

Educational measures to protect juveniles from recidivism into delinquency

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Abstract:

The phenomenon of recidivism among juvenile delinquents released from rehabilitation centers is a significant social issue affecting both developed and developing societies. This is due to the numerous changes that humanity has experienced, leading to the emergence of various social behaviors related to deviance, particularly among young minors. These minors have been more influenced by these rapid social changes, driven on one hand by technological advancements, which have disrupted social relationships, and on the other hand, by ideological and religious factors, which have historically contributed to social adjustments in terms of the human status of individuals and the division of roles within society. Additionally, psychological factors of social personalities also impact human behavior, both educationally and psychologically, within society.

Through this study, we aim to investigate the reasons for recidivism among juveniles who were once inmates at specialized care and reform institutions, where they benefited from educational and rehabilitative programs intended to reintegrate them into society, yet to no avail. This is evidenced by the increasing field statistics of delinquency in its various forms. Furthermore, we seek to shed light on the effectiveness of the educational programs and activities, as well as the extent to which the most appropriate educational methods are employed by educators. These methods vary depending on the activities, whether they are cultural, religious, educational, sports, or vocational training. Given that educators are the direct supervisors of the educational process, as we observed in our previous field study, it became evident that they represent the highest potential for achieving the desired goals. Therefore, it is essential to introduce specialized qualifications for educators and equip them with the necessary knowledge and field experience to address issues related to juvenile delinquency. This will help avoid conflicting discussions and perspectives regarding the effectiveness of protective educational measures in preventing released juveniles from returning to crime and deviance.

Keywords: Protective educational measures, juvenile delinquents, released juveniles, recidivism, minors.

Introduction:

The reform and rehabilitation of inmates in correctional institutions and their reintegration into society require immense material and human resources for individualized punishment and treatment. This has led some to question the approach, to the point where some have labeled it as idealistic in terms of treatment and reform. Nevertheless, given the specific needs and requirements of juvenile delinquency, we hope that the efforts of various actors and stakeholders, both official and unofficial, will achieve some progress in ensuring the humanity of juvenile delinquents, who have been driven to crime and delinquency by various factors .¹

Therefore, serious consideration must be given to how this reform is implemented, moving away from mere legal obligations and fostering reciprocal relationships between the various institutions responsible for enforcement. It is difficult to treat juvenile delinquents using the same traditional methods. Despite the legislatively designed plans to achieve reintegration into society, the greatest obstacle to this goal is the stigma of being labeled a "criminal," which follows the inmate even after their release from the correctional facility. This stigma serves as an additional punishment, preventing them from reintegrating into society, as they are excluded from many jobs and the labor market. This shuts the doors of hope for them, often leading to a return to crime, which is the only act that the law imposes no conditions on.

Thus, the criminal past of the inmate must be left behind if we are to truly integrate them into society. This can only be achieved by removing their criminal record if they demonstrate good behavior during their imprisonment.²

At the same time, it is essential to support released juveniles with serious aftercare or follow-up programs. This responsibility should be assigned to public institutions, as mandated by applicable legal texts, as well as to civil society organizations and the private sector, which have the necessary resources. Once again, we emphasize that aftercare for released juveniles plays an effective role in protecting them from recidivism and deviance.

Before embarking on the reform of prisoners, it is essential to provide and enhance material resources, particularly human resources, by ensuring the deployment of specialized and qualified educational staff who are aware of the problems and psychological profiles of delinquent juveniles. Juvenile educators must undergo training programs to equip them with the necessary knowledge (such as sociology, psychology, educational sciences, and principles of criminal law) and other related disciplines. Additionally, it would be beneficial to establish a professional master's program at universities focusing on juvenile education, where relevant theoretical and practical subjects would be thoroughly taught.

The social policy regarding the care of delinquent juveniles necessitates that educators treat juvenile inmates differently from adults. They must take into account the social, personal, and educational circumstances of the targeted group, treating the juvenile not only as a suspect but also as a victim who needs to be saved from the clutches of crime. Therefore, law enforcement officers and social educators should refrain from using force or coercion when dealing with juveniles, whether in physical or psychological terms.³

In contrast, modern reform practices for delinquent juveniles require that the material resources and tools necessary for the educational process be made available. This will enable the implementation of educational programs and activities that align with contemporary technological advancements, while providing alternative methods to traditional educational activities. These alternative educational methods allow for repairing damage without resorting to outdated procedures and entangling juveniles in the rigid justice system, thus opening up avenues for the juvenile and society to adapt.⁴

It is also important to note that the educator is the first point of contact within the specialized institution for juvenile rehabilitation and reintegration into society. The educator plays a crucial role in influencing the psychology of the juvenile, which leads us to conclude that assigning qualified human resources contributes to the reintegration and rehabilitation process at all stages of social reform. This helps protect juveniles from recidivism once they are released and reintegrated into their natural environment. Educators share the psychological and emotional burdens with juveniles and take charge of their affairs using careful and precise methods aimed at helping them overcome the stages of criminal danger. They also provide psychological and educational support. Therefore, this study highlights the significant contribution of educators' qualifications in the success of the mission, helping to mitigate the psychological effects of the closed environment shared by both the juveniles and the educators.

The mission of specialized juvenile care institutions is social service, focusing on correcting the behavior of inmates without resorting to harsh or punitive methods. This is achieved through the use of educational activities tailored to each situation, which positively impacts the juvenile's psyche by removing feelings of guilt and the stigma of delinquency. In our previous studies, we pointed out the shortcomings and mistakes encountered by juveniles during their stay in these institutions. The educational methods appropriate for the activities practiced with juveniles are directly responsible for the speed of interaction and responsiveness, improving their levels of adaptation and integration within the group.

Despite the state's efforts, such as building new institutions, improving living conditions, focusing on nutrition and hygiene, and developing educational and training programs, these efforts still face several challenges.⁵ These include legal obstacles, such as the lack of specialization and inadequate understanding of the various social and psychological factors surrounding the phenomenon of recidivism. Additionally,

material challenges, such as overcrowding, the lack of essential educational facilities, and the insufficient involvement of social actors in the reintegration process, all contribute to the persistence of this issue.

These combined educational and social factors may help limit the phenomenon and protect this vulnerable segment of society from returning to delinquency and crime. Since they are still young and inexperienced in facing the many challenges that await them outside the closed environment, this study will be structured as follows: We have divided this study into two sections, in which we will address the concept of aftercare and its methods for protecting released juveniles as an ongoing educational measure to combat delinquency outside the walls of rehabilitation institutions. These aftercare measures are essential for providing the best opportunities and conditions to prevent released juveniles from returning to deviance.

"In the first section" we address the methods of supervision and aftercare, highlighting its social, security, and preventive objectives. In the second section, we discuss the consequences of the absence or inadequacy of these measures (aftercare), considering them as a crucial element in the study due to their prominent role in protecting juveniles and reintegrating them into society. This is seen as a practical educational mechanism for activating social reintegration through the continuation of psychological rehabilitation methods, especially for delinquent juveniles and those at risk of moral danger.

Study Problem:

The phenomenon of recidivism among juveniles is a growing social issue, leading to an expansion in the scope of crimes that contradict socially acceptable behavior. Societies continuously strive to create rules and behavioral norms to prevent or reduce the occurrence of such crimes and behaviors, establishing a framework around delinquent juveniles to prevent them from deviating from accepted norms. This is achieved through therapeutic measures, educational methods, and various activities, whether cultural, sports-related, religious, educational, or vocational, applied to both male and female delinquent juveniles. This is in line with Rule 11-02, as stated by the United Nations Commission on Crime Prevention and Criminal Justice, under the Economic and Social Council, which emphasizes the importance of adopting a comprehensive approach based on the restorative justice system. Furthermore, it highlights efforts to divert children from the traditional criminal justice system .⁶

One of the most prominent aspects of restorative justice and its alternatives is criminal mediation, which is recognized in Algerian legislation under Law 15-12 concerning the protection of children. This law introduces mediation as a method for resolving criminal disputes consensually, based on negotiations between the accused and the victim, with the judge facilitating dialogue between the disputing parties and managing the mediation process without interfering in the content of the agreement .⁷

This brings us to a key question: What are the reasons and factors that contribute to the ineffectiveness of the educational measures practiced both inside and outside specialized centers and institutions for preventing and rehabilitating delinquent juveniles? Specifically, how do these factors prevent the juveniles from returning to normal social life, and to what extent have the educational and social performance goals been achieved, given the availability of significant resources?

We chose this topic during a previous field study we conducted, drawing from our observations and findings. Through this study, we aim to answer the following questions:

- Have the adopted therapeutic measures contributed to reducing the phenomenon of recidivism?
- What role does aftercare play for released juveniles? What are its objectives, and what are the consequences of its absence or inadequacy?

Study Hypotheses:

- The adopted therapeutic and educational measures contribute to social rehabilitation and reintegration into society.
- The scientific qualifications and professional experience of educators play a key role in the success of educational performance with juveniles.
- Aftercare for juveniles is the most crucial stage following their release, protecting them from recidivism.

- The total material and human assistance provided to juveniles after their release qualifies them for reintegration into society and protects them from deviance.

Despite the legally and educationally planned strategies and programs aimed at achieving social reintegration, one of the major obstacles to this goal is the "criminal label" that accompanies the released juvenile after leaving the correctional institution. This label serves as an additional punishment, preventing their reintegration into society and reinforcing implicit exclusion from many jobs, professions, and opportunities in the labor market. This exclusion may close the doors of hope for these individuals, despite the educational measures applied even after their release.

Thus, as we delve deeper into this study, new questions arise that we aim to answer, including:

- What role does the aftercare department play in the open environment? This question breaks down into several sub-questions:
 - What is the concept of aftercare, and what is its significance in the lives of released juveniles?
 - How does the follow-up service in the open environment contribute to protecting juveniles from recidivism?

Study Objectives:

This study aims to achieve the following objectives:

- Uncovering the reasons for juveniles returning to delinquency after their release.
- Understanding the concept of aftercare and its significance in the lives of delinquent juveniles.
- Clarifying the impact of including criminal records for released individuals with prior convictions.
- Highlighting the importance of equipping educators with the necessary knowledge to better supervise the educational process.

Importance of the Study:

The importance of this study lies in its focus on a critical stage in the lives of juveniles after their release, specifically after their stay in rehabilitation institutions, where they engage in various educational activities under the supervision of specialized educators. This study aims to uncover the relationship between the level of rehabilitation achieved by delinquent juveniles for reintegration into society and how that impacts their ability to adapt to their social environment. Conversely, it also examines their likelihood of re-engaging in criminal and deviant behaviors post-release. The study attempts to identify the factors and causes that lead to this behavior, which indicates a lack of social adaptation, and sheds light on the main obstacles that have prevented the expected outcomes of educational and protective measures aimed at stabilizing this vulnerable segment of society.

Additionally, the importance of this study stems from the social reality and the scarcity of studies, particularly in the Arab and Algerian contexts, that comprehensively address this issue. Existing studies on juvenile recidivism tend to focus on one aspect without adopting an integrated approach that connects social, psychological, and legal elements. This integrated approach falls within the realm of educational sociology and studies related to crime, delinquency, and social maladjustment.

Study Methodology:

The methodology is the approach that the researcher follows in studying the problem to discover the truth and answer the questions and inquiries raised by the research topic. It is the program that guides us in discovering and reaching those truths.⁸ The scientific method is the path the researcher takes to achieve the stated goal of the study.

Given that this study aims to uncover successful educational measures to protect released juveniles from recidivism and delinquency, as well as the social and personal causes of this phenomenon, the descriptive-analytical method was used. This method is the most suitable for studying certain social topics as it focuses on describing various phenomena, facts, and events. It relies on gathering facts and information, then comparing, analyzing, and interpreting them to reach acceptable generalizations. This method allows us to study the phenomenon as it exists in reality, describing it accurately, which helps in identifying the correct

educational measures to protect released juveniles from recidivism. Furthermore, this methodology enables us to draw conclusions and generalizations that may help develop new mechanisms and methods for aftercare practices with delinquent juveniles.

Through this approach, the study aims to achieve its goal of exploring how aftercare contributes to protecting released juveniles from recidivism and facilitating their reintegration into social life, as well as identifying the main obstacles that hinder the achievement of these goals. The conclusions and generalizations reached through this method could help in developing new techniques and methods for effective aftercare.

Key Terms in the Study

-Educational Measures: In the context of the famous saying that "there is no education without society and no society without education," educational measures can be considered an open system and a sub-system of a larger system, which is society. Education is influenced by society and influences it, taking inputs and energy from it to produce graduates capable of serving and contributing to the renewal and development of that society. Thus, education is in constant and significant interaction with society, its individuals, groups, and institutions. Its ultimate goal is to prepare both the society and its new generation for adaptation, accepting change and differences, and participating in the betterment of society.

- **Émile Durkheim:** views education as "the influence exerted by adult generations on those not yet ready for participation in organized social life" .⁹

- John Dewey: considers education as "the sum of all processes by which a society, whether large or small, transmits its acquired culture and goals to its younger generations, ensuring its survival and growth" .¹⁰

- **Margaret Mead:** sees education as "the cultural process and the way in which a new human infant becomes a functioning member of human society" .¹¹

From the previous definitions, we deduce that education means the refinement of character, the development of minds, and the preparation of individuals for future life, making the new individual a fully integrated member of society, adhering to the opinions and thoughts of the older generations. Thus, education is both intellectual and moral training, guiding individuals towards maturity.**

Educational measures are not limited to moral development alone but extend into various interconnected and overlapping areas. Education nurtures individuals' thinking, enabling them to become productive and innovative. A healthy society's education system is built upon the efforts of educators in various social institutions (the family, the school, and the social environment). Each member of society contributes to the education and guidance of others through methods and approaches suited to specific circumstances and contexts.

Released Juveniles: These are children under 18 years of age who deviate from societal values and laws, committing acts that place them under legal scrutiny. They are placed in rehabilitation centers and institutions, where they benefit from care, educational, and social programs for a period determined by the juvenile court judge. Afterward, they are released to reintegrate into society, having been psychologically, educationally, and socially rehabilitated. Through this rehabilitation, they regain confidence in themselves, their families, and society at large, allowing them to rejoin normal social life, live with their families, and continue their studies or the profession they trained for.

Recidivism: This term refers to the juvenile's failure to reform, persisting in crime and challenging the law and public order. In legal terms, recidivism is the repetition of a crime, meaning the criminal commits one or more crimes after having been punished for a previous offense. Recidivism includes all types of crimes without exception and is considered an aggravating factor for the offender. Recidivism in deviance refers to the tendency to relapse into crime and wrongdoing after recovering from the shameful behavior previously committed. Delinquency typically begins between the ages of 12 and 18, which marks the onset of adolescence, one of the most critical stages in a person's life.

Aftercare: Attention to prison treatment has been a major focus in criminology studies. Previously, rehabilitation and treatment aimed at reintegrating prisoners into society ended once their prison term was

completed. However, this approach contains a clear contradiction. If reformative methods within the prison aim to prepare the inmate for societal reintegration, society's responsibility towards the prisoner must continue post-release to ensure they can overcome the challenges they face after release, preventing them from returning to crime. This includes what some refer to as "release shock" or "release fear," allowing the individual to gradually reintegrate into society and return as a productive member. This ongoing responsibility and its requirements are referred to as aftercare.

Concept of Aftercare for Released Juveniles:

1. Definition of Aftercare:

Aftercare refers to the set of material and psychological assistance, guidance, and counseling provided to released juveniles to help them adapt to society. Aftercare plays both a material and psychological role. The material role involves direct or indirect assistance, such as helping the released juvenile find suitable employment and supporting their family. The psychological role involves addressing the stigma the released juvenile feels due to their delinquent past. This feeling is often exacerbated by societal rejection, as community members may avoid or refuse to welcome the individual. In such situations, if the juvenile cannot find support to meet life's demands, they are likely to return to delinquency.

The concept of post-release follow-up has evolved, driven by society's changing views on ex-offenders, in line with the doctrine of social defense. This doctrine is based on the humanitarian belief that a delinquent child, or one who has committed a crime, is a victim of specific social circumstances that pushed them towards deviance and delinquency. Therefore, post-release follow-up must focus on protecting the released juvenile from poor decision-making, rebellion, and isolation, ensuring they do not face life's challenges alone.

2. Goals of Aftercare:

Aftercare for released juveniles aims to achieve two main objectives:

- **First: A Social and Humanitarian Goal:** This involves providing social care for released delinquent juveniles, helping them secure legitimate employment opportunities.

Second: Security and Preventive Goal:

This goal is reflected in the collective efforts of all relevant civil institutions to protect released juveniles after they have served the punishment for the crime they committed. The reason for this is that a released juvenile returning to delinquency may influence their peers or family members to follow a similar path, especially if they are seen as a role model. This could lead to successive generations of delinquents, creating new victims who need to be saved from the cycle of crime.

It is worth noting that security agencies play a crucial role in helping released juveniles from rehabilitation institutions, especially those recently released, who may become victims of crimes like cybercrime associated with modern technologies, smartphones, suspicious websites, and illegal activities that harm public order and national security. The role of law enforcement here is critical in combating delinquency and addressing these issues using specialized methods, particularly for those who require treatment or enrollment in addiction rehabilitation centers for drugs and alcohol.

Methods and Mechanisms of Aftercare Monitoring:

The monitoring program for a released juvenile begins from the first moment they enter a correctional institution. This includes strengthening their relationship with their family and preparing the family to receive them after release. This can be achieved by encouraging the family to visit their child at least once a week and allowing the delinquent juvenile to spend weekends at home if their behavior is good enough to warrant it, and if the family is willing to take responsibility during those two days. The social worker responsible for the juvenile sometimes visits the family with the juvenile or without them to strengthen the relationship and resolve any issues that may affect the bond.

The social worker also educates the family on the correct ways to treat the juvenile, stressing the importance of giving them enough attention and following up on all their needs. Before the juvenile's release, the social worker makes arrangements for their enrollment in a nearby school if they wish to continue their education,

or finds them suitable employment if they prefer to work. After completing these procedures, a full report is submitted to the juvenile court judge, requesting the juvenile's release from the center.

After the release, the social worker visits the juvenile at home, school, or work once every two weeks to check on them and address any problems they may face in adjusting to their environment. In addition, regular phone calls are made to the school or workplace to ensure the juvenile's attendance and good behavior. These calls reflect the social worker's interest in the juvenile, prompting the school or employer to take greater interest in the juvenile as well. After six months of follow-up, if the social worker finds that the juvenile has settled well in their environment, the frequency of visits and calls is reduced to once every two months until the social worker is fully convinced of the juvenile's stable behavior.

Absence of Aftercare and Its Impact on Juveniles:

Aftercare for released individuals has become a crucial element in modern criminal justice policy, as it is the final guarantee to prevent the offender from returning to crime. Without assistance, the offender faces great challenges in society once their sentence ends. It is essential to prepare the inmate before their release, providing them with special "penal treatment," which is considered an integral part of the overall rehabilitation program, aiming to prepare them for a dignified and honest life in freedom. Focus on achieving this goal should be particularly strong during the final phase in the correctional institution.¹²

The key question regarding aftercare is its timing—when should it begin, and how long should it last? Is it parallel to and complementary to rehabilitation efforts, and what are the consequences of its absence? Aftercare is particularly important when the juvenile is in moral danger or at risk of homelessness and neglect. Without proper support, what is society's attitude towards a released juvenile who is at risk of returning to delinquency? The absence or inadequacy of this social-educational measure could mean a failure to address the psychological, genetic, or environmental factors that previously led the juvenile astray. These factors often require prolonged attention to rebuild a strong, well-adjusted character capable of integrating into normal society.

Therefore, we will address the topic of "The Absence or Inadequacy of Aftercare and Its Impact on Juvenile Recidivism" in two sections:

First: The Inadequacy of Aftercare as a Mechanism for Protecting Juveniles from Recidivism:

The focus on treatment within correctional institutions has long been a central theme in criminological studies. Rehabilitation efforts and corrective treatment traditionally ended when the inmate left the institution. However, this perspective carries a contradiction. If the rehabilitative methods within prison aim to reintegrate the inmate into society as a productive member who does not return to crime, then this responsibility must continue even after the inmate's release to help them overcome the obstacles they face. This phenomenon is known in criminology as "release shock". To overcome this crisis and facilitate the juvenile's gradual reintegration into society, the aftercare system was developed as an extension of the efforts made to discipline and rehabilitate inmates during incarceration. It is not an independent measure but a continuation of the educational process post-release. Penal treatment within prison should be based on a strong connection between the rehabilitative efforts during incarceration and the aftercare measures post-release. Simply put, educational measures should be parallel with post-release aftercare. The noble goal of the educational and social policy in dealing with juveniles placed in specialized institutions is rehabilitation and preparation for reintegration into normal life post-release, extending protection and care beyond the closed environment.

Continuous care is a natural extension of the efforts that began with the loss of liberty in incarceration. Its role is both complementary and preservative, ensuring that social factors do not undo the progress made. The concept of aftercare emerged in the late 19th century, originally limited to visiting patients in recovery to ensure they had sufficient resources to continue treatment and avoid relapsing into illness. However, as social care evolved into a broader service, encompassing crime and delinquency, aftercare became linked to the social rehabilitation of offenders.¹³ It was no longer acceptable to leave released individuals, who had spent time in correctional institutions, to face life's challenges without support. These challenges, such as

social stigma, could prevent them from achieving a dignified life. The most critical of these challenges is society's tendency to view released individuals with disdain, marked by a lack of welcome and difficulty in finding legitimate means of living. This may discourage them from respecting social and legal values. Hence, it became necessary to provide support to help them overcome these challenges, assuming they had benefited from the rehabilitation programs inside the institution.

The goal of aftercare is to reinforce and complete the progress made during incarceration through measures designed to prevent the released individual from committing crimes again. From this perspective, aftercare is the most important aspect of penal treatment, as it significantly contributes to achieving the punishment's goals.

The international community has not been oblivious to this matter. The United Nations Standard Minimum Rules for the Treatment of Prisoners emphasize that the inmate's future after release should be considered from the beginning of their sentence. Inmates should be encouraged and assisted in maintaining or establishing relationships with people or institutions outside the prison, as this may serve their families and facilitate their social reintegration.¹⁴

The United Nations Rules for the Protection of Juveniles Deprived of their Liberty also highlight the importance of aftercare. Efforts should be made to provide semi-institutional arrangements, such as halfway houses, educational homes, and day training centers, to help juveniles reintegrate smoothly into society.¹⁵ This rule underscores the continuity of aftercare following a period of detention, aiming to meet the various needs of young offenders returning to society by providing guidance and structured support. This is seen as a crucial step towards successful social reintegration.

Aftercare has sparked significant debate among those concerned with the rights of correctional institution inmates, as well as among researchers. Some argue that aftercare begins as soon as the individual is sentenced to a custodial punishment, in which case it is immediately post-conviction and extends beyond release, even during optional stages like probation in Anglo-Saxon legal systems or conditional release in Algerian law. Others, however, limit aftercare to the period after the inmate has fully served their sentence and is released from the correctional institution.¹⁶ This is the narrower interpretation of the measure, focusing on the educational aspects of aftercare.

"There is an important philosophical, economic, and social dimension underlying the concept of aftercare in its various interpretations, which lies in the necessity of preventing the waste of the potential available within society and attempting to harness it for the benefit of society" This idea aligns logically with the efforts made by society to reform the prisoner during their time in incarceration. Aftercare forms a necessary and complementary extension of this initial effort, deeply connected to it.

In principle, aftercare should cover all released individuals. However, due to the financial and logistical challenges of providing care for every released person, aftercare tends to focus on those who most need it. This could be because their sentences were short, and they rarely lose their social standing, or because their financial or social situations allow them to rebuild their lives. Different legal systems distinguish between two types of aftercare: mandatory and optional. Mandatory aftercare is required for individuals who were sentenced to over three months and are under the age of 21, as seen in English law.¹⁷ Both official and private institutions work towards providing aftercare.¹⁸

In the context of juvenile delinquency and preventing recidivism, the central role of public authorities in aftercare has become more apparent. Aftercare is considered part of the penal system and the final stage of educational measures, a responsibility of the state. This responsibility cannot be left to private entities, as it requires significant financial resources and involves supervision over the released individuals, something that private organizations may not be equipped to handle. Aftercare thus plays a dual role: it is both an obligation on the state and part of its broader criminal justice policy, aimed at combating crime and preventing recidivism. It is not merely akin to social assistance provided to vulnerable members of society but is part of a specialized form of penal treatment.¹⁹

While many legal systems have recognized the principle of aftercare,²⁰ Morocco's legal framework has yet to fully embrace this phase of a released individual's life. This is likely due to the organizational and financial challenges it presents. The absence of aftercare programs, which are a cornerstone of rehabilitation, is notable. This study underscores the importance of intensifying such programs, even in the absence of a legislative framework, to support the ongoing rehabilitative process and correct the behavior of delinquent juveniles. The establishment of official institutions dedicated to implementing and overseeing aftercare programs would strengthen the connection between rehabilitative and educational efforts, providing the necessary care and support for successful reintegration into society.

Second: Social Consequences of the Absence of Aftercare as an Educational Measure:

The societal response to a juvenile released from a correctional institution is one of the social barriers to rehabilitation, significantly exacerbated by the absence of aftercare. Society often fails to recognize the severity of the punishment the juvenile has already endured for their crime, and the punishment itself reflects society's disapproval. There is no need to add further condemnation after the sentence is served. Aftercare can help society understand the complex factors that drive juveniles into crime, particularly external environmental factors, as many delinquent acts are rooted in issues of social and cultural maladaptation.²¹

Understanding the causes of delinquency is crucial in determining the type of treatment a juvenile offender should receive. Developing aftercare programs allows for continued efforts to help the juvenile escape the cycle of negative reactions they face, whether when committing the crime, undergoing lengthy investigations, or being sentenced to a correctional facility. After leaving the institution, the juvenile may have received various rehabilitative programs, each implemented according to specific procedures.²²

The absence of aftercare reinforces the stigma attached to convicted juveniles, particularly from a society that typically refuses to accept them back. It becomes exceedingly difficult for the juvenile to regain their social standing, as society ostracizes them and refuses to forget the harm caused. Stigmatization is reinforced by various elements within society, including the judicial system, through its sentencing of delinquent juveniles, and the correctional institution itself, through its custodial system.

"Strict security measures, professional caution, and societal rejection of former criminals all contribute to the stigmatization of released individuals, highlighting the failure of the state's penal policy."²³ "Once it becomes known that a juvenile delinquent has been convicted, they often become the subject of gossip among those within their social circle. It is rare to find individuals who show compassion for the convicted and work to protect their interests or assist them in reintegrating into society. This is particularly true within family circles and groups of friends, where relationships often weaken after a conviction. This hostile attitude towards this segment of society lacks a logical foundation, especially considering the development of modern criminal justice theories that focus on rehabilitation and social reintegration. The presence of aftercare services, when available, further validates these new approaches. The negative societal attitude can be attributed to psychological, instinctual, and subjective factors that influence how individuals behave towards the convicted, often driven by a desire for revenge, especially when various entities contribute to worsening the individual's situation."²⁴

In Moroccan society, the convicted are marginalized—no one talks about their situation, no one is willing to engage with them, and no one is prepared to help them overcome their crises. This societal rejection will inevitably lead the individual to marginalize themselves, as they may come to believe that society's position towards them is justified. As a result, they may return to deviant behavior.

There is no doubt that the primary mission of the modern correctional institution is to rehabilitate inmates and prepare them for reintegration into society. This process begins from the first day of their incarceration. Since the inmate is cut off from society throughout the duration of their sentence, they require a gradual reintroduction to society to avoid the potential for violent reactions upon their release. Modern institutions prepare inmates for release through special programs that are part of the overall rehabilitation and treatment regimen imposed on all convicted individuals during their time in the institution. This preparation for

aftercare, however, is absent in many Arab legal systems, raising serious questions about the effectiveness of rehabilitation programs.

Raising public awareness and convincing society that providing aftercare will enhance the efforts of rehabilitation and translate these efforts into tangible results is essential. The juvenile's relationship with society is far more impactful than their connection to the correctional institution, which may successfully rehabilitate them. Public support and participation are vital to achieving success. The public's attitude plays a fundamental role, as the level of societal tolerance towards juvenile delinquents and the trust in rehabilitation methods are key variables in determining outcomes. Aftercare serves as the primary gateway for initiating this approach, restoring the individual's humanity by reintegrating them into society, and helping them break free from isolation within their family, school, or workplace. Through aftercare, they can gradually engage with the broader community and participate in the mainstream of life in the free world.

Community involvement is a crucial element for the success of rehabilitation efforts. This success depends on the level of harmony and solidarity within society, as well as the customs of active participation in social work. The idea of rehabilitation can only be fully implemented if the juvenile delinquent can engage with the components of society without facing indignity, thereby enabling their reintegration into society and protecting them from recidivism.

Conclusion:

Addressing the phenomenon of juvenile recidivism and protecting released juveniles requires both international cooperation and domestic legislation to enact laws that counter this increasingly prevalent issue. Rehabilitating juveniles within correctional institutions is a mission that mobilizes legal, material, and human resources. The goal of depriving juveniles of their liberty should be reform and correction, not punishment or revenge. This aligns with the modern functions of incarceration, which have significantly impacted the role of correctional institutions. Based on the legal framework that defines their roles and duties, these institutions strive, to the best of their abilities, to design programs aimed at safeguarding the rights of juveniles, particularly regarding their physical and mental health. These programs also aim to provide vocational training and improve educational levels, which necessitates that correctional institutions employ educational staff to implement these programs.

The judiciary also plays a pivotal role in safeguarding rights, actively engaging by visiting correctional institutions and addressing violations within the prison system. The creation of the position of a judge responsible for overseeing the application of sentences strengthens the judiciary's role in the rehabilitation process by utilizing the powers granted to them.

However, the reality within correctional facilities, as demonstrated by existing data, shows that these institutions do not provide adequate living conditions that meet the specific needs of juveniles. These shortcomings create an environment that negatively impacts the educational function of these institutions. Consequently, it must be acknowledged that correctional institutions, in their current state, struggle to reintegrate delinquent juveniles and instead often contribute to psychological harm, such as stigma and a loss of hope and self-confidence.

Given this situation, it is evident that the actual role of correctional institutions remains limited to depriving individuals of liberty and isolating them from society, rather than successfully rehabilitating or reforming them. Imprisonment, therefore, does not appear to be an effective or suitable measure for correcting juvenile offenders and protecting them from recidivism, despite efforts to house juveniles in separate facilities from adults. Although many agencies work to improve the conditions of juvenile delinquents by providing appropriate education and vocational training, these efforts remain insufficient in the face of increasing challenges and demands.

As such, the ineffectiveness of incarceration as a measure for juvenile delinquents, evidenced by the failure of correctional institutions to rehabilitate and reintegrate them, necessitates a comprehensive re-evaluation of the penal system. It also calls for a reconsideration of the current criminal approach to juvenile delinquency

by adopting reformative policies that avoid detaining and depriving juveniles of their freedom. Modern criminology advocates for alternative measures to imprisonment and the humane treatment of juveniles. The state must establish effective policies to prevent and protect against juvenile delinquency, particularly recidivism, and move away from legal and punitive responses to crime. There is a pressing need for alternatives to incarceration to address the prison crisis, alongside the development of a more contemporary criminal policy that embraces alternative societal measures and solutions. These alternatives provide the most suitable response to the issues that lead to delinquency or recidivism.

Evaluating the impact of correctional institutions on juvenile offenders, and advocating for alternative educational, rehabilitative, and therapeutic measures capable of reintegrating juveniles, raises the question of whether imprisonment is necessary at all. The space for rehabilitating juvenile delinquents lies within social and educational institutions and civil society. At the very least, it is crucial to support and encourage protective and corrective measures linked to the juvenile's family, as the family holds the most significant potential for preventing recidivism and protecting against future deviance.

References List

1. Abdel Majid Mustafa Kara, *Prison as a Social Institution: A Study on Recidivism*, Publishing House of the Arab Center for Security Studies and Training in Riyadh, 1987, p. 79.
2. Al-FadilBelkacem, *Criminal Punishment Policy: Reality and Law*, Preparatory Works for the National Conference on Criminal Policy in Morocco: Reality and Prospects, Publications of the Association for the Dissemination of Legal and Judicial Information, Series of Seminars and Study Days, Second Edition, No. 3, Volume 1, 2004, p. 466.
3. Mohamed Abdullah El Nabawi, *Reflections on Criminal Policy in Morocco*, Preparatory Works for the National Conference on Criminal Policy in Morocco: Reality and Prospects, Previous Reference, p. 137.
4. Mohamed Shafiq, *Scientific Research: Methodological Steps for Preparing Research*, Modern University Office, Egypt, 1985, p. 203.
5. Ramadan El-Alfi, *Towards an Effective Criminal Policy Contributing to Achieving Criminal Justice and Protecting Human Rights and Freedoms*, Arab Thought House, year not mentioned, p. 127.
6. Rule 80 of the United Nations Standard Minimum Rules for the Treatment of Prisoners.
7. Rule 29 of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.
8. Mohamed Ayyad, *Post-Penalty Care: Some Aspects of Its Philosophy and Application*, *Al-Mulhaq Al-Qada'i Journal*, Issue 31, June 1996, p. 24.
9. *The Role of Reform and Punitive Institutions in Crime Prevention*, Arab Journal for Social Defense, Issue 11, January 1981, p. 192.
10. Latifa Al-Mahdati, *Legitimacy in the Implementation of Penal Sentences*, Eastern Company Printing House, Rabat, First Edition, 2005, p. 311.
11. Rule 79 of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty states: "All juveniles should benefit from arrangements aimed at helping them reintegrate into society, family life, education, or employment after release. Procedures should be put in place, including early release, and organizing special study courses to achieve this goal."
12. Rule 80 further states: "The competent authorities must provide or ensure the provision of services to assist juveniles in re-entering society and to reduce the stigma against them."
13. The role of the Mohamed VI Foundation for the Reintegration of Prisoners will be discussed in the second chapter of this section.
14. Mustafa Maddah, *The Current Penal Situation and the Policy of Reform and Reintegration*, Preparatory Works for the National Conference on Criminal Policy in Morocco: Reality and Prospects, Publications of the Association for the Dissemination of Legal Information, Series of Seminars and Study Days, Volume 1, No. 3, 2004, p. 68.
15. Ghubari Salama, *The Islamic Sharia's Approach to Juvenile Delinquency Issues*, Arab Center for Security Studies and Training in Riyadh, 1407 AH, p. 110.
16. Mohamed Tarek, *The Concept of Curriculum and the Concept of Program*, *Educational Sciences Journal*, Issue 4, March 1993, p. 31.

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- ¹- Abdul Majeed Mustafa Kara, *Prison as a Social Institution, A Study on the Phenomenon of Recidivism*, Publishing House of the Arab Center for Security Studies and Training, Riyadh, 1987, p. 79.
- ²-Al-FadilBelkacem, *Criminal Punishment Policy: Reality and Law*, Preparatory Works for the National Conference on Criminal Policy in Morocco: Reality and Prospects, 2004, p. 466.
- ³- Najimi Jamal, *Child Protection Law in Algeria: An Article-by-Article Analysis of Law No. 15-12 of July 15, 2015*, Houma Publishing and Distribution House, Algeria, 2nd Edition, 2016, p. 98.
- ⁴--LakhdarRabhi&FathiAkoush, "Criminal Proceedings Against Juvenile Crimes in Algerian Law," *Al-Bahith Journal for Academic Studies*, Issue 11, June 2017, p. 586.
- ⁵- Mohamed Abdullah El Nabawi, *Reflections on Criminal Policy in Morocco*, Preparatory Works for the National Conference on Criminal Policy in Morocco: Reality and Prospects, p. 137.
- ⁶-Mahmoud Suleiman Mousa, *Criminal Procedures for Delinquent Juveniles: A Comparative Study in Arab Legislations and French Law in Light of Modern Trends in Criminal Policy*, University Press House, Alexandria, Egypt, 2008, p. 206.
- ⁷*Algerian Journal of Criminal and Political Sciences*, Issue 55, No. 02, pp. 177-198, dated 15-06-2018.
- ⁸-Mohamed Shafiq, *Scientific Research: Methodological Steps for Preparing Research*, Modern University Office, Egypt, 1985, p. 203.
- ⁹-Durkheim (Emil), *Education and Sociology: Collection Signs and Meanings*, Éditions F Alger, ELBORKANE, 1991, p. 16.
- ¹⁰--SheblBadran& Ahmed Farouk Mahfouz, *Foundations of Education*, Alexandria, Dar Al-Maarifa University, 4th Edition, p. 19.
- ¹¹-Al-Tayyib Ahmed, *Principles of Education*, Alexandria, Modern University, 1st Edition, 1999, p. 19.
- ¹²-Ramadan El-Alfi, *Towards an Effective Criminal Policy Contributing to Achieving Criminal Justice and Protecting Human Rights and Freedoms*, Arab Thought House, year not mentioned, p. 127.
- ¹³-*Post-release care*, according to this concept, resulted from significant developments. Initially, religious motivations or compassionate considerations were the foundation for the idea of post-release care for prisoners. Those released were viewed as needy individuals requiring assistance, and the state played no role. This was due to dominant criminal theories that saw punishment solely as a means of deterrence or justice, with the state's duty limited to executing the punishment.
- ¹⁴-Rule 80 of the United Nations Standard Minimum Rules for the Treatment of Prisoners.
- ¹⁵-Rule 29 of the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.
- ¹⁶-Mohamed Ayyad, *Post-Penalty Care: Some Aspects of Its Philosophy and Application*, *Al-Mulhaq Al-Qada'i Journal*, Issue 31, June 1996, p. 24.
- ¹⁷-*The Role of Reform and Punitive Institutions in Crime Prevention*, Arab Journal for Social Defense, Issue 11, January 1981, p. 192.
- ¹⁸-Mohamed Ayyad, *Post-Penalty Care: Some Aspects of Its Philosophy and Application*, *Al-Mulhaq Al-Qada'i Journal*, Issue 31, June 1996, p. 35.
- ¹⁹-Latifa Al-Mahdati, *Legitimacy in the Implementation of Penal Sentences*, Eastern Company Printing House, Rabat, First Edition, 2005, p. 311.
- ²⁰-For experiences from other countries in post-release care, such as France, Egypt, India, and the United States, refer to Mohamed Ayyad, previous reference, pp. 31-36.
- ²¹-Ghubari Salama, *Islamic Sharia's Approach to Juvenile Delinquency Issues*, Arab Center for Security Studies and Training, Riyadh, 1407 AH, p. 110.
- ²²-Mohamed Tarek, *The Concept of Curriculum and Program*, *Educational Sciences Journal*, Issue 4, March 1993, p. 31.
- ²³-Abdel Majid Mustafa Kara, previous reference, p. 82.
- ²⁴-Mohamed Ben Jelloun, *The Issue of Delinquency*, a lecture delivered at the Moroccan Cultural Center in Nouakchott, at the end of the ninth session of the literary meetings organized by the Mauritanian Cultural Association "MourtianidTraversées," held from January 19 to 27, 2019. He stated that many dangerous deviations have been around us for decades, and unfortunately, our youth have not escaped them, whether in Europe or the Maghreb countries.