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TYPES OF JUVENILE CRIMINAL SANCTIONS

Children are the future of society, and therefore, protecting them and ensuring their continued existence as individuals beneficial to society is another responsibility of the law. Applying the same level of penalties as adults to juveniles who are drawn to crime, who are not raised in safe environments, and who, due to their age, are not subject to legal proceedings, would be unjust, both sociologically and legally. In this regard, many forms of juvenile criminal sanctions used across various legal systems. Aiming to reintegrate young people into society and accepting their developmental differences from adults, juvenile justice systems usually stress rehabilitation over punishment. Distinguishes between non-custodial and custodial punishments including warnings, probation, community service, diversion programs, and imprisonment. It also looks at elements affecting the decision of penalties, like the degree of the violation, offender age, and past criminal record. This comparative study shows how many countries strike a balance between responsibility and safeguarding of children's rights. This paper provides an in-depth examination of specific the examples drawn from several countries, namely Bosnia and Herzegovina, Turkey, and Italy. Through this exploration, the study brings to light both the shared principles and the distinct methodologies that are employed in these nations to address youth-related legal issues. Ultimately, this comprehensive analysis argues that several key factors are of paramount importance for the successful reduction of recidivism and the effective social reintegration of young people. The study emphasizes the critical need for a focus on meaningful and effective rehabilitation strategies and the necessity of providing robust and consistent funding to child welfare systems.

Keywords: *juvenile justice, rehabilitation, custodial measures, non-custodial sanctions, reintegration.*

Original article

INTRODUCTION. Juveniles who break the law face consequences for their behavior, and in order to guarantee public safety, they are placed in juvenile homes or penal facilities. The approach to juvenile offenders that emphasizes rehabilitation rather than harsh punishment (Sri Vaishnavi, 2019) The purpose of the juvenile justice system is to offer a separate and distinct system of justice for juveniles, where young offenders can get the assistance and support they need to become productive members of society¹. So, the main goal under this approach is not just to punish juveniles but to rehabilitate them by using other sanctions than punishment. This is a multifaceted approach that takes into account psychological variables, therapeutic treatments, skill development, and participation in positive activities. The participa-

tion of social workers and non-profit groups aids in overcoming budgetary limits, ensuring that rehabilitation programs are both accessible and successful (Sri Vaishnavi, 2019).

Juveniles face challenges in rehabilitation due to limited resources, stigmas and discrimination which affect reintegration. Rehabilitation programs need to have good resources and strong funding in order to provide effective services for the juveniles. Education, psychological support, and treatment are essential for juveniles' rehabilitation, and in order to make it effective, funds for these programs from the state and organizations are very much needed. After proper rehabilitation programs, unfortunately, like any other convicts, juveniles are also facing the stigma and discrimination by society. This can start at school and continue in the workplace when they start working. Due to their involvement in the criminal justice system, their teachers, bosses, other students or colleagues may treat them in a biased and discriminatory manner.

This is a big wound in our society, not only for juveniles but also for any other convicts.

¹ Law Offices of John D. Rogers. (2023, June 4). *Juvenile Offenders and the Ability for Rehabilitation: Understanding the Issues and Challenges*. <https://johndrogerslaw.com/juvenile-offenders-and-the-ability-for-rehabilitation-understanding-the-issues-and-challenges/>.

Unfortunately, the rehabilitation of convicts does not rehabilitate other people to help convicts return to society¹.

PURPOSE AND OBJECTIVES OF THE RESEARCH. This paper aims to analyze the types of juvenile criminal sanctions implemented in different countries and how they align with the principles of rehabilitation, accountability, and children's rights. It is essential to understand where the criminal law stands regarding juvenile offenders. Comparing the countries' recidivism rates of juveniles and their type of punishment, and the protection for juveniles, gives us the result of the best mechanism. Moreover, one of the main purposes of the research is to create international standards of protection and punishment for juveniles to implement them into national criminal law for the better justice of juveniles and society. The objectives include: Categorizing non-custodial and custodial measures, comparing practices in Bosnia and Herzegovina, Turkey, and Italy and proposing improvements in juvenile justice practices. However, categorizing type of sanctions is not only objective but their scope, effects on recidivism and juveniles.

METHODOLOGY. To achieve the objectives of the research, the relevant legislation, conventions, and international sources will be examined using both normative and descriptive legal methods. A comparative legal analysis is used to assess the similarities and differences in the juvenile justice systems of example countries. This necessitates a thorough analysis and comparison of relevant legislation, including the Laws on Protection and Treatment of Children and Juveniles in Criminal Proceedings in Bosnia and Herzegovina², the Turkish Criminal Code³ and Child Protection Law⁴, and the Italian Juvenile Criminal Procedure Code⁵.

Secondly, the paper utilizes a document and literature review to amalgamate insights from scholarly articles, governmental documents, and international conventions (e.g., the UN Convention on the Rights of the Child⁶, the Beijing Rules⁷) to highlight international standards and their implementation within domestic contexts. A case study analysis is used to provide a practical viewpoint. The Sullivan v. Florida cases⁸ illustrates the impact of adult sentencing on minors, so enriching the qualitative study of the comparative discourse.

RESULTS AND DISCUSSION. Juvenile justice systems generally focus on rehabilitation instead of punishment because they want to help young people rejoin society and acknowledge that they are different from adults in terms of development. The paper talks about many types of sanctions, such as warnings, probation, community service, diversion programs, and jail time. It also looks at things that impact the choice of punishments, such as how bad the crime was, how old the offender is, and their criminal history. A comparative analysis reveals how various nations find a balance between protecting children's rights and holding people accountable.

Specific Types of Criminal Sanctions

Children's rights include humane treatment, separate from adult criminals, access to legal counsel and privacy. It is critical to prioritize rehabilitation above punishment. Following detention, the focus is on reintegrating individuals into society through probation while taking into account aspects such as age and mental health throughout rehabilitation (Sri Vaishnavi, 2019). There are different types of penalties and sanctions in the juvenile justice system under incarceration and non-incarceration. These categories include house arrest, probation, counseling and therapy, non-custodial measures, juvenile correctional facilities, community service, and diversion programs – these are types of punishments and sanctions for minors⁹.

¹ National Institute of Justice. (2023). *Juvenile offenders and the ability for rehabilitation: Understanding the issues and challenges*. U.S. Department of Justice. <https://johnrogerslaw.com/juvenile-offenders-and-the-ability-for-rehabilitation-understanding-the-issues-and-challenges>.

² Official Gazette of Bosnia and Herzegovina. (2014; 2020). *The Laws on Protection and Treatment of Children and Juveniles in FBiH Criminal Procedures*.

³ Turkish Cabinet. (2004). *Turkish Criminal Code* (Law No. 5237). <https://staff.emu.edu.tr/alexanderchefranov/Documents/CMPE455/Turk%C4%B1sh%20Cr%C4%B1m%C4%B1nal%20Code.pdf>.

⁴ Turkish Cabinet. (2005). *Child Protection Law* (Law No. 5395). <http://www.lawsturkey.com/law/juvenile-protection-law-5395>.

⁵ *Juvenile Criminal Procedure Code (D.P.R. 448/1988)*. Altalex. <https://www.altalex.com/documents/>

[news/2014/06/18/codice-processo-penale-minorile-d-p-r-448-1988](https://www.government.nl/topics/news/2014/06/18/codice-processo-penale-minorile-d-p-r-448-1988).

⁶ United Nations. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

⁷ United Nations. (1985). *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-standard-minimum-rules-administration-juvenile>.

⁸ *Sullivan v. Florida*, 560 U.S. 181 (2010). <https://supreme.justia.com/cases/federal/us/560/181/>.

⁹ Government of the Netherlands. *Penalties for juvenile offenders*. <https://www.government.nl/topics/juvenile-offenders>.

Home Confinement

Depending on the crime, the judge can decide on the proper criminal sanction for the juveniles. One of the sanctions in the juvenile system is home confinement or house arrest as a part of incarceration (Wallin, 2014). Home confinement or house arrest allows juvenile offenders to stay at home under some conditions. It can be full-time staying home except for necessary times such as school or work. During this period, the juveniles under house arrest can be monitored with the electronic system. This control can be done by a person checking in by the authorized officer to ensure compliance. While they are under restriction and pay for their debt for the crime they have committed, they are still staying in a familiar environment. This condition helps balance public safety and the rehabilitation process (Austin, Johnson, Weitzer, 2005).

Overall, the main goal of the home confinement is to restrict persons' activity in order to protect public safety. According to studies, this system successfully reduces recidivism, whether it is used as pretrial treatment or punishment for post-adjudication¹.

Juveniles can still continue their education, have a chance to work, and incur no daily costs for imprisonment (Austin, Johnson, Weitzer, 2005). As much as it has advantages, it also has disadvantages. Sometimes, detention facilities can be a safer option for juveniles to stay. Regarding electronic monitoring, research shows that 64 % of the juveniles displace their ankle bracelets. This means that a significant number of juveniles who are under house arrest try to trick the system, which can affect the successful results².

Placement with Someone other than a Parent or Guardian

The nature of the crime and the juvenile's record might affect the sentence in the juvenile justice system. As it is, placement of a juvenile with someone other than a parent or guardian is one of the possible sentences³. A judge can decide

that juveniles move into a foster home or live with other relatives rather than parents or guardians as part of their rehabilitation and punishment. The purpose is to remove juveniles from a bad and harmful environment in which they currently live to provide rehabilitation and lead to behavioral changes in order to prevent future crimes (Wallin, 2014). Practitioners and politicians increasingly recognize the close relationship between the child welfare and juvenile justice systems. Juvenile offenders mostly have a history of mistreatment, neglect, or abuse, which leads them to commit a crime. A stable and safe place for juveniles lowers recidivism. Combining child welfare and juvenile justice activities is vital for addressing the fundamental causes of juvenile offending and offering long-term rehabilitative solutions (Baglivio et al., 2016).

Juvenile Hall and Probation

Juvenile Hall is a kind of sanction, such as imprisonment, for people who are not considered adults⁴. Juvenile offenders can be ordered to stay in a juvenile detention center⁵ (Wallin, 2014). There are mainly two reasons for sending juveniles to juvenile hall. The first reason is that they are sent there before their court dates and hearings or after their adjudication. The second reason is that they can get put in juvenile hall while they await transitional placement or treatment⁶.

A judge can decide on probation for the juveniles. It can be before or after a court process. A judge might order probation at the beginning of a sentencing hearing to avoid a juvenile being detained. Following sentence, a judge might order juvenile probation instead of incarceration⁷.

Juvenile probation is important for them to be monitored by a supervisor while staying in the community. This kind of sanction can be applied for low-risk juvenile offenders and if it's their first time that they have committed the crime. The goal of probation is to make juveniles pay back for their wrong acts and receive proper punishment

sentences-and-non-punitive-orders/penalties-juvenile-offenders.

¹ U.S. Probation and Pretrial Services. (2007). *Home confinement*. Administrative Office of the U.S. Courts. https://www.nyspt.uscourts.gov/forms/Home_Confinement.pdf.

² Child Crime Prevention & Safety Center. (n.d.). *Juvenile house arrest*. <https://childsafety.losangeles-criminallawyer.pro/juvenile-house-arrest.html>.

³ Gene Ognibene Associates. (2024, February 7). *Juvenile Conviction Consequences*. <https://www.geneognibeneassociates.com/criminal-law-basics/juvenile-conviction-consequences/>.

⁴ Cambridge Dictionary. *Juvenile hall*. <https://dictionary.cambridge.org/dictionary/english/juvenile-hall>.

⁵ Detention centers are for youth who are detained under specific circumstances. The Juvenile Detention Center's mission is to provide a physically and emotionally safe and secure environment for juveniles placed temporarily by the court.

⁶ County of Los Angeles Probation Department. (n.d.). *Juvenile hall and related services*. <https://probation.lacounty.gov/juvenile-hall/>.

⁷ ALL Trial Lawyers. (2024, July 28). *Juvenile probation overview*. <https://alltriallawyers.com/home-supervision/>.

for it while undergoing rehabilitation (Nieto, 1996).

Jail

Juveniles can be sent to regular jail and prosecuted under the adult justice system in some serious crimes, such as first-degree murder or forcible sex offences, based on the national criminal system and the nature of the case. If the juvenile seems to be at great risk to society, then they can be treated as an adult and placed in a regular prison (Wallin, 2014). Obviously, the adult prison and justice system and the juvenile justice system are different than each other¹.

Even though the idea is clear as preventing the crimes and providing public safety, facing such punishment by juveniles should be questionable. Because, as previously explained in the paper, juveniles are treated differently from adults based on a lack of responsibility for their criminal behavior and the understanding based on their age. The juvenile justice system is created to provide rehabilitation measures to the juveniles rather than just punishment. It is important for youth to resocialize and reintegrate into society. Now, putting the juvenile in a regular jail may create a huge risk for the juvenile and not even help them (Causey, 2024). Eighty percent of juveniles who are convicted as adults are released before they turn 21 years old, and ninety-five percent of juveniles are released before they turn 25². Many of the juveniles who served their time in adult prison have a hard time reintegrating into society once they are released. Because they are still very young and faced with only punitive justice without any rehabilitation and resocialization programs. Not to mention that they do not get enough support and education as part of the juvenile justice system, which leads them to commit a crime again. That's why adult prison is still a debate in order to lower recidivism. The *Sullivan v. Florida*³ case is one of the examples that is under debate about a juvenile who is faced with an adult jail. He was part of the burglary with two other older boys, and the house owner was sexually assaulted by one of them, but she never saw who attacked her. In that time, Sullivan was only 13 years old with a mental disability. Moreover, he has been subjected to physical and sexual

abuse in his home. One of the boys who was with Sullivan in the burglary accused him of the sexual offence. While the two boys were ordered to juvenile detention by the court, Sullivan was tried and charged in adult court. Sullivan is African American, and this also put a stigma and prejudice by the prosecutor and the witness; they often called Sullivan a colored boy or a dark-colored boy. Joe Sullivan was sent to an adult prison when he was 14. Putting a 14-year-old child with a mental disorder obviously didn't give him the bright days. He was constantly victimized by the other adult inmates many times. Sullivan became a victim, and he needed to use a wheelchair after the diagnosis based on these violations in jail. After 25 years in prison, in 2017 Sullivan was released because the Supreme Court decided that people who are under 18 cannot be punished with life imprisonment without parole unless it is homicide as a result. Later on, Sullivan started to join re-entry programs by Equal Justice Initiative.

Without fair trial and juvenile justice measures, juvenile offenders can become victims. This wouldn't help to provide justice to either party. Sullivan grew up in a bad environment and was neglected by his family; he couldn't perceive the crime and shoulder the responsibility for it. While a child in such a situation should first be taken under protection by the state and, after committing the crime, should be provided with all kinds of support to be reintegrated into society, he was left to his fate in prison with people much older than him. It is a shame for the justice system to expect a child who is only 13 years old and has a mental disorder to carry such a heavy burden on his own.

Comparative Analysis

This chapter will conduct a detailed comparative review of the specificities and types of juvenile criminal sanctions used in Bosnia and Herzegovina, Turkey, and Italy. Each country's unique legislative frameworks, including appropriate criminal laws and rehabilitation/resocialization programs, will be examined to determine the various tactics used for juveniles.

Bosnia and Herzegovina

The rehabilitation of ex-convicts in Bosnia and Herzegovina is a multidimensional process influenced by the country's sociopolitical environment, regulatory frameworks, and cultural values. Bosnia and Herzegovina is a unique country in terms of its history. Among other things, one of the biggest reasons why speaking of the rehabilitation of ex-convicts is challenging is the recent war history, which makes it challenging to speak about the rehabilitation of convicts. However, the Criminal Code of Bosnia and Herzegovina

¹ Child Crime Prevention & Safety Center. (n.d.). *Juveniles and violent crimes*. <https://childsafety.losangelescriminallawyer.pro/juveniles-and-violent-crimes.html>.

² See: <https://childsafety.losangelescriminallawyer.pro/>.

³ *Sullivan v. Florida*, 560 U.S. 181 (2010). <https://supreme.justia.com/cases/federal/us/560/181/>.

has specific legislation for juvenile offenders, including educational measures (Maljevic, 2004).

Three separate laws that deviate the general Criminal Codes at all levels of government control juvenile justice in Bosnia and Herzegovina. These particular rules, applicable only to young people, are: The Laws on Protection and Treatment of Children and Juveniles in Federation of Bosnia and Herzegovina (FBiH) Criminal Procedures¹.

The Law on Protection and Treatment of Children and Juveniles in Republika Srpska (RS) Criminal Procedures².

The Law on Protection and Treatment of Children and Juveniles in Brčko District Criminal Trials³.

Emphasizing protection, rehabilitation, and reintegration rather than punishment, these rules were meant to match Bosnia and Herzegovina's juvenile justice system with international norms. The Criminal Codes of BiH thus no longer apply to young offenders. The specific laws control all facets of criminal culpability, procedural assurances, and sanctions, and take first priority in cases involving children and young people. The general Criminal Code of BiH is being negated, so young people are not covered by its provisions on criminal culpability, sentence, or punitive actions. Rather, their only control comes from the guidelines established in the particular juvenile statutes.

Though each of the three statutes includes special clauses tailored to the particular jurisdiction, they all have the same driving ideas. Each statute is broken out in great depth below, with an emphasis on Article 30 onward and particular measures and penalties for juveniles highlighted.

Based on their age and degree of responsibility, the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of FBiH groups young people:

Children under 14 years old: Not criminally accountable; only preventative actions apply.

Junior minors (between the ages of 14 and 16) can only be subjected to non-punitive, rehabilitative educational programs.

Depending on the degree of the offense, senior juveniles (16–18 years old) can be subject to both juvenile detention and educational programs.

Though it uses a similar classification system, the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of RS has different clauses on alternative measures and sentence restrictions.

One main distinction is under article 35 of the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of RS about the special requirements for implementing educational policies necessitating a psychological evaluation prior to establishing young accountability. Moreover, article 67 focuses on probationary control rather than incarceration terms.

When it comes to the third special law about juveniles in Bosnia and Herzegovina, though it emphasizes community-based rehabilitation more strongly, the Law on Protection and Treatment of Children and Juveniles in Criminal Proceedings of Brčko District closely reflects the FBiH model.

Juvenile classification is same for three laws. As mentioned previously, junior juveniles are aged between 14–16, and senior juveniles are aged between 16–18. Imprisonment for senior juveniles applies to each law.

In FBiH, it applies only in severe cases, in RS with stricter psychological evaluations, and in the Brčko District, it is minimized in favor of alternative measures.

Educational recommendations in BiH criminal legislation join contemporary criminal-political efforts to prioritize extrajudicial forms of reaction to minor delinquent behavior, while retaining the imposition of criminal sanctions when the minor's re-education and positive guidance cannot be achieved through other means, or when the gravity of the criminal offense requires it (Sijerčić-Čolić, 2012). Educational recommendations are mandatory for juvenile offenders in FBiH.

While it requires assessment by juvenile court in RS, in Brčko District it expanded to include mentoring and community service. Alternative sanctions are limited to probation and counseling in FBiH. RS has probation, special courts and enhanced supervision.

Brčko District offers mediation, reconciliation and flexible sentencing as part of alternative sanctions.

¹ *Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings* ("Sl. novine FBiH", br. 7/2014 & 74/2020). <https://www.paragraf.ba/propisi/fbih/zakon-o-zastiti-i-postupanju-sa-djecom-i-maloljetnicima-u-krivicnom-postupku.html>.

² *Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings* ("Sl. glasnik RS", br. 13/2010, 61/2013 & 68/2020). <https://www.paragraf.ba/propisi/republika-srpska/zakon-o-zastiti-i-postupanju-sa-djecom-i-maloljetnicima-u-krivicnom-postupku.html>.

³ *Law on the Protection and Treatment of Children and Juveniles in Criminal Proceedings Brčko District* ("Službeni glasnik Brčko distrikta BiH", br. 44/2011). <https://advokat-prnjavorac.com/Zakon-o-zastiti-i-postupanju-sa-djecom-i-maloljetnicima-u-krivicnom-postupku-Brcko-Distrikt.html>.

Based on all these similarities and differences between the three laws, we can see that notwithstanding these progressive rules, BiH's application of juvenile justice is still uneven. Difficulties include: Sentencing restrictions cause judges and prosecutors to be reluctant to follow instructional advice. Lack of dedicated juvenile courts and financial resources are obstacles for the juvenile justice system in Bosnia and Herzegovina.

By implementing tailored juvenile laws replacing the general Criminal Codes for minors, Bosnia and Herzegovina has made notable progress. Nonetheless, the differences across the three jurisdictions and the difficulties in actual execution draw attention to the necessity of a more cohesive strategy. Improving training courses, guaranteeing enough financing, and broadening alternative approaches could help the young judicial system to be more effective all around.

Educational Measures

Aiming to rehabilitate rather than punish, educational measures are the main reaction to juvenile offenders. The age, degree, and the type of offence and social background of the juvenile, these measures are to be taken.

Disciplinary Educational Measures

These steps concentrate on changing behavior and let the young person stay in their home surroundings. These comprise:

Judicial Warning (Article 23): A formal admonition issued by the court stressing the gravity of the violation and offering the juvenile a chance to reform free from further penalty. For first-time offenders, this approach is helpful; nevertheless, if inadequate monitoring is not followed then it is often attacked for not stopping repeat offenders.

Increased Supervision by Parents, Guardians, or Social Services (Article 24): The juvenile is still under the observation of a responsible adult or social services, therefore guaranteeing continued monitoring and behavioral correction. To maximize this measure, required therapy should be accompanying it.

Special Obligations (Article 25): The juvenile is obliged to finish several responsibilities including: Participating in occupational training or educational courses Avoiding certain places, people, or activities, taking part in rehabilitative initiatives and participating in community work. Under appropriate implementation, this approach can be effective in reducing recidivism. But because there is no consistent system for tracking compliance, local social services' capacity determines how successful it is.

Institutional Educational Measures

These steps include taking the young person away from their family and into specialized facilities for re-education and rehabilitation.

Referral to an Educational Institution (Article 27):

The young person attends a state-run school where they get official education, psychiatric counseling, and behavior modification. Often lacking specialized personnel and resources, these facilities cause poor effectiveness in rehabilitation. Modern rehabilitation techniques must be given great investment.

Placement in a Correctional Institution (Article 28):

Placed in a correctional institution for young people who have committed severe crimes and require close monitoring. The institute offers organized courses meant to change behavior through treatment, training, and education. To lower recidivism, these institutions must to include customized rehabilitation plans and post-release reintegration programs.

Juvenile Imprisonment

Juvenile imprisonment is designated for the most severe crimes, in which case educational initiatives are judged inadequate.

Although the lowest term is six months and the maximum sentence is five years, for heinous offenses, the sentence can be 10 years (Article 31).

Juveniles cannot be held in the same institutions as grown-up criminals. Juvenile incarceration facilities must house them where they get vocational training, psychological treatment, and education. (Article 32)

Although heinous offenses necessitate this kind of punishment, whenever feasible, alternative rehabilitative options should be given first priority. Juvenile incarceration should be avoided as much as possible, and post-release initiatives should be reinforced to guarantee reintegration.

Alternative Sanctions

By the use of community-based alternatives, alternative sanctions seek to reduce imprisonment and promote social reintegration (Kazić, Ćorović, 2019).

Article 35 on Probation: The young person is placed under court-supervised probation with requirements to guarantee good behavior. This works well when coupled with required involvement in educational campaigns and counseling sessions.

Article 36 on Community Service: The young person is expected to do unpaid labor benefiting society, for helping with social initiatives or environmental cleanup. Programs should reflect the interests and skill level of the young people to increase involvement and efficiency.

Article 37 on Mediation and Reconciliation: Restoring justice is the method wherein the perpetrator and victim work out their problem by means of organized communication. Although this

strategy is very successful in lowering recidivism, it is not used often since there are not enough qualified mediators.

Security Measures

Additional protection or remedial action calls for security measures as needed.

Article 38: Mandated Psychiatric Treatment ordered when the young person has mental health problems needing expert assistance. Within the juvenile justice system, mental health services need more funding.

Article 39: Restricted Activities Ban, if the violation relates to a certain career (e.g., fraud in financial institutions), the young person is forbidden from participating in specified activities.

Several important suggestions must to be taken into account if Bosnia and Herzegovina's juvenile judicial system is to improve. First, it is essential to improve the execution of educational measures through more access to well-funded rehabilitation programs and specialized training for professionals handling young offenders. By including mediation, community service, and probation among other alternative penalties, the system would be more in line with contemporary international norms and help to reduce dependency on young incarceration. By means of improving data collection and monitoring systems to assess the long-term effects of changes in juvenile justice, one may find areas requiring constant development and policy adaptation. Finally, more funds and budget should be given to the rehabilitation and training programs for the juvenile justice system.

Turkey

According to the Turkish criminal code¹, article 6 mentions that every individual who is under the age of 18 is a child. From the same code, Turkey restricted the age for the criminal liability. According to the article 31 of the Turkish Criminal Code, juvenile who did not reach the age of 12 at the time of the crime when they committed, is not criminally liable. The idea of restriction of age is the same like in other legislation. Because until some age, children cannot understand the legal meaning and the consequences of their wrong act. When we compare with other age limits, such as in BiH, we see that Turkey's age limit is one of the lowest. Another approach implemented in Turkey with the Child Protection Law². With this code,

juveniles can only be dragged into crime, so when they commit a crime, they are not the perpetrator but the victim. Because someone or some reasons led the child to commit those wrong acts. This does not mean that the child who commits a crime will not face any consequences. But the sanction shall be appropriate and proportionate to the child's situation and actions³.

Counselling, education, care, health, and shelter measures, which are regulated as protective and supportive measures in Article 5 of the Child Protection Law. So, courts might apply protective and encouraging actions to help young people in rehabilitation rather than quick punitive ones. Among these are:

Therapy Measures: Calling young people in need of expert behavioral correction therapy.

Education Measures: Requiring either vocational training or school attendance helps the youngster to reintegrate into society.

Care Measures: Enrolling the youngster in a care facility under state protection.

Health Measures: Ordering medical care for psychological or physical disorders including addiction.

Shelter Measures: Getting at-risk or homeless children housed.

Though they are aimed to deter future offenses and safeguard the child's welfare, these steps are not considered criminal sanctions.

In addition, juveniles may also be sentenced to imprisonment. In such situations, juveniles may be sent to a juvenile correctional facility and must comply with the court orders issued against them.

These regulations are intended to guarantee that juvenile offenders to receive an education and reintegrate into society while in correctional facilities. Children's education houses are characterized as environments in which juvenile may achieve their fundamental necessities while also developing their skills. However, this method only applies to children who have committed certain offenses and are incarcerated. Juvenile who sentenced with the short-term imprisonment are commuted to a different sanction or whose prison sentences are suspended cannot benefit from these supports which is against the equality principle (Savaşci Temiz, 2023). In Turkey, there are juvenile courts, a juvenile bureau in the prosecutor's office and a juvenile section in the law enforcement forces, which separates children from adults. This situation ensures that juveniles are

¹ Turkish Cabinet. (2004). *Turkish Criminal Code* (Law No. 5237). <https://staff.emu.edu.tr/alexanderchefranov/Documents/CMPE455/Turk%C4%B1sh%20Cr%C4%B1m%C4%B1nal%20Code.pdf>.

² Turkish Cabinet. (2005). *Child Protection Law* (Law No. 5395). <http://www.lawsturkey.com/law/juvenile-protection-law-5395>.

³ *The place of children in criminal law and the protection of children*. <https://anayasa.gov.tr/media/3626/akarca.pdf>.

kept separate from adults and are tried and punished in a fair system (Yenisey, 2007).

So, we can see specific jurisdictions and codes in order to protect juvenile's interest. There is no problem with adoption and implementing international standards for the juvenile protection in the criminal law. Turkey recognize the international standard for the juvenile justice. In order to succeed this, all this regulations and laws should fully be implemented into national system and learned by all the segments and the society (Aslan, 2008). There is a 20.5 % increase in the number of children coming or being brought to security units. The main reasons for this increase are the inadequate implementation of restorative and preventive justice mechanisms for children in the criminal justice system. The widespread use of alternative methods such as reconciliation, postponement of filing a public lawsuit, and education-treatment measures, as well as poverty, domestic violence, lack of education, and lack of social support mechanisms, has caused this increase¹

Therefore, preventive systems should be developed early, children should be protected, and rehabilitation programs should be given importance.

When it comes to the juvenile crime sanction, we can see the following articles and codes regulation from Turkey.

Article 109 of Turkish Criminal Procedure Code², provides judicial control instead of detention wherein the young person could be under court supervision with restrictions like reporting to authorities, curfews, or movement constraints.

Article 231 of Criminal Procedure Code of Turkey³, permits courts to suspend the trial and send the young person on probation. Should they meet rehabilitation requirements, costs could be waived.

Article 52 of Turkish Criminal Code also prescribes Judicial Fine – In small offences, young people could be punished rather than imprisoned. In addition, according to Article 51 of Turkish Criminal Code, "Should the young person receive a two-year or shorter prison sentence, execution of the sentence may be postponed should the

young person demonstrate signs of rehabilitation".

Conversion of jail

Short-term jail sentences (one year or less) could be changed into other sanctions like public service.

Italy

Italian juvenile justice system is one of the most important systems because they give attention for the juvenile's welfare (Ferri, 2015). According to the Criminal Code of Italy, person under the age of 14 cannot be criminally liable⁴.

In Italy juvenile justice evolved by the time. It started from a retributive approach to rehabilitative and re-education model approach for the juveniles. In 1977 the critical change happened as transferring responsibility from the state to local municipalities. This helps to evolve the justice system from the punitive approach to more focus on community-based approach with the advanced programs (Gatti, Verde, 2014) Mediation takes very important place in the juvenile justice of Italy. If the judges believe that mediation would be beneficial for the juvenile's rehabilitation process, then court can decide on pause proceeding and implement the mediation. This idea is based on UN Convention on the Rights of the Child (Yenisey, 2007).

When it comes to penal process in the juvenile justice system of Italy, we see three steps. These phases are preliminary investigation, preliminary hearing and the trial. Besides its similarities with the general criminal system, juvenile justice process aligns with the reintegration, education and rehabilitation. Pretrial detention considers mostly home confinement, probation or placement of juveniles in group homes. Sentencing possibilities include judicial pardon, acquittal due to immaturity, case dismissal for minor offenses, and probationary suspension of the trial. That give chance to juvenile to avoid from having a criminal record for the future. When it comes to the custodial sentence, they are trying to avoid from it and focus on more rehabilitation for the juveniles. Italy's focus on welfare and rehabilitation of juveniles, restriction on publicity for the juvenile cases lower the recidivism and the stigma (Gatti, Verde, 2014).

In Italy's juvenile justice system, the penal process consists in three basic stages: preliminary inquiry, preliminary hearing, and trial. Although it has elements of the overall criminal system, the juvenile justice system is more focused

¹ *Statistics of Children Coming to or Being Brought to the Security Unit, 2022*. <https://data.tuik.gov.tr/Bulten/Index?p=Guvencilik-Birimine-Gelen-veya-Getirilen-Cocuk-Istatistikleri-2022-49662>.

² Turkish Cabinet. (2004). *Turkish Criminal Procedure Code* (Law No. 5271). https://sherloc.unodc.org/cld/uploads/res/document/tur/2005/turkish_criminal_procedure_code_html/2014_Criminal_Procedure_Code.pdf.

³ Ibid.

⁴ Child Rights International Network. <https://home.crin.org/>.

on reintegration, education, and rehabilitation than on punitive actions¹.

Usually avoided is pretrial detention; instead, one prefers other options including:

1. Home confinement² – Instead of being housed in custody, young people could be obliged to stay at home under supervision.

2. Probation³ – While still enrolled in school or employment, social services monitor the young person.

3. Location in group homes⁴ – Juveniles might be housed under supervised community living for education and rehabilitation instead of imprisonment.

The Italian juvenile justice system offers several sentencing choices to enable young offenders to stay free from a criminal record:

Should the offense be minor and the offender exhibit indications of rehabilitation, the judge can dismiss the charges, therefore rendering no criminal record⁵.

1. Acquittal owing to immaturity – Should the young person prove lacking the capacity to comprehend the results of their acts, they could be released.

2. Case Dismissal for Minor Offenses⁶

Should the offense be minor and prosecution judged superfluous for rehabilitation, the court may dismiss the case.

3. Probationary Suspension of the Trial

The young person is put under a rehabilitation program after the trial is postponed. Should completion be successful, the charges are waived. Custodial Sentences. Italy emphasizes rehabilitation over custodial sentences wherever at all practicable. When detention is required, however, last resort centers for juveniles are used. These facilities give reintegration, vocational training, and education first priority. Along with rigorous limitations on publicizing for young cases and

Italy's focus on rehabilitation over punishment, these help lower recidivism and stigma related with young crimes.

CONCLUSIONS. International laws and agreements have developed a separate justice system for children together with local criminal law. This system, which was generally created with the same purpose and consciousness, has been shaped with minor changes within the framework of the cultural structure of the society, crime rate, financial situation and understanding of justice. In order to develop this system further, it is necessary to create special programs for children, conduct research, and allocate more funds for this research from the state and social institutions. Though people beyond a particular age, usually 14 (or in some cases 12), may be held legally accountable for their conduct, children are not naturally inclined to commit crimes. Ensuring that every child lives in equal conditions, providing education opportunities and supporting them with the necessary rehabilitation programs will enable the establishment of these measures.

This paper demonstrates that while each country employs distinct approaches to juvenile criminal sanctions, they all prioritize rehabilitation as a guiding principle. Bosnia and Herzegovina's legal framework ensures special treatment and reintegration opportunities. Turkey combines the child protection law with criminal codes to offer specialized support, though implementation gaps exist. Italy's system emphasizes diversion, mediation, and reduced stigma. Despite variations, challenges such as inconsistent application, limited funding, and social barriers remain. Strengthening rehabilitation programs, expanding community-based alternatives, and enhancing professional capacity are essential to support the fair and effective treatment of juvenile offenders and prevent recidivism.

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ВИДИ САНКЦІЙ ЗА КРИМІНАЛЬНІ ПРАВОПОРУШЕННЯ, ВЧИНЕНІ НЕПОВНОЛІТНІМИ

Діти є майбутнім суспільства, тому захист і забезпечення їх подальшого існування як корисних для суспільства осіб є ще одним обов'язком законодавства. Застосовувати покарання такого ж рівня, як і до дорослих, щодо неповнолітніх, які схильні до злочинності, не зростають у безпечному середовищі та через свій вік не підлягають судовому переслідуванню, було б несправедливим як із соціологічної, так і з юридичної точок зору. У цьому аспекті в різних правових системах застосовуються багато форм кримінальних санкцій щодо неповнолітніх. З метою реінтеграції молоді в суспільство та визнання відмінностей у їхньому розвитку порівняно з дорослими системи ювенальної юстиції зазвичай наголошують на реабілітації, а не на покаранні. Розрізняють покарання, що не пов'язані з позбавленням волі, та покарання, пов'язані з позбавленням волі, включаючи попередження, пробацію, громадські роботи, програми альтернативного покарання і тюремне ув'язнення. Також розглянуто елементи, що впливають на рішення про покарання, такі як ступінь порушення, вік правопорушника та наявність судимостей у минулому. Прказано, як багато країн знаходять баланс між відповідальністю та захистом прав дітей. Проведено глибокий аналіз конкретних прикладів із кількох країн, а саме Боснії і Герцеговини, Туреччини та Італії. Висвітлено як спільні принципи, так і різні методи, що застосовуються в цих країнах для вирішення правових питань, пов'язаних з молоддю. Зрештою, доведено, що для успішного зниження рецидивізму й ефективної соціальної реінтеграції молоді надзвичайно важливими є кілька ключових факторів. Наголошено на нагальній необхідності зосередитися на значущих та ефективних стратегіях реабілітації, а також забезпечити надійне та стабільне фінансування систем соціального захисту дітей.

Ключові слова: ювенальна юстиція, реабілітація, заходи позбавлення волі, санкції, що не передбачають позбавлення волі, реінтеграція.

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