

# INCREASING JUVENILE CRIME - A WARNING FOR SUSTAINABLE SOCIAL DEVELOPMENT IN VIETNAM

TRINH THI KIM NGOC \*

**Abstract:** The children in conflict with the laws are present in many countries. However, in recent years, the "social climate" in Vietnam has "hot" by the rapidly increasing juvenile crime's cases. It is an alarm for the social sustainable development in Vietnam. In dealing with this case, the Government have implemented different policies and legislations to ensure the children's holistic development, especially their personal development and social responsibility. But this is not the task of the Government or social order organizations only. This is also a special social challenge closely related to every family, school and community for managing and educating juvenile in the healthy life, helping them to accumulate creative skills, open for them new development opportunities.

**Key words:** juvenile crime, social problems, challenges for sustainable social development, family education, social responsibility.

## Introduction

The minors violating laws are present in many countries. However, the "social climate" in Vietnam has never become "hot" by the increasing juvenile crime's cases in recent years, despite quantitative comparison of juvenile crime of the same age group with many other countries, the number is not extremely severe. But the social concern is not for the number of criminals or the dangerous level caused by juvenile crime for the community. The main social concern is for the increasing unwanted social problems, in association with the responsibility of each citizen for the country's future, when one part of the young generation is now not growing in line with standards of

modern social civilization and progression and with the fine and humanism of the Vietnamese traditional culture. In particular, the minors still have a very long future and there are many opportunities for them to promote their capacity and potential for social development. This young human resource is the national asset for the country at present and in the future. However, the minors commit crime, even due to an ebullient action in a certain time of physiological sensitivity, then their development opportunities will be affected and they will become vulnerable. In those cases, if parents and educators, or policymakers don't show intelligent behaviors with the minors, they

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(\*) Assoc. Prof., Dr., Institute of Human Studies.

may have to witness unexpected family and social problems.

### **1. The concept of juvenile crime**

To determine the juvenile crime, we must first define their applicable age group because each country has different regulations on the age group of the minors. According to the international conceptions, the juvenile is aged from 10 to 18 and completely the same with the concept of Child<sup>(1)</sup>, the juvenile is aged from 15 - 18; the youth is aged from 15 to 24. All children, including the juvenile and the youth is called the young people. The international laws also specify the rights and obligations of these young people accordingly.

In Vietnam, the juvenile is defined in the legal documents such as the Constitution, the Criminal Code, the Labour Code, the Civil Code and some other documents which specify that the juvenile is under 18 years old. However, in Vietnam the concept of juvenile is not entirely coincided with the concept of Child. The Vietnamese Constitution stipulates: "Children are Vietnamese citizens under 16 years old"<sup>(2)</sup> - These people get special attention by the State and the society so as to provide the best conditions for their physical and personal development to become helpful citizens for the society in the future.

In regard to the definition of crime, the law says crimes are the negative social - legal phenomenon, which always goes against the benefits of the State and the

society, contrary to the general interests of the community, infringe upon the citizen's freedom<sup>(3)</sup>. The Vietnamese Criminal Code also states that crime is a dangerous action for society's peacefulness, which is committed by the person with the criminal responsibility and applicable age intentionally or unintentionally infringing one or more social relationships protected by the Criminal Law<sup>(4)</sup>. Accordingly, the concept of the juvenile violating law is not the same with the concept of juvenile crime, though they have close relationships with each other, i.e. the delinquent juvenile indicates the specific subject who is juvenile and commit illegal action, while the crime by the juvenile indicates a type of crime committed by the juvenile. That means not all juveniles committing illegal action are crimes.

In relation to the delinquent juvenile, the Article 12 in the Criminal Code of Vietnam specify that: 1) Persons aged 16 years or older must bear criminal responsibility for crimes; 2) Persons aged 14 years old or older, but not yet 16 must bear criminal responsibility for intentionally serious crimes. However, Vietnam maintains a humanistic perspective that the determination of a

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<sup>(1)</sup> United Nations Convention on the Rights of the Child, 20<sup>th</sup> Nov, 1989.

<sup>(2)</sup> According to the Article 1 of the Law on Protection, Caring and Education for Children (2004).

<sup>(3)</sup> Trinh Tien Viet, "The Concept of Crime Prevention in the Perspective of Criminology", *Science Magazine*, Vietnam National University in Hanoi, No. 24/2008, pp.185-199.

<sup>(4)</sup> Refer to the Criminal Code of the Socialist Republic of Vietnam.

juvenile committing crime to be a criminal or not depends on the Article 69 of the Criminal Code which mitigate or release crime when they are too young<sup>(5)</sup>.

The vast majority of juvenile accept peacefully with the social code of conducts. Their violation of laws is mostly due to their agitation and deviance which will fade when they grow up. Therefore, it is necessary to consider very carefully when the juvenile violate laws. Besides legal factors, the competent authority should determine the child's cognitive ability of the crime's dangerous level to the society, its causes and conditions.... to decide the criminal prosecution and applicable penalties most properly. The foregoing indicates the importance of identifying crime caused by the juvenile, because not every case when a juvenile commits an illegal act become a criminal offense... Obviously, when the juvenile have bad personal records and cause serious crimes, and they have been provided local education methods without outcomes, then the criminal prosecution and application of an appropriate penalty will be necessary.

From the perspective of human security and social safety, and in the context of increasing violations of laws by the juvenile, thousands of people have suggested to increase penalties for juvenile offenders and lower the age to bear criminal responsibility below 14 years old. However, there are still many different opinions

among law-makers, educators and social workers on this issue.

## **2. The juvenile crime's situation in Vietnam**

### ***2.1. Some general statistics of juvenile crime's situation in the last ten years in Vietnam***

In recent years, juvenile crime's situation in Vietnam has been increasing rapidly not only by size of implementation, but also by dangerous level and the trend is more and more badly. According to the statements at the conference on getting "the project supporting juvenile violating law in period 2013 - 2016" by the Department of Labour, Invalids and Social Affairs (DOLISA) of Ho Chi Minh City in collaboration with the United Nations International Emergency Children's Fund (UNICEF) held on April 16, 2013 shows in the period 2007-2012, the police have investigated more than 49 thousand criminal cases, with nearly 76 thousand juvenile crimes. That means about 15 thousand – 16 thousand teenage crime on annual average, that accounted for 15% of the total criminal cases annually.

In 2012 alone, the number of juvenile violating laws of this age group in Vietnam increased up to 8,820 cases, caused by 13,300 children and juvenile (more 231 cases in comparison with that of 2011. In particular, the cases that the juvenile break the law the second time accounted for 44.8%.

According to this conference, highest

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<sup>(5)</sup> Refer to the Article 69 of the Criminal Code of the Socialist Republic of Vietnam.

rate of juvenile crimes took place in the urban areas, especially in the big cities such as Hanoi, Hai Phong, Da Nang. The number of juvenile crimes is higher and growing faster than the other provinces. For examples in Ho Chi Minh City in 2002, 385 teenagers have been brought to trial and in 2006 nearly 700 teenagers (that means that this rate has grown 100% after four years) according to statistics of the People's Court of Ho Chi Minh City, in 2012 there have been more than 5,000 criminal cases, 4,679

people have been arrested (26.13%), of which the juvenile crime were 1,223 cases, increased 11.08% in comparison with 2011. Then followed some provinces such as the Dong Nai (over 2,200 cases), Khanh Hoa, Dak Lak and Hanoi.

According to statistics of the Ministry of Public Security and the Supreme People's Procuracy, the number of teenager crimes which have been prosecuted and brought to trial in the period 2003 - 2007 are as follows:

**Table 1:** The Number of Teenager Crimes Which have been Prosecuted and Brought to Trial in the Period 2003-2007

<b>Years</b>	<b>The Number of Prosecuted Juvenile Crime</b>	<b>The Number of Indicted Juveniles</b>	<b>The Number of Juvenile Crime Brought to Trial</b>
2003	4,578	3,260	2,940
2004	5,138	3,421	2,930
2005	6,420	4,172	3,404
2006	7,818	5,700	5,171
2007	8,394	5,889	5,247

In six months of 2008 only, in the whole Vietnam there were 5,746 criminal law violations related to 9,000 juveniles that means an increase by 2% compared to the same period in 2007 according to statistics of the Police Department for Criminal Investigation of Social Order<sup>(6)</sup>.

Also according to the Ministry of Public Security, although the number of juvenile criminal cases decreased in 2010 compared with that of 2009, the crimes are becoming more violent. Especially, there are 7,000

juvenile criminal cases related to teenagers at the age under 14, accounting for 70% of under 18 year-old crimes.

According to the conference on the topic about the National Action Plan for Children in the period 2011 – 2020 organized by the MOLISA in Da Nang (from August 16<sup>th</sup> – 18<sup>th</sup>, 2010), there are 60 murders and 200 robberies related to children in just the first six months of 2010. In the period from 2007 to 2012, the police has investigated more than 49,000 juvenile crime cases

related to nearly 76,000 juveniles and 6,425 juvenile crimes in 2012 have been brought to trial<sup>(7)</sup>.

From the above situation, we have seen that in recent years, the number of the juvenile criminal case and the juvenile violating law are increasing. The nature and extent of violations, especially criminal cases implemented by juveniles are increasing seriously. These heart-rending numbers are sounding an emergency alarm to the whole society.

### ***2.2. The sex and age of juvenile crimes***

Among juveniles in conflict with the law, nearly 96.4 % were boys, while girls accounted only for 3.6 %.

According to statistics of the Police Department for Criminal Investigation of Social Order subscribing to the robberies, burglaries recently caused by the juveniles, some researchers concerns the juvenile crimes are rejuvenating. According to the Police Department for Criminal Investigation of Social Order, by the time before 2000, the under 16-year old juvenile crimes accounted for only 10 -11%. In the last 10 years, the number has been increasing to 61,1%. Almost children violating law are in secondary school. The children with age from 14 to under 16 years old accounted for 32 %. The children under the age of 14

account for about 11% of the total juvenile law violations.

### ***2.3. Structure of juvenile crime's types***

The recent juvenile crimes are becoming very complicated. The excriminal cases show that the rate of juvenile law violations has been increasing. Before 2000, juvenile law violations only were small theft or disturbed public order, but in the recent years, there are more and more dangerous crimes, beyond the age limit of the minors such as the organized criminal gangs and armed crimes.

According to the latest statistics of People's Supreme Procuratorate and the Police Department for Criminal Investigation of Social Order, the majority of law violations are always theft, robbery, murder, intentionally injury causing, against houner and dignity of person, infringement upon safety and public order. In some cases, the bands of juvenile crimes have criminal offences such as inhumane murders (school child kills each other, child kills parents, grandson/granddaughter kills grandparents), robbery with hot weapons, rape, sale and use of illegal drugs.

### ***3. The main causes of juvenile crime***

In recent years, many reasons for juvenile crime situation have been found by Vietnamese educators and psychologists in different seminars and conferences on the topic of youth and teenager in Vietnam.

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<sup>(6)</sup> According to Ministry of Public Security.

<sup>(7)</sup> According to Mr. Nguyen Thai Hoc, Member of Parliament of Phu Yen province.

### ***3.1. Juveniles - difficult psychological period for development of teenager age***

Juveniles are a social group with very young awareness and particular physiological features. In terms of psychological features, juveniles have a contradiction: mature body in immature mentality. Meanwhile, parents make them feel confused about themselves. Sometimes, teenagers are treated like children, sometimes like adults. In some circumstances, parents lead unappreciated educational methods and making their children keep a distance with them. Besides, one of the aspirations of teenagers is affirming the adulthood. Therefore, sometimes they choose to put up resistance with the wishes to prove their independence. In many cases, the teenagers commit crime to “define” themselves. They have no consciousness of their actions and even don’t know that their actions are crime.

### ***3.2. Some causes by carelessness from family, school and society***

In terms of psychology, adolescence is a special stage of life occurring significant changes that request more adaptation to the society. In this stage, children cannot separate from their parents for independence; they still have connection with them while gathering new information and trend from the society. With children, their families represent the world around them. However, if parents do not look after their children in

the right ways (for example the children are lack of care from their families or receive overcautious care), the children may suffer from stress affecting their mental health. Children may develop certain bad behaviors such as opposing adults, telling lies, having inferiority complex and bad communication skills, always being in the defensive, lack of integration or overcome by fear. But these above expressions will be stabilized if the children are received good mental health care and the parents have timely intervention. Conversely, these expressions can result in wrong actions, behavioral disorder such as leaving home, playing truant, leading the life of wanderer, and suffering from depression. That leads to consequences of committing suicide, addicting drug and carrying out crime in adolescents.

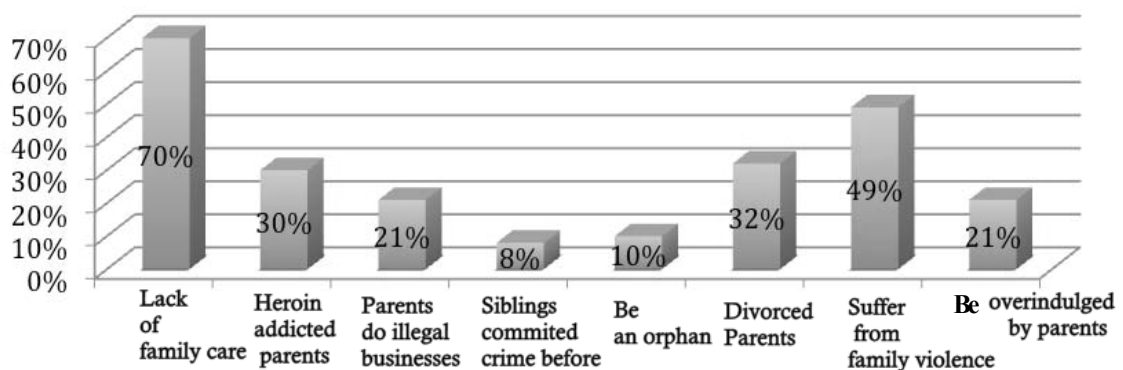
It’s noticed that most of juveniles nowadays don’t feel the beauty of life. Many juveniles have a family background in which the connection among family members is loose. After investigating various cases involving teenagers, we find out that the subjective factors leading to most teenage crime are deficiency in caring from their family members. Many teenagers are the victims of neglect and bad moral in their families. Violence, excessive drinking, immorality and gambling by adults cause negative influences on teenagers.

At teenage, just an unexpected conflict

with friends or teachers in the class can cause uncomfortable feeling in children, leading wrong actions of children in society after that. However, teenagers don't get enough care from their teachers in schools and sometimes teachers even make conflicts become more seriously.

In addition, the government still does not pay enough attention to juveniles, especially street teenagers. Without controls of parents, street teenagers easily involve in social evil such as theft, robbery, drug-related crime, violation, illegal motorcycle street race or offenses against public.

**Figure 1: The Cause of Teenage Crime**



### ***3.3. The negative impact of entertainment's aspects of modern society and the market economy in Vietnam***

The juvenile crimes have not been guided carefully on lofty and beautiful values in life while everyday they have to meet many negative social phenomena resulting from the dark side of modern society. Nowadays, juveniles can easily meet many negative social phenomena such as addicting drug, sinking in depravity, leading a debauched life and doing violence which might have adapted from scenes that they watched in the game or unhealthy movies. It is obvious that these unhealthy materials result in bad effects on personality

of children.

### ***3.4. The rapid social changes with the increasing social evils***

Vietnamese society has been changing too fast, and it has become a consumer society. This results in greater greed and human desire. The traditional standards are broken in a row. In these situations, it is very easy for children to be spoiled. Unfortunately, they are not educated in the right way to know how to do good behavior and respect traditional ethical values. In the market economy, defining an ideal for young people is more difficult than a few years ago because many young people acknowledge the value of a human in

different ways, not as the same as in former times. For example, the young can describe a successful man as a rich, not an intellectual one? When teenagers fall in negative feeling and bad mood and they do not be provided good direction, many children develop wrong awareness of their actions and unsuitable direction that lead to commit crime.

#### **4. Some suggested solutions for school and family education for juvenile crime**

##### ***4.1. Solutions for family education***

*Firstly*, the practice of psychological and physical development of children shows that each child's personality is formed when they are very small, even before the juvenile's age (3-4 years old) and their first impression on the role model is always the deepest one. During these ages, the family is the child's closest living environment. Therefore, it will be more effective if the child's personality, his love for people, things around and his mutual responsibility... is formed and promoted through the family upbringing. Thus, the parents and family members should be the best example to the children.

*Secondly*, a healthy family is the perfect environment for the young people to form their good personality. Although the juvenile are physically big, they are still young people and they always need to be educated. It is important to let the children feel love. Despite the difficult times, when they may

lack materials, they should be compensated with love and sacrifice of family members - this will be a good way to educate children to overcome the personal desire and learn how to share and support each other.

*Thirdly*, parents and relatives should act as friends "opening the children's heart". Extremely strict or extremely indulgent attitudes are not good education methods which may lead to the child's misbehavior. The education methods are inappropriate such as reprimanding, insulting, beating, threatening by the parents and family that this will cause bad reactions and distance between the children and the adults. When the children lose their faith in their parents and family, they will fall into negative state, lose their trust. If they do not orient properly and timely, they will commit the offense very easily.

*Fourthly*, let's be tolerant to children, especially the juvenile while they are reintegrating with the community. Most children want to escape from their family's control also act in a group, which they consider as a different world unlike their family environment. Thus, when the juvenile commit crime, the best solution is not using rods, the best one is psychological treatment. The parents should open their heart and accept them, help them to regain the balance and belief in life.

##### ***4.2. Coordination between family and***



### ***school education***

The creation of an ideal for teenagers today is more difficult than in the previous generations. Because there are now different perception and evaluation of human values: Who is now the ideal role model for the young in the market economy society and multi-dimensional information? - The rich in money or the rich in knowledge? Why do people have to live for the others? Therefore, the education of ideal for children must be considered the highest priority for the family and school. In fact, many families and parents are trying to make ends meet for their children, while schools consider providing knowledge is more important than building character. Therefore, the moral education lesson now becomes less effective.

Besides, the enhancement of skills, knowledge and involvement of children in real-life activities are necessary. Children can protect themselves if they are equipped with knowledge about children's rights, taught the skills to protect themselves and help them better deal with difficulties in life. Adults should also respect their children so that they can feel close connection with their family, school and community. At the same time, it is essential to create opportunities for them to participate into social and cultural organizations and activities, etc.

### ***4.3. Management of children in the community***

Several researches show that at the age of juvenile, if that juvenile is alone, s/he doesn't dare to do anything. However, when several spoiled juvenile are gathered, they will become very bold and responsive. The juvenile criminology has shown that the motives for crimes are always proportional to the number of participating juvenile. Especially, the crowd mentality affects very much these subjects. Thus, it is necessary to timely detect, monitor and manage this group of children in the community.

In many developed countries where there are effective social security systems, the government has developed teams of social work. As notified by the schools, neighbors or anyone about the appearance of street children living in the streets, or children without guardian, these teams will be responsible for understanding the children's family and their living environment to decide an appropriate measure in a timely manner. However, there have not had such organizations in Vietnam today. Therefore, if a child run away from their family, sooner or later they will become the criminal.

The juvenile are not stable in their mind and childish in their attitude and they always want to define themselves. This can easily lead to their uncertain behavior. If they are not oriented properly by the adult in a timely manner, this can lead them to criminals. However, in Vietnam there are

few studies in sectors such as psychotherapy - school education, criminology and anthropology,... of the juvenile to evaluate the inadaptability and the lack of interpersonal skills to deal with possible problems of this age group.

### Conclusion

The increasing rate of crime in juvenile is an alarm for the sustainable development of our society. This is a special social problem closely relating to every family, school and community. This is not the task of the security service or social order organizations only. It requires the participation of schools and families in managing and educating juvenile. In recent years, the State have implemented different policies and legislations to ensure the children's holistic development. The Government and ministries at all levels have carried out many programs and applied various measures to enhance social security, order and safety, preventing and fighting against crimes, including juvenile crimes. The purpose is to create for children a healthy working life, help them to accumulate creative skills, open new development opportunities for them, because the truth is that no money or resources can make the country's future, it is the children- the owners who are still childish and foolish today.

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