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International approaches to legal regulation of juvenile justice and juvenile prevention

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Abstract

The article is dedicated to investigation of different approaches in the field of juvenile prevention and juvenile justice. The article examines the features of juvenile justice and juvenile prevention in different countries, in particular, in the United States, Britain, France, the Netherlands, Germany, Italy, Ukraine. The existing models of organizing the activities of the juvenile police, other specialized bodies and institutions for children operating in foreign countries are considered. The issues of organization and implementation of crime prevention among children in different countries of the world have been studied. Special attention is paid to the US experience in the field of juvenile justice and juvenile prevention. In particular, the system of specialized bodies and institutions for children in the United States was studied. International systemic acts on the settlement of juvenile liability are analyzed. The analysis of world models of juvenile justice, in particular, Anglo-Saxon, continental, Scandinavian, is carried out and their peculiarities are singled out. The positive features of each of these models, which can be borrowed, in particular, by Ukraine, have been identified.

Keywords: children's rights; juvenile delinquency; juvenile justice; juvenile prevention; juvenile responsibility.

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Aproximaciones internacionales a la regulación legal de la justicia juvenil y la prevención juvenil

Resumen

El artículo está dedicado a la investigación de diferentes enfoques en el campo de la prevención juvenil y la justicia juvenil. El artículo examina las características de la justicia juvenil y la prevención juvenil en diferentes países, en particular, en los Estados Unidos, Gran Bretaña, Francia, los Países Bajos, Alemania, Italia y Ucrania. Se consideran los modelos existentes de organización de las actividades de la policía juvenil, otros cuerpos especializados e instituciones para niños que operan en varios países. Se han estudiado los temas de organización e implementación de la prevención del delito entre los niños en diferentes países del mundo. Se presta especial atención a la experiencia estadounidense en el campo de la justicia juvenil y la prevención juvenil. En particular, se estudió el sistema de organismos e instituciones especializadas para niños en los Estados Unidos. Se analizan los actos sistémicos internacionales sobre la liquidación de la responsabilidad juvenil. Se realiza el análisis de modelos mundiales de justicia juvenil, en particular, anglosajón, continental, escandinavo, y se señalan sus peculiaridades. Se han identificado las características positivas de cada uno de estos modelos, que pueden ser tomados prestados, en particular, por Ucrania.

Palabras clave: derechos del niño; delincuencia juvenil; justicia juvenil; prevención juvenil; responsabilidad juvenil.

Introduction

Today Ukraine faces the task of implementing the international obligations undertaken in terms of providing children with special care and assistance from the state, the implementation of the provisions of the Constitution of Ukraine on recognition of a person, his or her life and health, honor and dignity as the highest social value, ensuring the right of everyone to the free development of one's personality. Also, given the level of juvenile delinquency, there is a need to develop effective measures to protect the rights of children in conflict with the law.

Ukrainian National Police units are responsible for taking preventive measures with re-education and further social support of a child in conflict with the law. At the same time, the implementation of these areas should strengthen the responsibility of the family, society and the state for the upbringing and development of children, ensuring the rights and freedoms of children in conflict with the law by increasing their legal and social protection, reducing juvenile delinquency.

Today's socio-economic conditions, family upbringing, the negative impact of the environment is closely linked to the causes of illegal behavior of minors, which has its own specifics and is associated with the peculiarities of their age, physical and mental development, incomplete moral development, legal immaturity, etc.

Therefore, today an important role is played by government agencies and social institutions that deal with youth issues and which are responsible for providing opportunities for full and comprehensive development of minors, raising cultural, educational and professional level, their right to social status in society, whose activities are regulated by both international legal acts and legal norms of the state.

The level of juvenile delinquency in Ukraine has increased significantly recently, in particular, there is a type of latent, which is much more dangerous. According to official statistics, the nature of juvenile delinquency often changes, recurrences, criminal offenses related to weapons, etc. are more common. More and more minors are being criminalized, also in connection with changes in the environment, i.e., due to the circumstances that lead to this. Juvenile criminal behavior very often depends on life, educational process, culture, consciousness.

This highlights the need to study the problems in the field of juvenile prevention and juvenile justice in order to reduce juvenile delinquency and the formation of a conscious and progressive society.

1. World approaches to legal regulation of juvenile justice and juvenile prevention

According to resent investigations, the following periodization of the history of juvenile justice can be proposed:

1. the first half of the XX century - the formation of the foundations of the classical model of juvenile justice, which modern Western researchers define as "humanitarian paternalism";
2. 60-70s of the XX century - the crisis of the classical model of juvenile justice, the rise of legal realism and the strengthening of the punitive function of minors;
3. 70-90s of the XX century - managerialization of juvenile justice under the influence of liberalization of the criminal justice system and management of social problems in general;
4. from the 90s of the XX century to the present - the development of new forms of juvenile justice, namely: decriminalization, restorative justice, family-focused approaches (Abeltsev *et al.,* 2000).

The main tenet of juvenile justice in England and Wales is the prevention of delinquent behavior, which means addressing issues related to lack of education, the problems of disadvantaged families and others. According to British experts, early intervention in this area can save the country up to 80 million pounds a year (Akimova, 2015). Thus, the state has developed a number of prevention programs. Among them are the program of inclusion, or inclusion in society of school-age youth (from primary to secondary school), which operates in 110 districts with the highest crime rates. This program combines training, identification of the child's professional orientation and the implementation of primary training in the profession.

Modern UK law is structured in such a way that in the case of an offense committed by a person under the age of 18 who admits his guilt and repents of his actions, his case is not brought to court. Such persons are dealt with by the police, municipalities, other non-governmental organizations that use regulations, the system of agreements, etc. in their work with adolescents. In the case of a serious crime or if it is repeated, the case goes to the juvenile court, which is a special branch of the magistrates' court (hearings are closed, the prosecutor and lawyer speak), and which decides on imprisonment or other restrictions on transfer right, supervision, fines, classes in special centers, etc. (Alauhanov, 2008).

With regard to the French juvenile justice system, the system is currently based primarily on the Juvenile Delinquency Act of 2 February 1945 № 45-174, and includes all stages of justice from investigation to enforcement and supervision of juvenile delinquency, adopted in respect of a minor (Alekseev, 1998).

In France, work with difficult adolescents is more focused on crime prevention. However, a law came into force in 2002 that punishes or punishes juvenile offenders between the ages of 10 and 13, including damages and / or assistance to victims, a ban on contact with individuals or visits to certain places.

The average term of imprisonment for juveniles in France is 1 month. Increasing the use of alternative measures to detention, as well as the "semi-free" detention of prisoners, including through electronic bracelets, would, according to some French experts and politicians, strengthen the family's educational role in the case of convicts (Meditsky, 2008).

In the Netherlands, since the introduction of the Criminal Law on the Punishment of Children in the early twentieth century, judges have been advised to apply various types of punishment to minors (under the age of 18), including those not related to imprisonment. The juvenile justice system of the Netherlands is represented by a prosecutor, a judge who has the authority to conduct cases, make decisions both in case of violation of children's rights and in case of juvenile delinquency.

In general, the Netherlands is characterized by a multi-level system of juvenile justice. At the first stage, the police work with teenagers. If the crime is committed for the first time, but it is not particularly serious (petty theft, soft drugs), the police send the teenager to special municipal services, whose task is to create an alternative to placing the child in closed correctional facilities (Steketee *et al.*, 2021).

German juvenile justice is based on the humane treatment of children, the priority of educational measures, the use of imprisonment only in exceptional cases. The new Juvenile Justice Act of 1990 established a long-standing practice of using alternative forms of punishment (negotiations between the victim and the offender, compensation for damages, a combination of different corrective procedures).

Preventive and rehabilitation programs are reduced to psychosocial support of adolescents, the provision of mediation services in the framework of restorative justice, control of social workers of special public services, educational activities in educational institutions, special trainings and seminars, socially useful activities in which the offender is involved. The judge may also impose a fine, short-term detention, and certain types of community service. Moreover, according to experts, alternative types of punishment are considered not as mitigation of punishment, but to optimize the criminal justice system (Antonyan and Guldan, 1991).

Juvenile justice in Italy was not focused on the humanization of juvenile justice as it was in Germany or the Netherlands. Researchers note the predominance of the punitive paradigm and criminal punishment of juvenile offenders, which can be traced in 1934-1956. Later, until the early 80's of XX century, it was preferable to use administrative measures to influence the social rehabilitation of children (Antonyan *et al.,* 1996).

In Italy, pre-trial probation means the suspension of a certain period of time (usually 8 months) during which the offender is obliged to attend rehabilitation and educational programs, including church-organized events, which is in fact equivalent to some probation. Here significant work is being done by local social services departments, which interact with juvenile services attached to the courts (Ayala *et al.,* 2021).

Let us consider in more detail the existing models of organizing the activities of the juvenile police, other specialized bodies and institutions for children operating in foreign countries. The United States of America is a country in which the system of specialized bodies and institutions for children began to form in the late nineteenth century. In particular, the Illinois Act of 1899 on the Children of the Abandoned, Homeless, and Criminal defined the responsibilities of the police in this area, and introduced a juvenile court and a probation system (Rivman *et al.*, 1999).

Today, the legal framework for policing in the United States is: USA Constitution, Federal Criminal Code, state constitutions, judicial precedents in cases related to police actions in specific aspects (Kokkalera *et al.*, 2021).

The key regulations governing the police, other specialized agencies and institutions for children in the United States are: Juvenile Justice Act (1974), Juvenile Delinquency Prevention Act (2004).

The system of specialized bodies and institutions for children in the United States today includes: police (over 75% of the 13,000 police departments have special services in their structure that deal with children's affairs or implement special programs in this area); temporary detention facilities (there are currently 3,300 such facilities); juvenile prosecutors; juvenile public defenders; juvenile courts; penitentiary institutions for children.

The highest governing body in this area in the United States is the Office of Juvenile Justice and Juvenile Delinquency Prevention, which is headed by an administrator appointed by the President.

At the federal level, there is the Coordinating Council for Juvenile Justice and Juvenile Delinquency Prevention, chaired by the General Attorney, which includes: Ministers of Health, social services, labor, education; Director of the National Police Office for Drug Control; other government officials, including nine non-officials appointed by equal quotas by the President, the Speaker of the House of Representatives and the Senate (Gauhman, 2001).

As we can see, top-level officials in the United States deal with the protection of children's rights and freedoms.

A characteristic feature of the administrative and legal regulation of the police, other specialized bodies and institutions for children in the United States is its focus primarily on correcting the behavior of the child and those around him, rather than punitive measures (Rymarenko, 2005). The algorithm of actions of the police, other specialized bodies and institutions for children's affairs in the USA in case of violation of the rights of the child or commission of the offense by the child provides the following procedures: 1) notification; 2) investigation; 3) intervention; 4) completion of the case.

Depending on the situation, these procedures are carried out with or without the participation of the police.

In particular, reports of violations of children's rights, as well as violations of the law by children, are sent either to the police office, or to the Juvenile Justice and Juvenile Justice Prevention Agency, or to social welfare agencies. The notification can be made by anyone and at any time, and for certain categories of persons (doctors, teachers, social workers) such notification is a professional duty. State laws (Arkansas, Ohio) ensure

the privacy of whistleblowers and guarantee rewards for providing such information.

The investigation of the reported fact is carried out by the competent authorities, in accordance with their jurisdictional powers. An investigation that does not involve police intervention is common; carried out by social workers or other persons who do not have police powers; shall be held immediately or no later than 48 hours after receipt of the notification.

Violation of the rights of the child or the commission of an offense by a child involves the conduct of a police investigation, which is conducted by the police immediately, in cases provided by law - with the participation of social workers. Intervention involves the provision of specific services, support and therapy. It is carried out either by the police or by bodies not endowed with police powers. The police are involved in the completion of the case when there is a question of removing the child from the family, or when the family refuses to cooperate with a social worker, and there are insufficient grounds to go to court (Zane and Pupo, 2021).

The study of the organization and implementation of crime prevention among children in the United States revealed the following:

1. Administrative and legal regulation of preventive activities among children in the United States is aimed at: removal of the causes and conditions of crimes and offenses; prevention of conflict situations in the family; formation of trust between the police and citizens.

2. Priority theories in the field of preventive activities for American criminologists are: the theory of primary prevention, aimed at eliminating external factors contributing to the offense, and the theory of situational offenses - the assumption that most offenses are situational in nature and are committed as a result of a coincidence of circumstances and conditions that encourage and provoke a person to commit them.

   Accordingly, the most effective direction of youth prevention is the timely elimination of criminogenic factors and the creation of anti-criminogenic conditions, in the presence of which the offender abandons his intentions (Alauhanov, 2008).

3. Prevention of delinquency among children is a separate activity of the state in the United States.

   This type of activity is implemented comprehensively, i.e., carried out at the federal level and at the state level: provides for the implementation of measures of general social, material and economic, educational nature; implemented on the basis of long-term large-scale correction and intervention programs; subjects of its implementation are state (police, social services, educational

institutions) and non-governmental (volunteers, municipal institutions) bodies and institutions.

4. The United States has a successful track record of implementing a prevention program that addresses a wide range of issues.

Among others, it is advisable to highlight:

1) programs aimed at strengthening the family;
2) programs aimed at eliminating school risk factors and improving the level of school education;
3) special prevention programs aimed at preventing juvenile delinquency;
4) tertiary prevention programs aimed at preventing recidivism, etc.

Experts on this issue note that the most effective programs are those that are based on a multifactorial approach, cover children from an early age and focus not so much on the child as on the adverse characteristics of the immediate family and social environment (Bundz, 2017).

2. International models of juvenile justice

In accordance with the United Nations Minimum Standards for the Administration of Juvenile Justice of 29 November 1985, due regard must be paid to the implementation of positive measures involving the full mobilization of all possible resources, including the family, volunteers and other groups, as well as schools and other public institutions, in order to promote the well-being of adolescents that should help to reduce the need for legal intervention and effective, fair and humane treatment of adolescents in conflict with the law.

In international standards, there is a provision according to which the world and each country in particular needs a separate system of justice for children, i.e. the existence and functioning of juvenile justice (Belyaeva, 2003).

The purpose of international law, which is the basis for regulating juvenile justice, is to create favorable conditions for establishing the causes of crime and finding effective methods of influence based on specific personal data to achieve social rehabilitation. As there is no analogue of "pure" juvenile justice in domestic law, it is necessary to take into account the many years of foreign experience of existing courts, which have developed in accordance with the legal systems that emerged long before the establishment of juvenile justice.

Juvenile justice itself makes it possible to correctly assess the commonalities and differences in juvenile justice when it comes to its various models (Ischenko, 2017).

Among the main models of foreign juvenile justice are: Anglo-Saxon (Australia, USA), continental (Germany, France), Scandinavian (Sweden).

Indeed, juvenile justice was most developed in the nineteenth and twentieth centuries. The main reason was the large-scale increase in crime in the late nineteenth century. It was at this time that Europe and America were overcrowded with groups of young offenders. All these models of juvenile justice operate on the basis of separate legislation on the judiciary and procedure in juvenile justice.

Thus, in the United States such a basis is the Federal Juvenile Justice and Juvenile Delinquency Prevention Act (1974), in Great Britain a number of laws on children and youth (1908), in Canada - the Juvenile Justice Act (2003), etc.

According to scholars, differences in judicial systems do not relate to the basic specific principles of juvenile justice, but are related to age, social orientation, individualization of the trial and more. For the completeness of the study, in our opinion, it is necessary to analyze these models of juvenile justice and highlight their features and differences (Kresina *et al.*, 2020).

1. Anglo-Saxon model (Great Britain, Northern Ireland, USA, Australia, Canada etc.).

This model provides for limited substantive jurisdiction: the juvenile court considers all types of juvenile offenses, except serious crimes. The first juvenile courts were established in Australia in 1890 and in the United States in 1899. There is no unanimous opinion among scholars about the priority of creating a system of juvenile courts among these countries, but there is reason to believe that in the US this process was most clearly organized and systemic in nature (Kharchuk, 2009).

The US juvenile justice can be characterized from the following positions:

1) the existence of specialization of the judiciary, which provides for the existence of separate rooms for consideration and resolution of cases against minors;
2) the presence of a specialized judge and the isolation of juveniles from adults in places of previous detention;
3) the existence of a simplified trial in the form of an interview of the judge with the defendant behind closed doors;

4) exercise by a judge of the management of institutions of guardianship supervision over minors;

5) wide cooperation of the court with the population of the judicial district, which enabled juvenile courts to use information on the living conditions of offending children (Milovidova, 2013).

In the United States, there are so-called non-state juvenile courts, in which adults either do not participate at all or only manage the proceedings. These courts hear cases of minor offenses and misdemeanors committed for the first time, if the juvenile has admitted his guilt.

Coercive measures used by juvenile courts (attending special classes to overcome drug or alcohol dependence; monetary restitution, obligation to participate in a juvenile court hearing as a juror, etc.) are non-repressive and have significant educational potential. In other words, juvenile justice in the United States is characterized by: an individual approach to the child; special procedure for the trial of juvenile charges; enhanced assistance to minors; implementation of selected measures for minors by the state guardian and the public; discussion with guardians and parents of the appointment of educational and therapeutic measures, etc.

As for Great Britain, the first juvenile court was established in 1905. The positive results of this work were the impetus for the creation of a nationwide system of juvenile courts. Such a system was created in 1909 through the adoption of the Charter for Children.

The existence of juvenile courts has accompanied the emergence of the following rules:

1) juvenile defendants are divided into categories depending on the severity of the committed crime;

2) the presence of parents or other relatives in the court hearing is mandatory;

3) cases are considered separately for each juvenile defendant, even if the crime was committed in complicity;

4) a corps of probation officials has been established at the juvenile court, whose responsibilities include studying the identity of the juvenile offender and the placement of child offenders;

5) the court exercises control over the implementation of guardianship over child offenders. Denominational societies are also typical for England and the United States to help raise children in need of support (Krukevych, 2014).

2. Continental model (most countries in Europe and Latin America, Japan, France, Belgium, Italy, Spain, the Netherlands, Argentina, Colombia, Venezuela, Germany, Switzerland, Austria, Japan, Brazil, Peru, etc.).

In this model, juvenile courts have broad substantive jurisdiction - all types of juvenile delinquency are considered there and, at the same time, the court considers cases of children in need of assistance from the state.

In European countries, juvenile courts began to appear in the twentieth century. They did not have a specific general model, but existed in different versions of the organization, in particular:

1) juvenile tribunals have been set up in Portugal and merged with guardianship courts;
2) in Switzerland (1911–1913), Japan (1923) an autonomous system of juvenile courts was established;
3) in Austria, Spain, guardianship courts for juveniles were established;
4) special laws on juvenile courts were adopted in Egypt and Italy;
5) in the Netherlands, the courts established in 1905 were characterized by the most simplified system of administration of justice;
6) in such Catholic countries as Spain, Italy, Portugal, the church played an important role in juvenile justice;
7) use of the mediation procedure in such countries as Austria, Belgium, Spain, the Netherlands, Germany, France, etc. (Kuznetsova, 1991).

Unlike the countries of the Anglo-Saxon legal system, the juvenile court in Germany did not become separate and autonomous, but acted as a judge of the General Court, where one of the judges was given special powers for one year:

1) consideration of all cases concerning minors aged 12 to 18 who are subject to district courts, and the judge was obliged to conduct a preliminary investigation;
2) guardianship proceedings against juveniles, whose functions were taken over by members of child care unions, who also provided information on the living conditions of juvenile offenders, and by court decision performed the duty of care for juveniles who remained at large;
3) public hearing of cases concerning minors, except in cases of closed court session, provided by law, etc. (Kharchuk, 2009).

In France, juvenile justice emerged much later than in other European countries and required considerable effort. The jury has always played a significant role, and therefore only in this country from the very beginning was provided, in addition to the sole judge, also a tribunal for minors, and later the establishment of a jury for juveniles. Under French liberal law, children under the age of 13 are not liable at all. Full criminal responsibility in France begins at the age of eighteen.

In Switzerland, juvenile justice was launched in 2007. Education is at the forefront. Most often, the juvenile court is limited to warnings or a week of forced labor. Imprisonment is a last resort, which is resorted to only in the case of very serious crimes. But a child can be imprisoned in 10 years, there have been such cases. The upper age limit for "adolescent responsibility" is 22 years (Opatsky, 2012).

Turning to the modern vision of juvenile delinquency and the analysis of the current state of the juvenile justice system in the countries of the continental model, we see that crime in European countries is getting younger. For example, one in three teenagers aged 14-15 in the UK has admitted to having committed an offense at least once in their life, and almost half of Britons (49%) believe that children are a growing danger to adults and to each other.

3. Scandinavian model (Denmark, Sweden, Norway, Finland, Iceland, etc.).

This model, in our opinion, is insufficiently studied by scientists, but on some examples, we can see the peculiarities of the functioning of juvenile justice in the Scandinavian countries, where judicial and administrative juvenile justice are combined.

Thus, there are no separate juvenile courts in Sweden, but there is a juvenile judge in a local court or a juvenile court department for juvenile cases.

The leading role among state institutions dealing with the protection of the rights of minors in the Scandinavian countries is played by the social service, organized on a territorial basis, which allows to effectively, efficiently and address the problems of a particular child by professionals working in its territory.

In Sweden, non-governmental penitentiary institutions for juvenile offenders operate effectively. Within the local community, a significant part of court decisions in juvenile cases are executed, in particular, public works (minor repairs of buildings, cleaning of the territory, etc.). Also, in countries such as Finland and Norway, the use of mediation in the juvenile justice system is relevant (Tereshchuk, 2017).

3. The system of bodies for the supervision of juvenile offenders

In world jurisprudence, the term "juvenile justice" means a system of judicial and law enforcement agencies, specialized government agencies and institutions, public organizations that protect the rights of minors, consider and resolve cases of juvenile delinquency, carry out further reintegration of offenders into society.

The purpose of the juvenile justice system is:

1. increasing the level of legal protection of minors;
2. reduction of juvenile delinquency and neglect;
3. increasing the responsibility of the state and society in the growth and development of children (Babanina *et al.,* 2021);
4. reintegration of juvenile offenders into society.

Many European countries have long adopted a new approach to responding to juvenile delinquency, in the form of so-called restorative justice, where the court gives a contractual opportunity to compensate the victim for physical, material and emotional damage, and thus take responsibility for the crime committed.

Perception of one's actions as a deviation from the norm, the ability to correct what happened, a sincere desire never to repeat such a situation - the main lesson that a teenager must learn after the application of justice.

As a result, effective repentance, awareness of one's guilt and understanding of the seriousness of the damage caused to the victim, followed by its compensation. Conciliation procedures are clearly prescribed in procedural law, do not entail the consequences of a conviction for a juvenile offender and are an effective alternative to repressive measures of criminal justice (Loeber *et al*., 2003).

Most countries in the world now have a system of juvenile justice.

According to the existing organizational models of consideration of cases of juvenile offenders is carried out:

1) specialized juvenile units (boards, chambers) of general courts;
2) a specially formed system of judicial institutions, which is part of the judicial system.

   At the same time, the name of the court, as well as its competence, differs from dealing exclusively with cases of juvenile delinquency and to resolving a wide range of civil and criminal cases, if the party is a minor and children arising from marital relations;

3) non-judicial bodies with special competence (for example, the executive branch).

A feature of the juvenile justice systems of most countries is the wide involvement in the relevant category of affairs of public organizations. In addition, psychologists, educators, and social workers are involved at all stages of juvenile proceedings, making these procedures more child-friendly.

In the USSR, the functions of juvenile justice were in fact entrusted to non-judicial administrative bodies - the Commission on Juvenile Affairs (hereinafter - CSC), which was first formed in 1961. The CSC in the USSR were endowed with broad powers placing them in educational institutions, solving general issues of protection of children's rights.

Later, all cases of administrative offenses against juveniles were transferred to the court. In March 1996, by a joint order of the Chairman of the Supreme Court of Ukraine and the Minister of Education of Ukraine, the Regulations on Judicial Educators were approved (Safiullin *et al.*, 1995).

The main tasks of juvenile prevention units in Ukraine are: preventive activities; maintaining preventive records of children prone to delinquency; participation in locating missing children; implementation of police care in case of neglect of the child; protection of the child's right to education.

Administratively, juvenile prevention units perform two types of tasks: external and internal.

Internal is to ensure the activities of juvenile prevention units, namely: staffing, increasing the level of professional competence of employees, application of incentives to employees, etc.

External covers the performance of direct tasks assigned to the bodies of juvenile prevention, namely: prevention of offenses, administrative; operational search; criminal procedure.

International legal norms and acts of national legislation pay special attention to minors as one of the most vulnerable categories of citizens, which necessitates the creation of special conditions for the protection and realization of their rights (Veselov, 2019). It was not until the early twentieth century that the rights, freedoms and responsibilities of the child were actively developed and enshrined in law.

The changes were due to complex social processes: war, economic crisis, deterioration of quality of life, lack of appropriate medical care, an increase in juvenile delinquency.

In such conditions, children were the most affected category of the population, which in turn was the impetus to reconsider the still existing

views on the child and his position in the legal field. As evidenced by the elaboration of international legal documents in the field of protection of children's rights, these international standards establish the relevant framework, beyond which the state's protection mechanisms are not right.

On October 20, 2010 the so-called Yerevan Declaration was adopted (Council of Europe, 2010), according to which relevant recommendations were provided on the activities of the prosecutor's office in the field of protection of the rights and freedoms of minors in criminal proceedings. All recommendations relate to the role of the special prosecutor, within the functions defined by national law for the prosecutor's office aimed at protecting the rights and freedoms of minors, i.e., in the field of juvenile justice.

Paragraph 3 of the Declaration states that prosecutors are representatives of state bodies that, on behalf of society and for the interests of the state, ensure the application of the law when its violation involves criminal sanctions.

The Yerevan Declaration establishes a number of guarantees for the professional activity of a juvenile prosecutor, in particular, paragraph 19 stipulates that prosecutor must have the necessary and appropriate means to exercise their powers in respect of minors, or that other means must be provided to other competent juvenile services.

In particular, the recruitment system, proper training, the necessary staff, facilities and specialized services to which they should be granted access. In addition, Member States should consider setting up special units or assigning individual staff to deal with juvenile delinquency. In general, the Declaration contains recommendations aimed at ensuring the effective operation of the juvenile prosecutor at all stages of juvenile justice.

Currently the reform of the institutional component of the state system of protection of children's rights is underway. The leading role in this direction is given to the improvement of the law enforcement and judicial system in terms of the formation of juvenile justice in Ukraine (Bondaruk *et al.,* 2021). At present, in Ukraine exist social services, juvenile units within the National Police of Ukraine, but there is virtually no relationship between them. This indicates the actual absence of the juvenile system in Ukraine as a single system and non-functioning laws in this area.

One of the vectors of these transformations is the establishment of the institute of juvenile prosecutor's office in the state. This process must take place in accordance with the requirements of the Constitution of Ukraine and international regulations.

Referring to the national legislation of Ukraine, it should be noted that in accordance with Article 9 of the Constitution of Ukraine, international

treaties approved by the Verkhovna Rada of Ukraine are part of the national legislation of Ukraine.

Conclusions

As a result of the investigation, we can say, that there are three effective juvenile justice systems in the world that differ significantly from each other.

Anglo-Saxon system has at its core the substantive jurisdiction of juvenile delinquency, except for felony offenses. Boards are established in cooperation with the public. Their purpose is a preliminary discussion with parents, teachers, social workers.

The verdict is announced taking into account the study of living conditions and socialization of a child, which allows us to predict the possibility of committing an offense in the future. This approach combines prevention, rehabilitation and punishment for offenses.

A characteristic feature of the Continental system is that juvenile courts consider all types of juvenile delinquency and those cases where state intervention is necessary to protect children.

The juvenile system of the Scandinavian model combines judicial and administrative juvenile justice. There is a position of juvenile judge in local courts, the training of which corresponds to the tasks set for work with juvenile offenders.

The leading role is assigned to the social service, which is organized on a territorial basis. The system of training and selection of personnel plays an important role. Staff must have pedagogical, psychological and legal training. Imprisonment is almost non-existent, other non-custodial sentences are preferred. The mediation procedure plays an important role.

Concerning Ukraine, we have to conclude that it needs to embody the best features of these systems. From the Anglo-Saxon model, it is possible to take the example of broad public involvement in the process of minors. It is necessary to consider not only the offense, but to involve the prism of the offender's lifestyle, his or her family, upbringing and living conditions of a child.

From the Scandinavian model it can take a careful approach to training in the system of juvenile prevention, as well as the system of social services. Reliable work of social services should be the first step in the prevention and further re-socialization of offenders.

From the continental model it is preferably to take the mediation procedure as a mechanism for crime prevention.

It is necessary to revive the social component of the state system by changing the legal framework to a modern one and focus on training quality personnel for such a system.

Thus, the creation of a new juvenile judicial and legal system for the protection of juvenile rights should be carried out both by specialized state bodies that administer justice in cases involving minors and non-governmental organizations involved in correction and rehabilitation of juvenile delinquents, juvenile delinquency prevention, social protection of families.

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