

A Restorative Approach in Pedagogical and Preventive Work with Juvenile Offenders

Maria V. Ozhiganova^a, Maxim R. Moskalenko^a and Victoria V. Bolgova^b

^aRussian State Vocational Pedagogical University, RUSSIA; ^bSamara State University of Economics, RUSSIA

ABSTRACT

The relevance of this topic due to the need for further theoretical development and practical implementation of the methods of mediation and restorative approach as the most important means of educational-pedagogical interventions in preventive work with minors in conflict with the law, particularly in the field of criminal justice. The purpose of this article is to identify relevant issues using a restorative approach and mediation in the prevention of crime and unlawful behavior of minors in conflict with the law (especially in criminal proceedings), to develop scientifically based suggestions for their solution. Leading method to the study of this problem is a comparative legal analysis, which allows to study Russian and foreign experience of application of restorative approach and mediation in the prevention of crime and offending behaviour among minors in conflict with the law; to identify opportunities for the use of mediation to different categories of juveniles who are the subjects of criminal proceedings. The results of the study: specification of the capabilities and methods of the restorative approach and mediation in preventive work with minors in conflict with the law, and in particular in the field of criminal justice. Recommendations to improve the application of regenerative technologies and mediation as the main means of pedagogical influence): in the practical work of judges in cases involving minors, the work of agencies, institutions, and all individuals associated with pedagogical-preventive activity.

KEYWORDS

Juvenile delinquency prevention; mediation; protection and guarantee of children's rights; recovery approach; the formation of the concept of child-friendly justice.

ARTICLE HISTORY

Received 10 April 2016
Revised 28 June 2016
Accepted 28 June 2016

Introduction

In contemporary Russia has a very high youth crime. This is determined by a complex of the most heterogeneous factors: a) sociocultural – the crisis of traditional moral norms and ideals; the cult of selfishness, consumerism and permissiveness; a negative impact on the youth criminal environment; the

CORRESPONDENCE Maxim R. Moskalenko ✉ max.rus.76@mail.ru

© 2016 Ozhiganova, Moskalenko & Bolgova. Open Access terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>) apply. The license permits unrestricted use, distribution, and reproduction in any medium, on the condition that users give exact credit to the original author(s) and the source, provide a link to the Creative Commons license, and indicate if they made any changes.

absence in society of generally accepted social ideals, which can be a positive guidance for youth, etc. b) weak efficiency of the system of prevention of juvenile crime and a lack of theoretical development and practical experience of mediation and restorative approach to the prevention of illegal behaviour of minors in conflict with the law (especially in criminal proceedings).

These problems are understood by government and society and offers the ways of their solution, which at the legislative level was reflected in the concept of fundamental policy documents such as: decree of the President of the Russian Federation from June 1, 2012 N 761 «About National strategy of actions in interests of children on 2012 – 2017»; adopted by the Government of the Russian Federation «Strategy of development of education in the Russian Federation for the period till 2025», «Concept development until 2017 the network services of mediation in implementing restorative justice for children, including that committed socially dangerous acts, but have not reached age from which there comes criminal liability in the Russian Federation» and a number of other acts. Naturally, there is a need to improve mechanisms for their practical implementation, in such a problematic area as work on the prevention of crime and offending behaviour among minors in conflict with the law (especially in criminal proceedings).

The idea of restorative justice is based on the fact that in criminal proceedings for certain categories of cases, when the offence is committed is a minor, the harm is caused by a specific person, and it can be refunded or otherwise smoothed, the principle of inevitability of punishment for educational purposes can be replaced by a principle of compensation of damages and compensation (i.e., restoration of violated rights and interests). The main goal of restorative justice is aimed at educational influence on minors, assistance and protection of their rights. Naturally, in each case, the application of rehabilitation technology must be considered taking into account the individual characteristics of the offenders, to avoid the reverse effect – the feeling of impunity and permissiveness.

The concept of restorative justice in criminal proceedings involving minors faced with several challenges:

1. Insufficiently developed mechanisms for practical implementation of different forms of mediation and interaction of representatives of the judicial system picks.

2. There are problems in interagency cooperation institutions and agencies that work to prevent juvenile delinquency. Not worked out the mechanism of systematic implementation at the interagency level of the provisions of the Convention on the rights of the child and the concluding observations of the UN Committee on the rights of the child, those provisions that focus on the priority restoration approach in the prevention of crime and offending behaviour among minors in conflict with the law; no clear idea about what should be the form of criminal justice for minors and the commissions on Affairs of minors and protection of their rights, the maximum guarantee the rights and legitimate interests of minors.

3. Not clearly defined what measures are punitive and which are preventive, and the principles of their application in practice, which leads to a conflicting situation. Take place in both cases unreasonably tough punitive measures where it is possible to use regenerative technology, which leads to

distrust and resentment of the child, and cases of unduly lenient sentences and the termination of proceedings against young offenders, which leads to a sense of impunity.

It should also emphasize the influence of social conditions, which seriously impeded preventive work among minors and create an additional burden on authorities and institutions involved in this activity:

First, in Russia there is a fairly big hidden child neglect: according to statistics, about 80% of Russians are forced to work overtime and is not just an ordinary delay in the office for 5-10 minutes after the end of the day – the specialists remain in the offices until 3-4 hours over standing rules (Overtime, 2014); this leads to increased emotional fatigue and lack of time for communication with children in the family.

Second, among the behaviours and life goals of high school students a significant place is occupied by trends in consumer attitudes towards society, the formation of ambitious positions with claims against the society, including its failures (Kuznetsov, 2015). The cult of the "beautiful life" and luxury, to impose a mass culture in society (in which there are contradictions between the archetypal collectivist attitudes and imported Western liberal values that focus on individualism) leads to severe deformation of the Outlook for value split between the generations. This is compounded by the phenomenon of youthful infantilism (Kuptsov, Nikolenko & Khmeleva, 2016; Kalimullin, Vlasova & Sakhieva, 2016).

Third, serious flaws in the concept of legal education of students when the emphasis is placed on promoting their individual rights, produces a consumer attitude to the law as a tool for pressure and manipulation. This leads to a feeling of impunity and serves to provoke unlawful conduct. Increasingly, there are situations when students begin to use knowledge of legal norms, above all, to exert pressure on teachers and bullying them.

Fourth, compared to the times of the Soviet Union, dramatically increased the criminalisation of the teenage environment. According to the report of the European regional office of the world health organization on the prevention of violence and crime associated with cold weapons, among adolescents and young people" in 2011, Russia occupies the 1st place in Europe on number of murders committed by minors (Varigin & Grigoryan, 2011).

In these conditions the scientific-practical development of improved methods of restorative justice and mediation in the pedagogical and preventive work with minors in conflict with the law (especially in criminal proceedings) can significantly reduce juvenile crime and create more favorable conditions for their socialization. There are various technologies of mediation (Maksudov, 2009), and some of the mediation models tested in pedagogical practice in the educational environment (Ryabinin, 2015), can be successfully applied in preventive work with minors. Among modern authors may be noted such as A. Baleva (2012), A. Baltag (2015), L.M. Karnozova (2009), I.A. Makarenko (2006), R.R. Maksudov (2009), E.V. Markovicheva (2009), S.V. Murasheva (2013), I.V. Predeina (2006), V.J. Ribalskaya (1982), V.I. Rudnev (2012), O.Y. Skichko (2009), E.V. Tsvetkova (2014), as well as other authors. The mentioned authors have discussed the issues of both judicial and pre-judicial manufacture on criminal cases against minors, discussed various private matters such as the release of minors from criminal liability, termination of

criminal proceedings in connection with the application of compulsory measures of educational influence, receipt of information from minors, etc., as well as issues relating to the introduction in Russia juvenile justice. However, these studies have not addressed the question of whether all of the existing procedures ensure the implementation of additional safeguards, due to age-related vulnerability of minors. No comprehensive evaluation of the mechanism and stages of pedagogical and preventive work with juveniles in conflict with the law. These authors explore the production with the criminal procedural point of view, bypassing the evaluation of the educational component of criminal proceedings, as well as evaluating the educational functions from the authorities and the court. Also has not received proper theoretical understanding of the problem of application of restorative technologies and mediation, their educational and preventive role. The works of these authors either do not consider the criminal procedural aspect of mediation, or are considering, not all aspects of mediation as an alternative to criminal prosecution, or offer a different understanding of mediation in criminal proceedings. In this paper mediation is studied as a complex phenomenon, and the main goal of this work is the formation of the holistic concept of mediation and application of remediation technologies in the prevention of crime and offending behaviour among minors in conflict with the law (especially in criminal proceedings).

In international legal thought, this subject is widespread. For example, the activities of the English court for minors and strictly adheres to the doctrine that prescribes to seek to protect, not to punish the adolescent offender (The Anglo-Saxon, 2016). Naturally, an interesting experience Anglo-Saxon legal model that reflects the realities of society in developed countries and its application on Russian soil requires a serious adaptation taking into account the specifics of Russia.

Methodological framework

Research methods

Basis of research is principles and methods:

1. Comparative legal analysis. This approach will allow you to perform a) Russian and foreign experience of application of restorative approach and mediation in the prevention of crime and offending behaviour among minors in conflict with the law; b) the possibility of applying mediation to the various categories of juveniles who are the subjects of criminal proceedings b) to identify the characteristics of law-making and enforcement of legislation in the field of the restorative approach and mediation.

2. The analysis of the jurisprudence and activities of the commissions on Affairs of minors and protection of their rights for the prevention of juvenile delinquency.

3. Formal and legal, allowing you to explore the internal structure and the relationship of legal norms and law in general, with regard to the object of this study. This method allows analysis of sources (forms law), the formal certainty of legal categories and regulations (in relation to the topic of research – restorative justice, mediation, child rights, child friendly justice, etc.) to systematize the normative variant, learn the rules of legal technique, etc.

4. Of historicism that allows to identify the concrete historical conditionality of the application of mediation and restorative approach, the formation of legal culture of minors, the impact of social macro environment on juvenile delinquency.

5. Of the system, allowing to identify the place and role of restorative technologies and mediation in the prevention of crime and offending behaviour among minors in conflict with the law. This principle allows the system to identify the diverse factors (social, cultural, educational and other plans), contributing to the development of the wrongful conduct and juvenile delinquency and to propose, on the basis of this, measures to improve the system of preventive work with children.

6. The unity of theory and practice, allowing to trace the interdependence of both law-making and enforcement of legislation concerning juvenile justice and the activities of various bodies for the prevention of crime and unlawful behavior of minors.

The experimental base of the research

Experimental base of the research includes: analysis of judicial practice in criminal proceedings involving juveniles; the experience of applying mediation in conflicts involving minors in several secondary schools in the city Yekaterinburg, Russia. Because the study has a program-theoretical, that examines, primarily, the approaches of various authors to the problem of application of restorative technologies in pedagogical and preventive work with minors in conflict with the law (especially in criminal proceedings).

The stages of the research

The study was conducted in 3 stages:

In the first phase were analyzed normative acts, which regulated various issues of pedagogical and preventive work with juveniles in conflict with the law (especially in criminal proceedings);

In the second phase, considered the main practical issues of application of restorative technologies and mediation in the pedagogical and preventive work with juveniles in conflict with the law;

The third summarizes the views of various authors on the possibility of implementation of remediation technologies and mediation in criminal proceedings involving minors, as well as legislative support these opportunities.

Results

Restorative approach and mediation in pedagogical and preventive work with minors in conflict with the law received legislative recognition in a number of fundamental policy documents.

The idea of remediation technologies found expression in the concept of «child-friendly justice», proclaimed in the decree of the President of the Russian Federation on 01.06.2012 N 761 «About National strategy of actions in interests of children for 2012-2017», which means the system of administrative and criminal proceedings, to guarantee respect for children's rights and their effective enforcement, taking account of the principles enshrined in the recommendations of the Council of Europe on justice for children, as well as

taking into account the age, level of maturity of the child and its understanding of the circumstances of the case.

Basic principles and elements of child-friendly justice: accessibility; according to the age and development of the child; immediate decision-making; focus on the needs, rights and interests of the child; respect for the personality and dignity of the child, his or her private and family life; the recognition of the key role of the family for the survival, protection and development of the child; active use in the trial data about children, their living conditions and the education received by the court in the manner prescribed by law; and strengthening the protective function of the court in relation to the child; the priority restoration approach and measures of educational influence; the special training of juvenile judges; a system of specialized support services (including mediation services), as well as procedures and standards of public control over observance of the rights of the child.

The Plenum of the Supreme Court of the Russian Federation emphasizes that courts should increase the educational value of trials for cases of crimes of minors (Plenum, 2011). Education can be defined as the direction of spiritual and moral formation of the personality in organized environments (Zimnya, 2006). Accordingly, the court deciding against a minor, it is necessary to solve and educational problem.

The juvenile criminal process itself becomes educational procedure that requires mandatory fortification in law. It is necessary to clearly define the goals of criminal justice for minors that will be the basis for the process.

The text of the Criminal procedure code of the Russian Federation is not subject to the concept of «tasks of the criminal proceedings,» the terminology used a combination of «criminal proceedings», which defines some critical judgments to the address of the legislator (Mezinov, 2010; Guzenko, 1997).

However, in order to carry out any activity the subjects engaged in it, you need to know what the proceedings are conducted in a criminal case in the end, i.e. something that should be pursued, as well as intermediate steps, the steps that you need to achieve and decide to achieve shared, common goals. The first is referred to as the purpose of criminal proceedings and the last tasks (Proshlyakova, Balakshina & Kozubenko, 2011). In the light of this interpretation seems more correct understanding of another individual tasks of criminal proceedings in cases of juveniles (juvenile criminal procedure), in addition to the above educational.

The educative function of criminal proceedings is connected with the public character of criminal procedural activities. In cases against a minor, the approach is quite limited: directions of the activities of individual parties cannot provide a solution to the educational objectives of the criminal proceedings against minors. The actual production of the juvenile (juvenile criminal trial) should set themselves the task of educating minors that will be reflected in the form of process and in the activities of its members.

When organizing and building a criminal procedure against minors, the decision of pedagogical tasks should be put on a par with proper criminal procedure. The very essence of criminal procedure activity subject to diligent performance of its functions all participants in the criminal process embodies the educational impact.

And here modern Pedagogics (both at the level of the educational process in educational institutions at all levels and in the prevention of crime and offending behaviour among minors in conflict with the law (especially in criminal proceedings) faced with the conflicting problem situation.

On the one hand, it is generally accepted that a child must feel the justice and expediency of the criminal proceedings. Moral position and behavior of the "adult" in the process have significant pedagogical impact on a teenager. Big risk that the pedagogical influence is inherent in the formalization process and evidence of truth that can lead to the violation of the rights of the child, to have traumatic consequences, and to contribute to its alienation from society and the increasing tendency towards unlawful behaviour.

On the other hand, in modern Russia the development of the legal knowledge of students became seriously ahead of their moral maturity. Some students begin to use knowledge of legal norms, above all, to exert pressure on others: if traditional legal illiteracy and legal nihilism led to unlawful behavior, but now the situation has changed: a large proportion of minors in conflict with the law, perfectly know their rights and use them as a manipulative tool. In practice there are cases when students provoke teachers ridicule, ignoring, boorish behavior in a sharp reaction, and then complain to the parents and the case may go to trial. Similar problems arise in the educational environment of foreign countries: for example, in the UK, according to a 2014 survey, 47% of teachers get abuse from pupils (Over the British, 2016).

This problem severely complicates even the theoretical rationale for task (not to mention the practical implementation) for the prevention of crime and offending behaviour among minors in conflict with the law, because it is often unclear where to protect the interests of the child, and adults from tampering with the law of the child.

Socialization, education of minors is becoming a significant challenge to criminal procedure, and therefore should prevail pedagogical function of punishment is to correct and adjust behavior in the future. Justice for juvenile offenders should be directed to apply to them the sanctions provided individual approach to the investigation of the circumstances of the offense and was comparable to both the characteristics of their personality and circumstances of the offense, contributed to the prevention of extremist illegal actions and crimes among minors, provided their re-socialization, as well as the protection of the legitimate interests of the victims.

The rules of juvenile criminal justice must be based on knowledge of pedagogy.

We must not forget that criminal procedural activity is performed by the individual entities that have specific values, stereotypes, procedural tasks, which significantly affects the implementation of the state postulates. When you interact with minors not only the court but also other participants in the process act as "teacher". This interaction process efficiency is largely determined by personal qualities and attitudes.

Since the initiation of the criminal case, the teenager is experiencing a strong negative emotional experiences. It was at this point minors are particularly in need of assistance of an adult, an expert, able to help him deal with the situation, smooth out the conflict and reconcile the child with the

parents, with victims. At the pre-trial stages of criminal proceedings in cases of minors the leading role is assigned to law-enforcement officers, that must have the pedagogical training to work with minors, which can be professionally significant characteristics, including steady motives to work with minors, awareness of the need for child protection in abusive situations and rehabilitation (motivational component); the experience of other countries with a minor, a knowledge of the theory and technology of education and re-education of minors, juvenile technologies (cognitive component); possession of pedagogical technologies and juvenile, possession of skills of communication with a minor (operational component) (Bejtsova, 2010).

The procedural component involves the selection of forms, methods and tools in the work with minors.

At the present time and a judicial decision is poorly interconnected with the educational process and are not focused on him. As a result of judicial proceedings against minors does not provide the prevention of the recurrence of the offense and does not create prerequisites for the re-socialization of the child. The alleged humanization of the criminal process, from an educational point of view often leads to the teaching of impunity. And the process, and the subsequent system of measures of state influence on the juvenile must be discipline.

In the situation of the criminal process, the state acts as educator, and objectives of criminal procedural law are also pedagogical tasks organising environment and translation of the social situation of development in teaching, because the procedure of production on Affairs of minors have become a form of pedagogical influence aimed at the formation of social and legal attitudes behaviors, and skills necessary for successful functioning in a social environment.

Discussions

The use of a restorative approach and mediation in the prevention of crime and unlawful behavior of minors in conflict with the law (especially in criminal proceedings), is largely determined by the specifics of the criminal trial process for minors.

Criminal procedural production for juveniles, as can be concluded on the basis of the Criminal procedure code of the Russian Federation, has a complicated shape. This is due to the age and socio-psychological characteristics of minors, which require the implementation of additional safeguards to protect their rights and freedoms. Adopted in 1985-th Standard minimum rules United Nations for the administration of juvenile justice, the so-called Beijing rules, I propose to consider in the legislation of each country of these features and applied in the investigation and trial of cases of this kind these rules. Recent years in the sphere of criminal process, there is a debate about the possibility of the development of special forms of production on Affairs of minors.

Justified is the statement of such scientific tasks as differentiation of criminal proceedings for minors. Juvenile criminal juvenile court proceedings, including and not subject to criminal liability, has some different challenges, a different focus than the main criminal proceedings. Minors and other

participants in the proceedings (legal representatives, the defender, teacher or psychologist, the Commission on Affairs of minors and protection of their rights) determine the particular composition of actors and participants in the production and significant differences in the procedure for criminal proceedings.

The peculiarities of pedagogical and preventive work should involve the fact that the production of juvenile requires differentiation based on the criminalization of the acts and identity of minors.

In accordance with the orientation of the individual, we can speak of a gradual transition from small elements deformation of the individual to their steady-state system (which often takes at least 2-3 years). And the earliest identification of adolescents who commit first, not representing big public danger of the offense, and the timely adoption of the necessary preventive measures largely prevent the formation of these individuals persistent focus on further committing any crimes. Therefore, it is necessary to determine the starting position for the differentiation and individualization of prevention, punishment and types of production on Affairs of minors. Committing socially dangerous acts before reaching the criminal age may lead to permanent criminalization of the individual subject to the formal approach and the inadequate response of society and the state. Quite rude of preventive miscalculation here might be the lack of punishment in pedagogical value. It should be noted that depending on the degree of criminalization of the person of a minor should use a variety of methods and means of influence and interaction, including in the framework of criminal procedural activities.

As a rule, the controversy over the possibility of differentiation of the criminal process is based on different understanding of the meaning and content of such basic categories as criminal-procedural form. Regulations, enshrined in law, not only determine the order of certain actions, but outline the range of conditions necessary for their Commission. These conditions should identify the regulatory bases for the performance of procedural actions, restrictions and bans on their production. In addition, the law defines the circle of subjects involved in the production of separate investigative actions, as well as the time and place of their conduct.

Differentiation of criminal procedural form suggests the possibility of dividing it into parts and allocation in its structure of different types of procedural form (Markovicheva, 2009) a Symptom independent of the criminal trial process, according to Yu. K. Yakimovich (2013), above all, is its orientation, expressed in the specific subject and task. Adhering to the concept of differentiation of the criminal process proposed by Yu. K. Yakimovich (2013), we conclude that the production of juvenile possible to differentiate production on application of compulsory educational measures to minors who are not subjects of criminal responsibility, manufacture about application of forced measures of educational influence, rehabilitation proceedings, the criminal proceedings against minors.

So, for example, manufacture on application of forced measures of educational influence concerning the minors who are not subject to criminal

liability, not aimed at the establishment or change of criminal-legal relations, as we are talking about the application of coercive measures of educational influence to a person who committed a socially dangerous act and is not subject to criminal liability. Proceedings for placement in a specialized educational institution of closed type are aimed at establishing the need for the application to the person who committed a socially dangerous act, measures of state-imperious compulsion, and the subject of this production is the question of the presence or absence of the grounds for the application of these measures. In this production there is a certain material framework, objectively requiring differences in regulation. This base consists of the criminal law is about the impossibility of punishment for socially dangerous act formally having the features of crimes against persons under the age of criminal responsibility.

The second feature is independent of the criminal trial process "is its complexity, that is, the presence of certain features in law enforcement at all (or at least several) stages of the criminal process." This production, which are characterized by "inner integrity, a certain internal unity" (Trubnikova, 1997). In law enforcement activities in the study of production has certain characteristics that are regulated in detail in the Federal law of 24.06.1999 N 120-FZ «About bases of system of prevention of neglect and offenses of minors», which allows to speak about the complexity of this production.

The third feature independent of the criminal trial process is the presence of significant differences in the order of activities on a particular category of cases compared to the usual order of proceedings. This production has significant differences not only with the main criminal proceedings, but also with other types of special criminal-procedural facilities. Therefore, application of compulsory measures of educational influence is a separate criminal procedure production.

This production in the framework of criminal proceedings due to the serious nature of state coercion, carried out with the use of coercive measures, as well as establishing and consolidating the Commission by the person against whom coercive measures are applied, socially dangerous acts under the criminal law. «The application to the person who committed a socially dangerous act, but not liable to criminal responsibility owing to age, specific measures of state coercion is a kind of resolution of the legal conflict between the specified person and the state regarding the violation by that person of social relations protected by criminal law. Thus, the result of this production is the implementation of justice in case arising out of the relations of criminal law» (Solodilov, 2000).

I would like to emphasize that the Federal law of 24.06.1999 № 120-FZ «About bases of system of prevention of neglect and offenses of minors» is only set to resolve questions about the placement of minors under the age of criminal liability, in special teaching and educational establishments of closed type. The use of other coercive measures of educational influence in relation to minors who are not subject to criminal liability, occurs upon the decision of the Commission on Affairs of minors and protection of their rights. The investigating officials and representatives of commissions on minors ' Affairs noted the complexity of the installed system for the movement of materials from one structure to another.

Besides the main task of the commissions for minors is to protect the rights and interests of minors. E.B. Melnikova (2001), in turn, lamented the low level of legal protection of adolescents in these administrative structures (Melnikova, 2001).

It is impossible not to take into account the fact that termination of criminal proceedings on the grounds specified in paragraph 2 of part 1 of article 24 of the Criminal procedure code of the Russian Federation (absence in act of structure of a crime), says the lack of guilt of a minor in the Commission of a socially dangerous act. Differentiation of forms of production involving minors is not possible without scientific substantiation and development of methods of pedagogical influence on minors in conflict with the law. The most effective is implementation of remediation technologies and mediation.

Conclusion

It is established that:

1. An important feature for preventive work with minors in conflict with the law (especially in criminal proceedings) is not a principle of inevitability of punishment, and the principle of developing a sense of responsibility for their actions, that may be enough to act positively in the educational and pedagogical purposes.

2. The application of measures of state influence should be carefully regulated by law, and the measures themselves should not bear a punitive function, and educational and preventive, in order, on the one hand, the minor understood his justice, on the other – there is no sense of impunity.

3. Application of educational measures and / or penalties should, on the one hand, to consider the type focus personality of the teenager; on the other – there should be different punishments for the same offenses.

4. The specifics of the application of mediation and restorative technology is based on a holistic educational and preventive work not only with the child but also his family, the development of programs of corrective behavior.

5. The guarantees of the rights and legitimate interests in the interaction with the subjects of power of all groups of minors in conflict with the law.

6. The involvement of the courts handling cases involving minors implies respect for legal and procedural rights of children, including the right to be heard and the right to be presumed innocent of the offence until proven otherwise.

7. There is a need for differentiation in juvenile criminal proceedings, based on the criminalization of the acts and identity of minors. He notes that there are additional tasks, different orientation of criminal proceedings in cases involving minors than the main criminal proceedings. It is concluded that the production of juvenile can be differentiated on the proceedings on the application of coercive measures of educational influence concerning the minors who are not subjects of criminal responsibility, manufacture about application of forced measures of educational influence, rehabilitation proceedings, the criminal proceedings against minors.

The materials of this article may be useful: in the practical work of judges in cases involving minors, in the work of commissions on Affairs of minors and protection of and rights, guardianship and custody and other structures connected with the work with juvenile offenders; in the educational process in secondary school, in the classroom for courses "social Science", "law", in educational work with students and their parents, preventive work with juveniles, including offenders; in the educational process in the universities, training in the disciplines of legal and pedagogical profile, in the training of students in legal, pedagogical and social professions; practical legal and socio-pedagogical work with juveniles and their families; the development of integrated programs for practical implementation of the concept «child-friendly justice».

In the research process there are new questions and issues that need your decision. It is necessary to analyze the foreign experience of the use of mediation and restorative approach to crime prevention and offending behaviour among minors in conflict with the law (especially in criminal proceedings). To develop the concept of forms and methods of preventive and remedial activities with the participation of juvenile offenders; to offer specific steps for improving the interaction of the bodies for the protection of the rights of the child, mediators, the judiciary in order to improve the practical activities on crime prevention and educational work with minors (offenders and non-risk group); identify the most promising and priority directions of realization of the concept of restorative approach and mediation in the prevention of illegal behaviour of different categories of offenders (high-risk group was committed for the first time, repeat offenders, etc.), his upbringing as a conscious and responsible citizen and to prevent the formation of consumer attitude towards the law.

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes on contributors

Maria V. Ozhiganova is PhD of Legal, assistant professor of Russian State Vocational Pedagogic University, Ekaterinburg, Russia.

Maxim R. Moskalenko is PhD of History, assistant professor of Russian State Vocational Pedagogic University, Ekaterinburg, Russia.

Victoria V. Bolgova is Professor of Samara State University of Economics, Samara, Russia.

References

- Baleva, A. (2012) The problem of power imbalances in restorative justice programmes in criminal matters involving minors. *Bulletin of restorative justice*, 9, 23-32.
- Baltag, A. (2015) On the implementation of the project «Development of restorative justice programmes in the Russian Federation to protect the rights of minors in conflict with the law» in the Saratov region. *Bulletin of restorative justice*, 12, 48-56.
- Beļtsova, L. M. (2010) Improvement of the pedagogical training of employees of internal Affairs bodies to work with a minor in system development: abstract. Diss... the candidate of pedagogical Sciences. Cheboksary: Chuvash state pedagogical University. I. Yakovleva. 20p.
- Guzenko, K. F. (1997) The criminal process: a textbook for law students and faculties. Moscow: Zertsalo. 509p.

- Kalimullin, A. M., Vlasova, V. K. & Sakhieva, R. G. (2016). Teachers' training in the magistrate: Structural content and organizational modernization in the context of a federal university. *International Journal of Environmental and Science Education*, 11(3), 207-215.
- Karnozova, L. M. (2009) The introduction of restorative juvenile justice in the work of the court: Handbook. Moscow: OOO «Informpoligraph». 108p.
- Kuptsov, V. Ph., Nikolenko, E. V. & Khmeleva, N. L. (2016) Infantilism: a theoretical construct and operationalization. *Education and science*, 3, 89-105.
- Kuznetsov, D. V. (2015) Psycho-pedagogical facilitation as a necessary condition for successful self-determination of senior pupils. *Education and science*, 9, 120-133.
- Makarenko, I. A. (2006) The personality of the accused minor as an object of forensic investigation. Moscow: Yurlitinform. 352p.
- Maksudov, R. R. (2009) Restorative mediation: the idea and technology: guidelines. Moscow: Institute of law and public policy. 72p.
- Markovicheva, E. V. (2009) The acceleration of criminal proceedings against minors: for and against. *Issues of juvenile justice*, 6, 23-24.
- Melnikova, E. B. (2001) Juvenile justice: problems of criminal law, criminal process and criminology: textbook. Moscow: Business. 272p.
- Mezinov, D. A. (2010) On the correlation of the notions "aim" and "task" in the science of criminal process. *Vestnik of Tomsk state University*, 340, 129-131.
- Murasheva, S. V. (2013) A restorative approach to the prevention and resolution of conflicts among minors. *Scientific-methodical electronic journal «Concept»*, 4, 246-250.
- Over the British teachers bullied online. (2016, march 19). Adguard. Retrieved march 19, 2016, from <https://blog.adguard.com/ru/industry-news/nad-britanskimi-uchitelyam-izdevayutsya-v-seti.html>.
- Overtime: legal or not? (2014, December 10). Charla.ru a women's magazine. Retrieved December 10, 2014, from <http://www.charla.ru/blog/career/5588.html>.
- Plenum Of The Supreme Court Of The Russian Federation. The resolution dated 1 February 2011 No. 1 «On judicial practice of application of legislation regulating the peculiarities of criminal liability and punishment of minors» (2016, July 6). Garant. legal information portal. Retrieved July 6, 2016, from <http://www.garant.ru/products/ipo/prime/doc/12082757/>
- Predeina, I. V. (2006) *Legal and theoretical basis for the development of juvenile justice in Russia*: PhD Abstract. Saratov: Saratov law Institute of MIA of Russia. 31p.
- Proshlyakova, D. A., Balakshina, V. S. & Kozubenko, U. V. (2011) The criminal process. Moscow: Volters Kluver. 1056p.
- Ribalskaya, V. J. (1982) On victimological analysis of juvenile crime. Victimological problems of the fight against crime. Collection of scientific works. Irkutsk: Publishing house of Irkutsk University. 241p.
- Rudnev, V. I. (2012) Inadmissibility of exerting negative effects on juveniles as a new principle of criminal proceedings. *Russian law journal*, 2. Retrieved August 09, 2016 from <http://www.center-bereg.ru/d374.html>.
- Ryabinina, E. V. (2015) Mediation in the work of higher school teacher. *Education and science*, 2, 52-61.
- Skichko, O. Y. (2009) Problems of protection of the rights of minors in criminal proceedings. *Issues of juvenile justice*, 6, 34 - 35.
- Solodilov, A. V. (2000) Production on materials about minors are not subject to criminal liability, in special teaching and educational establishments of closed type. Legal problems of strengthening Russian statehood: collection of articles. Tomsk, Tomsk state University, 142p.
- The Anglo-Saxon model of the existing juvenile justice (2016) Retrieved July 22, 2016 from http://www.labex.ru/page/g14_uvenpr_4.html.
- Trubnikova, T. V. (1997) Simplified trial procedure in criminal trial of Russia: Avtoref. dis...candidate of legal Sciences. Tomsk: Tomsk state University. 30p.
- Tsvetkova, E. V. (2014) *Proof in pre-trial proceedings on criminal cases against minors*: PhD Abstract. Moscow: Moscow Academy of Economics and law. 182p.
- Varigin, A. N., Grigoryan, Z. M. (2011) Criminological analysis of murders committed by minors. *Legal science*, 3, 46-53.



- Yakimovich, Yu. K. (2013) Differentiation of criminal proceedings: problems and perspectives. Bulletin of Udmurt University. *Series of Law and Economics*, 2, 203-208.
- Zimnya, I. A. (2006) Strategy education: possibilities and reality. *Integration of science and higher education*, 1, 67-74.