

Restoration of juvenile justice in the post-war period in Ukraine

Restauração da justiça juvenil no período pós-guerra na Ucrânia

Restauración de la justicia de menores en el periodo de posguerra en Ucrania

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ABSTRACT

Introduction: Juvenile justice in Ukraine has been affected by the armed conflict and needs comprehensive reforms aimed at protecting children's rights and ensuring their well-being. The aim of the study was to analyse and assess the restoration of juvenile justice in the post-war period in Ukraine. **Methods:** The comparison method of international legal mechanisms for the restoration of juvenile justice in Georgia, Germany, and Ukraine is applied. The visual graphic method, the observation method was used. **Results:** The study determined the effectiveness of the international legal mechanisms of juvenile justice. The tendency to reduce the number of offences committed by minors is observed in all countries. The lack of universal approach to the reconstruction of juvenile justice was established. The direction of further research may be to study the possibility of optimizing the reconstruction of juvenile justice in Ukraine, in particular through strengthening its institutional capacity. Each country must develop its own system that meets its specific needs and conditions. **Conclusions:** The research results can be used in the practical field as analytical material when forming a defence position. Further research may focus on studying the possibility of optimizing the restoration of juvenile justice in Ukraine, in particular through strengthening its institutional capacity.

Keywords: crime; juvenile justice; youth; offence; imprisonment; responsibility of minors.

RESUMO

Introdução: A justiça juvenil na Ucrânia foi afetada pelo conflito armado e necessita de reformas abrangentes destinadas a proteger os direitos das crianças e a garantir o seu bem-estar. O objetivo do estudo foi analisar e avaliar o restabelecimento da justiça juvenil no período pós-guerra na Ucrânia. **Métodos:** Foi aplicado o método de comparação dos mecanismos jurídicos internacionais para a restauração da justiça juvenil na Geórgia, na Alemanha e na Ucrânia. Foi utilizado o método gráfico visual e o método de observação. **Resultados:** O estudo determinou a eficácia dos mecanismos jurídicos internacionais da justiça juvenil. A tendência para reduzir o número de infrações cometidas por menores é observada em todos os países. Foi constatada a falta de uma abordagem universal para a reconstrução da justiça juvenil. A direção de investigação futura pode ser o estudo da possibilidade de otimizar a reconstrução da justiça juvenil na Ucrânia, em particular através do reforço da sua capacidade institucional. Cada país deve desenvolver o seu próprio sistema que responda às suas necessidades e condições específicas. **Conclusões:** Os resultados da investigação podem ser utilizados no domínio prático como material analítico para a formação de uma posição de defesa. Outras investigações podem centrar-se no estudo da possibilidade de otimizar a restauração da justiça juvenil na Ucrânia, em particular através do reforço da sua capacidade institucional.

Palavras-chave: crime; justiça juvenil; jovens; infração; prisão; responsabilidade dos menores.

RESUMEN

Introducción: La justicia de menores en Ucrania se ha visto afectada por el conflicto armado y necesita reformas integrales destinadas a proteger los derechos de los niños y garantizar su bienestar. El objetivo del estudio era analizar y evaluar el restablecimiento de la justicia de menores en el periodo de posguerra en Ucrania. **Métodos:** Se aplica el método de comparación de los mecanismos jurídicos internacionales para la restauración de la justicia de menores en Georgia, Alemania y Ucrania. Se utilizó el método gráfico visual, el método de observación. **Resultados:** El estudio determinó la eficacia de los mecanismos legales internacionales de justicia juvenil. La tendencia a reducir el número de infracciones cometidas por menores se observa en todos los países. Se estableció la falta de un enfoque universal para la reconstrucción de la justicia de menores. La dirección de la investigación futura puede ser estudiar la posibilidad de optimizar la reconstrucción de la justicia juvenil en Ucrania, en particular mediante el fortalecimiento de su capacidad institucional. Cada país debe desarrollar su propio sistema que responda a sus necesidades y condiciones específicas. **Conclusiones:** Los resultados de la investigación pueden utilizarse en el ámbito práctico como material analítico a la hora de formar una posición de defensa. Las investigaciones futuras pueden centrarse en el estudio de la posibilidad de optimizar el restablecimiento de la justicia de menores en Ucrania, en particular mediante el fortalecimiento de su capacidad institucional.

Palabras clave: delincuencia; justicia juvenil; juventud; delito; encarcelamiento; responsabilidad de los menores.

INTRODUCTION

Globalization changes, rapid scientific and technical development of all spheres of social life produce transformations that are a prerequisite for the creation of a new fair and inclusive society. An integral part of creating such a society is the reduction of crime among young people. An important step in this area is a proper system of juvenile justice, which should be resistant to all factors that can negatively affect it. In recent years, approaches to juvenile justice have undergone significant changes, moving away from punitive models toward rehabilitation and recognizing the unique developmental challenges of youth (April et al., 2023). Restoration of juvenile justice in the post-war period in Ukraine is one of the most important tasks facing the state.

This is a complex process that requires considerable effort and resources. The post-conflict restoration of juvenile justice cannot be reduced to the reproduction of pre-war mechanisms. It should create a new, more efficient and fair system that will meet the needs of children and adolescents in the post-war period (Gavkalova et al., 2023). It should create a new, more efficient and fair system that will meet the needs of children and adolescents in the post-war period. Modern approaches to juvenile justice are not consistent with the needs of youth development. They can undermine the psychosocial development necessary for youth to transition from crime to leadership and healthy adulthood (Cavanagh, 2022). The relevance of the problem urges the study of the peculiarities of the restoration of juvenile justice in the post-war period and in Ukraine.

Aim and objectives

The aim of the study is to analyse and assess the restoration of juvenile justice in the post-war period in Ukraine.

The aim was achieved through the fulfilment of the following research objectives:

1. Analyse the experience of countries which can be taken into account when restoring juvenile justice in Ukraine;
2. Determine the main international legal mechanisms for the restoration of juvenile justice in the post-war period;
3. Carry out a comparative analysis of international legal mechanisms for the restoration of juvenile justice in selected countries;
4. Determine the effectiveness of international legal mechanisms for the restoration of juvenile justice in the post-war period in Ukraine.

Literature Review

Among the existing studies, some deal with the state of juvenile justice in different periods of the development of society, as well as during various modern challenges, in particular the COVID-19 pandemic, the spread of transgender youth, armed conflicts. It is established that juvenile justice should be understood as a system of justice for young people, namely a set of processes and procedures for managing young people who have committed or are likely to commit a criminal offence (Watson et al., 2023).

Cavanagh (2022) determined the relationship between juvenile justice and healthy adolescent development. The author came to the conclusion that the main goal of juvenile justice should be the rehabilitation of young people. Today's juvenile justice system does not support the healthy development of adolescents. Developmental science advances our understanding of children's behaviour, including law-breaking behaviour, and the most effective ways to correct that behaviour. Accordingly, development research can be applied to create a more effective and supportive juvenile justice system.

Luna et al. (2022) study the role of applied behaviour analysis in juvenile justice through the prism of coercion. The authors focused on individual and group interventions aimed at a number of behavioural manifestations of adolescents in an inpatient treatment facility. It was established that certain measures involve training teenagers to respond appropriately to staff and tolerate adverse environmental conditions. Behavioural interventions for juvenile justice personnel were investigated. Staff-focused interventions aim to increase staff-initiated positive interactions with students with the goal of changing student behaviour in the future. The priority areas of behavioural and analytical work with teenagers who are under the care of juvenile justice were also determined.

Unruh et al. (2023) focused on the issue of employers' perception of hiring young people in the juvenile justice system. In particular, the question of whether young people should report their previous participation in the system, as well as the skills and qualifications that employers value in their employees were investigated. It was found that compared to the results of previous studies, the employers' perception has improved so that they became more inclined to hire young people who have been involved in the juvenile justice system. This study sheds light on how educators, behaviour analysts, and other rehabilitation and support personnel can help these youths to become employed.

Bachiiieva et al. (2024) say that a large number of children have suffered psychological trauma, requiring specialized care and rehabilitation. This creates additional difficulties in ensuring their rights and interests.

Some psychological aspects have been explored by Zhylin et al. (2022), in particular, the fact that the war led to a significant reduction in budget expenditures, which negatively affects the funding of programs for children and juvenile justice. We are talking about a lack of resources.

Some aspects of the relationship between the juvenile justice system and the mental health of minors involved in it were also studied (Snehil & Sagar, 2020). Children who have been in trouble with the law and children in need of care and protection have been found to have a higher prevalence of mental health problems. These children often have problems related to the use of psychotropic substances.

Correlation of the features of the juvenile justice system and purely punitive systems was determined by Pakistani researchers Balasingam et al. (2020). It is noted that juvenile justice is a process that focuses on helping parties involved in offences. At the same time, the collective solution of the problem in most cases guarantees that its consequences will lead to a better result for all interested parties. The authors compare juvenile justice to the jirga system of Pukhtun culture or panchayats in Punjab or Sulh in the Arab world. It is pointed out that these concepts may sound different, but they are common in their focus on the relationship between victims, offenders, and the community (Balasingam et al., 2020).

Park (2024) draws attention to the fact that they show that youth approaching adulthood in foster care are more likely to avoid involvement in the juvenile justice system after the state has implemented a policy to control the overall trend of declining delinquency petitions in the state. This is true for both age cohorts and is particularly urgent, as a transfer from foster care to the juvenile justice system before age 18 can result in a subsequent loss of eligibility for extended care in most states. Moreover, Subarsyah and Achmad (2023) determine that juvenile justice is based on the idea that the conflict resolution process should involve particular means. At the same time, in addition to the imposition of criminal sanctions, both the persons who committed the offence and the persons who suffered from this offence should be involved. An important component of juvenile justice is the promotion of peace and forgiveness, as well as strengthening the relationship between victims and offenders and eliminating the harmful social stigma associated with reoffending.

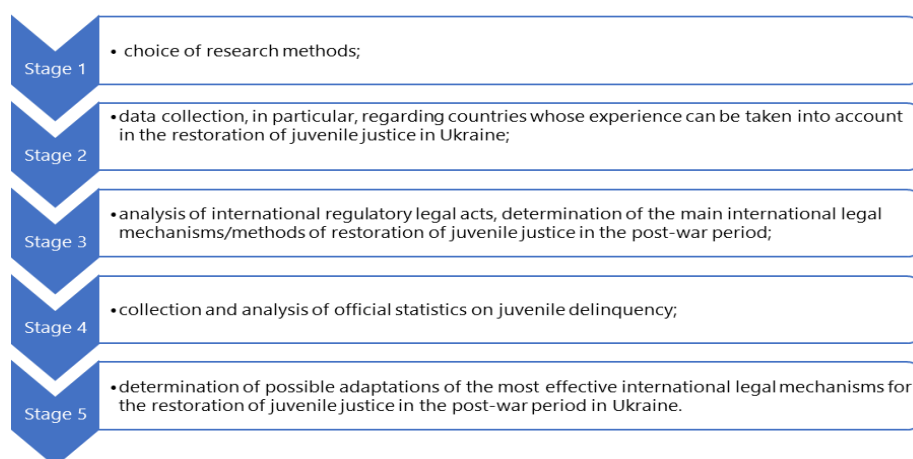
Some authors, in particular, Nur et al. 2023, considered the juvenile justice system from the perspective of appropriateness. It is noted that this model of punishment based on the aspect of appropriateness consists in the agreement on the age limit of children. A sentence of imprisonment for a term of seven years or more does not apply to children who committed a crime at the age of 12-14. For teenagers aged 14-18, the court can impose such a punishment, but take into account their psychophysiological state at the time of committing the crime and its severity (Nur et al., 2023).

At the same time, the issue of the functioning of juvenile justice in countries that have been participants in armed conflicts is poorly studied. The necessity of studying the restoration of juvenile justice in the post-war period of the country's life, including in Ukraine, is becoming especially relevant.

METHODS

The research design is a set of certain actions which help to acquire and substantiate new knowledge. This research uses a combination of general scientific and special methods, and is carried out in stages (Figure 1).

Figure 1. Stages of the study



Note. Authors' development

Sampling

The analysis of studies identified two countries whose experience can be taken into account when restoring juvenile justice in Ukraine. Georgia and Germany were chosen as such countries. This choice is determined by the close geographical location of the countries, as well as the achievements of these countries in the field of juvenile justice. In particular, since 2016, Georgia has successfully implemented a new juvenile justice system focused on the rehabilitation and reintegration of juvenile offenders. In turn, Germany has a long history of developing restorative justice, and its juvenile justice system is considered one of the most progressive in Europe. The system focuses on mediation, community involvement, and alternative punishments. The number of offences was chosen as quantitative indicators demonstrating the effectiveness of international legal mechanisms of juvenile justice. In particular, in terms of offences committed by minors, the number of imprisoned teenagers and the level of recidivism in Georgia, Germany and Ukraine in 2018, 2020, 2023. The chosen period of analysis is justified by more vivid dynamics that can be clearly traced. The international legal mechanisms for the restoration of juvenile justice in selected countries were analysed in terms of the name of the mechanism and the main provisions regarding juvenile justice. The most effective international legal mechanisms for the restoration of juvenile justice in the post-war period in Ukraine were determined.

Research techniques

The research employed the following research techniques:

- 1) comparative analysis of international legal mechanisms for the restoration of juvenile justice in Georgia, Germany, and Ukraine;
- 2) research in dynamics to create a table indicating the number of offences committed by minors, the number of imprisoned teenagers and the recidivism rate;
- 3) processing (in particular, statistical analysis) and interpretation of the obtained data provided the possibility of theoretical definition of concepts in the studied area.

RESULTS AND DISCUSSION

The analytical research yielded appropriate quantitative indicators demonstrating the effectiveness of international legal mechanisms of juvenile justice. The number of offences committed by minors, the number of imprisoned teenagers, and the recidivism rate in Georgia, Germany, and Ukraine in 2018, 2020, and 2023 were taken as indicators (Table 1).

Table 1. Effectiveness of international legal mechanisms of juvenile justice

Year	The number of offences committed by minors	The number of imprisoned teenagers	Recidivism rate
Georgia			
2018	12,456	345	18%
2020	11,876	298	15%
2023	10,321	256	12%
Germany			
2018	256,478	2,345	22%
2020	238,123	2,198	20%
2023	212,765	1,987	18%
Ukraine			
2018	35,400	1,800	15%
2020	28,100	1,500	14%
2023	No data available		

Source. Tabled by the author based on the following data: The Ministry of Justice of Georgia (2024), the National Statistics Office of Georgia (2024), the Federal Ministry of Justice and Consumer Protection of Germany (2024), the Federal Statistical Office of Germany (2024), the Max Planck Institute for Criminological Research (2024); the Office of the State Statistics Service of Ukraine (2024), the Ministry of Justice of Ukraine (2024), UNICEF Ukraine (2024).

It was established that all the studied countries have a tendency to decreasing the number of offences committed by minors. This may be determined by a number of factors, such as: the introduction of new crime prevention and early intervention programmes; improving the work of the juvenile justice system; increased standard of living and well-being of the population. At the same time, the number of imprisoned teenagers also decreased during the research period. This may be explained by the increased use of alternative punishments such as probation and community service; the growing

understanding of the authorities that imprisonment is not always the most effective way of rehabilitating young people who have committed offences. The recidivism rate among young people also decreased. In our opinion, this is the result of improved rehabilitation and resocialization programmes for young people who have committed offences.

In addition, the recidivism rate is influenced by the growth of opportunities for education and employment of young people, support from the community and family. It should be noted that the lack of data on the number of offences committed by minors, the number of imprisoned teenagers and the recidivism rate in Ukraine in 2023 is explained below. In particular, Ukraine is experiencing an armed conflict that has led to significant human losses, destruction, and population displacement. These factors negatively affect the system of collecting and processing statistics, including data on juvenile delinquency. Before the introduction of martial law, data on juvenile crime in Ukraine were also not fully accessible and transparent. There were some discrepancies in the statistics published by different government agencies. In addition, reforms of the juvenile justice system in Ukraine were accompanied by changes in the methods of collecting and processing data on offences committed by minors. This makes it difficult to compare data for different periods.

The research results show that it is possible to distinguish several mechanisms of the main international legal mechanisms for the restoration of juvenile justice in the post-war period. In this context, the concept of "international legal mechanism" is a system of bodies and organizations of the international level. These entities operate with the aim of implementing international standards of human rights and freedoms or renewing them in case of violation. The international legal mechanisms regarding the restoration of juvenile justice in the post-war period are presented below by name, subject of publication and year of publication, content (Table 2).

Table 2. International legal mechanisms regarding the restoration of juvenile justice in the post-war period

Name	Subject of publication and year of publication	Protection
UN Convention on Human Rights	United Nations, 1948	This Convention is a fundamental document in the field of children's rights, and it has been ratified by almost all countries of the world. It contains provisions relating to children's right to a fair trial, freedom from ill-treatment, and the right to rehabilitation.
Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (2010)	Committee of the Council of Europe, 2010	These Guidelines serve as a practical guide for the Council of Europe member states in adapting their judicial and non-judicial systems to the needs, interests and specific rights of children. The Member States are obliged to ensure that these principles are made widely available to all bodies concerned with children's rights in the judicial system.
European Convention on the Protection of Human Rights and Fundamental Freedoms	Council of Europe, 1950	This convention guarantees a number of important rights for children in the context of juvenile justice. These include the right to a fair trial, the right to freedom from ill-treatment and the right to respect for private and family life.
Recommendations of the UN Committee on the Rights of the Child	The United Nations, the publication is carried out on a permanent basis	In order to contribute to the improvement of juvenile justice, the UN Committee on the Rights of the Child regularly provides recommendations to countries to improve their legislation and practice in this area.

Source: made by the author based on the data from the Official website of the Verkhovna Rada of Ukraine (<https://www.rada.gov.ua/>) (2024).

It was established that there are currently several mechanisms of international legal protection of the restoration of juvenile justice. All these mechanisms have a long-term application, are acceptable, and recognized in many countries. In turn, the process of applying these mechanisms at both the national and international level seems to be complicated.

It is important to note that there is no universal approach to restoring juvenile justice. Each country must develop its own system that meets its specific needs and conditions. However, international legal mechanisms can help countries in this work by providing them with recommendations, expert advice, and technical assistance. In addition, the use of international legal mechanisms should be comprehensively correlated with other actions, namely:

1) Reforming legislation in the field of juvenile justice taking into account international human rights standards and best global practices;

2) Strengthening of institutions in the field of juvenile justice, in particular the police, judicial authorities and the probation service. Strengthening involves the training of qualified personnel, continuous training, as well as adequate funding;

3) Providing access to alternative punishments: alternative punishments such as probation and community service should be available to reduce the number of incarcerated young people.

- 4) Ensuring the rehabilitation and resocialization of youth through the development of appropriate programmes;
- 5) Provision of preventive programmes to prevent offences committed by young people. These programmes may include early intervention programmes, education programmes, and poverty alleviation programmes.
- 6) Involvement of civil society institutions in the restoration of juvenile justice. This can be done by conducting public awareness campaigns, engaging volunteers and supporting prevention programmes.

The obtained results give grounds to state that the restoration of juvenile justice in the post-war period is a long process that requires constant efforts. However, using a variety of mechanisms, Ukraine will be able to create a fairer and more effective juvenile justice system that will help young people to become productive members of society

Discussion

The analysis of the obtained results gives grounds to state that the issues of the functioning of juvenile justice in countries that have been participants in armed conflicts have not been sufficiently investigated in the academic literature. The necessity of researching the restoration of juvenile justice in the post-war period, including in Ukraine, is becoming especially relevant. In addition, there is a need for additional research to analyse the actual practical capabilities of each mechanism that exists for the purpose of restoring juvenile justice.

One should agree with the opinion of Hamad et al. (2022) that international law provides humanity with a number of mechanisms, which lead to the creation of a virtuous society where all people enjoy peace and security and enjoy all rights as equals. The content of the right to education is determined from the perspective of human rights and the duties of the state in this matter (Ruiz, 2020).

A comparison of the juvenile justice systems in Indonesia and South Korea gave Oktaviani et al. (2023) the opportunity to draw conclusions. The researchers established the procedural features of bringing juveniles to justice in the studied countries, compared the severity of the degree of responsibility. We share the opinion of Oluwaleye (2021) that unemployment and the lack of significant empowerment by the government, among others responsible for the high youth crime rate, affect the number of committed offences. Urgent involvement of unemployed youth in obtaining decent means of livelihood is important. Appropriate fines should also be imposed on the perpetrators of the crime, including any accomplices of public authorities to crimes together with youth.

As Tapakova et al. (2023) rightly note, the essence of observing human rights and freedoms is obligations clearly defined by law on the part of other citizens and the state. In order to strengthen the guarantees of observance of these rights and freedoms, it is important to establish effective coordination and interaction between the relevant state bodies. If necessary, it may be about combining "special" powers of these bodies. The purpose of such an association is to increase the state's responsibility for ensuring the rights and freedoms of citizens, especially young people. However, we consider the statement that many legal mechanisms for the realization of human rights in the modern world are not entirely effective it debatable. One should agree with the conclusions made by the researchers regarding the features of socio-psychological adaptation of students who have undergone changes in the ethno-cultural and ethno-political environment as a result of forced migration caused by military actions in Ukraine. It seems possible to add that such students can be potential offenders because of the peculiarities of their socio-psychological state (Semenets-Orlova et al., 2022). In such conditions, young people need psychological and pedagogical support for successful adaptation. They can show irritability, depression, which are associated with worry about the future, decreased stability and social support (Ishchenko et al., 2024).

Abduvalieva (2023) comes to the same conclusions as us in terms of the importance of harmonizing national legislation with international standards to promote alternative responsibility of young people. In the same direction, we consider the conclusions of Hamad et al. (2022) regarding the indiscriminate criminalization of youth actions that can harm a person, regardless of whether this action is committed against his body, honour, or religion, to be insufficiently substantiated.

The conclusions of Rakhmonova (2023) are essential regarding the effectiveness of the work of human rights and humanitarian organizations in the aspect of protecting violated rights in the field of education both at the national and international levels. In addition, in terms of youth responsibility, there are factors that complicate the fight against the negative phenomenon of youth crime. In particular, these are insufficient qualifications of law enforcement officers, a low level of coordination between authorities, and limited resources (Kryshtanovych et al., 2022).

At the same time, the conclusions that the majority philosophy of juvenile justice is focused on imprisonment and retribution seem controversial. The author draws attention to the absence of factors that together undermined the optimistic ideal of correctional punishment (Young, 2020). However, there is a need for a better implementation of juvenile justice, increased public awareness of juvenile delinquency, improvement of the monitoring mechanism and accountability of institutions. In our opinion, juvenile justice should be restorative, rehabilitative and remedial rather than focused on incarceration and retribution.

We believe that there is a possibility of practical use of the research results. They can be used in the academic field, in particular for further research into the issues of restoration of juvenile justice in the post-war period in Ukraine. They can also be used in the practical field as an analytical material when forming a defence position.

FINAL REMARKS

The analysis and evaluation of the effectiveness of the international legal mechanisms for the restoration of juvenile justice in the post-war period in Ukraine demonstrated the complex nature of these relations. In particular, the effectiveness of the international legal mechanisms of juvenile justice activity was determined. The number of offences committed by minors, the number of imprisoned teenagers and the recidivism rate in Georgia, Germany and Ukraine in 2018, 2020, 2023 were taken as indicators. It was established that the tendency to reduce the number of offences committed by minors is being monitored in all countries.

This may be determined by a number of factors, such as: the introduction of new crime prevention and early intervention programmes; improving the work of the juvenile justice system; increase in the standard of living and well-being of the population. At the same time, the number of imprisoned teenagers also decreased during the research period. This may be due to the increased use of alternative punishments such as probation and community service; the growing understanding of the authorities that imprisonment is not always the most effective way of rehabilitating young people who have committed offences. It was established that there is no universal approach to the restoration of juvenile justice. Each country must develop its own system that meets its specific needs and conditions. However, international legal mechanisms can help countries in this work by providing them with recommendations, expert advice, and technical assistance.

Several main international legal mechanisms for the reconstruction of juvenile justice in the post-war period are identified. At the same time, in this context, the concept of "international legal mechanism" is a system of international bodies and organizations. These entities operate with the aim of implementing international standards of human rights and freedoms or renewing them in case of violation.

It is possible to use the results of the research in practice as analytical material when forming a defence position. New indicators for analyzing juvenile justice in the context of human rights may include:

1. The level of compliance with the principle of the child's best interests.
2. The level of access to justice.
3. The level of protection from violence and exploitation.
4. The level of recidivism.
5. The effectiveness of probation programs.
6. The quality of conditions in places of deprivation of liberty.

Further research may focus on studying the possibility of optimizing the restoration of juvenile justice in Ukraine, in particular through strengthening its institutional capacity. At the same time, the recommendation on taking into account the experience of other countries, international organizations, and the practice of the European Court of Human Rights is important

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	A1	A2	A3	A4	A5
A. theoretical and conceptual foundations and problematization:	20%	20%	20%	20%	20%
B. data research and statistical analysis:	20%	20%	20%	20%	20%
C. elaboration of figures and tables:	20%	20%	20%	20%	20%
D. drafting, reviewing and writing of the text:	20%	20%	20%	20%	20%
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