

Early Education, the Foundation of Preventing Criminal Phenomenon

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Abstract

The development of society and the evolution of the sciences are fundamental factors in the overall progress and future well-being of people at global, regional and local levels. This development is in line with the practice accumulated over time and with an explosion in crime at all levels, with the crimes committed not infrequently taking precedence over the development of a legislative system to protect the population and the general interest of society. Preventing the commission of anti-social offences is a lengthy, cumbersome process which requires specialists in the field to anticipate possible shortcomings which can be used by those interested in circumventing the rules governing the whole of social life.

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JEL Classification: K14

1. Introduction

We can talk about committing antisocial acts since ancient times, the difference between the way they are committed lies in the evolution of society, in the diversification of the way of operating, but also in the development of society, which has also led to a diversification of the areas in which they can be committed.

In this context, offenders *have "adapted"* to the emergence of new opportunities to commit antisocial acts and we can even speak of a specialization of offenders to the new conditions that have arisen.

The explosion of the criminal phenomenon has also determined society, even if it is in constant development, to adopt measures to counter the criminal phenomenon, to prevent the commission of acts likely to violate the provisions of the law and to ensure the observance of the fundamental rights and freedoms of the citizen.

In order to address prevention issues, we consider it necessary to first clarify the concept of prevention, which is defined as: *"to draw someone's attention to the (negative) consequences of some actions; to inform in advance."* Or, in another conception, *"to take precautions to remove something (unpleasant)"*, and a last variant: *"to foretell, to prevent, to warn, to inform"*³.

Starting from these concepts, we will try, without claiming to have found all the solutions, to approach this concept of stopping or slowing down the production of antisocial facts, because permanent elimination is out of the question, the criminal phenomenon being a pathological one that has existed since man realized that benefits

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³ <https://dexonline.ro/definitie/prevenire>, consulted on 1.09.2024.

of any kind can be obtained by any means other than legal ones.

Just as in medical studies, where it is much easier to prevent a disease than to treat it, because treatment means time and funds, but also the uncertainty of full recovery and bringing the affected person back to the initial state so that he can still be useful to society, to produce something and not only to be a consumer, it is the same in crime prevention.

In this regard, the activities that fall within the competence of the specialized institutions have been improved, but new ones have been established, precisely in order to be able to cope with the wave of antisocial facts⁴.

We mention here, first of all, the role of the police, which, among its most important attributions⁵, also has the task to: *"apply measures to maintain public order and safety, **apply measures, according to the competences established by law, to prevent and combat the phenomenon of crime** and terrorism, to identify and counteract the actions of elements that threaten the life, freedom, health and integrity of persons, private and public property, as well as other legitimate interests of the community"*.

Because the prevention activity is not a simple "dictum" used and implemented by the police to support this institution in combating the criminal phenomenon, other entities have been given responsibilities in this regard to complete and support this particularly laborious and vital work for a society.

In this regard, in support of the police, comes the gendarmerie institution that⁶: *"The Romanian Gendarmerie is the specialized institution of the state, with military status, component of the Ministry of Administration and Interior, which exercises, under the law, its attributions regarding the protection of public order and peace, the fundamental rights and freedoms of citizens, public and private property, **the prevention and discovery of crimes and other violations of the laws in force**, as well as the protection of the fundamental institutions of the state and the fight against acts of terrorism."*

Considering the multitude of areas that ensure the proper functioning of society in general, there are also many types of antisocial acts that can be committed, and the state has proposed to ensure a quiet life for citizens and to ensure the integrity of goods in the public and private fields, meaning that it considered it necessary to establish another structure with attributions also in terms of the prevention of antisocial acts, meaning that it also assigned responsibilities on this line to the institution called "local police", which according to the provisions of the law also has attributions in this area⁷: *"The local police is established for the purpose of exercising the attributions regarding the protection of the fundamental rights and freedoms of the person, of private and public property, **the prevention and discovery of crimes**,..."*.

However, in order to have an overview and make a pertinent, unbiased and effective analysis of the prevention of the criminal phenomenon, it should be remembered that together with these competent institutions of the state, the education and anti-crime training of citizens also contribute to other elements from which we

⁴ For a comprehensive view see Braswell, M.C., McCarthy, B.R., & McCarthy, B.J. (2019). *Justice, Crime, and Ethics* (10th ed.). Routledge. <https://doi.org/10.4324/9780429203626>.

⁵ Article 26 paragraph 2 of the Law no. 218/2002 on police duties.

⁶ Article 1 paragraph 1 of the Law no. 550/2004 on the organization and functioning of the gendarmerie.

⁷ Article 1 paragraph 1 of the Law no. 155/2010 on Local Police.

mention: family, school, level of education, society, culture, life and work environment, entourage, which are important elements in terms of preventing the commission of antisocial acts and adopting a behavior that is in accordance with the laws that ensure the proper functioning of society.

In the following, we will try to address the attributions and involvement of some of the entities mentioned above, considering that we have chosen them randomly but which we believe have a decisive role in the development of a society with people able to comply with the legislation and their activities lead to the prevention of the criminal phenomenon.

2. The role of the family in the upbringing, education and training of the child

It is known that the perpetuation of the human species can only be achieved through the sexual intercourse between a man and a woman, as a result of which the state of pregnancy inevitably leads to the procreation and birth of a child.

Unfortunately, genetic engineering has made it possible through multiple researches to artificially create human embryos, but we hope that they will never be completed and will never have the final result of creating a human being, which would create dysfunctions in society, and other aspects that we do not intend to address on this occasion.

However, I will try to address the role and importance of the family in bringing a child into the world and how it must be involved in the education of the one who will become the continuer of human life on earth.

In this context, we will start from the fact that the foundation of a family is regulated by the Constitution according to which⁸: "(1) *The family is based on the freely consented marriage between the spouses, on their equality and on the right and duty of the parents to ensure the upbringing, education and training of the children.*"

According to this provision, marriage is a free consent expressed by the spouses, without the law distinguishing between a man and a woman or persons of the same sex, but so far science has shown that a child can only be born as a result of sexual relations between a man and a woman.

Same-sex marriage is not yet regulated in our legislation, but it is not prohibited in many countries of the world, but so far it has not been scientifically and practically proven that sexual intercourse between two people of the same sex can lead to the procreation and birth of a child.

About these aspects we will probably refer in another material at another meeting⁹.

As we have shown above, the provisions of the Constitution are quite clear regarding the establishment of a family, but once the family has decided to have a child,

⁸ Article 48 of the Romanian Constitution.

⁹ Some interesting aspects you can find in Schildkraut, Jaclyn, Emily Greene-Colozzi, Amanda B. Nickerson and Allyson Florczykowski. 2023. "Can School Lockdowns Save Lives? An Assessment of Drills and Use in Real-World Events." *Journal of School Violence* 22 (2): 167–82. doi:10.1080/15388220.2022.2162533; and García, Jorge Luis et al. "Early childhood education and crime." *Infant mental health journal* vol. 40,1 (2019): 141-151. doi:10.1002/imhj.21759.

the law provides that it has some direct obligations: *"Parents are obliged to take care of the child. They are obliged to raise the child, taking care of their health and physical development, their education, teaching and professional training, according to his attributes, in accordance with the goals of the state, in order to make them useful to the community"*¹⁰.

As it results from the provisions of the law, the parents have a number of obligations set out in the normative act, but before mentioning such obligations I would like to address another aspect, namely: are parents capable and able for such a particularly important mission, which will in fact create a useful man for society and of course the family from which he comes, or leave all these obligations to someone else, and the offspring created will be a ballast for society?

In Title I Chapter I of the Family Code, where the conditions that the future spouses must meet are listed, only conditions related to age, filiation, other marriage and others are mentioned, but nothing is said about the degree of education and training of the future spouses.

In this regard, it can be concluded that the degree of preparation and education of the future spouses is not a cause that would prevent the marriage, which would be neither fair nor legal, leaving the freedom to marry to the discretion of those who agree to conclude it.

However, this aspect leaves room for a wide range of discussions regarding the future of the children of those who do not have any training, education or do not participate in any way in the social life of the community, and then the natural question arises: will they have the capacity to educate the future child? - a question that can actually apply also to those who have a certain training or vocational training.

The fact that a couple has a level of professional training, is dedicated to professional and social activities, and pays great attention to professional and material results, does not qualify them to say that they can also devote themselves to the education of their future child and the examples in real life give us full justice.

Under these conditions, how and who will educate future children, which will ensure not only the perpetuation of the human species but also the continuous development on an individual level but also on a social level?

Another element that should be taken into account regarding the education of the future children is the one related to the material situation of the future spouses, which should not be an impediment to the conclusion of a marriage, but should mandatorily be taken into account before giving birth to a child.

It is known by everyone that we are a country tributary to the words: we should, it is necessary to, it is mandatory, action will be taken as soon as possible, measures will be ordered, we will create a commission to investigate, etc. which leads to the conclusion that any family can have a child, but all these assertions are made only for electoral purposes.

Briefly overlooking only these few observations, a natural question arises even before the spouses' decision to give birth to a child: *"are we able to provide our child with a proper education, at least in accordance with the requirements set out in the Family Code?"*

¹⁰ Article 101 of Law no. 4/1954 on the Family Code, republished with subsequent amendments and completions.

Only from these few assertions, we believe that the state is obliged to include in the legislative system a provision regarding the education of the future parents, so that they in turn have the capacity to educate their own child.

The existing casuistry undeniably demonstrates that the material condition, the high degree of preparation or the lack of preparation of the parents, or the material lack are not sufficient factors to ensure the ability of the future parents to educate their own children.

In this context, we can state without fear of making a mistake that before parents educate their children, it is necessary to educate future parents on the obligations and degree of involvement in the education of their own children.

At national level, there is a shy start in terms of parental education that is the basis for the early training and education of the child, and parents were included in this program, but according to a Worldvision report, it results that 75% of the parents interviewed stated that they did not participate and do not know anything about this form of training¹¹.

Unfortunately, according to the data of the mentioned report, a small number of people participated in this program: *"The sample for the study related to the "Parents' School" included 1,220 people", the activities to which the report refers being carried out in 41 counties.*

The activities carried out in the project also included children, and the beneficial effects of such a program are highlighted in that report which states that following the development of this program, *"8 out of 10 children, beneficiaries of the "Start in Education" project, have developed their cognitive, creative and visual recognition skills".*

In the context of the above, it can be appreciated that early education is necessary first and foremost for parents who then have the ability to ensure a proper education of their own children.

The education of children in kindergartens is doomed from the start, as long as: *"One in four children (23%) goes to kindergarten only three days a week or less, as the research shows".*

Therefore, leaving education in the care of kindergartens or other entities has no effect, on the contrary, it causes children to have an aversion to educational institutions.

Attracting children to the development of sympathy, interest, concerns to know, to discover, to come into permanent contact with something new, develops in the first years of life, because these are fundamental elements of education, and here a distinction must be made between education and literacy.

Both elements make a unitary whole and shape the future upright, fair, honest and educated man that any society needs.

The lack of involvement of parents in the education of children due to ignorance or other reasons is a main obstacle in the education of children. The data highlighted by the aforementioned Report are frightening, revealing that: *"over 37% of parents believe they could communicate better with their children, or confess that they talk with their children monthly or less often".*

¹¹ The impact report of the first year "Start in education", <https://worldvision.ro/2023/09/26/fundatia-world-vision-romania-si-fundatia-omv-petrom-publica-raportul-de-impact-al-primului-an-start-in-educatie/>, consulted on 1.09.2024.

Under these circumstances, can it be said that parents are ready to educate their own children?

Therefore, the parents involved in the above project suggest that they do not know how to educate their children or leave it to other entities.

It can be clearly seen that leaving education to kindergartens, grandparents or close relatives without a major involvement of parents is doomed to failure, but before parents can educate their children, it is necessary for them to go through a form of training and education in terms of how education can be achieved¹².

3. Child education in specialized institutions

As shown above, the family is the first educational factor in the life of a child. Its continuation in the organized educational environment in the competent institutions depends on how it starts.

According to the Pre-University Education Law, education has several components: *"compulsory education includes preschool education, primary education, secondary education and high school education"*¹³.

Basically, according to the legal provisions, the organizational framework is provided for five learning cycles, as follows¹⁴: *"Pre-university education is carried out on the following levels:*

a) early education (3 months old-6 years old), consisting of pre-primary education (3 months old - 3 years old) and pre-primary education (3 - 6 years old), both comprising the small group, the middle group and the large group;

b) primary education, with a duration of 5 years, comprising the preparatory class and grades I to IV;

c) secondary education, with a duration of 4 years, comprising grades V - VIII;

d) high school education, with a duration, as a rule, of 4 years;

e) post-secondary education, including non-university tertiary education, lasting between 1 and 3 years".

Starting from this form of organization and considering the periods and age limits for each cycle, it can be stated that at least theoretically, there are conditions for continuing the education received in the family with the school preparation that complements the education received in the family environment.

Since we have also come to discuss pre-school and school preparation, it is necessary to make a terminological distinction between the concept of education and that of training level, the latter being also part of the educational process but with other components.

We will approach the manner of education from the first component, the one assimilated by the child from the family environment and which he must understand,

¹² About the modern directions in knowledge and education see Cristina Elena Popa Tache, Hubert Landier, Leonardo da S.G. Martins da Costa, Mariana Thieriot Loisel (eds.), *For an International Transdisciplinary Chair: From Knowledge to the Future. Volume II*. Contributions to the Online Symposium „For an international transdisciplinary chair” organized by the International Center for Transdisciplinary Research and Studies (CIRET). March 21-25, 2024, Paris Publishing House: ADJURIS – International Academic Publisher.

¹³ Article 13 of the Law no. 198/2023 on Pre-University Education.

¹⁴ Article 15 of the Law no. 198/2023 on Pre-University Education.

develop and improve through the knowledge accumulated in the instructive-educational process organized and under the guidance of specialists in kindergartens, respectively in school.

Article 13 of the Pre-University Education Law provides that the forms of school preparation mentioned above are "*compulsory*". This obligation to send children to school lies primarily with parents, guardians or persons legally entitled to take care of the upbringing and education of a child.

The same law states that pre-university education is compulsory but is also free, precisely in order to give all children a chance at an equal and unitary education.

However, we are concerned about the issue highlighted in the above-mentioned report¹⁵, according to which almost half of the parents surveyed on the education of their own children say that: "*the main cause that parents invoke, in proportion of 45%, is the lack of money to cover the basic needs: school supplies, clothing or food*".

As things stand, the education received in these categories of families is quickly lost, not being followed by an instructive-educational and training process carried out by educators, teachers and professors. In this context, the early education that is sorely needed at the beginning of any child's life, and which is the foundation, the existential basis of a person in general, is doomed to failure.

Another component of early childhood education is inevitably linked to the quality of those who take care of it.

The pre-university education law establishes the general framework for the training of future educators and teachers¹⁶, but the degree of filling of vacancies and tenure of graduates of these forms of training demonstrates the level of knowledge acquired by future teachers, an aspect which is not the subject of this analysis, but which we have mentioned only in passing, considering that there is still much work to be done in this area.

4. Conclusions

Early childhood education is the most important stage in the shaping of a child, which starts in the family and continues in kindergarten in the first stage and then in school.

However, the most important stage is the contact with the kindergarten because her children leave their family comfort environment where they are allowed anything (totally wrong in educating a child) and enter a collective environment with rules, with a schedule, with the relationship with other children but also with the intervention of the educator who actively participates and monitors all activities.

It is mandatory that family members participate with the educator, and if they will approach this first organised form of education with such issues: "*the child is just spoiled, that's why he behaves like this*", "*he is only energetic / has a strong personality, that's why he hits*" or "*what are you implying, does my child have a problem?*"¹⁷, the end

¹⁵ The impact report of the first year "Start in education", <https://worldvision.ro/2023/09/26/fundatia-wo-rld-vision-romania-si-fundatia-omv-petrom-publica-raportul-de-impact-al-primului-an-start-in-educatie>, consulted on 1.09.2024.

¹⁶ Article 52 of the Law no. 198/2023 on pre-university education, consulted on 1.09.2024.

¹⁷ Marinela Ghiță, *Copilul cu CES la grădiniță*, Edict.ro Magazine, 29 January 2022, <https://edict.ro/copilul-cu-ces-la-gradinita/>, consulted on 1.09.2024.

result can be anticipated as disastrous.

If parents continue to ignore the advice of specialists and remain opposed to the needs of their child in relation to the collective curriculum, we can no longer speak of an early education, but of a lack of education that is growing every day.

From this brief presentation the **following conclusions can be drawn:**

- early education can only be done if parents are able to do this education and will be responsible and aware of the child's educational needs and will be with the educational institutions throughout the educational process.

- children's education is greatly hampered by the lack of parental presence with their children during the formation of the main psycho-moral traits, "*psycho-moral theories attribute criminality to internal conflicts, emotional problems or feelings of insecurity, inadequacy and inferiority. Criminal behaviour and offending are symptoms of underlying emotional problems*¹⁸".

- parents' reduced material possibilities seriously affect children's participation in school activities, even though pre-university education is free of charge according to the law, however, the expenses incurred to purchase the necessary living expenses and the materials needed to participate in educational programs are much too high compared to parents' income level,

- lack of parenting education which shows that a family giving birth to a child does not have the necessary training to shape the child's early behavioural traits,

- without making any discrimination, but on the contrary I support the need for the education of children with special educational needs as being just as necessary as that of other children, but, however, including them in groups with mainstream pupils, I believe that it only puts them at a disadvantage, because their ability to understand being impaired, only makes the general education process more difficult and at the same time attracts the dissatisfaction of others, which will affect all children but especially those in the category with special needs. Their integration into mainstream education should at best start in secondary school. Special education for special children must be provided by specially trained teachers.

In conclusion, we can say that the three factors: parental education, education and training of teachers and early childhood education are essential in raising awareness among children and the younger generation about the consequences of their actions, which implicitly leads to the prevention of crime.

In the context of the above, one general conclusion can be drawn: education, as a component of the educational process, is the basis for the development of a person capable of progressing and performing in the interests of himself and his fellow human beings and will visibly distance him from crime.

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¹⁸ Teoriile psiho-morale, <https://www.stiucum.com/drept/psychologie-judiciara/Teoriile-psihomorale42755.php>, consulted on 1.09.2024.

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