

“Sexual relations with juveniles seen from psychiatric viewpoint”

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ABSTRACT

Recently Sexual crimes against juveniles, increasingly occupy the front pages of the means of communication. This is a form of criminality not new in the history of mankind, but the development of technology, especially the Internet, has facilitated contacts with this category of offenses.

The term "sexual crimes with juveniles" is used to define a typology of all crimes, which means unlawful actions that come as a consequence of unhealthy sexual desire against juveniles. These illegal acts may involve the use of violence during the commission of acts with juveniles. As victims of people with these disorders are usually children and adolescents. Child victims can be of both sex, but the data from statistical evidence, show that female children are most vulnerable. Sexual crimes, where the object is the juvenile have taken great development in the last decades. Sexual relationships with juveniles, are crimes that due to the sensitivity of the victims studied not only in legal terms but also in the social aspect and psychiatric. Psychiatric criterion serves to estimate the subject of medical research in mental illness which affects an individual at the time of committing the crime.

Victims of abuse by the authors of these criminal acts, usually killed or remain with serious psychological trauma. To fight and to take preventive measures against this phenomenon should know very well what factors affecting the spread of this phenomenon and the personality of an author who commits sexual crimes with juveniles.

What we see no need to comment, is the only law that can make final comments about the spread of this phenomenon.

Key words: *juveniles, law, psychiatric sexual crimes, violence.*

Introduction

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1. Definitions of various sciences in relation to the figure of the criminal offense of sexual relations with juveniles.

When talking about sex with juveniles is given more importance psycho-pathological aspects. According to the science of criminology while talking about a sexual abuse should be taken into account three criteria;

1. Psychiatric and psychological criteria
2. Legal criteria
3. Social criteria¹.

¹ L.de Cataldo., La pedofilia, aspeti sociali, giuridici e vittimologia, Cedam, 2000, pg 48

Considering that sexual relations with juveniles are crimes that the violence perpetrated against victims (juveniles) studied not only in legal terms but also in social and psychiatric.

The criterion serves to assess psychiatric subject by medical definition of mental illness for which affects an individual at the time of the offense. Psychiatry defines the perpetrators of these criminal acts personambi age 16 for children who are males or females, are the preferred sexual object or object can be identified only by those sexual². Symptoms should also extend it continuously without interruption for at least 6 months. Not considered offender case to adults when with the juvenile difference is less than seven years. Not considered authors of these crimes even sexually attracted to persons of the children who are 12 years or older, but have reached pubertal development. From the psychiatric perspective, crimes can be:

- The type exclusive (only withdrawal from kids)
- The non-exclusive type (attraction by adults)
- The type of differentiated (only withdrawal from each sex)
- The non-differentiated type (attraction of both sexes)³.

Attraction to male children results in stronger, more resistant and fixed to the cases of these crimes and perpetrators who are sexually attracted more male children are more likely to be iterative. By undifferentiated type is more serious medical type is differentiated, there is another type which is limited to incest, a person who has more interest only child (children) to his sisters or brothers. Various studies in the field of psychoanalysis suggest that there is a malfunction in the sexual sphere of criminal perpetrators due to the various problems unresolved⁴.

Sexual relations with juveniles are crimes in continuous performance and severity of this crime is apparent to all, to be considered a criminal offense, should be done against the norms which are considered as social moral norms. So any behavior which contravenes the social norms accepted by all of us. Sexual relations with juveniles not only that but I'm a crime victim to shumta.Rregullat they leave our social consequences, taboos and fears have built artificial walls that imprison silent suffering of children and protect the perpetrators of these crimes.

In the framework of legal aspect, are issued worldwide laws that protect children and encourage more victims to report their cases. Entry into force of the Council of Europe Convention for the Protection of Children against Sexual Abuse harnessed and on 1 July 2010, is a very important step in preventing abuses and the fight against crime. The Convention is the first instrument that addresses the sexual abuse of children as a crime if committed panvarsisht

² Dr. R. Halili, Kriminologjia, Prishtinë 2008, pg 290

³ Klasifikimi sipas manualit diagnostikues dhe statistikor I shqetësimeve nervore, "Pedofilia, krime seksuale ndaj të miturve", Aranita Brahaj, Tiranë 2009, pg 108

⁴ S.Furnaro., Pedofilia, un fenomeno giuridico e sociologico, Milano 2008, pg 37

home, within the family or through the Internet. The Convention stresses the importance of sex education and calls on states to create services where children report abuse, the Convention requires appropriate procedures for children, to consider juveniles trauma to pass and maintain security, privacy, image and identity of victims.

Many abuses could be avoided if children knew the risks and the steps to be taken in case of problems. Each state has its own mechanisms to combat and prevent sexual crimes against children, regardless of format to accomplish such a thing are different, depending on the social environment, economic and political development of any country.

Figure of the criminal offense of sexual relations with juvenile is a legal phenomenon as well as social. According to some authors, these relationships are defined as a "social perverseness", a behavior that qualifies only in some societies, only in some periods while for others it is a normal behavior⁵. We can say that it is quite interesting that the majority of active entities in these crimes are people who do not know much socially, because in most cases, subjects reported not having any criminal record.

This phenomenon occurs because sexual crimes with juveniles, in most cases occurring in the family or in protected environments where children are entrusted to the care of teachers or educators. For this reason visibility is limited offenders, even when it is known abusers recognition, are a number of factors which interfere and lead to enough hide such crimes. To worry is the fact that when such phenomena occur in rural areas, closed his eyes to such crimes, not to make public such an event because of shame or morals of preserving the family

1.1 Analysis of the personality of the offender from the psychosocial perspective.

Great importance to this phenomenon criminal profile of the perpetrator of the psychosocial, as there is no Easy identification of them. The authors are part of all classes, races and professions. However, the following seven offenders typical trend in which words are⁶:

1. Usually the males from the age of adolescence to middle age.
2. In most cases, they are substance abusers.

⁵ R.Marino, "Violenza sessuale, Pedofilia, Stalking", Editore 2009, pg76

⁶ L. De Cataldo, "La pedofilia, aspeti sociali, giuridici e vittimologia", Cedam, 2000,pg 145

3. In terms of numbers, known as abusive men, dominated by women in their last eight with a report.
4. Most abusers are acquaintances of their victims.
5. Within the family molesters are often fathers, stepfather, uncle, cousins and brothers.
6. Girls more than boys liked to be harassed by family members
7. Cases of incest, father-child relationships appear as stress harassment, which threaten the loss of masculinities father.

2. Sexual relations with juveniles in Albania.

In our country, the image of the offense of sexual relations with juveniles are considered "taboo", not only by society as a whole, but also by the authors of doctrine. These crimes are as close as the Albanian society apart. The numbers of these crimes in our country is becoming increasingly alarming, but remedies are also scarce institutional implementation of these provisions leaves much to be desired.

The Criminal Code of 1927⁷, we find punishment for the offense of "embarrassment" sexual relations with juveniles, taking special care under any person under the age of 15 years. For the first time in Albanian law offenses of "embarrassment" are subject to passive women and men. The age limit of fifteen years to criminalize any action even if that person's consent, without the need for force or violence. Contained in this code, see mrrëdhënies sex with juveniles under 15 years of aggravated punishment if committed in aggravating circumstances relating to the commission of these acts with abuse of authority, trust or domestic relations. The Penal Code of this period is enough broad in terms of offenses against good habit and family rule. It includes all sorts of actions against moral and physical integrity of the person, adding the protection of public morals.

For the first time in Albanian law offenses find the most acceptable to act gay. This code handles more carefully the risk of victimization by age categories in the premises and the people where they are protected parental guardian.

The Criminal Code of 1952⁸, establishing legal relationships found in the protection of juveniles by some sections. More specifically, Article 161 "sexual relations with persons who have not reached sexual maturity." The composition of sexual offenses with a minor subject have also Article 162 which states that: "Corruption by the shameful deeds, of persons who have not

⁷ A. Brahaj, "Pedofilia, Krime seksuale ndaj të miturve", Dita 200, Tiranë, 2009 pg 22

⁸ A. Brahaj, "Pedofilia, Krime seksuale ndaj të miturve", Dita 200, Tiranë, 2009 pg 33

reached sexual maturity punished by deprivation of freedom". In the fifth chapter, in the section "crime against marriage and the family", the legislator has provided a rate which protect the integrity of minors under 16 years by preventing engagement under the age boundaries.

The Criminal Code of 1977⁹, made a few steps back, considering how passive subject of the offense in section "Sex with juvenile" only daughter and ignores the phenomenon of homosexuality or sexual abuse with juveniles boys.

The Penal Code of 1995, the current Criminal Code, consists of two parts: general and special part. In the sixth section of the special section, have legal provisions for Sexual Crimes. In this section we figure offenses which provide sexual crimes against minors (Section 100.101 and 108) these are articles where the subject is passive Juvenile.

3. The importance of studying the personality of the author of sexual relations with juveniles in criminal matters.

Seeing the some criteria and conditions described, we can say that, proceedings for sexual offenses as crimes with juveniles must necessarily be realized through a psychiatric expert. The domain expert should be sought by the autorii procedure to assess whether an offense may be considered the author of the crime in the medical sense of the word, its features (I differentiated or not, exclusive or not, with the possible trend incest), description the gjëndies and possible tendencies of being a recidivist.

All features and descriptions of expert valued at the end of the proceedings for the purpose of equipping clear information on how the offense for which the, but also on the risk assessment of the offender. About the procedure, it is important to mention, for the adjudication of litigation over sexual relations offenses with juveniles, can not be applied abbreviated trial, we are evaluating it as acts or omissions of a passive entity that requires expertise psychiatric (normally the time for expert).

We note that psychiatric expertise as forensic experimentation in order diagnosing mental distress, not exclude criminal liability offender as a result of mental disturbance or mental impairment balance. World Health Organization and the Association of American psychiatrists, through DSM method, estimated that concerns orientation except libidit not bring the subject of criminal responsibility. Often, in practice perverted minded people have benefited from categorization as having psychic equilibrium problem, being favored by the lack of experience and lack of knowledge of the methodology by experts in the courts of several countries.

It was the duty of the Albanian Forensic Medicine updated with changes acts of the World Health Organization, and enable the training of experts in the field to respond to the Albanian

⁹ A. Brahaj, "Pedofilia, Krime seksuale ndaj të miturve", Dita 200, Tiranë, 2009 pg 33

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justice in prosecuting such cases. Necessity of forensic expertise on subjects suspected in psychiatric terms, should serve not to the exclusion of criminal responsibility, but to estimate the risk characteristics of the subject and then applied to a more effective criminal policy as an individual case and the phenomenon crime in general.

4. The consequences of sexual relations to victims.

The consequences of sexual abuse of children attending in the later stages of adult life, be that as descriptions of the victims lived in hiding sadness and pain. The abused child suffers ongoing emotional trauma and fear of other violations that may follow.

These children receive early responsibility upon himself, characterized by a lack of confidence in people, not by the desire to seek help, closed form characters, not communicable, and many suffer within themselves. They also suffer from eating disorders. In some cases, indicators have mental backwardness, have difficulty in learning process. In some other cases have poor vocabulary and vulgar. Victims of sexual abuse when not spoken to, the live abuse thinking that this is normal, thinking that this is a common experience for children¹⁰. But first of all, to better understand the consequences of sexual violence is necessary to define what is meant by the term "trauma". Psychic trauma, classical psychoanalytic terms, is an unexpected event, which because of particular intensity exceeds the processing capacity of the ego mind and has lasting effects on mental organization. Psychological trauma represents a response to a real event, objective, derived from sexual trauma suffered in childhood, a period in which due to the sensitivity of the personal ego, an event that may occur entails psychological trauma¹¹.

In the latest development of psychoanalysis, the concept of trauma has become progressively wider. For some authors, in fact consequences of trauma can also be potentially positive, while other authors believe that trauma can cause devastating effects not only, but also increase the likelihood of recurrence of the trauma in later periods. Children who are abused or molested a young age, can experience serious problems in mental health and normal development of their sexual lives, when they are adults.

If these consequences and tragic experience is not treated, then they will suffer throughout life. Suicide, drug addiction, alcoholism, anorexia, bulimia, depression, addiction to violent relationships, involvement in prostitution, setbacks in work and personal relationships are normal consequences in adults who are sexually abused in their childhood. The consequences of sexual crime victims, also depend on the extent of sexual abuse, the duration and the type of abuse, but we can say that people who have suffered sexual abuse in their childhood, bring with them big problem because this trauma. These problems can be divided into psychological problems, social, sexual and physical¹².

5. Conclusions

¹⁰ S.Furnaro., *Pedofilia, un fenomeno giuridico e sociologico*, Milano 2008, pg 198

¹¹ S.Furnaro., *Pedofilia, un fenomeno giuridico e sociologico*, Milano 2008, pg 76

¹² L. De Cataldo, "La pedofilia, aspetti sociali, giuridici e vittimologia", Cedam, 2000, pg 243

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In conclusion, the issue of sexual exploitation and abuse against children, should be treated in depth, should be recognized diversity of actors involved, and the need to focus more on the devastating effects of this phenomenon among children. Even a child 'only sexually abused and I used to actually constitutes a serious, therefore cooperation is needed to prevent an increase of such cases.

At the institutional level has a number of committees, monitoring committees, targeted programs that have their combat this phenomenon. But should that latter to focus their attention on identifying victims and prosecuting them, to help them to cope with such trauma. To combat and prevent this phenomenon, in addition to law enforcement activities, it is important and the development of an effective campaign of awareness and information related to this phenomenon of children. In accordance with their maturity, and their right to participate the information teachers, parents should work closely with children and adolescents.

The problem to be solved, in fact, brought about the necessity to prevent child sexual abuse. This means understanding the reasons that a person may become abusive, and should be avoided as much as possible for this to happen.

Sexual crimes against minors, are criminal offenses punishable for their study is also very important sociological and psychological aspect, of the two subjects in these works, the subject violators active and passive victim. Study personality offender, is very important because it helps us to understand better the characteristics of a person with abusive tendencies, social or cultural layer, as well as factors that influence an individual to commit crimes such. Issue very important because in most cases the children become victims of such crimes, in environments where they are deemed safer, such as schools, religious institutions or even family environments.

Sexual crimes with juveniles provided by the Albanian legislation, but they occupy a enough small place in legislative space, compared to the size that such a phenomenon. Have worked hard in the field of justice, adding, toughened criminal sanctions for this crime categories which bring tragic consequences in the life of a child. The consequences of such crimes to victims are large, and leave signs for a long period of time, which can be replicated in the future by the child, a child who has been the victim of such abuse.

We have to work hard in every aspect, to fight such a phenomenon. Educational efforts need from family, friends since childhood, not to see in the future ugly examples of children raped, sexually abused. But the biggest fight to be made, undoubtedly lies in legislative terms, because there is a lack of legislation on the establishment of joint monitoring and denouncing the phenomenon.

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