and correct the consequences of a criminal offense, to compensate the damages and / or to agree with the victim / injured party and other persons affected by the criminal offense, where the juvenile who committed the criminal offense and

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<sup>1</sup> The regulations provided in this Code do not include juveniles who commit criminal offenses under the age of criminal responsibility, against whom criminal proceedings are not initiated or, if initiated, terminated immediately. In this case, child protection structures are set in motion and all measures provided by the law on the rights and protection of children are implemented, in order to provide them with the same procedural guarantees, assistance and services as for minors in conflict with the law / victim or witness, regarding the interrogation process and contact with the police and prosecution bodies.

the injured party actively participate together to resolve the consequences of a criminal offense, usually with the assistance of an independent third party.

The purpose of this Code is (Law no. 37, 2017, article 2):

1. To inform and educate minors and young people on actions or omissions that are allowed and those that are prohibited, indicating the consequences (sanctions) in case of non-compliance with these legal provisions.
2. Guarantee a legal framework on juvenile criminal justice that is in line with the Constitution, the United Nations (UN) Convention on the Rights of the Child and other international standards and norms aimed at the protection of minors and effective protection of the best interests of the minor.
3. To promote the reintegration of the juvenile in conflict with the criminal law and for the juvenile to play a more useful role in society.
4. To guarantee the re-socialization and rehabilitation of the juvenile who has committed a criminal offense.
5. To protect the rights of the juvenile in cases when he is a witness and / or victim of a criminal offense.
6. To prevent the re-victimization and second victimization of the juvenile, who has previously been a victim of a criminal offense.
7. To prevent the recurrence of criminal offenses by minors.
8. To protect the principles of public order in the process of administration of juvenile criminal justice.
9. To increase the responsibility and professionalism of the competent bodies in the administration of juvenile criminal justice cases.
10. To guarantee educational and preventive measures for juveniles who commit criminal offenses and to ensure the establishment of supervisory mechanisms for their implementation.

So, the three main pillars on which we rely to protect the minor are:

- Prevention;
- Guaranteeing educational measures and their supervision;
- Rehabilitation and reintegration into society.

What is the age of criminal responsibility?

Perpetrators of criminal offenses are persons who by their action or inaction allow a criminal offense to occur, thus causing the consequence of the criminal offense.

- For the purposes of criminal responsibility for crimes, is considered a juvenile, a person who has reached the age of 14, but not 18 at the time of the crime.

- For the purposes of liability for criminal offenses, is considered a minor, a person who has reached the age of 16, but not 18 years at the time of the commission of the criminal offense.

- In the case when the age of the person is impossible to determine accurately, but there is reason to believe that he is a minor, he is considered as such, in the sense of this Code, until his age is determined (Law no. 37, 2017, article 7).

### **What are the criminal offenses where the juvenile is most exposed?**

- Criminal offenses: The offenses with which the legal values of a person and a certain community are violated, are called criminal offenses or in a general term, criminality. They are divided into crimes and criminal offenses.

- Intentional homicide: Includes all those criminal offenses against life, committed intentionally such as intentional homicide, premeditated murder in connection with another crime, premeditated murder, murder for blood feud, murder in other qualifying circumstances, murder of officials public, murder of state police officers, murder due to family relationships and murder of baby.

- Serious criminal offenses against property: Includes those offenses that aim to steal a person, using violence or force such as robbery, armed robbery and theft resulting in death.

- Sexual crimes: Includes those illegal acts that affect the sphere of security of sexual freedom and the normal development of sexual formation, such as sexual or homosexual intercourse with minors, sexual intercourse or homosexual violence with minors aged 14-18 years , violent sexual intercourse with adults, homosexual violence with adult violence, sexual or homosexual intercourse with persons incapable of defending themselves, sexual or homosexual intercourse with the threat of using a weapon, sexual or homosexual intercourse abusing duty, sexual or homosexual intercourse with persons of the same sex or under guardianship, sexual or homosexual intercourse in public places, sexual violence, shameful acts and sexual harassment.

- Attempted theft: Includes offenses such as attempted bank robbery, attempted armed robbery, attempted violent theft, and other attempted theft.

- Crimes in the field of drugs: Includes offenses such as the production and sale of narcotic, cultivation of narcotic plants, narcotics trafficking.

- Domestic violence: Includes acts such as beating, or other act of violence, serious threat of murder or grievous bodily harm, against a person who is a spouse, ex-spouse, cohabitant or ex-cohabitant, close gender or close relationship with the perpetrator criminal, consequently violating its physical, psychosocial and economic integrity.

- Violation of traffic rules refers to Article 290 of the Criminal Code (INSTAT, 2018, pp.4).

### **The family and its impact to legal education.**

In order to gain a firmer understanding of the subject, it is necessary to explore the root causes of young people's advice needs. There are, perhaps, two principal causes: the nature of adolescent transition and the social exclusion of a significant minority of young people (Kenrick, 2002, pp.3 ).

Definitions of adolescence will vary from individual to individual, culture to culture and in relation to the current cultural, socio-economic and political climate. What is common is recognition that adolescence entails a time of transition and change when most of a person's characteristics are changing from what is typically considered childlike to what is typically

considered adult. Changes in the body are most easily observed, but other attributes, such as thoughts, behavior and social relations, also change radically during this period (Lee, Muhammed & Downes, 2002).

It has been identified three locations for the key factors which can put young people aged 13–19 at high risk of social exclusion:

- The family – poor parenting; family conflict; low income; poor housing; being placed in care.
- School – low achievement; truancy; exclusion.
- The community – disadvantaged neighborhoods; friends condoning or involved in risky behavior (Kenrick, 2002, pp. 4).

‘Looked after’ children and young people and care leavers are known to be particularly vulnerable to experiencing school exclusion, sexual exploitation, poverty, mental health problems, substance abuse problems, low levels of educational attainment and other factors that precipitate social exclusion.

There remain a number of barriers to solving the legal problems youth encounter. For one, youth are considerably more likely to not obtain legal advice and do nothing to solve a legal problem. Young people are also the least likely to recognize they need advice and to know where to go for help. The transition to adulthood is a tumultuous time for all youth, but marginalized youth face additional problems that make this transition even more precarious. PLE can play an important role in early intervention by catching youth before they fall through the cracks. When a young person decides to take action they often do not have basic knowledge of where to go for help. As a result, youth often have a limited awareness and familiarity with their rights and the operation of the legal system (Report, 2013.).

There is considerable research that indicates that youth are not seeking advice from mainstream expert sources. Youth are more likely to use expert advice or services if they are (Report, 2013):

- face-to-face;
- friendly;
- non-judgmental;
- informal;
- holistic and address emotional and social problems;
- confidential;
- age-specific/appropriate;
- honest and objective; and
- not contradictory to their own life experience.

Although with the development of social economy progress and education in the modern family, the situation that parents lack of legal knowledge and the weak sense of law is changed. They began to pay more attention in the comprehensive development of children and grow up, the older generation of parents treat the stereotyped reading as the only way to change your life, but the parent, influenced by the relevant state propaganda work, have gradually

recognized that exerts significant impacts of quality education to the child in the new era, they believe that they should let the children learn extensively diverse knowledge. Although many parents have a new understanding in the quality education, there are still some parents have insufficient legal knowledge, legal consciousness and the legal concept are lack. Their understanding and view of legal is probably declinational, and has the deviation of national laws and regulations, they cannot learn and understand law in a right way, so they cannot teach the relevant legal knowledge to the children (Sun, 2015, pp.894).

That school problems are not surprising is fine every time parents talk to their child about it all experiences that the child encounters at school. Also parents should be in constant contact with teachers. Parents have opportunity to call or go straight to school, only e just to be informed that everything is fine. Important participation in parent meetings is also very big, where you meet will meet the child's teacher.

### **Is it enough for children to learn legal education to school?**

There is no scientific system of legal education. The students in school are teenager's mainstream groups, so the school is the main position for teenagers' legal education activities. But because of the influence of the exam oriented education system, legal education of young people in the school has not received enough attention. Because of the lack of understanding of legal education in school, some school think that legal education is to carry out a number of 893 legal thought of lectures, or please some court for teenagers to talk briefly about the national laws and policies, there is no need to occupy special classroom time to teach legal knowledge for teenagers. So the youth legal education in school education system is not perfect (Sun, 2015, 895).

Youth legal education is not only the responsibility of school, but an important task for the social, school and family. "we need to build a system of teenager legal education should be made up of three-dimensional, continuous, and extensive education system, young people is the object of it, the community, schools and families is the main body, to form a legal education for all-round and multilevel based on the value (Xining, 2003, pp.22).

The school must give to the youth people at least:

Information is the provision of systems and processes which make comprehensive, up-to-date and accessible information available to young people. There is no assessment or recommendation about the information's appropriateness, and decisions, choices and action are left with the young person. Information work can include signposting to other services or providing young people with resources to discover their own answers to their questions and needs.

Advice is concerned with helping a young person to change or cope with practical issues and problems. It seeks to widen the young person's choices by providing accurate and relevant information about their rights, options and potential courses of action. The advice worker may identify and recommend ways forward, but decisions and choices are left to the young person. Any action agreed by the young person may be undertaken by, with, or on behalf of the young person (Quality Standards for Youth Information, 1999).

Through his work, the teacher, creating a successful partnership between school, students and family makes it possible to prepare students for long lasting success the learning process, despite the cultural diversity of students, in order to complete their studies with the highest

possible results and to contribute as much as possible positively in life and in the community. The teacher should know that students need a lot of skill and knowledge to be successful, but above all, to motivate that feel motivated and skilled in a rapidly changing world around knowledge of values civic. The teacher must be the one who creates knowledgeable and conscientious citizens who are able to see the world critically, make smart decisions about their lives and others. Education is the best way to keep the foundations of democracy alive at school, in life, society and family (Alimusaj, 2018, pp.8).

With the emergence of new social trends, and with changes in local and global communities, the role of education is being further developed to meet the current needs of students. EDC / HRE is the foundation of tomorrow's European and world peace and dialogue. Conflict management issues, respect for diversity, intercultural responsibility and an understanding of the rights and responsibilities of citizens are central issues in school settings (Brett, Gaillard & Salema, 2009, pp.79).

### **Conclusions**

First we must emphasize the direct connection of young people, their behavior and lack of order in society and disrespect for the law.

The reasons why the number of criminal offenses committed by young people is increasing, are social, economic, missing family relationships, etc. Most importantly, we need to link state policies to these reasons. So we must heal these wounds of society so that we can have a new generation well educated with moral and legal norms.

Most states believe that by submitting periodic reports to the United Nations Committee in Geneva, their work is complete, but in our view this is not enough. The Convention on the Rights of the Child, which in itself consists of a number of non-negotiable standards and obligations, which is universally agreed upon, provides protection and support for the rights of the child.

'Looked after' children and young people and care leavers are known to be particularly vulnerable to experiencing school exclusion, sexual exploitation, poverty, mental health problems, substance abuse problems, low levels of educational attainment and other factors that precipitate social exclusion.

From the study conducted above, it results that the family and the school are the most important environments where the personality of the individual is formed, where it is strengthened by principles and they are shown what is right and permissible by law to be done. To date, it has been proven that the family plays the first role because young people say that the greatest care for their behavior is expressed by family members, while the school should do even more. It is not enough just the completed seminars or the subject of "Citizenship" should be reinforced with more frequent activities in this direction as well as the review of the subject "Citizenship" where to deal more with the Criminal Code and criminal offenses with young perpetrators. During the information that young people should receive, we should focus on the nature, quantity and consequences of criminal offenses committed by young people.

Another effective tool that should be applied throughout the school year is questionnaires or surveys to see what young people perceive of crime and how it changes over time. Questions should be simple to understand, concrete and intertwined with psychosocial elements.

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