

CZU 343.224.1

DOI: <https://doi.org/10.5281/zenodo.20845195>

MODELS OF CRIMINAL SANCTIONS FOR MINORS

Valentina RUSSU,
PhD Candidate, University Assistant,
Department of Criminal Law and Criminology,
“Ștefan cel Mare” Academy of the Ministry of Internal Affairs,
Republic of Moldova
ORCID 0000-0002-1809-9745

Abstract

The institution of criminal sanctioning of minors is today one of the most sensitive areas of criminal law, considering, on the one hand, the need for an effective state response to the criminal act committed and, on the other hand, the obligation to treat the minor as a developing person who needs protection, care and social reintegration when he or she comes into contact with the justice system.

The issue of criminal liability and criminal sanctioning of minors remains highly topical, as demonstrated by the new requirements of juvenile justice and by the increased attention that the international community gives to the consolidation of criminal policies in relation to juvenile offenders. In this scientific paper we highlight several models of criminal response to juvenile crime: the repressive model, the protectionist model, the restorative model and the mixed model. Each of these models has its own particularities, which we describe through the prism of international regulations and relevant doctrinal interpretations. At the same time, we emphasize the advantages and vulnerabilities of each model, as well as the specific features of the mixed model within the criminal law of the Republic of Moldova.

Keywords: minor, model of criminal sanctioning, sanction, criminal penalty, coercive educational measures, resocialization.

MODELE DE SANȚIONARE PENALĂ A PERSOANELOR MINORE

Abstract

Instituția sancționării penale a persoanelor minore reprezintă astăzi una dintre cele mai sensibile zone ale dreptului penal, având în vedere, pe de o parte, necesitatea unei reacții eficiente a statului față de fapta infracțională săvârșită, iar pe de altă parte, obligația de a trata minorul ca persoană aflată în dezvoltare, care are nevoie de protecție, grijă și reintegrare socială atunci când acesta nimerește în contact cu sistemul de justiție.

Problematica răspunderii și sancționării penale a minorilor rămâne una destul de actuală, fapt demonstrat de noile exigențe ale justiției juvenile, dar și de atenția sporită pe care comunitatea internațională o oferă consolidării politicilor penale în raport cu minorii delincvenți. În această lucrare științifică evidențiem câteva modele de reacție penală la criminalitatea minorilor: modelul represiv, modelul protecționist, modelul restaurativ și modelul mixt. Fiecare dintre aceste modele are propriile sale particularități, pe care le descriem prin prisma reglementărilor internaționale și a interpretărilor doctrinare relevante. Totodată, scoatem în evidență avantajele și vulnerabilitățile fiecărui model, dar și accentuăm trăsăturile specifice ale modelului mixt în cadrul dreptului penal al Republicii Moldova.

Cuvinte-cheie: minor, model de sancționare penală, sancțiune, pedeapsă penală, măsuri de constrângere cu caracter educativ, resocializare.

Introduction. In the case of minors, the coercive function of the criminal sanction can no longer be understood in its traditional meaning, specific to criminal law applicable to adults, namely as a predominant expression of state coercion exercised for the purpose

of repressing criminal conduct. Within juvenile justice, coercion must be adapted to the particularities of age, the level of intellectual and psychological development, as well as to the increased possibility of shaping the minor's behavior. Thus, in relation to a minor, the coercive function must be subordinated to a formative purpose, avoiding the transformation of the sanction into a mere instrument of intimidation or social exclusion.

Methods and materials applied. For the purpose of preparing this scientific investigation, we used several research methods, including the historical method, the comparative method, the systematic method, logical-rational analysis and others. At the same time, the paper focuses on the analysis of national and international regulations concerning the subject addressed, as well as relevant scientific works from our country and from other states.

Discussions and results obtained. When analyzing international documents on the criminal liability of minors, we observe that, at international level, the criminal response to minors who have committed offences must be adapted to their specific needs, their age and the objective of their social reintegration. Article 40 of the Convention on the Rights of the Child expressly enshrines the obligation of States Parties to recognize "the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society" [1]. It is precisely for these reasons that a profound rethinking of the concept of criminal sanction applicable to minors is required.

Below we shall analyze several approaches to the term criminal sanction, which, in general, includes penalties and coercive measures. Some authors describe the term "sanction" as a consequence of criminal liability. For example, as Romanian professor C. Bulai argues, "the offence as an act prohibited by criminal law cannot be conceived without the inevitable consequence that is criminal liability, and this, in turn, would be devoid of object without the criminal sanction, without punishment. Conversely, punishment cannot be conceived without the existence of criminal liability, and the latter can have no legal basis other than the offence" [2, p.312]. Other authors, defining criminal sanctions, show that they "are measures of coercion and re-education, provided by criminal law (penalties, educational measures and security measures), applied to persons who have committed acts incriminated by it, for the purpose of preventing the commission of such new acts through the re-education of offenders" [3, p.77].

Usually, the consequence of committing an offence implies the application of a penalty, but it cannot be said that this is the only criminal consequence, especially in the case of minors. This idea is also supported by doctrinal interpretations which show that "educational measures may also be applied to minors or, together with the penalty or educational measure, or even in their absence, security measures may be ordered or criminal liability may be replaced by liability that entails the application of an administrative sanction" [4, p.221]. Therefore, we reiterate that criminal penalties alone, as measures of state coercion applied to persons who have committed offences, cannot fully and independently guarantee effective criminal-law protection, especially in the case of minors. Thus, in the theory of criminal law, the role of security measures is increasingly emphasized. As the author F. Antolisei also states, "the fight against offences could not be effective if criminal-law sanctions were limited only to penalties; often the acts provided by criminal law reveal certain human or social realities which, if not counteracted, may determine the

commission of other acts provided by criminal law. These realities, considered ‘states of danger’, are distinct from the social danger presented by acts provided by criminal law and cannot be counteracted by penalties, because they arise from realities that are not susceptible to being influenced by penalties: the removal of these states of danger could be achieved only through preventive measures – security measures” [5, p.714].

The need to establish a mixed system of criminal sanctioning, in the sense of regulating penalties and security measures, is also highlighted by A. Posdarie, according to whom the system of criminal-law reaction is no longer “a system of single, exclusivist reaction (either only penalties – the classical school, or only preventive measures – the positivist school), but a unitary system in the sense of merging penalties with security measures into a unitary instrument for combating the phenomenon of criminality” [6, p.15].

Considering the age-related particularities and the specific development of minors, it is imperative that they benefit from a sanctioning regime distinct from that of adults. Thus, we agree with the opinions of legal scholars who argue that “criminal law and the criminal statute cannot view from the same angle these activities (offences) committed by minors and treat them as those committed by adults. This is required both from the point of view of the degree of social danger of the acts and with regard to the means of legal coercion necessary for sanctioning offenders” [7, p.217]. We also agree with other opinions invoked by the same authors, according to which “when related to the age and living conditions of minors in general, the acts committed by them naturally present a less serious degree of social danger than those committed by adults. This objective finding empirically leads to the conclusion that the problem of juvenile offenders could be solved through a corresponding mitigation of criminal coercive measures in the case of acts committed by minors” [7, p.217].

Further, referring specifically to the models of criminal sanctioning of minors, we note that the study of legislation and doctrine allows us to identify several models that may conventionally be classified as follows:

- The repressive or retributive model;
- The protectionist or welfare model;
- The restorative model; and
- The mixed or integrative model.

These models represent the expression of distinct conceptions regarding the specificity of the criminal liability of minors, the purposes of the state’s response to criminal acts committed by minors, and the reciprocal link between the act and the personality of the perpetrator. At the same time, these models often coexist within the same legal system and are not applied in isolation; however, one of them tends to become dominant and is placed at the basis of criminal policy regarding minors. The standards of the United Nations and of the Council of Europe support mixed models of criminal sanctioning of minors, the emphasis being placed on the educational and restorative purpose of the sanction, while detention is applied only in exceptional situations and for the minimum necessary period, as a measure of last resort.

In describing the specific features of each model, we note that the repressive model, also called in doctrine the retributive model, is based on the idea that the criminal sanction must represent, first and foremost, a proportional response of the state to the seriousness of the act committed. Thus, this model focuses on the offence, on its degree of dangerousness and on the need to reaffirm the authority and imperative nature of the criminal norm. Within this system of social reaction, the minor is treated primarily as the

author of a violation of the legal order, and his or her age-related particularities are relevant mainly for mitigating the sanctioning regime, but not for fundamentally changing the nature of the criminal response. At the same time, this model is specific to systems in which juvenile justice is closely aligned with the justice applicable to adults. In these systems, differences in legal regime often consist only in the reduction of penalty limits or in the existence of special procedures, without the purpose of the sanction truly moving away from the classical essence of punishment.

In some research, this model is also called the authoritarian or traditional model and is described in contrast to the liberal model, meaning that within the authoritarian model “juvenile offenders who are criminally liable are subject to criminal sanctions, whereas the liberal model indicates that the criminal regime will not be applied in this case, and minors will be subject only to measures of another nature” [8, p.107].

The apparent advantage of the repressive model lies in the clarity and firmness of the legal response, as well as in the emphasis placed on individual responsibility. Nevertheless, its limits are significant. It does not sufficiently value the realities of the minor’s psychological development or his or her increased vulnerability to family, social and peer-group influences. In addition, the early application of severe sanctions may intensify stigmatization and compromise the very objective of preventing recidivism. Contemporary juvenile justice standards have moved beyond this paradigm, as they promote the idea that a child in conflict with criminal law must be treated in a manner compatible with his or her dignity, age and the objective of social reintegration, considering that his or her physical and psychological development justifies diminished culpability and, consequently, differentiated legal treatment. The same reasoning can be derived from the European Rules for juvenile offenders subject to sanctions or measures, which provide that “the imposition and implementation of sanctions or measures shall be based on the best interests of the juvenile offenders, limited by the gravity of the offences committed (principle of proportionality), and take account of their age, physical and mental well-being, development, capacities and personal circumstances (principle of individualization), as ascertained when necessary by psychological, psychiatric or social inquiry reports” [9].

General Comment No.24 (2019) of the UN Committee on the Rights of the Child also emphasizes that “the physical and psychological development of children differs from that of adults. Such differences constitute the basis for the recognition of a lower degree of culpability and for the establishment of a separate system with a differentiated and individualized approach. It has been demonstrated that exposure to the criminal justice system causes harm to children, limiting their chances of becoming responsible adults” [10]. At the same time, the document recommends that States develop extrajudicial measures and make use of alternatives to detention, which contradicts the foundations of an exclusively punitive paradigm. Consequently, although the repressive model has not completely disappeared from comparative law, it can no longer legitimately constitute the main axis of the criminal sanctioning of minors.

The second model – the protectionist or welfare model – unlike the repressive model, is based on the idea that the minor who has committed an offence must be approached by taking into account his or her psychosocial development particularities and the environmental conditions that favored the criminal behavior. Therefore, this model focuses not exclusively on the act committed, but on the minor’s personality, family environment and social groups, as well as on his or her prospects for resocialization. The protectionist model is based on the idea that juvenile delinquency cannot be effectively addressed only through criminal coercive means, considering that it often represents the expression of

deficiencies in socialization, harmful family environments, economic vulnerability or a lack of educational or emotional support. Thus, the state's response must be primarily focused on education and assistance. Moreover, intervention measures regarding the minor must constitute instruments of formation, supervision, counseling, psychological support, school and vocational guidance, and must not be strictly limited to the application of sanctioning means.

Such a model may also be derived from the analysis of international standards, since the Beijing Rules proclaim as a principle the obligation of Member States, in accordance with their general interests, "to promote the well-being of the juvenile and his or her family" [11]. At the same time, the system of administration of juvenile justice must be designed so as to respond to the different needs of minors and protect their fundamental rights. The Riyadh Guidelines also emphasize the welfare of the minor, the broad use of preventive measures and the avoidance, as far as possible, of the minor's interaction with the justice system. According to the document, "a child-centered orientation should be pursued. Young persons should have an active role and partnership within society and should not be considered mere objects of socialization or control" [12]. At the same time, it is necessary to understand that "labeling a young person as 'deviant', 'delinquent' or 'pre-delinquent' often contributes to the development of a consistent pattern of undesirable behavior by young persons" [12].

Some research shows that the protectionist model is based on a positivist approach, in the sense that "the juvenile's unlawful behavior is the product of social or environmental factors for which he or she cannot be individually responsible. Consequently, the main purpose of the youth justice system is to provide offenders with appropriate support or treatment, rather than to punish them. Moreover, young people who are vulnerable or in difficulty are considered to need protection against the potentially harmful and corrupting influences of the adult world, including the adult criminal justice system. As a result, the main emphasis is placed on the needs and best interests of the child, rather than on the acts he or she may have committed" [13, p.3].

As a characteristic of the protectionist approach, we also highlight the broad involvement of various experts in the social sciences, such as social workers, psychologists, psychiatrists and specialists trained in pedagogy, either as decision-makers in their own right or, more frequently, as advisers and authors of reports intended to support judges. Another characteristic invoked by James Dignan in his studies is that "decision-makers are granted broad discretion when establishing and ensuring the best interests of the child. This often involves recourse to custody (or, at least, compulsory removal from the family environment), both for diagnostic purposes and to remove the child from a harmful environment. There is also an obvious preference for judicial decisions and measures that are flexible, individualized and open-ended or indeterminate in duration. Such measures, in turn, have the effect of conferring upon the practitioners responsible for their implementation a broad discretionary power over the life of the young person" [13, p.4]. However, we consider that the protectionist model is not an ideal one, since an excessively protective approach may lead to the diminished importance of procedural guarantees and to the justification of overly broad interference in the minor's life under the pretext of his or her "good". Therefore, the application of this model must be accompanied by strict respect for the principle of legality, proportionality and effective judicial control. At the same time, the best interests of the child cannot serve as an argument for arbitrariness; it must be integrated into a clear and predictable legal framework.

Another model – the restorative model – constitutes one of the most important

innovations of contemporary criminal policy and has particular relevance in the field of minors. This model distances itself both from strictly repressive logic and from exclusively protectionist logic, placing at the basis of the legal response the idea of repairing harm and reconstructing the social relationships harmed or endangered by the commission of the offence. Within this model, the minor is not only the recipient of a sanction or educational intervention, but an active participant in the process of assuming responsibility and remedying the consequences of the act.

From the analysis of various doctrinal interpretations, we identify several basic principles on which the restorative model is based, namely that society's response to criminal acts committed by minors should not be limited to punishment, but should primarily pursue the repair of harm, the assumption of responsibility by the minor, the involvement of the victim and the social reintegration of the child. At the same time, some research shows that "restorative justice offers a very different way of understanding and responding to crime. Instead of considering the state as the primary victim of criminal acts and placing the victim, offender and community in passive roles, restorative justice recognizes that crime is directed against concrete persons. It is based on the belief that those most affected by the offence must have the opportunity to be actively involved in resolving the conflict. Repairing harm and restoring losses, providing the offender with the opportunity to assume direct responsibility for his or her actions, and supporting the victim in overcoming vulnerability and reaching a certain degree of emotional closure stand in clear contrast to the values and practices of the traditional criminal justice system, centered on past criminal conduct and on the application of increasingly higher levels of punishment" [14, p.255].

Regarding the essence of restorative justice within the criminal response to juvenile crime, L. Walgrave states that it "does not consist exclusively in a certain procedural technique, but in the purpose of restoration: the legal response is legitimate insofar as it is primarily oriented toward repairing the harm caused by the offence. This position is important for juvenile justice, because it allows the restorative model to be understood not merely as criminal mediation, but as a genuine philosophy of criminal response applicable to minors, centered on responsibility, reparation and reintegration, not on mere punitive suffering" [15, pp.1-2]. J. Dignan also highlights several characteristics of this model, according to which "in terms of criminal justice policies and procedures, the restorative justice model – like the minimum intervention model – favors diverting a large number, if not the majority, of offenders away from prosecution, as well as strategies aimed at decarceration, since custodial interventions often make it very difficult to achieve restorative outcomes. It is not surprising that the emphasis placed on meeting victims' needs, while promoting offender accountability and welfare, as well as strengthening the active role of victims, offenders and communities, has led to the search for new institutional and procedural mechanisms that are more appropriate and more culturally sensitive" [13, p.10].

Referring to restorative justice practices, A. Bolocan-Holban argues that in the field of justice they may be used in order "to reduce the burden on the criminal justice system, to divert certain cases from judicial proceedings and to establish alternatives to detention, where the law allows and provides ways of resocializing the offender through non-custodial sanctions" [16, p.120]. The author, analyzing criminal policy in the context of the criminal legislation of the Republic of Moldova, emphasized that "one aspect oriented toward restorative justice concerns alternatives to detention. National legislation provides for a series of measures that focus on the person of the perpetrator, offering him

or her legal facilities and the possibility of eventual resocialization” [16, p.120]. At the same time, several principles governing restorative justice were highlighted, including responsibility, reparation, rehabilitation and reintegration.

We further emphasize that among the objectives promoted by international documents on the criminal liability of minors is also “the promotion of key strategies for reducing the particularly harmful effects of contact with the criminal justice system, taking into account increased knowledge regarding the development of minors, in particular the more frequent application of measures to avoid the involvement of minors in formal judicial procedures” [10]. Moreover, General Comment No.24 (2019) on Children’s Rights in the child justice system defines the term restorative justice itself, meaning “restorative justice: any process in which the victim, the offender and/or any other individual or member of the community affected by an offence participate together and actively in resolving the matters arising from the offence, often with the help of a fair and impartial third party” [10].

At the international level, during the Twelfth United Nations Congress held in Salvador, Brazil, the importance of valuing the restorative model within juvenile justice was reiterated. Thus, paragraph 51 of the Salvador Declaration emphasizes “the need to reinforce alternatives to imprisonment, which may include community service, restorative justice, electronic monitoring, as well as the need to support rehabilitation and reintegration programmes, including those aimed at correcting criminal conduct, together with educational and vocational programmes for convicted persons” [17].

Although the restorative model has a number of advantages, it should not be idealized. Its effective application depends on the existence of specialized services, trained counselors, a clear procedural framework and the genuine consent of the participants. Moreover, not every act and not every case allows for an adequate restorative intervention. Therefore, restorative justice must be viewed as an essential, but not exclusive, instrument in the architecture of the criminal sanctioning of minors.

The mixed or integrative model is currently the model that dominates most European systems and the normative architecture promoted by international organizations. It starts from the idea that the minor must be held accountable for the act committed, but this liability cannot be materialized through the simple transposition, in attenuated form, of the sanctioning regime applicable to adults. On the contrary, the criminal response must combine elements of legal accountability, protection, education, reintegration and, where appropriate, restoration. Therefore, it presupposes a combination of elements of the educational (protectionist) model and of the repressive model, to which components of minimum intervention or restorative approaches may be added in practice. James Dignan, in a comparative analysis of juvenile justice systems, explicitly emphasizes that the typologies he identified in the work *Juvenile Justice Systems: A Comparative Analysis* are not “ideal types” and that “real juvenile justice systems do not correspond exclusively to a single model, most of them being influenced by several approaches simultaneously” [13, p.2].

In national legal doctrine, the idea of a mixed model of criminal sanctioning of minors is supported by the recognition of a legal regime in which criminal penalties coexist with educational measures, without excluding criminal liability itself. As already highlighted, some doctrinal studies identify two major models of approach regarding the criminal liability of minors: the liberal model and the authoritarian model. Referring to the authoritarian model, M. Spatari and N. Danelciuc-Colodrovschi identify several modalities of it:

“1. A minor whose age is close to majority may be considered an adult and, conse-

quently, may be subject to penalties provided for adults (the authors consider this incorrect, because a minor cannot be sanctioned to the same extent as an adult);

2. Only penalties are applied to minors, but their duration is reduced compared with those applied to adults;

3. Penalties and/or educational measures (security measures) are applied to minors, that is, a mixed sanctioning regime is involved" [18, p. 76].

Furthermore, the same authors, analyzing the provisions of the criminal laws of various states, identified that "the state of minority has an influence on criminal liability. In this regard, most states provide that a minor under the age of 14 benefits from the absolute and irrebuttable presumption that he or she lacks discernment and, consequently, criminal liability cannot be engaged" [18, p.76]. It is also reiterated that, according to the criminal law of the Republic of Moldova, the age limits of criminal liability are 16 and 14 years, emphasizing that "among the categories of penalties provided in Article 62 of the Criminal Code of the Republic of Moldova for natural persons, the fine, unpaid community work and imprisonment are applicable to minors" [18, p.76], and that minors released from criminal liability or criminal punishment are subject to coercive educational measures provided by law.

Discussing the particularities of criminal punishment applied to minors, D. Popescu maintains that, in the field of minors, the sanction cannot be conceived exclusively in the logic of repression, but must be individualized according to age-related particularities and the corrective-educational purpose. The author shows that punishment "must be adapted so as to take into account the influence of the punishment applied on the correction and re-education of the guilty person, as well as the living conditions of his or her family" [19, p.472]. He also emphasizes that, in the case of the minor, sanctions must take into consideration not only the act, but also the person in formation, showing that "the minority of the person who committed the offence must produce special essential effects in the individualization of criminal liability and punishment" [19, p.472]. It is also necessary to consider that "age is an individual characteristic of the juvenile offender which indicates the level of his or her bio-psycho-social development" [19, p. 472].

Other legal scholars who have addressed the issue of using legal-criminal coercive means against minors also support the need to establish a sanctioning system distinct for minors. For example, I. Casandra argues that "the need to launch and continue efforts to reduce the degree of liability and sanctioning of acts committed by minors is not denied, but in no way under the aspect of reducing the degree of social danger of the offence committed by them. All these reasons indicate the need to differentiate the sanctioning regime of juvenile offenders from that provided and intended for adult offenders" [8, p.106]. At the same time, we agree with the same authors that "not only differentiated sanctioning treatment is necessary, but also the individualization of criminal liability based on the age of the active subject of the offence. This latter aspect may be promoted for each offence individually or for certain categories of offences, depending on how they are classified in criminal law" [8, p.106].

From the corroboration of various doctrinal opinions, we may conclude that the mixed model is understood as a formula of balance between the requirements of criminal liability and the need for differentiated treatment of the minor. In other words, the minor remains a subject of criminal liability, but the legal response to his or her act is structured by combining penalties with educational measures and through a pronounced individualization oriented toward correction, re-education and social reintegration. This orientation is also confirmed by the observation that the list of educational measures provided

by law is exhaustive, the court being unable to apply measures other than those expressly provided by law.

From the analysis of the provisions of the Criminal Code of the Republic of Moldova, we conclude that it provides for a mixed sanctioning regime in relation to minors, establishing the possibility of applying either a criminal penalty or security measures (coercive educational measures), under the conditions provided by law. Also, when applying the criminal penalty, the penalty applicable to adults is taken as a basis, from which certain individualizations are made in relation to minors. In the context of the Republic of Moldova, the analysis of the models of criminal sanctioning of minors is particularly important, because domestic law must be interpreted and applied in accordance with the international treaties to which the state is a party. From this perspective, the national framework should not be read in a strictly punitive logic, even when criminal law establishes the minor's liability for certain acts. On the contrary, the institutions of criminal and criminal procedural law relating to minors must be subordinated to a special conception, centered on individualization, psychosocial assessment, educational measures and reintegration.

Conclusions. For the law of the Republic of Moldova, the most appropriate model is, in our opinion, the mixed model with an educational-restorative dominant. This option is justified both by binding international standards and by criminological realities. The minor should not be automatically exempted from liability, but neither should he or she be treated as an adult subject only to an attenuated sanctioning regime. Rather, the minor must be subject to a differentiated legal response, in which the assessment of personality, family environment and capacity for change has a decisive role in choosing the applicable measure.

In this way, the criminal sanctioning of the minor becomes a means of genuine special prevention, and not merely a formal expression of criminal coercion. In addition, full compatibility of the law of the Republic of Moldova with the modern requirements of juvenile justice presupposes not only the existence of adequate norms, but also the functioning of institutions capable of giving them real content. The role of probation services, pre-sentence psychosocial assessment reports, counseling programmes and restorative mechanisms becomes essential for transforming the sanction into a genuine instrument of reintegration. In the absence of these mechanisms, even a well-oriented normative framework risks being applied in a formalistic manner, close in fact to the repressive logic that international standards seek to limit.

Bibliographical references

1. United Nations Convention on the Rights of the Child, adopted on 20.11.1989, ratified by the Republic of Moldova by Parliament Decision No.408-XII of 12.12.1990. Available: <https://www.unicef.org/moldova/media/1401/file/Conventia-cu-privire-la-drepturile-copilului.pdf> (accessed 15.04.2026).
2. Bulai C. Manual de drept penal. Partea generală. Bucharest: All Publishing House, 1997. 647 p.
3. Cernomoreț S., Ilco V. Abordări teoretice privind pedeapsa în calitate de componentă de bază a sistemului sancțiunilor penale. In: "Administrarea Publică", 2018, No.2, pp.76-83.
4. Basarab M. Criminal Law. General Part. Vol. I, 3rd Revised and Enlarged Edition, Bucharest: Lumina Lex, 2001.
5. Antolisei F. Manuale di diritto penale. Parte generale. Giuffrè: Milan, 1991. 783 p.
6. Posdarie A. Măsura de siguranță a confiscării speciale. Timișoara: Waldpress Publish-

ing House, 2000.

7. Dongoroz V., et al. Explicații teoretice ale Codului penal român. Partea generală. Vol. II. 2nd Edition. Bucharest: Publishing House of the Romanian Academy, 2003. 456 p.
8. Casandra I. Pedepse penale aplicate minorilor. PhD thesis in law. Chișinău, 2018. 179 p.
9. Recommendation CM/Rec(2008)11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures (Adopted by the Committee of Ministers on 5 November 2008 at the 1040th meeting of the Ministers' Deputies). Available: <https://rm.coe.int/09000016805d2716> (accessed 15.04.2026).
10. General Comment No.24 (2019) on Children's Rights in the child justice system. Available: <http://ier.gov.ro/wp-content/uploads/2022/07/ONU-CRC-C-GC-24-RO.pdf> (accessed 15.04.2026).
11. Resolution 40/33 of 29.11.1985, United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules). Available: <https://probatuine.gov.md/files/getfile/156> (accessed 17.04.2026).
12. General Assembly Resolution 45/112 of 14 December 1990, United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines). Available: <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-guidelines-prevention-juvenile-delinquency-riyadh> (accessed 17.04.2026).
13. Dignan J. Juvenile Justice Systems: A Comparative Analysis. Available: https://www.oijj.org/sites/default/files/documentos/documental_1263_en.pdf (accessed 15.04.2026).
14. Umbreit M.S., et al. Restorative Justice in the Twenty-First Century: A Social Movement Full of Opportunities and Pitfalls. Available: https://www.researchgate.net/publication/33437213_Restorative_Justice_in_the_Twenty-First_Century_A_Social_Movement_Full_of_Opportunities_and_Pitfalls (accessed: 17.04.2026).
15. Walgrave L., Restorative conferences with serious juvenile offenders: an experiment in Belgium. https://www.iirp.edu/images/pdf/nl03_walgrave.pdf (accessed 17.04.2026).
16. Bolocan-Holban A. Relația infractor-victimă în cadrul justiției restaurative. In: Materials of the Conference "Rehabilitation of Crime Victims", Chișinău, 2021, pp.120-125.
17. Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World. Available: https://www.unodc.org/documents/crime-congress/12th-Crime-Congress/Documents/Salvador_Declaration/Salvador_Declaration_E.pdf (accessed 16.04.2026).
18. Spataru M., Danelciuc-Colodrovschi N. Sistemul sancționator aplicabil minorilor infractori în legislația penală a unor state europene. In: Materials of the Conference "Tradition and Innovation in Scientific Research", 13th Edition, Vol. II, Bălți: USARB, 2025, pp.75-82.
19. Popescu D. Particularitățile pedepsei penale aplicate minorilor. In: Materials of the International Scientific Conference "The Best Interests of the Child: Socio-Cultural, Normative and Jurisprudential Approach", Chișinău, 2022, pp.460-479.