

Reassessing Juvenile Sanctions in Romania (2014–2024): Educational Detention vs. Non-Custodial Packages. Insights Into European Practices and Policy Recommendations

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Abstract

This study critically examines the effectiveness of sanctions applied to minors in Romania between 2014 and 2024, focusing on the comparison between educational detention and non-custodial measures for young people aged 14 to 17 convicted of non-violent property crimes. Against the backdrop of rising property crime rates and expanding community supervision across the European Union, the study investigates whether cognitive-behavioral and restorative interventions—delivered through legitimate, community-based practices—are more effective in reducing recidivism than short-term incarceration for first or low-risk offenders. Employing a multidisciplinary approach, the research integrates doctrinal analysis of the Romanian Criminal Code (Title V), enforcement laws, and European/International standards, comparing Romanian practices with those in Germany, the Netherlands, and Norway. The paper emphasizes the need to reconsider the logic that differentiates offenses warranting imprisonment from those suitable for alternative sanctions, advocating for broader consideration of essential social values and the social implications of criminal policy. Ultimately, the research advocates for a youth justice system in Romania centered on rehabilitation, education, and fairness, guided by evidence-based policy and European best practices.

Keywords

juvenile justice; educational measures; Romania; restorative and procedural measures; EU crime statistics

Introduction

In a context of rising property crime in the EU and expanding community supervision, evidence indicates that cognitive-behavioral and

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restorative components—implemented with practices that enhance legitimacy—reduce recidivism more reliably than short-term incarceration at first/low-risk. Framed by disciplinary power, normative ambiguity, postmodern control, and psychological models (risk-need-responsivity, the good life model, procedural justice, adolescent neurodevelopment), the study combines doctrinal analysis of the Criminal Code (Title V) and enforcement laws with European/International standards and a comparison of the Romanian case with Germany, the Netherlands, and Norway. In this respect, the paper seeks to critically examine the social philosophy that shapes a nation's criminal law, emphasizing the importance of re-evaluating the logic used to differentiate between offenses resulting in imprisonment—whether for brief or extended periods—and those subject to alternative sanctions. It advocates for a broader consideration of essential social values that the state must uphold. Specifically, the paper invites reflection on the criteria used to determine which offenses warrant mandatory incarceration and what justifies alternative penalties, especially considering the ongoing challenges within Romanian prisons.

Thus, the objective of this paper is to encourage a rethinking of the criminal code to identify categories of crimes where imprisonment could be replaced with other, potentially more effective, measures. In this respect, we believe that legislators should consider the full spectrum of social implications when drafting the criminal code, as the social implications of criminal policy are enormous. For example, regarding drug use, research increasingly suggests that punitive responses may not resolve underlying issues and can, in fact, exacerbate negative outcomes. Increasingly, researchers show that incarceration for non-violent drug offenses often fails to address the root causes of substance use and may contribute to higher rates of recidivism and social marginalization, highlighting that punitive policies can undermine public health goals and disrupt social reintegration efforts (Drucker, 2013). Leading organizations like the World Health Organization (WHO, 2016) and the United Nations Office on Drugs and Crime (UNODC, 2015 and 2025) now recommend shifting towards health-centered and harm reduction approaches, citing evidence from countries where decriminalization of drug possession and new support and rehabilitation policies has led to lower rates of problematic drug use. Moreover, a review by the Global Commission on Drug Policy (June 2011) underscores that criminalizing drug users increases stigma, reduces access to treatment, and often results in overcrowded prisons without measurable benefits in public safety or drug control. As a result, there is growing consensus in the literature that alternatives to incarceration—such as diversion programs, treatment courts, and community-based interventions—are more effective in promoting rehabilitation and reducing recidivism among individuals with substance use disorders (Kilmer et al., 2018).

As a methodological approach, the article evaluates the social effectiveness of sanctions applied to minors in Romania (2014–2024) for young people aged 14 to 17 convicted of non-violent property crimes, comparing placement in educational centers with structured packages without deprivation of liberty (civic training, supervision, weekend curfew, daily assistance, proportional electronic monitoring). As a result, we make policy recommendations and we especially recommend pro-non-custodial presumption, proportionate electronic monitoring within rehabilitation plans, and standardized 12/24/36-month indicators (recidivism; school/professional reintegration; compliance).

The subject of reconsidering the Romanian Criminal Code when discussing categories of crimes punishable only by imprisonment becomes extremely important when correlated with data reported by various agencies or institutes. For instance, according to the World Prison Brief (WPB, 2025), Romania's prisons operate at about 117.3% capacity, indicating severe overcrowding⁴. This represents a persistent and significant issue, as the living space provided to each inmate falls below the Council of Europe's recommended minimum of four-square meters per person.

The fact that Romania has lost a lot of cases at the European Court of Human Rights (Țicu 2019, p. 9) being forced to take coercive measures, including compensation for prisoners, is another issue that must be considered⁵. Reports mention inadequate detention conditions, unhygienic, poorly ventilated cells, limited access to hot water and infrequent showers, poor-quality food, etc. Empirical research suggests that incarceration for offenses such as theft or robbery may inadvertently strengthen the networks and influence of organized crime within prison environments. For instance, studies have shown that prisons can act as “schools of crime,” where individuals convicted of non-organized offenses are exposed to established criminal groups, potentially leading to recruitment and deeper criminal involvement (Skarbek, 2014). Research in various European contexts has documented cases where individuals convicted for non-organized crimes, such as petty theft, became involved with organized criminal groups during their incarceration (Aebi et al., 2015). Among other shortcomings reported (Țicu, 2019), we note the lack of staff and adequate training for different categories of personnel involved, such as doctors, psychologists, and

⁴ The United Nations Office on Drugs and Crime (2013, 8) defines overcrowding as the “situation where the number of prisoners exceeds the official prison capacity”.

⁵ The Court dealt with 2,848 applications concerning Romania in 2024, of which 2,608 were declared inadmissible or struck out. It delivered 58 judgments (concerning 240 applications), 49 of which found at least one violation of the European Convention on Human Rights. See more on Council of Europe Press Country Profile September 2025. See more on CP_Romania_ENG.

reintegration counselors; reported violence and abuse among prisoners or effective mechanisms for investigating abuse; limited access to education, work, and reintegration programs; health problems (physical and mental); outdated infrastructure, well below European detention standards; corruption and preferential treatment. Romania's 2014 Penal Code aligned itself with this change, replacing prison sentences for minors with educational measures – either **non-custodial** (civic training, supervision, weekend curfew, daily assistance), **or custodial** (placement in educational or detention centers)—in accordance with Title V and associated enforcement laws (Romania, 2013a, 2013b, 2014).

This approach reflects non-binding European legislation and safeguards that prioritize a child-centered and developmentally appropriate response (Council of Europe, 2008; European Union, 2016). Moreover, this approach embodies the guiding principles embedded within various non-binding yet influential European legal instruments and safeguards, which collectively advocate responses to juvenile offending that are tailored to the unique needs and developmental stages of children. For example, the Council of Europe and the European Union have emphasized that juvenile justice systems should prioritize the welfare and best interests of the child, focusing on rehabilitation, education, and social reintegration rather than punitive sanctions. These frameworks call for comprehensive assessments that recognize the evolving capacities of young people and encourage interventions designed to foster their personal growth, responsibility, and positive engagement with society.

European Juvenile Justice Framework

This chapter provides a logical transition to the subsequent discussion of Romania's compliance with these standards and the broader European framework. In Europe, contemporary juvenile justice policy emphasizes education, proportionality, and custody as a last resort—a direction reflected in both international recommendations and national reforms. For example, the Council of Europe's Recommendation CM/Rec(2008)11 on "The European Rules for juvenile offenders subject to sanctions or measures" underscores that deprivation of liberty should be used only when strictly necessary and for the shortest appropriate period, advocating for educational and rehabilitative strategies (Council of Europe, 2008).

National implementations vary but follow these principles. For instance, in Germany, juvenile justice laws (Jugendgerichtsgesetz, JGG) prioritize educational measures—such as community service, mediation, and supervision—above custodial sentences (Dünkel et al., 2011). Dünkel et al. (2011) detail how educational centers in various European countries

prioritize structured routines, psychological counseling, and vocational training, all designed to foster personal development and reduce recidivism. Moreover, the Grand Chamber ruled in *Salduz v. Turkey* that children must have prompt access to a lawyer, and in *Blokhin v. Russia* that so-called “educational” detention without genuine education and treatment violates Convention standards (European Court of Human Rights, 2008 and 2016).

Recent European indicators provide context for non-violent property crimes among young people. In 2023, police-reported property crimes increased across the EU (theft +4.8%; burglary +4.2% compared to 2022), after lows recorded during the pandemic (Eurostat, 2025). At the same time, the use of community sanctions and measures, including probation and electronic monitoring, has expanded: as of January 31, 2022, there were approximately 1.35 million people on probation across Europe—an increase of 4.6% compared to 2021—consolidating a long-term shift towards non-custodial responses (Aebi & Hashimoto, 2022).

From a psychological and sociological perspective, we interpret these developments through the lens of Foucault’s analysis of disciplinary power and institutional normalization, and Connolly’s description of the ambiguous norms that structure legal-political discourse, and Young’s critique of control institutions in the postmodern era. Both provide a compelling framework for understanding the evolution of juvenile justice in Romania and across Europe. Foucault posits that modern societies exercise control not only through legal statutes but through diffuse mechanisms that shape behavior and internalize norms—schools, probation services, and educational centers serve as key sites for this “gentle” form of discipline. In the context of juvenile justice, these institutions do not merely punish, the aim is to transform young offenders by instilling social values, routines, and self-regulation, aligning with the rehabilitative ideals reflected in both national reforms and broader European standards. Building on Foucault, Connolly’s analysis of legal-political discourse underscores the ambiguity inherent in the balancing of protection and control in youth justice policy. Connolly draws attention to the ways in which legal frameworks are negotiated spaces, shaped by shifting societal values and political priorities. Moreover, Young’s critique of control institutions in the postmodern era points to the subtle forms of exclusion and marginalization that can persist even within ostensibly progressive systems. While educational and rehabilitative interventions represent a departure from punitive isolation, Young reminds us to remain vigilant about the potential for these institutions to reproduce social inequalities and reinforce societal boundaries. Taken together, these theoretical perspectives illuminate the nuanced ways in which Romania’s

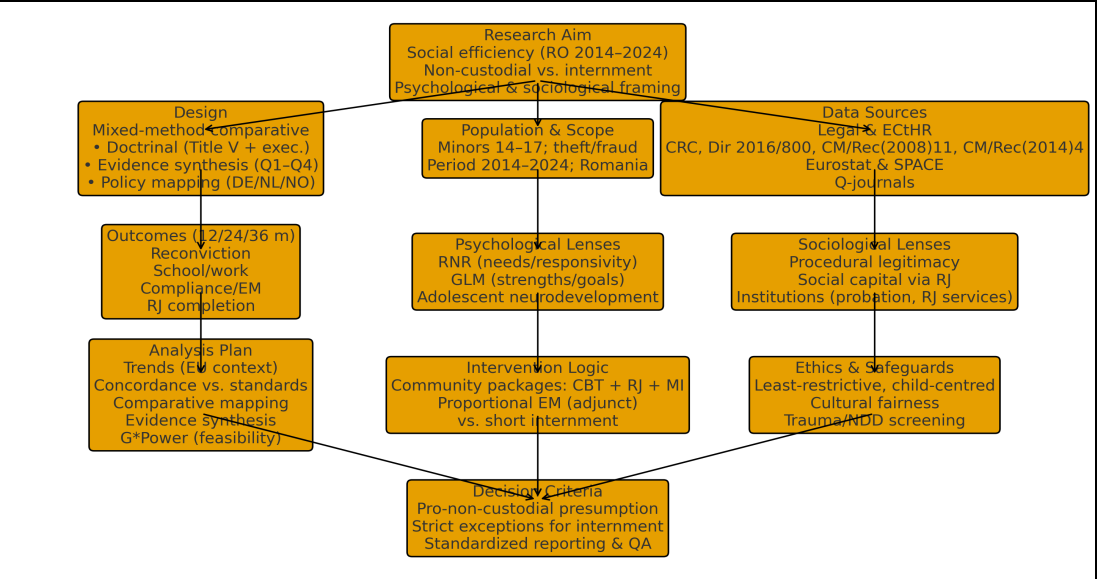
juvenile justice system—like those of its European counterparts—seeks to manage and integrate young offenders. Through a constellation of community-based and custodial responses, the system aspires to both discipline and empower, fostering social reintegration while negotiating the complex ethical terrain of rights, responsibilities, and institutional power.

In parallel, the “Risk-Need-Responsivity” (RNR) framework prioritizes criminogenic needs and responsivity; the “Good Lives” model complements risk reduction with strengths-based goals; procedural justice predicts cooperation and compliance; and adolescent neurodevelopment highlights heightened socio-emotional reactivity against a backdrop of maturing executive control (Andrews & Bonta, 2016; Ward & Maruna, 2007; Tyler, 2006; Casey et al., 2008; Steinberg, 2010). In Kohlberg’s structural description, moral reasoning progresses from pre-conventional to conventional and post-conventional levels; advancement reflects identification with internalized moral standards rather than external reward or punishment (Kohlberg, 1963; Kohlberg & Hersh, 1977). Hoffman (1982) argues that empathy-based affects underlie moral internalization and prosocial restraint; Eisenberg (2000) integrates emotion and regulation, showing that differentiation and management of moral emotions (guilt vs. shame) predict prosocial actions and reduced antisociality. These perspectives align with community-based interventions that combine cognitive-behavioral skills (self-regulation, perspective taking), restorative work (restitution) and legitimacy-enhancing practices—supporting moral identification with prosocial roles and compliance during supervision.

Methodological Design

In order to encourage a rethinking of the criminal code to identify categories of crimes where imprisonment could be replaced with other, potentially more effective, measures, we propose the following methodological map (Figure 1) with the psychological and sociological perspectives for the study on institutional mechanisms and sanctions applied to minors in Romanian in the period 2014-2024. We combine: (a) a doctrinal review of Title V of the Criminal Code and enforcement laws, aligned with CRC/CoE/EU standards and ECHR case law and a synthesis of the administrative series (2014-2024) to track placement flows and outcomes; (b) a comparative policy mapping for Germany, the Netherlands, and Norway.

Figure 1: Methodological flow (psychological and sociological perspectives) for the study on sanctions applied to minors in Romania (2014-2024)



(Source: authors' idea)

a. A doctrinal review of Title V of the Criminal Code and enforcement laws, aligned with CRC/CoE/EU standards and ECHR case law and a synthesis of the administrative series (2014-2024) to track placement flows and outcomes.

This activity starting by systematically gathering and analyzing the relevant legal texts: title V of the Romanian Criminal Code and associated enforcement laws, focusing on provisions applicable to minors; compare the results with the core requirements of the UN Convention on the Rights of the Child (CRC), Council of Europe (CoE) standards, and relevant European Union directives (such as Directive (EU) 2016/800), identifying points of convergence and divergence and proposing some recommendations for legislative or regulatory adjustments where inconsistencies or gaps are found. By integrating this comparative approach, the review not only clarifies the current legal landscape but also offers a roadmap for continuous improvement in the protection and rehabilitation of minors within the Romanian justice system.

The primary outcomes to be standardized at 12/24/36 months include recidivism, re-enrollment in school/employment, completion of restitution, and compliance with supervision conditions for the study's methodological map. Regarding the age and responsibility, the analysis conducts to the following results: the minimum age of criminal responsibility is 14; persons aged between 14 and 16 must prove their discernment; persons aged between 16 and 17 fall under the juvenile regime. Moreover, educational

measures include non-custodial responses (civic training, supervision, weekend curfew, daily assistance) and custodial responses (placement in educational or detention centers) in accordance with Title V of the Criminal Code and enforcement laws (Romania, 2013a, 2013b, 2014). **Non-custodial responses**—such as civic training, supervision, weekend curfews, and daily assistance—are designed to provide structured, rehabilitative alternatives to detention, prioritizing the child's reintegration into society. **Custodial measures**, including placement in educational or detention centers, are reserved for cases where non-custodial options prove insufficient or where the gravity of the offense necessitates a more controlled environment (Romanian Criminal Code, Art. 115-124).

National electronic monitoring (Law 146/2021) is available in defined contexts and should remain a complement to rehabilitation plans. Building upon the existing framework, the law is implemented as part of a targeted approach to juvenile justice, applying only in specific legally defined contexts—such as conditional release, house arrest, or as a supervision tool for non-custodial sanctions. Its use is designed to enhance, not replace, individualized rehabilitation plans for young offenders. Electronic monitoring serves primarily as a means to ensure compliance with judicial decisions while maintaining the young person's connection to their community, education, and family life. In accordance with the best practices outlined in European standards, the monitoring period should be strictly limited in duration, proportionate to the offense, and always accompanied by access to educational, psychological, or social support services.

In practice, the Romanian system's focus on safeguarding the educational and developmental needs of minors, while ensuring public safety and accountability, demonstrates a commitment to European and international standards. The UN Convention on the Rights of the Child (CRC) anchors juvenile justice in dignity, reintegration, and minimal use of custody. Specifically, Article 37(b) of the CRC (1989) provides that the arrest, detention, or imprisonment of a child must be used only as a last resort and for the shortest time possible. Article 37(c) requires that children deprived of liberty be separated from adults and maintain contact with their families. Furthermore, Article 40 of the CRC (1989) ensures that every child accused of infringing the penal law is treated in a manner that promotes the child's sense of dignity and worth, reinforces their respect for human rights, and facilitates their reintegration and constructive role in society. These principles are further elaborated in General Comment No. 24 (2019) by the UN Committee on the Rights of the Child, which strongly recommends the use of alternative and non-judicial measures whenever possible, and highlights the importance of rehabilitation over punishment (CRC, 1989; Committee on the Rights of the Child, 2019).

Within the EU, Directive (EU) 2016/800 implements child-specific procedural safeguards for suspects and accused persons under the age of 18: timely legal assistance, age-appropriate information, effective participation, and age-appropriate conditions. Children must be assisted by a lawyer when a judge decides on detention and during detention; the imposition of a custodial sentence requires effective legal assistance (European Union, 2016). At the Council of Europe level, the European Rules for Juvenile Offenders Subject to Sanctions or Measures (CM/Rec(2008)11) favor community responses and require individualized and proportionate interventions. Moreover, Recommendation CM/Rec(2014)4 clarifies that electronic monitoring is a supervision tool—not a sanction in itself—and should be necessary, proportionate, limited in time, and associated with rehabilitation activities (Council of Europe, 2008, 2014). The Council of Europe Guidelines on Child-Friendly Justice (2010) translate these rights into practice in proceedings, requiring accessible and age-appropriate procedures and qualified professionals (reinforcing diversification, restorative approaches, and minimal use of detention (Council of Europe, 2010).

European Court of Human Rights (ECHR) case law supports the right to a fair trial and restrictions on liberty for children: *Salduz v. Turkey* requires early access to a lawyer establishing that early legal representation is *essential* to safeguard vulnerable suspects—especially children—from coercion and to ensure procedural fairness; *Blokhin v. Russia* condemned ‘educational’ detention without genuine education/treatment—confirming that *de facto* custody triggers article 5 safeguards and reinforcing that any deprivation of liberty—even under the guise of education—must be lawful, necessary, and accompanied by appropriate care and oversight (European Court of Human Rights, 2008 and 2016). Those two landmark cases from the European Court of Human Rights (ECHR) have significantly shaped the legal landscape for children's rights in justice systems across Europe.

b. A comparative policy mapping for Romania, Germany, the Netherlands, and Norway.

We go on to propose a comparison between Romania, Germany, the Netherlands, and Norway in terms of **age, alternative/community measures, use of custody, and electronic monitoring (EM), using EU/CoE statistics and peer-reviewed evidence from Q-ranked journals, property crimes increased across the EU in 2023** (theft +4.8%; burglary +4.2%), while community supervision expanded in Europe—a context that encourages proportionate, skills-focused responses (Eurostat, 2025; Aebi & Hashimoto, 2022).

Table 1: *Basic juvenile responses for non-violent property crimes in Romania, Germany, Netherlands, Norway*

Jurisdiction	Age/ coverage	Primary responses without deprivation of liberty	Custody options	Anchors
Romania	MACR 14; 14–16 discernment; 16–17 minors	Civic training; supervision; weekend curfew; daily assistance; (targeted EM)	Placement in educational/de tention centers	CC Title V; Laws 253/2013, 254/2013; EM Law 146/2021
Germany (JGG)	14–17; 18–20 in accordance with JGG (development)	Erziehungsmaßregel n; Zuchtmittel; diversification	Custody for minors (last resort)	Erziehung principle; JGG
Netherlands	12–17; 18– 22/23 in accordance with ACL (2014)	HALT diversion; community orders; restorative	Juvenile detention (proportional)	ACL; HALT orientation
Norway	MACR 15	Youth punishment/prosecu tion (restorative plan; EM possible)	Exceptional custody	Konfliktrådet (since 2014)

(Source: Eurostat, 2025)

Germany: Architecture, practice, results. The Juvenile Court Act (JGG) prioritizes **education** (Erziehung). The measures ordered escalate from educational measures (Erziehungsmaßregeln) and disciplinary measures (Zuchtmittel) to juvenile detention as a last resort, with diversion and mediation being widely used for non-violent offenses. Meta-analytic evidence from juvenile justice systems indicates that community sanctions—when combined with cognitive-behavioral components and quality assurance—a lower recidivism than custodial processing (Koops-Geuze & Weerman, 2023).

The Netherlands: HALT Diversion and the Adolescent Criminal Law (ACL). HALT offers police-level diversion measures focused on restitution and learning tasks for minor offenses committed by young people; Programmatic enhancements, such as youth-initiated mentoring (YIM), are evaluated as adjuvants for resilience building (Boering, Koops, Assink, Stams, & van der Put, 2024). Since 2014, the ACL has allowed juvenile sanctions for developing young adults (18-22/23). Evaluations suggest that this developmental approach can support desistance from crime in certain cases and has seen proportional growth despite an overall decline in crime (van der Laan, Beerthuis, & Barendregt, 2019). Consistent with the broader evidence base, Dutch community packages that integrate CBT-type skills, restorative elements, and legitimacy-building practices are more effective

than short-term detention for first-time/low-risk offenders (Koops-Geuze & Weerman, 2023).

Norway: Youth punishment and youth monitoring (since 2014). Ungdomsstraff and ungdomsoppfølging in Norway combine restorative conferences (Konfliktrådet), multi-agency plans, and proportionate controls; detention remains exceptional. Recent analyses highlight tensions between restorative ideals and criminal justice requirements but confirm the central importance of victim-offender meetings and perceptions of legitimacy for law compliance (Andrews & Eide, 2024). Systematic evidence on police deviant continues to support fair and early procedural avenues for avoiding detention (Wilson, Brennan, & Olaghere, 2018).

Romania: In line with the European standards and recommendations, which advocate for restorative and rehabilitative practices over incarceration (European Union, 2016), Romania has established a specialized infrastructure for minors that blends custodial⁶ and non-custodial alternatives—consisting of two educational centers and two detention centers—while probation services facilitate community-based measures across the country. Romania’s system reflects these principles by offering minors in educational centers access to schooling, therapeutic services, and social skills programs—contrasting sharply with traditional punitive isolation. Concrete examples include civic training modules that teach young people about citizenship and social responsibility, mirroring similar programs in the Netherlands and Germany where participation in community service and engagement in restorative justice initiatives have yielded positive results (Council of Europe, 2008). For instance, since the adoption of the 2014 Penal Code, Romania has implemented a range of educational measures for minors instead of imprisonment. Among the most notable examples are the use of non-custodial sanctions such as civic training programs—which educate young people about citizenship and social responsibility—supervision measures that involve regular check-ins with probation officers, weekend curfews designed to balance accountability with continued integration in family life, and daily assistance requirements for at-risk youth. By implementing a framework that emphasizes education, rehabilitation, and social integration, Romania’s juvenile justice system exemplifies the broader European move toward child-centered, developmentally appropriate responses to youth offending—anchored in both academic research and international best practice.

⁶ In cases where custodial measures are considered necessary, minors may be placed in educational centers (Centrul Educativ) or detention centers (Centrul de Detenție), both of which offer rehabilitative activities, schooling, and psychological support rather than punitive isolation.

The Perspective of Forensic Psychology

Judicial psychology underpins every decision in juvenile proceedings: assessing culpability and discernment—particularly for those aged between 14 and 16—, formulating cases according to risk, need, and responsiveness, choosing the least restrictive and most effective educational measure, and monitoring changes over time. In practice, pre-sentencing reports should integrate a developmentally sensitive assessment of socio-emotional maturity, suggestibility, moral reasoning, and executive control, along with a structured assessment of criminogenic needs and protective resources. This allows for the development of proportionate skills-building plans that align public safety with children's rights (Andrews & Bonta, 2016; Tyler, 2006; Casey, Jones, & Hare, 2008; Steinberg, 2010).

Risk-Need-Receptivity (RNR) guides "what" to target (dynamic risk factors such as antisocial peers, school disengagement, substance use, pro-criminal thinking) and "how" to tailor delivery (reading level, cognitive style, attention and language profiles, cultural-linguistic context). In practice with young people, validated instruments (e.g., YLS/CMI, SAVRY, YASI, START: AV) can structure the assessment of both risks and strengths, but they must be integrated with professional judgment and information provided by the family/school.

Beyond risk, the Good Lives Model (GLM) guides formulation toward achieving prosocial goals and identity development (Ward & Maruna, 2007). The appropriateness of the intervention stems from the formulation. For first-time/low-level non-violent property offenses, effective packages combine cognitive-behavioral skills training (problem solving, self-control, perspective taking) offense-specific work (restitution planning, victim impact, and empathy), and family—or school-based components to rebuild supervision and routine. Motivational interviewing can increase engagement, while restorative justice options (mediation/conferencing) address responsibility and victim needs. Consistent meta-analyses show that CBT-based programs and restorative conferences reduce recidivism when delivered with quality and responsiveness (Landenberger & Lipsey, 2005; Strang, Sherman, Mayo-Wilson, Woods, & Ariel, 2013).

Procedural justice is essential for compliance with norms: adolescents are more willing to cooperate when they are treated with respect, receive clear explanations, have a voice, and enjoy neutrality in decision-making (Walters & Bolger, 2019; Bolger & Walters, 2019). In supervision, this translates into collaborative goal setting, predictable responses to (non)compliance with rules, and transparent criteria for adjusting conditions. If electronic monitoring is used, it should be strictly limited to specific risks (e.g., evening curfews) and combined with skills training and

support; independent monitoring produces limited benefits (Belur et al., 2020). Monitoring change requires both justice outcomes (recidivism in 12/24/36 months, completion of restitution, school/professional reintegration) and psychological indicators (improvements in emotion regulation, problem solving, prosocial identity, and perceived legitimacy). Case reviews should update the formulation with new strengths and risks, adjusting the intensity downwards as competencies are consolidated. Ethically, assessments and interventions should adhere to the principle of “least restrictive, child-centered,” ensure informed participation, and pay attention to trauma, neurodevelopmental conditions (e.g., ADHD, language/learning difficulties), and cultural equity.

Sociological Perspective

Sociological interpretation situates individual change within institutional practices and broader social conditions. Following Foucault's analysis of disciplinary power, educational measures and institutionalization can normalize behavior through surveillance, routines, and corrective exercises, while risking institutional dependency when used reflexively (Foucault, 1995). Young's critique of postmodern control institutions adds that risk management can drift toward an incapacitating logic that dilutes reintegration goals (Young, 2007). Connolly's description of normative ambiguity helps explain how competing frameworks—care, control, punishment—coexist in policies and practices, shaping frontline discretion (Connolly, 1993). At the meso level, legitimacy and social ties mediate compliance. Procedural justice predicts willingness to cooperate and comply when young people perceive respectful treatment, voice, and neutrality—critical elements in probation contacts, family meetings, and school reintegration (Tyler, 2006). Restorative practices can rebuild social capital by repairing harm, strengthening family and school relationships, and increasing community guardianship; these mechanisms complement the acquisition of cognitive-behavioral skills highlighted in the psychological perspective (Strang, Sherman, Mayo-Wilson, Woods, & Ariel, 2013).

Social efficiency therefore depends on reintegration capabilities – education and attachment to work, stable routines, and community supervision geared more toward problem solving than pure surveillance. In the EU context, characterized by a recent increase in property crime after a decline during the pandemic and an expansion of community sanctions (Eurostat, 2025; Aebi & Hashimoto, 2022), packages combining supervision with restorative and CBT components are associated with better outcomes than short-term detention for first-time or low-risk young offenders (Koops-Geuze; Weerman, 2023).

Electronic monitoring, where applied, should remain proportionate and be integrated into rehabilitation plans so that control functions do not replace support for reintegration. From a mechanical point of view, psychological microprocesses (self-regulation, empathy, problem solving) are reinforced or undermined by mesocontexts (family, school, peer networks) and macroinstitutions (probation resources, availability of restorative services, child-friendly procedures).

Discussions and Limitations

Structured community measures that target criminogenic needs (RNR), develop human assets (GLM), and operate in a procedurally fair manner are consistent with evidence on adolescent neurological development, supporting skill acquisition and law compliance more effectively than short-term incarceration for non-violent property offenses committed for the first time or with low risk. Non-custodial measures are consistent with detention as a last resort as provided for in the CRC, EU safeguards, and CoE standards on minors.

Comparative practices in DE/NL/NO illustrate feasible architectures for a community-led pathway in Romania. This synthesis is based on administrative series and transnational policy evaluations rather than randomized field studies in Romania; the selection of measures and definitional variations may influence effect estimates. Program content heterogeneity and implementation fidelity complicate common inferences; long-term impact beyond 36 months remains under documented. These constraints reinforce the value of prospective evaluation designs (e.g., matched cohorts with prespecified, intention-to-treat analyses) and routine publication of standard indicators.

In context, recent EU-wide increases in police-reported thefts and burglaries after pandemic lows, along with the expansion of community supervision across Europe, suggest that systems will increasingly manage risk in the community rather than through isolation (Eurostat, 2025; Aebi & Hashimoto, 2022). Under these circumstances, standardized reporting at 12/24/36 months on recidivism, reintegration into school/work, completion of restitution, and compliance with supervision becomes essential to ensure comparability, accountability, and learning. The Norwegian experience also warns that tensions between restorative ideals and criminal justice requirements must be actively managed to maintain legitimacy (Andrews & Eide, 2024; Holmboe, 2017).

The 2014 Romanian framework is directionally aligned with these models, but real-world effectiveness depends on the quality of implementation and available resources. Probation packages require the

provision of CBT elements (problem solving, self-control, perspective taking), access to restorative options, and consistent communication practices that convey respect, neutrality, and clear reasoning (Tyler, 2006). The neurological development of adolescents further emphasizes the need for gradual skill and responsibility development, rather than the isolation (Casey, Jones, & Hare, 2008; Steinberg, 2010). If electronic monitoring is added in a proportionate manner (e.g., curfew), it should be explicitly linked to concrete risks and accompanied by skills training and support (Belur et al., 2020).

The JGG architecture in Germany, the HALT/ACL pairing in the Netherlands, and the youth punishment/monitoring models in Norway all codify a presumption of community education, with custody as a last resort. Despite institutional differences, they converge on three mechanisms: (a) targeting criminogenic needs while respecting responsiveness (RNR), (b) strengthening strengths and prosocial identities (GLM), and (c) protecting perceptions of fairness to elicit cooperation (procedural justice). These psychological mechanisms are consistent with a sociological layer that emphasizes procedural legitimacy, social capital through restorative practices, and institutional capacity (probation, RJ services).

Taken together, the comparative map in Table 1 and the European evidence base point in the same direction: for first-time, low-risk youth offenders for non-violent property crimes, structured community packages combining cognitive-behavioral skills, restorative components, and legitimacy-enhancing supervision outperform short-term educational incarceration in terms of public safety and reintegration outcomes (Koops-Geuze & Weerman, 2023; Landenberger & Lipsey, 2005; Strang, Sherman, Mayo-Wilson, Woods, & Ariel, 2013). These effects are consistent with systematic reviews of early diversion and mixed results from independent electronic monitoring without rehabilitative content (Wilson, Brennan, & Olaghere, 2018; Belur et al., 2020).

Conclusions

The weight of evidence from Germany, the Netherlands, and Norway, together with meta-analytic findings on CBT and restorative practices, indicates superior or at least comparable outcomes in terms of public safety, along with better prospects for reintegration, when supervision is carried out in a procedurally fair manner and tailored to receptivity (Koops-Geuze; Weerman, 2023; Landenberger; Lipsey, 2005; Strang et al., 2013).

This study concludes that, for non-violent property crimes committed by young people aged 14 to 17, Romania should prefer well-structured educational packages without deprivation of liberty instead of short-term

detention. Operationally, the Romanian system should codify a pro-noncustodial presumption for specified cases, include standard 12/24/36-month benchmarks, and invest in probation capacity, restorative infrastructures, and staff training (CBT, MI, child-friendly communication). The compensatory remedy provided for in Law 169/2017 is an example that supports the idea that the criminal code should be designed in accordance with other social values that must be respected. The law introduces a compensatory remedy aimed at addressing the adverse effects of excessive pretrial detention and unjustified delays within the criminal justice system, setting forth clear legal standards to ensure that individuals who have suffered undue deprivation of liberty are provided with an efficient mechanism to seek redress. The law also establishes procedural guidelines for filing claims, delineating the scope of eligibility and the required documentation to substantiate harm. Judicial authorities are empowered to review cases promptly and award compensation proportionate to the duration and impact of improper detention. Additionally, by incentivizing timely judicial action and adherence to due process, the law aims to enhance the overall efficiency and fairness of the justice system.

Juvenile justice reform sits at the crossroads of law, psychology, sociology, and public policy. For real progress, reforms must treat each young person as an individual, considering their unique development, psychological background, and social circumstances. The best European practices focus on rehabilitation and restorative justice while ensuring the rights of minors are protected—moving away from purely punitive models of the past. In sum, developing the idea means constructing a youth justice system where rehabilitation, education, and fairness are not peripheral considerations but the central pillars guiding every decision. Through legislative reform, investment in community resources, rigorous outcome evaluation, and a steadfast commitment to procedural justice, Romania can build a future in which young offenders are equipped to overcome adversity, repair harm, and thrive as productive members of society. To fully realize these policy recommendations, it is vital to establish a cohesive legislative and operational strategy that places youth rehabilitation and public safety at its core. Legislative reforms should be coupled with robust procedural guidelines that outline clear, evidence-based criteria for defining low-risk and first-time offenders, utilizing validated risk assessment tools, prior offense records, and engagement indicators. A comprehensive approach must also address the practical dimensions of implementation. Investment in probation infrastructure—both in terms of personnel and training—is essential. Community resources, such as educational institutions, vocational programs, and family support services, need to be mobilized to create an integrated network capable of supporting reintegration and addressing the roots of offending behavior.

An approach based on psychological and sociological knowledge—targeting criminogenic needs, strengthening strengths and prosocial identities, and cultivating procedural legitimacy—offers the best chance for sustained compliance and desistance. Future research should prioritize prospective evaluations and transparent reporting so that policy can be iteratively adjusted based on comparative performance.

Policy Recommendations

a. Codify a presumption for non-custodial educational packages in first-time/low-risk, non-violent cases, reserve incarceration for strict criteria.

To further develop the idea, the codification would serve as a foundational pillar in juvenile justice reform. This legal presumption would mean that, by default, courts and decision-makers prioritize structured community-based educational packages—comprising cognitive-behavioral therapy, restorative practices, and supervised reintegration—over any form of incarceration. Detention would be considered only as a measure of last resort, reserved for circumstances where clear evidence indicates that community-based interventions would be insufficient to ensure public safety or the youth's engagement in rehabilitation. It would require legislative amendments and clear procedural guidelines for practitioners. For eligible cases, judges would be obligated to articulate specific, evidence-based reasons on record should they depart from the non-custodial approach and impose detention, ensuring transparency and accountability. In practice, this approach supports early intervention and capitalizes on the developmental flexibility of youth, aligning with the principles of minimal intervention and proportionality.

b. Standardize indicators at 12/24/36 months (recidivism; school/professional reintegration; restitution; compliance).

Community-based educational packages could include tailored probation plans, comprehensive family support, school or vocational reintegration programs, and therapeutic services addressing criminogenic needs and fostering prosocial identities. By forging a legal and operational framework that places rehabilitative and educational responses at the center of youth justice the system can better safeguard public safety, reduce recidivism, and maximize the prospects for positive, long-term reintegration of young people into society. The development of standardized outcome indicators, tracked at regular intervals (12, 24, and 36 months), will build a data-driven foundation for evaluating the effectiveness of interventions. These indicators

should encompass not only recidivism rates but also measures of educational and professional reintegration, restitution completion, and compliance with supervision plans.

c. Expand restorative justice (mediation/conferences between victim and offender) with validated Cognitive Behavioral Therapy (CBT) components, applied within probation.

In practice, this approach seeks to repair harm by creating a safe, facilitated space in which victims and offenders can communicate openly about the impact of the offense, address underlying needs, and agree on meaningful ways to make amends. Incorporating CBT components into restorative justice sessions strengthens their rehabilitative effects. By embedding restorative justice and CBT within probation, the justice system moves beyond punitive responses, fostering a culture of responsibility and hope. This shift supports the developmental needs of young people, prioritizes public safety, and helps rebuild trust between offenders, victims, and the broader community.

d. Use electronic monitoring sparingly, as a proportional adjunct to community plans.

Electronic monitoring can play a supporting role when necessary and proportionate, but only as an adjunct to rehabilitation work (Belur et al., 2020). The judicious use of electronic monitoring as a supplementary measure ensures that supervision remains proportional and flexible, complementing rather than overshadowing rehabilitative efforts. By reserving electronic monitoring for situations where additional structure is genuinely needed, the system avoids the pitfalls of overreach and maintains its focus on positive development.

e. Integrate child-friendly communication and legitimacy-building practices (procedural justice) across all agencies.

This integration means that every stage of the process—from initial police contact and court proceedings to probation supervision and reintegration programs—must prioritize interactions that are appropriate, respectful, and transparent for young people. Child-friendly communication involves using clear, jargon-free language tailored to the youth's age and cognitive development, ensuring they truly understand their rights, obligations, and the decisions affecting them. Legitimacy-building practices, drawing from procedural justice theory, emphasize fairness, impartiality, and consistency in all decision-making. Moreover, feedback mechanisms should be established so that young people and their families can express

concerns and suggest improvements in how they are treated throughout the justice process.

f. The Romanian Penal Code classifies offenses according to their legal object and may provide for different categories, which could also include the rationale for the nature of the protected legal interest and the consequences provided for when considering the public goods saved.

When determining disciplinary measures, sanctions, or penalties within the juvenile justice context, the guiding principle should be their proven effectiveness in reducing future offenses and fostering positive behavioral change. This evidence-based approach emphasizes that interventions must be continually assessed for how well they prevent recidivism, promote rehabilitation, and ensure public safety, rather than simply fulfilling a punitive function. By prioritizing interventions with measurable, positive impacts, the justice system can more effectively reduce crime, support lasting reintegration, and build safer, more supportive communities.

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