



Challenges faced by children in conflict with law and scope for social work interventions

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Abstract

Despite the innocence associated with childhood, many children world over end up having tussles with the legal systems. In the Indian context, individuals aged less than 18 years and who are alleged or found to have committed an offence are termed as children in conflict with law. Children being the future pillars of the nation, it is important to focus on their holistic development. This is more so applicable for children in conflict with law because of its potential negative fall-outs. In this context, this conceptual paper encapsulates the challenges faced by children in conflict with law and presents the social work interventions to effectively address the same.

Keywords: Children, Children in conflict with law, social work interventions.

Introduction and problem statement

The criminal justice system is of prime importance to ensure public safety of humankind in any society. The criminal justice system focuses primarily on the justice process wherein the agencies and officials (the police, the courts, and corrections) play a key role – the actors in the police subsystem enforce the law, maintain order, and provide services to protect members of the

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community, the actors in the courts determine whether suspects are guilty of criminal behaviour to determine whether they should be punished for their alleged transgressions and the actors in the corrections subsystem supervise and counsel convicted offenders in an effort to prevent future crime and protect the public (Payne, Oliver and Nancy, 2019). In India, the Correctional setting under Criminal Justice System is a combination of four major sub-systems i.e. police, prosecution, judiciary and the correctional services.

Despite the innocence associated with childhood, many children world over end up having tussles with the legal systems. While the term 'criminal justice system' describes the legal processes applied to those who commit an offence or fail to comply with the criminal law, 'Juvenile justice' is the term used to describe a criminal justice system developed for children. In the Indian context, individuals aged less than 18 years and who are alleged or found to have committed an offence are termed as children in conflict with law. According to Sec 2 (13) of the Juvenile Justice (Care and Protection of Children) Act, 2015, "child in conflict with law" means "a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence".

This conceptual paper encapsulates the challenges faced by children in conflict with law and also presents the social work interventions to effectively address the same.

Contextual importance

The following arguments substantiate why it is important to understand the challenges faced by children in conflict with law and also identify social work interventions that would mitigate the negative fall-outs.

Firstly, Childhood is the crucial period of one's life that lays the foundation for character building and personality formation. Hence, it is important to be facilitative and aid the same.

Secondly, children being the future pillars of the nation, it is important to focus on their holistic development. This is more so applicable for children in

conflict with law because of its potential negative fall-outs associated with incarceration.

Further, India has a significant proportion of children, As per Census 2011, the population of children (0-18 years) in India is 472 million (<https://toybank.in/children-in-india-statistical-information/>). It is important to cater to their needs.

Also, despite the advances in humankind, social vices also loom large. Due to environmental factors and personal choices, children fall prey to these vices. When children knowingly or unknowingly get involved in crimes and come under the purview of the juvenile justice system, it affects their personality and dents their purview on life.

Finally, correctional setting by itself is very unique and is not an easy to come by setting. Further, correctional settings are very important in preserving the fabric of society in terms of preventing recidivism and also in terms of aiding reformation among the individuals who are in conflict with law. The paper by encapsulating the challenges faced by children in conflict with law and the scope for social work intervention in such a setting serves to contribute to the indigenous social work body of knowledge.

Challenges faced by children in conflict with law

The broad factors that prompt children to conflict with law can be identified as Familial Factors, Economic Factors, Social Factors and Psychological Factors. Familial factor could be attributed to broken families, deviant parents, working parents, in-absentia parents, tough neighbourhoods and so on (Haveripeth PD, 2013). Economic factors could be on account of need for money to satisfy their need for drugs or gadgets or family. Social factors is a major menace as children commit crimes due to peer pressure, to show off that they are macho, to maintain a pseudo-flamboyant lifestyle, imitate media figures and so on. Psychological factors may be attributed to the children's sense of desperation and deprivation (Sharma BS et al., 2009). For instance, due to intoxication or rage, children may commit crimes (Murugesan D, 2014).

Once the children come under the purview of the juvenile justice system, they face many challenges in their journey towards rehabilitation. These challenges could be grouped under four headings namely, social challenges, educational setbacks, family related factors and systemic barriers.

Social challenges: The first issue faced by children in conflict with law is being labelled – being identified as a delinquent child or who had frequented a correctional setting. This not only puts the child in bad light and stigmatisation, it also prompts the external agencies to implicate them in put up cases. Being implicated in cases for crimes not done by the child or on charges for more heinous crimes, only forces the child to relive the past despite his / her best efforts to start a fresh life. This further makes rehabilitation a mirage (Daekin Jo et.al, 2020).

Educational setbacks: Once a child is out of the correctional setting, he mostly drops out of school to avoid stigmatisation. In many cases, the entire family could relocate disrupting education. When education is disrupted, employability is impaired. Further, employment opportunities to children with a history of crime are not always forthcoming. Hence, mainstreaming becomes difficult.

Family-related factors: One of the causes for children conflicting with law is familial factors - broken families, deviant parents, working parents, in-absentia parents, tough neighbourhoods and so on. Once the children are back in their families, if the same predisposing factors persists, it becomes a challenge as well. In some cases, the family may not welcome the child with open arms, which again exposes the child to the societal elements (Ronad V Susheelkumar et.al., 2016) (Mwangangi 2019).

Systemic barriers: During the stay in the observation homes, the children do not have much avenues for gainful socialisation. This affects their psyche. On the other hand, as all children are lodged together, there is ample scope for peer learning and formation of networks. This enables children with history of less grievous crimes to be acquainted with higher order crimes. Also, the rehabilitation measures provided in the Institutions

are limited. Manpower constraints also restrict fruitful follow-up (Maharishi Badal et al., (2022).

Scope for social work interventions

Correctional setting plays a key role in facilitating reformation among convicted individuals and also in reducing recidivism. Thus it offers a plethora of opportunities for meaningful social work practice. While the key objectives of correction are reformation, rehabilitation and re-socialisation, social workers in such contexts have two defined roles namely, (a) to motivate reform, and to rehabilitate the prison inmates and (b) to attend to the families of prisoners and to enable the inmates to keep contact with the family (Emmanuel & Ponnuswami, (2018). In other words, correctional or criminal justice social work includes (i) Providing mental health and substance abuse counseling; (ii) Finding alternatives to incarceration, such as rehabilitation programs for low-level offenders; (iii) Helping formerly incarcerated individuals negotiate successful reentry into society; (iv) Working with clients to change patterns of criminal behavior; (v) Advocating for clients within the criminal justice system; (vi) Advocating for policies that address both clients' interests and need for public safety; (vii) Work in the areas of Parole Programme and Juvenile Courts and (viii) Working with communities to eliminate the root causes of criminality (Roy, 2018) (Ronad V Susheelkumar et.al., 2016).

In the context of children in conflict with law, the scope for social work interventions are:

- a. **Follow-up and Human Resource Development:** At the individual level, the social worker could serve to follow up on the Individual Care Plan. This will aid in enhancing the success of rehabilitation and in reducing recidivism. Also, the social workers can provide career guidance and facilitate livelihood training. Further, assistance in job placements could also be considered.
- b. **Sensitisation of Stakeholders:** Stakeholders often look at an issue from their point of view. However, it is important to have a holistic and

empathetic understanding of issues. Social workers could aid in the sensitisation of stakeholders, especially those with different priorities.

- c. **Family Counselling:** Families are meant to be safe havens. However, when they are the source of the problem or do not want to be part of the solution, they need to be counselled and provided all possible meaningful assistance. Social workers through their counselling skills could engage in Family counselling.
- d. **Referrals:** Addressing the challenges faced by children in conflict with law requires concerted effort. Social Workers could network with NGOs and other organisations and facilitate referrals.
- e. **Community awareness:** Social workers can help reduce the incidence of children conflicting with law by creating awareness among the masses about having the right role models, not succumbing to peer pressure, drug menace, having life goals, familial and social acceptance of children who had conflicted with law, community support for children in distress and so on.

Conclusion

The correctional administration system including the juvenile justice system is a key institution of the society meant to preserve harmony and congenial living. While the purpose and ideals of such institutions are noteworthy, they have lasting impacts on the children in conflict with law. In this context, this paper has served to encapsulate the challenges faced by children in conflict with law and also present the social work interventions to effectively address the same.

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