

Agnieszka Lewicka-Zelent\*

# Juvenile Delinquents' Expectation of Compensation in the Mediation Process\*\*

## 1. JUVENILE DELINQUENTS IN THE POLISH LEGAL SYSTEM

The basic Polish legal act in which the term 'juvenile offender' is defined is the Act of 26 October 1982 on Proceedings in Juvenile Cases (APJC)<sup>1</sup>. A juvenile delinquent is a person showing signs of demoralization, who is under the age of 18, one who committed a punishable act between 13 and 17 years of age, or one in relation to whom the court applied an educational measure when aged below 18 or a corrective measure when aged below 21. The Criminal Code also specifies the age of juvenile delinquents (any person up to 17 years of age). Nevertheless, persons aged over 15 who knowingly committed one of the offences of significant social harmfulness (e.g. homicide, robbery with extreme cruelty, rape) may be punished in accordance with the provisions of the Criminal Code applicable to adult offenders, however, the adjudicated penalty cannot exceed 2/3 of the upper limit of the penalty as specified by law. 'A juvenile aged above 15 who commits the act prohibited under Article 134, Article 148(1), (2) or (3), Article 156(1) or (3), Article 163(1) or (3), Article 166, Article 173(1) or (3), Article 197(3) or (4), Article 223(2), Article 252(1) or (2) and Article 280 can be held liable pursuant to the principles stipulated in this [Criminal] Code where the circumstances of the case, the perpetrator's degree of development, his/her qualities and personal conditions justify it, in particular if the previously applied educational or corrective measures turned out to be ineffective'<sup>2</sup>.

In the 1985 United Nations Standard Minimum Rules a juvenile is defined as any person who 'may be dealt with for an offence in a manner which is different from an adult'. It is a child, a young person who is suspected of a conduct infringing legal norms in a given state or is recognized as the perpetrator of the offence, whilst in the light of the third rule, a juvenile is also any person recognized by the law as

\* Dr hab. Agnieszka Lewicka-Zelent – associate professor in the Chair of Resocialization Pedagogy, Institute of Pedagogy, Maria Curie-Skłodowska University in Lublin, Poland, ORCID: 0000-0002-6967-8966, E-mail: agnieszka.lewicka@poczta.umcs.lublin.pl

\*\* The manuscript was submitted by the author on: 9 August 2020; the manuscript was accepted for publication by the editorial board on: 1 March 2021.

<sup>1</sup> Article 1(1) of the Act of 26 October 1982 on Proceedings in Juvenile Cases (APJC) [Polish: *Ustawa z dnia 26 października 1982 r. o postępowaniu w sprawach nieletnich*], Journal of Laws [Polish: *Dziennik Ustaw*] of 2018, item 969.

<sup>2</sup> Article 10 of the Polish Criminal Code [Polish: *Kodeks karny*] (Journal of Laws of 2020, item 1444 as amended).

demoralized in Poland, a juvenile participating in welfare and care proceedings, and a young adult offender<sup>3</sup>.

According to the aforementioned APJC<sup>4</sup>, a Polish court may apply with respect to juvenile delinquents educational, corrective, educational and therapeutic measures as well as the measures provided for in the Polish Family and Guardianship Code. Most frequently these measures are divided into two groups: educational and corrective measures or the measures with account taken of the place of residence of the juvenile (applied in the original environment or combined with a change of environment)<sup>5</sup>. The list of the measures provided for in the APJC comprises the following ones:

- admonition;
- obligation to perform a certain activity, eliminating the moral degradation of the juvenile or compensating for losses suffered by the victim;
- responsible supervision on the part of parents/legal guardians, youth/public organization, work establishment or a trustworthy person;
- supervision of a probation officer;
- placement in a juvenile probation center;
- ban on driving vehicles;
- forfeiture of proceeds of the offence;
- placement in a youth care center;
- placement in a correctional facility.

The above-mentioned measures are ranked in a way that determines the degree of interference of other people into the juvenile's current life, i.e. starting with the measures that are applied in the current environment of the juvenile, followed by the ones that require change of his/her educational environment<sup>6</sup>. While selecting appropriate measures, the family court takes especially into account the educational measures compliant with the principle of the best interest of the child as well as the age of the juvenile, his/her health condition, the type of deviant behaviour, and the nature of the environment in which the juvenile is being brought up<sup>7</sup>. The main purpose of the court consists in imposing such measures that are aimed at preventing demoralization of young persons, their delinquency, and protecting them from crime. When adjudicating the measures, the court refers to the principle of individualization and not only does it rely on its powers and experience, but also on the results of psycho-pedagogical diagnosis. Article 21(a) APJC refers to the principle of individualization. Another important principle is that e principle of continuous legal protection, which manifests itself in the endeavour to bridge the differences between the examination and enforcement proceedings thanks to continuity and consistency at all the stages of the proceedings with respect to juveniles<sup>8</sup>.

<sup>3</sup> *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, <https://www.ohchr.org/Documents/ProfessionalInterest/beijingrules.pdf> [accessed on: 29 July 2020].

<sup>4</sup> Articles 5 and 6.

<sup>5</sup> V. Konarska-Wrzošek, *Prawny system postępowania z nieletnimi w Polsce*, Warszawa 2013, p. 76 et seq.

<sup>6</sup> V. Konarska-Wrzošek, *Prawny system...*, p. 76 et seq.

<sup>7</sup> Article 3 of the Act on Proceedings in Juvenile Cases: the principle of the best interest of the child, circumstances concerning the juvenile.

<sup>8</sup> A. Haak-Trzuskawska, H. Haak, *Ustawa o postępowaniu w sprawach nieletnich. Komentarz* [Act on Proceedings in Juvenile Cases. Commentary], Warszawa 2015.

One of the latest educational measures is the obligation imposed on the juvenile delinquent to display a specific behaviour. The provisions of the APJC enable the use of various obligations, among which note should be taken of the obligation to redress the damage caused by the juvenile or to apologize to the victim<sup>9</sup>. The obligation imposed on the juvenile to redress damage represents an essential component of the education and resocialization process. The conditions when a juvenile delinquent can be obligated to redress damage were determined, together with the possibilities to modify it at the enforcement stage, without authorizing forced execution and without the need to specify limitations pertaining to juvenile's age and the type of the behaviour that is contrary to legal norms: punishable act or manifestation of demoralization<sup>10</sup>. It implies that a juvenile is bound to undertake corrective activities that, regrettably, may be construed as a penalty or coercion, externally-motivated activities. However, pursuant to the provisions of law, a juvenile may knowingly, voluntarily, in line with his/her own needs resort to mediation, in the course of which he/she will be willing to compensate the victim.

## 2. SPACE FOR JUVENILES IN MEDIATION

Educational work with the juvenile is primarily focused on boosting his/her internal motivation to the level of social and moral maturity where the juvenile's own need to redress damage caused to other persons arises. This is guaranteed by the restorative justice paradigm, whose function is complementary to that of the retributive justice paradigm (administering justice in court proceedings).

Walgrave<sup>11</sup> emphasizes that in the restorative justice model, the central characters are those involved in the conflict, namely the juvenile and the victim. They are provided with appropriate conditions for making autonomous decisions regarding the selection of satisfactory solutions. In this way, the juvenile avoids stigmatization and, at the same time, assumes responsibility for his/her actions. The victim, in turn, has the opportunity to listen to the juvenile and understand the reasons for his/her behaviour. The dialogue between them contributes to ending or weakening the conflict and returning to psychosocial balance. Each party can feel treated fairly. Rawls<sup>12</sup> argues that for the justice to be done, it is necessary to preserve the harmony between members of society, among others thanks to the concluded social agreements, one of which is represented by the mediation settlement. Such an agreement helps satisfy the interests and needs of partners, protects them from future conflicts and enables their equal treatment, which in turn gives them a sense of satisfaction and justice.

According to Lewicka-Zelent<sup>13</sup>, '[o]n the one hand, a constructive solution of the conflict prevents further violations of legal norms (offences) (resocialization function), while on the other hand it favours the development of certain

<sup>9</sup> Z. Gostyński, *Naprawienie szkody w postępowaniu w sprawach nieletnich*, "Nowe Prawo" 1984, No. 2, p. 28.

<sup>10</sup> A. Muszyńska, *Zobowiązanie do naprawienia szkody w postępowaniu w sprawach nieletnich*, "Ruch Prawniczy, Ekonomiczny i Socjologiczny" 2007, No. 2, p. 129.

<sup>11</sup> L. Walgrave, *Advancing Restorative Justice as the Ground for Youth Justice*, available at: <https://www.unicef.org/tdad/2lodewalgrave.pdf> [accessed on: 28 July 2020].

<sup>12</sup> J.A. Rawls, *Teoria sprawiedliwości*, transl. M. Panufnik, J. Pasek, A. Romaniuk, Warszawa 1994, p. 167 et seq.

<sup>13</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości nieletnich do zadośćuczynienia w paradygmacie sprawiedliwości naprawczej*, Lublin 2015, p. 30.

competences, reducing the probability of involvement in different types of conflicts (preventive function)<sup>7</sup>. The starting point is the needs of both parties. If we treat the act committed by the juvenile as a source of conflict, we will consequently seek ways to resolve it in a constructive way (if we treat it as an offence, we will focus on punishing the perpetrator). This specific legal conflict involves a juvenile, i.e. a person that has not yet reached full maturity and another person who has been injured by him/her. They both have their own needs, to meet which the presence of another person is required. Mutual exchange of information as well as the ability to express and read the emotions enables disclosure of these needs, while cooperation enables their fulfillment. In mediation practice, however, it is often the case that during a meeting of the parties, the juvenile communicates that he/she him/herself feels the victim either of the person sitting opposite or the victim of other people, of the system, of the fate, etc. Then, it is possible to exchange opinions in a way that promotes mutual empathy, emotional support, forgiveness. It seems that the key here may lie precisely in forgiving the other person, but also forgiving oneself, which is the basis for reconciliation with others and internally with oneself. Maslow<sup>14</sup> argues that every human being has a certain hierarchy of needs, some of which are more important than others, they form the basis. A feeling that something is missing is necessary for his/her survival, development, and active functioning in society. The most important thing, however, is to ensure satisfaction of the needs, because deprivation results in many negative consequences.

In Poland family court judges more and more often encourage parties to participate in mediation in juvenile cases based on the restorative justice paradigm, which is governed primarily by two legal instruments: the Act on Proceedings in Juvenile Cases and the Regulation of the Minister of Justice (RMJ) of 18 May 2001 on Mediation Proceedings in Juvenile Cases<sup>15</sup>.

Mediation in juvenile cases is initiated by the judge or the victim and/or the juvenile<sup>16</sup>. The parties include: the victim and the juvenile with his/her parents or guardians. If the victim is under 18 years of age, his/her legal guardians also participate in the mediation. The meeting takes place in the presence of a mediator (§ 10 RMJ). Article 21 of the APJC expresses the principle of purposefulness, which means that the effect of mediation may contribute to the court's resignation from the application of educational or corrective measures vis-à-vis the juvenile. In enforcement proceedings, the result of mediation may be decisive for modification or annulment of the enforced educational measure<sup>17</sup>.

### 3. EXPECTATION OF COMPENSATION ACCORDING TO YOUNG RESPONDENTS

At least two persons are always involved in mediation. It often turns out that one of the parties experiences harm or damage from the other party. This happens in the case of a legal conflict with the juvenile's or the adult person's involvement.

<sup>14</sup> A.H. Maslow, *Motywacja i osobowość*, Warszawa 2009, pp. 62–76.

<sup>15</sup> Journal of Laws of 2001, No. 56, item 591 (RMJ).

<sup>16</sup> Article 3(a) and Article 21.

<sup>17</sup> Article 79.

Then he/she is deemed to be the perpetrator of the punishable act and should compensate the victim, who in turn has the right to make demands of him/her. This means that during mediation the perpetrator shows readiness to compensate and the aggrieved party has certain expectations. Lewicka-Zelent<sup>18</sup> claims that 'the individual's readiness to take specific remedial actions consists in making a decision about choosing a particular solution to the conflict. If this solution is consistent with the principles of restorative justice, readiness to make amends will mean that the person who caused the conflict intends (is willing, determined, has the necessary awareness) to compensate the victim for the loss suffered. The readiness of the victims is manifested in deciding to endeavour to talk to the perpetrator about how to reach an agreement (readiness to take action aimed at compensation)'. According to Vroom, a person's behaviour depends upon his/her expectations and desires, and the likelihood of satisfying them. It is the result of his/her conscious choices, the aim of which is to maximize pleasure and minimize suffering. A person is properly motivated to act provided that: he/she perceives the link between his/her behaviour with positive effects, the result is an award that satisfies his/her valuable needs, his/her desires are strong enough to make him/her believe that it is worthwhile to try to fulfil them<sup>19</sup>. It seems that mediation process meets all the above conditions, which means that the parties are internally motivated to become engaged in mutual dialogue. This particular approach towards compensation implies that only cooperation of both parties of the conflict enables a satisfactory agreement to be reached.

The results of research conducted by Lewicka-Zelent<sup>20</sup> show that a similar percentage of juveniles are ready to make compensation (especially emotional and financial) to the aggrieved parties as school youth who have not been in conflict with the law. Nevertheless, nearly 80% of the respondent young persons are not ready to take restitution measures with respect to people who have been harmed. Only single individuals stated that they would be able to apologize to the victim, show respect, and return objects belonging to the victim. In addition, around 20% of young people would consider the possibility of taking similar steps. This means that for some reasons they do not want to provide redress to the injured parties. One of the most likely explanations is their frequent use of defence mechanisms in the form of neutralization techniques, as indicated by Sykes and Matza<sup>21</sup> (denial of harm, rejection of responsibility, rejection of existence of the victim, condemnation of the condemners, invoking more compelling reasons). In addition, an attempt to indicate the conditions of juveniles' readiness to redress harm leads to the conclusion that remedial action is largely limited by lack of a positive attitude towards helping others, low level of emotional empathy, low level of remorse and feeling of guilt as well as strong situational justification of their own actions<sup>22</sup>. That is why it is so important that educators working with juveniles should take care of

<sup>18</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości nieletnich...*, p. 132.

<sup>19</sup> J. Foster, *Motywacja w miejscu pracy* [in:] N. Chmiel (ed.), *Psychologia pracy i organizacji*, Gdańsk 2003, p. 333 et seq.

<sup>20</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości nieletnich...*, pp. 193–194.

<sup>21</sup> G.M. Sykes, D. Matza, *Techniques of Neutralization: A Theory of Delinquency*, "American Sociological Review" 1957, No. 6, Vol. 22, pp. 664–670.

<sup>22</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości...*, pp. 255–256.

strengthening these features. However, they will not help their pupils to constructively resolve conflicts they are involved in if they do not try to help them identify their own needs. It turns out that the perpetrators often display a strong sense of victimhood, which prevents them from taking responsibility for their blameworthy behaviour<sup>23</sup>. In their perception they are the victims and they are entitled to support.

#### 4. BASIS OF THE AUTHOR'S OWN RESEARCH METHODOLOGY

In accordance with the assumption that the juveniles often feel it is them who are the victims, despite having perpetrated the prohibited acts, a decision was made to verify what are their declared expectations towards other people. To this end, the following specific questions were formulated:

1. How strong are the emotional and financial expectations of juveniles in relation to people who – in their subjective perception – have injured them?
2. What is the level of expectations of juveniles in relation to people who – in their subjective perception – have injured them as regards the provision of services?
3. To what extent do the variables of gender and level of social adaptation differentiate the respondents in terms of the level of their expectations towards people who have injured them?

It was assumed that the school youth who have not been in conflict with the law would have more adequate expectations towards people who injured them compared to juveniles. According to Poznaniak<sup>24</sup> or Stańdo-Kawecka<sup>25</sup>, juveniles delinquents justify their actions by blaming other people or even the situations in which they found themselves. People with low levels of denial of responsibility are more likely to be ready to remedy their negative behaviour<sup>26</sup>. In addition, the research results described by Poznaniak<sup>27</sup> indicate that people who violate legal norms demonstrate a high sense of harm, which psychologically puts them in the role of victims, not perpetrators. The consequence is that they expect high compensation. This sense of harm probably relieves them from the obligation to make good the damage or harm they have inflicted. The results of research conducted so far show that people who often justify their negative behaviours are characterized by low level of empathy<sup>28</sup>, and people with low empathy do not pay

<sup>23</sup> W. Poznaniak, *Zaburzenia w społecznieniu u przestępców. Analiza niektórych mechanizmów psychologicznych*, Poznań 1982; I. Mudrecka, *Poczucie odpowiedzialności młodzieży skonfliktowanej z prawem. Studium pedagogiczne*, Opole 2010.

<sup>24</sup> W. Poznaniak, *Zaburzenia w społecznieniu...*, p. 163.

<sup>25</sup> B. Stańdo-Kawecka, *Neutralizacja normy, nie kradnij* w *geniezie przestępczości nieletnich*, "Archiwum Kryminologii" 1994, Vol. 20, pp. 21–24.

<sup>26</sup> S. Schwartz, A. David, *Responsibility and Helping in an Emergency: Effect of Blame, Ability and Denial of Responsibility*, "Sociometry" 1976, No. 4, Vol. 39, pp. 406–415.

<sup>27</sup> W. Poznaniak, *Zaburzenia w społecznieniu...*, p. 162.

<sup>28</sup> J.G. Mc Carthy, A. Stewart, *Neutralization as a Process of Graduated Desensitization: Moral Values of Offenders*, "International Journal of Offender Therapy and Comparative Criminology" 1998, No. 1, pp. 278–290; B.E. Ashforth, G.E. Kreiner, *How Can You Do It?: Dirty Work and the Challenge of Constructing a Positive Identity*, "Academy of Management Review" 1999, No. 3, pp. 413–434; H. Copes, *Societal Attachments, Offending Frequency, and Techniques of Neutralization*, "Deviant Behaviour" 2003, No. 2, pp. 101–127.

attention to the needs of others, being more interested in the fulfillment of their own desires and goals. It was therefore assumed that juveniles have far greater expectations of redress compared to school youth who have not been in conflict with the law. In addition, girls are supposed to want to obtain higher compensation for the harm they suffer than boys, which is associated with their greater emotionality. This means that their experience of this harm can be stronger, and therefore they expect greater compensation from the perpetrators, especially emotional and financial one.

The study was conducted by means of a diagnostic survey using the Compensation Expectation Scale (CES) by Lewicka-Zelent<sup>29</sup>. The value of the  $\alpha$  coefficient for the particular items of the CES questionnaire is in the range from 0.742 to 0.87. The reliability of the scale was assessed using the internal consistency technique according to the Spearman-Brown formula ( $r_{tt} = 0.90$ ), and the stability of the results after three weeks amounted to  $r = 0.79$ . In the case of CES, Cronbach's  $\alpha$  was 0.754. Two separate factors explained 47.626% of the total variance (1<sup>st</sup> factor: 25.05%, 2<sup>nd</sup> factor: 22.570). Only the items whose loads had a value greater than 0.40 were distinguished as the factors. The final version of CES consists of 12 items. The respondents are asked to indicate the extent to which they can relate to particular statements. The assessments are made on a five-point scale (0 – the statement does not describe me well, 4 – the statement describes me very well). The results from the Emotional and Financial Compensation Scale are added to the results from the Service Compensation scale, and in this way the overall result is obtained. Sten norms have been set for each of these three results. The groups of the compared youth did not differ significantly in terms of gender, age, family structure, parents' education, and living conditions. Boys made up 51% of the sample. Most of the respondents were between 16 and 17 years of age (83%). The respondents included 121 juveniles with respect to whom the court adjudicated supervision of a probation officer and 186 pupils who did not pose behavioural problems from public schools from the Lubelskie and Podkarpackie Provinces. The choice of respondents was deliberate and random (young people with different levels of social adaptation were deliberately selected). Statistical calculations on the collected empirical material were carried out in SPSS software for Windows.

## **5. EXPECTATION OF COMPENSATION BY YOUNG PEOPLE: RESULTS OF THE AUTHOR'S OWN RESEARCH**

In order to answer the question about differences in the expectation of compensation by juveniles and school youth with respect to whom the court did not apply educational or corrective measures, a comparison was made between the average results obtained by the subjects from both groups using Student's t-test for independent samples (Table 1).

<sup>29</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości...*, pp. 165–170.

expectation of...	Group	Levene's homogeneity of variance test		M	SD	Student's t-test	p
		F	p				
emotional and financial compensation	juveniles	2.362	0.126	19.71	5.43	3.736	0.001
	pupils			17.13	4.79		
service compensation	juveniles	0.380	0.538	8.32	3.71	0.179	NS
	pupils			8.23	3.82		
compensation – overall result	juveniles	0.038	0.846	28.13	7.55	0.071	NS
	pupils			28.06	7.66		

Explanations: F – homogeneity of variance test, p – statistical significance, M – mean; SD – standard deviation, Student's t-test – average difference test for independent samples, juveniles (young people who have been in conflict with the law); pupils – school youth who have not been in conflict with the law

Source: author's own research.

On the basis of Levene's test values, the hypothesis of homogeneity of the variances of results in all the distinguished scales has been rejected. There were no statistically significant differences between the average expectation results of the juveniles and adolescents respecting legal norms. The obtained result indicates that the expectations of the youth from the compared groups are similar. However, this applies only to activities of a service nature (e.g. taking up charitable activities). Juveniles have much higher expectations of perpetrators in both emotional and financial dimensions. They expect from the people who have injured them: respect, apology or return of property taken away from them definitively more often than young people who have not violated legal norms<sup>30</sup>.

Raw results were converted into sten scores and in this way the level of expectations of the examined youth towards potential perpetrators was determined. The results of 72% the school youth not manifesting demoralization and 67% of adolescents involved in conflicts with the law correspond to the first sten, which points to significantly limited expectations (or lack thereof) of people who harm them. Almost as many juvenile offenders and their peers who have not been in conflict with the law would not want people who harmed them to provide certain services to them. Even more, as many as 70% of people who have not violated moral and legal norms, do not expect the perpetrators to apologize or show respect.

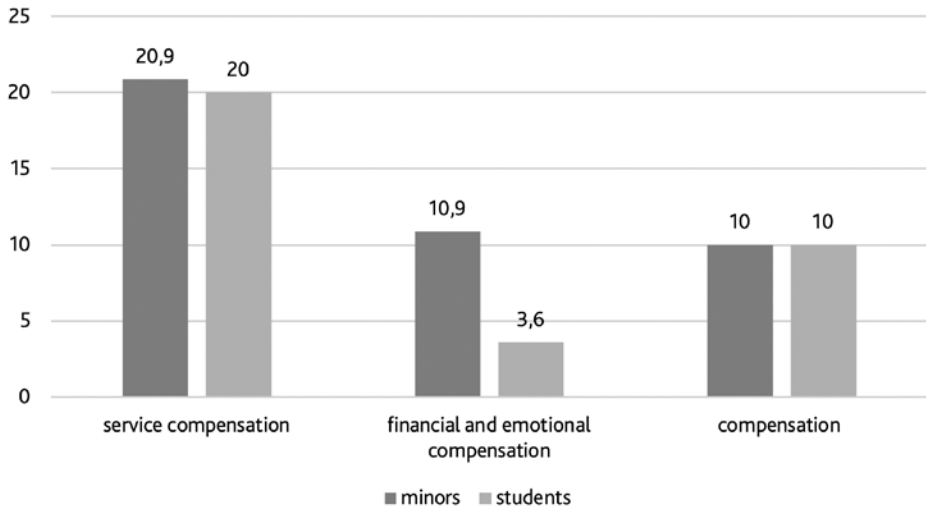
As indicated by the percentage data presented in the chart below, among the young respondents there are people who have excessive expectations from people who have injured them. The raw results are within the 10<sup>th</sup> sten. 10% of the respondents would like the perpetrators to offer them compensation, especially in the form of services. It should be noted that 20% of them have greater emotional and/or financial needs than obtaining support in performing various activities.

<sup>30</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości...*, p. 193.



**Chart**

Excessive expectations of young people (%)



Source: author's own research.

Like in the case of the expectation of compensation by juvenile offenders and their more socially adjusted peers, Student' t-test for independent samples was used to determine whether, and if so, how much, girls differed from boys in terms of expectations towards potential perpetrators (Table 2).

expectation of...	Gender	Levene's homogeneity of variance test		M	SD	Student's-t	p
		F	p				
emotional and financial compensation	G	1.464	0.228	18.58	4.93	0.416	NS
	B			18.28	5.60		
service compensation	G	0.024	0.877	8.60	3.60	1.215	NS
	B			7.98	3.89		
compensation – overall results	G	0.056	0.814	28.51	7.67	0.786	NS
	B			27.71	7.52		

Explanations: G – girls, B – boys

Source: author's own research.

The research results do not confirm the existence of statistically significant differences between girls and boys in terms of their expectations towards people who harmed them. Standard deviation values in the compared groups are so close to each other that homogeneity of the obtained results can be stated both in the scales and the overall result.

The raw results were converted into stens. In this way, the level of expectation of compensation by girls and boys was established. The range of 1–4 stens indicates a low level of the variable, 5–6 is the medium one, and 7–10 means a high level of the variable.

<b>Table 3</b> Level of expectation of compensation by girls and boys						
Level	G		B		Total sample	
	N	%	N	%	N	%
<b>Emotional and financial compensation</b>						
low	65	60.7	65	57.5	130	59.1
medium	33	30.8	41	36.3	74	33.6
high	9	8.4	7	6.2	16	7.3
$\chi^2=0.952$ ; $df=2$ ; $p - NS$						
<b>Service compensation</b>						
low	53	49.5	59	52.2	112	50.9
medium	29	27.1	34	30.1	63	28.6
high	25	23.4	20	17.7	45	20.5
$\chi^2=1.111$ ; $df=2$ ; $p - NS$						
<b>Compensation</b>						
low	74	69.2	78	69.6	152	69.4
medium	20	18.7	25	22.3	45	20.5
high	13	12.1	9	8	22	10
$\chi^2=1.275$ ; $df=2$ ; $p - NS$						

Source: author's own research.

Based on the percentage data contained in Table 3, it was found that the vast majority of respondents (69%) had little expectations (especially of an emotional and financial nature) with regard to the other party of the conflict. Slightly more boys than girls feel a stronger need to obtain both emotional and financial compensation as well as service compensation. Nevertheless, the value of the Chi-square test indicates lack of statistically significant differences between the boys and girls in terms of the level of expectations of compensation from people who harmed them.

## 6. CONCLUSION

It is quite difficult to discuss the results of the author's own research. Firstly, the conducted research explorations should be considered pilot studies due to the small group of respondents. Nevertheless, after the introduction of the General Data Protection Regulation (GDPR) in Poland courts less favorably consider applications for diagnostic access to juveniles who are under the supervision of a probation officer. In practice, this means that research in this group of young people will decrease, hindering the possibility of verifying many scientific hypotheses. In my opinion, an in-depth pilot study is necessary, though it is unknown whether there will be an

opportunity to conduct it. Secondly, literature review leads to the conclusion that there is no research in which scientists try to determine the level of expectations of young people in the situation of a conflict with the law. However, research results provoke some reflections regarding the group of respondents. While comparing them with the results regarding the readiness of juveniles to make compensation<sup>31</sup>, it was observed that in the case of socially adjusted youth, the level of expectations towards victims is higher than the readiness to take restitution measures. A reverse dependency occurred in the group of school youth with a higher level of social adjustment. Juveniles are more likely to expect an apology, respect being showed to them, financial or material compensation than their school peers with no behavioural problems. In view of the above, it seems justified to partially confirm the adopted hypothesis about the differences between young people in the level of expectations of compensation. It is assumed that as long as the sense of injustice and harm prevail over the guilt and shame, juveniles will not be ready to compensate the aggrieved parties, because they themselves will feel injured and will be convinced that compensation is due to them. In addition, it was established that regardless of gender young people have similar expectations towards perpetrators, which may indicate that they are conditioned by factors (traits, attitudes, skills) that are just as prevalent in girls and boys.

From a practical point of view of working with young people, the most important thing seems to be the indication of further educational procedure. Therefore, based on the results of the study conducted by Lewicka-Zelent<sup>32</sup>, it is possible to indicate the conditions shaping juveniles' expectations of compensation. The shaping of attitudes based on the 'help other people' standard and the internalization of universal values such as kindness or justice, as well as rationalizing the defence mechanism in the form of situational justification may prove helpful in reducing these expectations. However, it is worthwhile to remember that the point is not to prevent juveniles from fighting assertively for their rights in a situation of actual harm, but it should be adequate to the damage/harm. Such interactions seem necessary in the group of people with excessive demands. Nevertheless, a significant percentage of juveniles (and an even greater percentage of school youth who comply with social norms) currently has no proposal that a potential perpetrator could accept. Therefore, it seems reasonable to say that in both groups of young people mediation training is necessary to make young people aware of their needs and possibilities of satisfying them in a constructive way when they become involved in conflict. However, it is not only about transferring knowledge to them but, above all, about developing their skills and personality traits as well as shaping appropriate social attitudes. Lewicka-Zelent has been proving for years that it is possible to develop the competences of young people and adults (including prisoners) in such a way that they are internally motivated to participate in mediation<sup>33</sup>. Polish

<sup>31</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości...*, pp. 189–192.

<sup>32</sup> A. Lewicka-Zelent, *Uwarunkowania gotowości...*, pp. 258–262.

<sup>33</sup> A. Lewicka-Zelent, *Obniżanie poziomu przemocy i lęku młodzieży gimnazjalnej*, Lublin 2012; A. Lewicka-Zelent, *Analiza zasobów osobistych uczestników szkolnego warsztatu mediacyjnego*, Opole 2014; A. Lewicka-Zelent, *Klimat szkół gimnazjalnych. Diagnoza weryfikacyjna programu „Mediacja w szkole”*, Opole 2014.

schools are increasingly prepared to undertake such initiatives, although changes in this regard are too slow.

It is already possible to increase the efficiency of mediation in juvenile cases thanks to a more appropriate qualification of cases for mediation proceedings. Until now the judges have offered juveniles participation in mediation based on intuition. The developed diagnostic tools in the form of the Scale of Readiness for Compensation and the Compensation Expectation Scale can help them in the initial recognition of how well the juvenile is prepared for dialogue with the victim.

The conducted research should be treated as the beginning of further scientific explorations of the possibilities of preparing the parties of the conflict to participate in mediation and, thus, taking over responsibility for their conduct. However, the indication of psychosocial predictors of the satisfaction of the injured parties and the willingness of the perpetrators to make compensation are of utmost importance. On the basis of these results, it is possible to prepare activities carefully chosen to fit a given group of people (pupils, juvenile delinquents, adult offenders, survivors of violence, etc.).

### Summary

#### Agnieszka Lewicka-Zelent, *Juvenile Delinquents' Expectation of Compensation in the Mediation Process*

*Mediation in juvenile cases in Poland is a subsidiary measure vis-à-vis judicial settlement of legal conflicts. It still requires further elaboration in legal provisions and more research to indicate factors on which its effectiveness depends. A diagnosis represents a basic step towards taking up educational measures with respect to young people. Therefore, the purpose of the author's own research was to determine the level of compensation expected by the juveniles, assuming that neutralizing techniques and a high degree of injustice in their subjective perception make them the victims, resulting in their reluctance to accept liability for acts inconsistent with legal norms. The research participants were juveniles in whose the supervision of a probation officer was requested by courts and pupils from public schools that did not present behavioural problems. The survey used the Compensation Expectation Scale developed by Agnieszka Lewicka-Zelent.*

**Keywords:** expectations, compensation, juveniles, mediation

### Streszczenie

#### Agnieszka Lewicka-Zelent, *Oczekiwanie zadośćuczynienia przez nieletnich w procesie mediacyjnym*

*Mediacja w sprawach nieletnich w Polsce stanowi środek subsydiarny wobec sądowego rozstrzygnięcia konfliktów o charakterze prawnym. Nadal wymaga uszczegółowienia przepisów prawnych oraz prowadzenia badań, na podstawie których możliwe jest wskazywanie czynników warunkujących jej skuteczność. Diagnoza stanowi podstawowy krok w kierunku podejmowaniu oddziaływań wychowawczych wobec młodzieży. Dlatego celem badania własnego było ustalenie poziomu oczekiwania zadośćuczynienia przez nieletnich, zakładając, że techniki neutralizujące i wysoki poziom krzywdy w subiektywnym ich odczuciu czyni z nich osoby pokrzywdzone, przez co nie czują się odpowiedzialne do ponoszenia*

odpowiedzialności za czyny niezgodne z normami prawnymi. W badaniu uczestniczyli nieletni, wobec których sąd orzekł nadzór kuratora sądowego oraz uczniowie ze szkół publicznych niesprawiający trudności wychowawczych. W badaniu sondażowym wykorzystano Skalę Oczekiwania Zadośćuczynienia Agnieszki Lewickiej-Zelent.

**Słowa kluczowe:** oczekiwania, zadośćuczynienie, nieletni, mediacja

## References:

1. Ashforth B.E., Kreiner G.E., 'How Can You Do It?': Dirty Work and the Challenge of Constructing a Positive Identity, *Academy of Management Review* 1999, No. 3.
2. Copes H., *Societal Attachments, Offending Frequency, and Techniques of Neutralization*, *Deviant Behaviour* 2003, No. 2.
3. Foster J., *Motywacja w miejscu pracy* [in:] N. Chmiel (ed.), *Psychologia pracy i organizacji*, Gdańsk 2003.
4. Gostyński Z., *Naprawienie szkody w postępowaniu w sprawach nieletnich*, *Nowe Prawo* 1984, No. 2.
5. Haak-Trzuskawska A., Haak H., *Ustawa o postępowaniu w sprawach nieletnich. Komentarz*, Warszawa 2015.
6. Konarska-Wrzošek V., *Prawny system postępowania z nieletnimi w Polsce*, Warszawa 2013.
7. Lewicka-Zelent A., *Uwarunkowania gotowości nieletnich do zadośćuczynienia w paradygmacie sprawiedliwości naprawczej*, Lublin 2015.
8. Lewicka-Zelent A., *Analiza zasobów osobistych uczestników szkolnego warsztatu mediacyjnego*, Opole 2014.
9. Lewicka-Zelent A., *Klimat szkół gimnazjalnych. Diagnoza weryfikacyjna programu „Mediacja w szkole”*, Opole 2014.
10. Lewicka-Zelent A., *Obniżanie poziomu przemocy i lęku młodzieży gimnazjalnej*, Lublin 2012.
11. Maslow A.H., *Motywacja i osobowość*, Warszawa 2009.
12. Mc Carthy J.G., Stewart A., *Neutralization as a Process of Graduated Desensitization: Moral Values of Offenders*, *International Journal of Offender Therapy and Comparative Criminology* 1998, No. 1.
13. Mudrecka I., *Poczucie odpowiedzialności młodzieży skonfliktowanej z prawem. Studium pedagogiczne*, Opole 2010.
14. Muszyńska A., *Zobowiązanie do naprawienia szkody w postępowaniu w sprawach nieletnich*, *Ruch Prawniczy, Ekonomiczny i Socjologiczny* 2007, No. 2.
15. Poznaniak W., *Zaburzenia w społecznieniu u przestępców. Analiza niektórych mechanizmów psychologicznych*, Poznań 1982.
16. Rawls J.A., *Teoria sprawiedliwości*, transl. M. Panufnik, J. Pasek, A. Romaniuk, Warszawa 1994.
17. Schwartz S., David A.B., *Responsibility and Helping in an Emergency: Effect of Blame, Ability and Denial of Responsibility*, *Sociometry* 1976, No. 4(39).
18. Stańdo-Kawecka B., *Neutralizacja normy „nie kradnij” w genezie przestępczości nieletnich*, *Archiwum Kryminologii* 1994, No. 20.
19. Sykes G.M., Matza D., *Techniques of Neutralization: A Theory of Delinquency*, *American Sociological Review* 1957, No. 6 (22).
20. Walgrave L., *Advancing Restorative Justice as the Ground for Youth Justice*, <https://www.unicef.org/tdad/2lodewalgrave.pdf>.