

## CHILD-FRIENDLY JUSTICE – EDUCATIONAL PERSPECTIVE\*

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*A problem of school failure has been observed for a long time, and the results of the empirical research indicate a significant correlation between school failure and juvenile delinquency. The research also confirmed that leaving school contributed to the intensification of delinquent activities of minors and that attending school could have a protective effect on minors. According to the obtained results, early school leaving represents a long-term major risk factor of delinquent behavior, as it has a cumulatively adverse effect on the minor's life (unemployment, use of social and justice services, poor health, etc.).*

*Reducing educational and school failure has a high priority in education strategies and policies in the world. Also in our conditions, by adopting and implementing various strategies and legal solutions, we seek to improve the educational status. It is worthwhile making efforts to prevent school failure what can have a significant contribution to overcoming and preventing juvenile delinquency.*

*KEYWORDS: juvenile delinquency / law / education / prevention*

### INTRODUCTION

In a complex and dynamic process of children`s education, up-bringing and socialization, the school occupied a very important place, i.e. formal education of children and youth within existing education system. The process of intellectual, emotional and social development which began in a family as a primary social group, continues with much greater intensity in school but in new conditions and with much more serious demands (Rot, 2010). It is considered that, after family, the school is the most important agent of child`s up-bringing and the process of socialization.

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However, besides exceptional positive effects, school as an organized social institution for education and up-bringing of young generation may also be a significant source of problems and frustrations that can lead to overall schooling failure. Among the first indicators of failure in school are: frequent bad marks, student`s need to attend remedial instructions, getting warnings and reprimands, and student`s absence from school classes (up to the point of an extreme form of leaving school). Failure is more expressed when a pupil has to attend a remedial and extended teaching, i.e. when he/she has to take a remedial and grade exams. Repetition of a grade and leaving further education are considered as extreme forms of school failure (Malinić, 2009). The pupils who leave school before the end of started education have limited possibilities of personal and professional development, they are exposed to a greater risk of poverty and social exclusion and get employed later, accepting less paid jobs or they lose a job what means that they may become potential users of social relief. In this way the state and society lose significant economic and human capital, the society becomes more distinctly divided, social inequalities increase and general economic and social welfare considerably decreases (Filipović, 2012; UNICEF, 2016).

A number of studies have proved the relationship between poor school performance and drop out of school on one hand and development of delinquent behavior in children and youth on the other. In this respect, school failure is regarded as a key correlate of delinquent behavior as a global, insufficiently precisely operationalised variable which includes also a poor school performance (educational deficit), and irregular attending of classes and drop out of school (up-bringing deficit) and social exclusion from the regular flows of peer socialisation, therefore, global social deficit (Janssen et al, 2016; Matejić Đuričić and Filipović, 2012; Thompson, & Bynum, 2016).

The ultimate consequences of school failure and particularly that of school drop out are numerous and very serious. Research conducted in America in 2004 shows that minors who give up secondary school have 72% greater chances to be unemployed compared to those who complete secondary school, their salaries are smaller and there is a greater possibility for them to become the users of social relief (Sweeten, at al, 2009: 49). In addition, in this category, a worse health status is reported and greater risk of early death due to inaccessible or inadequate health care insurance (Davidoff and Kenney, 2005).

Some authors highlight the fact that children and youth absent from school without excuse have a lot of extra free time at their disposal, without any kind of supervision and structure, what leads to spending their time in an inadequate way by consuming alcohol and psychoactive substances abuse. The addiction, on the other hand, requires financial means, so the unemployed juveniles decide to get the money in various forbidden ways (Burfeind, & Bartusch, 2015; Siegel, & Welsh, 2016). Therefore, irregular attendance at school and school dropping out increases the chances of getting involved in risk behaviors what opens the path to delinquency.

Previous conclusions about the relationship between school failure and getting into juvenile delinquency seem acceptable and logically founded, however, this relationship is considerably more complex and allows no application of causality linear models. Namely, the problem can be regarded in an opposite direction, meaning that the first manifestations of socially unacceptable, asocial and antisocial behavior certainly generate school failure. It is a matter of circular support and mutual causality of two processes: juvenile delinquency and the disturbed process of regular education.

## 1. JUVENILE DELINQUENCY AND CONSTRUCT OF SCHOOL FAILURE

Real proportions of criminality in any region, as well as in Serbia, are not entirely obtainable. Modern science has not yet discovered reliable methods and techniques to enlighten the so-called "dark numbers" – undiscovered and hidden criminality (Ignjatović, 2009). For the purpose of this paper, we shall deal with registered juvenile criminality using the source of data obtained by a judicial statistics whose results (once a year for previous year) are published by the Republic Bureau of Statistics of the Republic of Serbia.

Although data obtained by official statistics show certain weakness, nevertheless on their basis some evaluations and estimations of the state and characteristics of juvenile criminal in the area of Serbia can be derived. Based on data available and analyzed for the period from 2007 to 2016, it was determined that proportion of youth criminal offenders in the total mass of criminality oscillates and ranges between 3%–7% (ten-year period average being 5.6% and is slightly increasing). Structure of crimes performed by underage convicts indicates that juvenile criminal in Serbia is largely concerning property being 59.49% (almost two-thirds of the total number of criminal offenses committed). However, it is evident that proportion of property criminal over recent investigation period tended to decrease by significant 20%. On the other hand, a proportion of perpetrators of a criminal offense against life and body is constantly rising, in recent years is over 12%. The next are criminal offences against public law and order being 11.63%, then offences against people`s health (related to the abuse of narcotics) accounting for 5.96%, offences against public traffic safety accounting for 2.85%, offences against rights and freedoms of man and citizens accounting for 1.38%, offences against sexual freedom accounting for 1.36%, economic crimes accounting for 0.46% and other criminal offences being 4.77%. In the structure of criminal sanctions pronounced against minors, a prevalence of correctional measures is outstanding (99.44%) in relation to a prison sentence (0.56%). In the structure of correctional measures, the measures of intensified supervision (49.25%) and warning and guidance measures (45.59%) are predominant, while school correctional measures participate with over 4% (4.58%).

### 1.1. Construct of school failure

Reviewing the scientific literature dealing with school failure we noticed two approaches which define this concept. The first, individual approach points to the characteristics of students and incidence forms of school failure while the second, systemic approach, connects the school failure with school responsibility, school system, and organization. Thus, for example, Faubert (Faubert, 2012) and Psacharopoulos (Psacharopoulos, 2007) define school failure as a failure of school and teaching system to ensure an appropriate level and adequate conditions so that all pupils (students) should be successful. These definitions indicate the responsibility of school management policy and practices which differs significantly from conventional thinking that school failure is a result of a student`s qualities who failed to acquire envisaged skills, knowledge or to make an expected success. These definitions are significant because they assume the different view of causative connection, i.e. they assume that the failure of school leads to failure of a pupil.

One of more often cited reasons of school failure is giving too much importance to the function of education minimising the tasks concerning up-bringing (Ilić, 2000). Besides, neglecting real possibilities of a child, generated by personal, family or

environment characteristics, might greatly contribute to the incidence of problems which gradually become more complex and can result in the incidence of more serious forms of disturbance in behavior.

Social and economic expenditures of school failure are extremely high and occur in different forms: increased criminal rate (higher cost of police and judicial organs), a lower rate of economic rise, higher cost of health insurance, higher unemployment, poor social cohesion (Psacharopoulos, 2007). Research conducted by Levin shows that juveniles who leave school early have lower incomes than graduated secondary students, then, that only the half of them have regular (steady) jobs compared with 74% graduated secondary students and that they depend more on social relief system (health system, in case of unemployment and alike) (Levin, 2005).

According to the last 2011 Census of population, households, and apartments of the Republic of Serbia (Republic Bureau of Statistics), there are 2.68% people with no qualifications, 11% did not complete primary education, 20.76% completed primary education, 48.93% completed secondary education, 5.65% completed high education, 10.59% completed higher education while the status of 0.40% inhabitants of Serbia is unknown. When it comes to juvenile criminals the analysis for a period from 2012 to 2016 shows that 2.91% of convicted youth are unqualified, 15.82% did not complete primary school (1st to 7th grade), 65.16% completed primary education, 11.62% completed secondary education, while the status of 3.67% juveniles was unknown. When the educational status is in question 59.27% of convicted youth are regularly involved in the educational process, 6.37% are part-time students, 20.68% are out of the educational process and the status of 13.68% minors is unknown. Data analysis and comparison per categories were done bearing in mind the fact that juvenile offenders of criminal acts are 14 to 18-year-olds, i.e., in the age when they are expected to be included in the educational process. In the category with no school qualifications, the proportion of juveniles is slightly higher in relation to general population (2.91% vs 2.68%), while it is somewhat higher in an incomplete primary education category (15.82% vs 11%). As regards primary education almost two-thirds of minors have completed primary school which is expected taking into account their age (primary education encompasses 7 to 15-year-olds). The biggest difference is observed in secondary education completed by almost half of general population (48.93%) in relation to 11.62% juvenile delinquents. However, this is not at the same time the most significant difference taking into account that 65.64% convicted minors are involved in the educational process (59.27% regularly and 6.37% part-time), so they can be expected to complete their education. The most disturbing is the fact regarding minors who are out of the educational process (20.68%), but also those with unknown status (13.68%). This group includes those who interrupted education or left school permanently.

Education development strategy in Serbia by 2020 indicates that overall primary school drop out constitute children who do not enroll in primary school, children who do not pass into fifth grade and children who do not finish primary school what, according to existing analysis and estimations, accounts for between 10% and 15% of the generation taking into account that it is significantly higher in children from vulnerable groups (primarily Roma children and children in rural areas). To this the proportion of children who do not pass into secondary school, i.e. do not continue their education, should be added, what has recently accounted for about 2%. There are no precise data about early leaving of school in secondary and specialised schools. On the basis of data of the Study of measuring living standard and development of human resources in Serbia (2010), the drop out rate in

secondary education was 2.3% (2005). However, some other data show that this rate is considerably higher, even about 30% in secondary education compared with the official data which do not observe age groups of students. According to the data of the Ministry of Education the survey conducted in 2000-2008 generation, showed drop out of 7.3% while according to other measurements in the Republic of Serbia 10% of persons did not acquire an initial secondary specialised education (Eurostat, 2010). As opposed to these numbers the Study on living standard estimates that still, one-fifth of children in Serbia do not attend secondary schools, particularly boys and youth from socially endangered families (Strategy of development of education in Serbia by 2020). The goal of this strategy is that drop out rate should not exceed 5%.

In foreign literature, a problem of school failure/success has been studied for quite a while and the results of empirical investigations indicate a significant correlation of school failure and juvenile delinquency (Swetten, 2009; Gagne, 1977; Henry et al., 1999; Harlow, 2003; Elliott & Voss, 1974). The research also confirmed that leaving school contributes to intensifying juvenile delinquent activity and that attending school can have a protective effect on adolescents who in their childhood manifested disorders in behavior and who come from families with disturbed interpersonal relations (Bouillet and Uzelac, 2007, according to Gagne, 1977; Henry et al., 1999). According to results obtained, early school leaving represents the greatest risk factor for delinquent behavior in a long run because it has a cumulative unfavorable effect on the life of adolescents (unemployment, social relief beneficiaries, poor health, etc.).

Research conducted by Harlow shows that approximately 68% prisoners in America did not finish secondary school (Harlow, 2003). Other research in Philadelphia shows that in almost 70% cleared up criminal offenses the offenders have the lowest-grade education (Wolfgang et al., 1977, according to: Swetten, 2009: 49). Fagan et al. established that school leavers were more involved in all kinds of delinquency, consumption and selling drugs and had more contacts with judicial organs for youth (Fagan et al, 1990). Farington also discovered that secondary school leavers have higher rates of self-reporting of violence criminality in the age of 16 to 32 and that they also have more criminal charges between ten and thirty-two years of age than those who finished school (Farington,1989). Poldrugac (1992) concludes that probability for delinquent behavior is ten times higher in the population of youth that left school than in the population of youth that regularly attends school.

The results of the research show that there are many common characteristics of the category of juveniles who leave school. Compared to their peers who remain at school and finish it on time, they more often come from poor families, have poorly educated parents, history of poor school performance, chronic absence from classes, lag behind their generation, associate with delinquent peers and the possibility that they have behavioral problems including the history of antisocial behavior is greater (Alexander et al, 1997; Alexander et al, 2001; Elliott & Voss, 1974; Fagan & Pabon, 1990; Fagan et al, 1986). The research about juveniles put in correctional institutions indicates their specific educational characteristics. Ilić (2000) points out that majority of the wards distinctly express lagging behind in the process of primary education, i.e. that school-age does not match (lags behind) calendar age. The aversion towards school and teaching stuff is also evident: relatively small number of the wards has a positive attitude towards school and teaching stuff, conflicts are frequent, together with incidences of school leaving and often complete breaking up with school; bad performance during previous education and big gaps in

knowledge fund: mostly generated as a consequence of bad success and frequent disruptions during previous education; undeveloped working habits and irresponsibility towards curriculum obligations: they are in the highest extent characterised by complete absence of working habits, clearly express dependence in studying what also entails irresponsibility regarding obligations.

The author further highlights the fact that some other educational characteristics of this population can be added to these already mentioned ones which can be applied to majority of juveniles in whom the problems during schooling are present among which are: difficulties to adopt curriculum and ignorance regarding learning techniques, concentration problems, great individual differences regarding personal potentials and knowledge fund, difficulties regarding adaptation to atmosphere and collective work at school as well as expressed inferiority and distrust in personal potentials (Ilić, 2000).

## 2. REDUCING EDUCATIONAL AND SCHOOL FAILURE

In the Strategy of Development of the European Union, Europe 2020 (EU2020), one of the goals is that 40% of the population aged from 30 to 34 should have higher education and that the rate of early school leaving should be under 10% (European Commission, 2010). World Education Forum implements inclusive education along with preventing drop out of school as one of 5 strategic priorities (UNESCO, 2015), while the Goals of Sustainable Development 2015–2030 of the United Nations mention providing inclusive and qualitative education and promotion of possibility of life long learning as one of its goals (UN, 2015). Prevention of drop out from education system is recognised as one of the priority fields of activities in ensuring quality education for all and also in the Strategy of Development of Education in Serbia by 2020 (Government of the Republic of Serbia, 2012), assuming the aim that early school leaving be under 5%, what means that at least 93% of one generation should complete primary school if we know that primary education accounts for under 100% in one generation.

Number of measures implemented through the 2009 Law on Fundamentals of Education System (Official Gazette of the Republic of Serbia, no. 72/2009), such as the change in enrolment policy, instituting the interresource commission, introducing pedagogue assistant and individual educational curriculums, extending mandatory preparation pre-school programme to nine months, etc., although they are not directly engaged in prevention of drop out they create a legal frame whose successful implementation should certainly significantly contribute to dropping out reduction and early school leaving (the way it is defined at the EU level) and belong to the measures that indirectly stimulate the prevention of dropping out. Successful implementation of these measures, through increasing the number of students and adapting the school to the needs of students at risk of dropping out, should significantly contribute to reducing the proportion of 18 to 24-year-old students who did not complete secondary education. The 2013 amendments to the Law on Fundamentals of Education System foresaw that in the realisation of general principles of education system a special attention is devoted to reducing the rate of dropping out of education system (art. 3, Official Gazette of the Republic of Serbia, no. 55/13). In addition, the obligations of the National Education Council and of the Council for Special Education and Education of Adults have been issued in order to monitor, analyse and give recommendations for reducing the dropping out of children and pupils from education system and to propose measures for continuation of the

education of persons that left the system (art. 14 and 16, Official Gazette of the Republic of Serbia, no. 55/13), and besides obligations of these bodies at national level, on the basis of the Law on Primary Education (art. 26, Official Gazette of the Republic of Serbia, no. 55/13) and the Law on Secondary Education (art. 9, Official Gazette of the Republic of Serbia, no. 55/13) the schools are also obliged to plan the measures for preventing dropping out, to realise and monitor measures within the School Development Plan.

At the same time, as frequent absence from school (absenteeism) is often an introduction to final school leaving, the Law on Primary Education (art. 58, Official Gazette of the Republic of Serbia, no 55/2013) assumes that primary school is obliged to inform the parent/trustee if his/her child does not attend the classes. If the pupil continues to be absent from school the school is obliged to immediately inform authorised body in the local community about it.

However, mentioned legal regulations and existing mechanisms do not determine what measures are those and that leaves the space for formulating the measures by authorised bodies and schools. It means that efficient measures of prevention and intervention to prevent dropping out of school and in the local community should still be developed and tested in practice although a legal frame for inclusive education exists. Measures of community support to children and youth at risk of leaving school are scarce (for example, programmes of scholarship, mentoring within schools, extra and adapted material support to child), and even if they exist preventing of dropping out is not their primary aim. At the same time, cooperation with different partners at a local level is often poor and insufficiently directed to preventing the drop out of pupils at risk.

In addition, the records about children who are not encompassed by the education system, as well as records about drop out alone, are not collected systematically what prevents maintaining of the efficient planning of preventing decreasing and creating an adequate system of monitoring and early recognition of pupils at risk of dropping out. In addition, the education system has not yet solved the issue of trying to get back into education systems the pupils who left school.

Thus, respecting described context, within the project Prevention of Drop-out from the Educational System of the Republic of Serbia, Dropout Prevention Model has been developed and tested in ten primary and secondary specialist schools in Serbia (Unicef, 2016). This model includes implementation of the system for early identification of pupils at risk of dropping out and reaction by means of suitable measures of intervention for each identified pupil, strengthening the capacity of school to independently create and conduct different measures and activities in this field and change the school culture aimed to check its effectiveness and possibility to come to the desired change at the level of educational system when preventing dropping out is in question.

## CONCLUSION

Relatively contradictory interpretations of findings of different authors only confirm that relationship between the school failure and delinquent behavior should be studied in connection with other individual and social criminological factors. Therefore there is a need to continue the research in this field regardless of a great number of studies.

In our environment, school failure is a neglected topic in studying etiology of juvenile delinquency although it is quite a significant problem both from the aspect of obtaining

new knowledge about the nature of relationship between school failure and juvenile delinquency and from practical aspect in planning and programming education and teaching of juveniles who have already expressed some forms of risk or delinquent behavior.

Decreasing educational and school failure has a high priority in education strategies and policies throughout the world. In our conditions as well, by adopting and implementing different strategies and legal solutions we struggle to improve educational status. We think that efforts invested in prevention of school failure can have a significant contribution to overcoming and preventing juvenile delinquency.

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## PRAVDA PO MERI DETETA – OBRAZOVNA PERSPEKTIVA

*Problem školskog neuspeha istraživan je duže vreme, a rezultati empirijskih istraživanja ukazuju na značajnu povezanost između školskog neuspeha i maloletničke delinkvencije. Istraživanjima je potvrđeno da napuštanje školovanja doprinosi intenziviranju delinkventne aktivnosti maloletnika i da pohađanje škole može imati zaštitnički učinak na maloletnike. Utvrđeno je da rano napuštanje školovanja predstavlja dugoročno najveći rizični faktor za delinkventno ponašanje jer ima kumulativno nepovoljan učinak na životni put maloletnika (nezaposlenost, korišćenje usluga socijalnih službi, slabije zdravlje itd.).*

*Smanjenje obrazovnog i školskog neuspeha ima visok prioritet u obrazovnim strategijama i politikama u svetu. I u našim uslovima se usvajanjem i implementacijom različitih strategija i zakonskih rešenja nastoji poboljšati obrazovni status. Smatramo da napori uloženi u prevenciju školskog neuspeha, mogu imati značajan doprinos u prevazilaženju i prevenciji maloletničke delinkvencije.*

*KLJUČNE REČI: maloletnička delinkvencija / pravo / obrazovanje / prevencija*