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CRIMINAL LAW REGIME OF THE JUVENILES

AUTHOR SUMMARY

Dissertation for the acquisition of the educational and scientific degree ***doctor***

Field of higher education 3. Social, economic and legal sciences;
Professional direction 3.6. Law;
Doctoral program ***Criminal Law***

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Plovdiv
2023

I. GENERAL CHARACTERISTICS OF THE DISSERTATION

1. Subject of the study

The subject of the research of the dissertation is the features of the criminal law regime of juveniles, in view of national and European legislation, as well as international legal acts. It is analyzed both the regulatory framework, the legal doctrine and the relevant jurisprudence, the changes in the matter in recent years and the problems arising in law enforcement.

The legal acts and court practice cited in the dissertation are current as of September 1, 2023.

2. Relevance of the topic

In recent years, the topic of the criminal regime of juveniles in Bulgarian criminal law has often been a reason for discussions about its meaning and significance in cases of committed acts with a high degree of public danger. There is a worldwide tendency of increasing juvenile criminal activity, with the minimum age being lowered, crimes becoming more serious, and recidivism increasing. Based on this, attitudes are created in society that the jurisdiction in the field of criminal law does not work well. Opinions are expressed that it is slow, cumbersome, inefficient, the duration of

cases is too long, and that final acts do not meet public expectations of justice. As a result, convictions and sentences imposed by the courts are increasingly severe, the public expresses an opinion of counteraction crimes through harsher penalties, most often longer prison terms. Legal and moral questions are raised about the need for the existence of a differentiated regime for juveniles, as well as the need for possible changes in it regarding its essence is discussed.

Despite tougher penalties, juvenile crime is not decreasing, which means it's probably not the best approach. Precisely because of this, already in the 70s of the last century, the idea arose to look for alternative methods of combating juvenile delinquency. When using them, they should be considered for persons under 18 years of age. Such alternative to the criminal process is restorative justice, which is particularly appropriate for juvenile offenders. Restorative justice is implemented in many countries as well as in most EU member states. Internationally, the practice of the application of restorative justice shows that it has many positive aspects.

The stated indicates the special importance of the subject of the criminal law regime of juveniles and the next step in its development with the establishment of restorative justice, as an alternative method of criminal justice. The dissertation presents a general theoretical and practical analysis of the special regime of juveniles and restorative justice through mediation in criminal

cases. Conventions and international legal acts of the Council of Europe and the United Nations concerning criminal justice in relation to juveniles and alternative methods of its application are indicated and analyzed.

Therefore, the international legal acts of the Council of Europe and the United Nations, as well as the EU Directives, which determine the need to update the special regime of juveniles, in view of the necessity of establishment an alternative methods of criminal proceedings against them, have been examined. In order to fully achieve these goals, it is necessary to adapt the Bulgarian legislation with Directive 2012/29/EU, by amending and supplementing the Criminal Code and the Criminal Procedure Code for the establishment of restorative justice, through mediation.

3. Purpose and tasks of the study

The scientific research is aimed at achieving the following goal: to outline the theoretical and practical dimensions of the criminal law regime of juveniles, to clarify its legal essence and meaning, to outline the controversial issues and problems that arise in the practice of criminal cases.

The purpose of the research is specified in the following tasks:

- the significance of age and sanity for criminal responsibility in historical plan;
- historical development of the Bulgarian system of punishments for juveniles;

- features of the procedure for imposing punishments on juveniles;

- features of the criminal law regime of juveniles, according to:

a/ current national legislation;

b/ the international legal acts of the Council of Europe and the United Nations;

c/ European legislation;

- analysis of punishments and institutes applicable to juveniles;

- analysis of the regime for imposing educational measures on juveniles;

- analysis of restorative justice, as an alternative method of criminal justice;;

- analysis of international legal acts of the Council of Europe, the United Nations and European legislation related to restorative justice;

4. Research methodology

To achieve the scientific goal and the tasks set in the dissertation, the general scientific methods of knowledge were used: description, comparison, the method of scientific analysis and synthesis, the inductive and deductive method, as well as private research methods: comparative-legal and logical-legal.

5. Practical significance

The practical significance of the research can be summarized in several directions:

- the opinions adopted on the issues under discussion, advocated in the legal doctrine and judicial practice, are analysed;

- the deficiencies in the regulatory framework related to the criminal law regime of juveniles and the establishment of restorative justice, through mediation, are researched;

- in connection with the above, conclusions have been drawn to change the current legislation;

6. Volume and structure of the study

The dissertation is 284 pages long and consists of an introduction, four chapters and a conclusion. Each of the chapters includes sections marked with Roman numeral 390 footnotes have been made.

II. CONTENTS OF THE WORK

Introduction

In **CHAPTER ONE**, a historical overview is made, which chronologically tracking the origin and development of the criminal law regime for juveniles from the establishment of the Bulgarian state in 681 to the present moment. During the historical overview, the following periods in Bulgarian criminal law were distinguished:

1. The period from 681 until 1018 – First Bulgarian

state. It is indicated that at the beginning of this period the common law was in force, and the punishments of the perpetrators of crimes were carried out by the injured or affected persons. From this period, no historical records have been found to show that the persons concerned had in mind the age of the perpetrator of the criminal act.

Further is examined the ***Byzantine Eclogue***, in which *the age of the perpetrator of a crime was mentioned for the first time in a legal source that was applied in Medieval Bulgaria*. It has been made in article 38, of title XVII, regarding the "homosexuality",in which a perpetrator under the age of 12 was not punished. Particular attention is paid to article 45, concerning intentional murder. The requirement for intent leads to the conclusion that a person of young age could not form a conscious form of guilt – intent to kill.

The content of the first Bulgarian legal code - the ***Law on Judging People*** - is studied. In Chapter XV, ex. 2 concerning the crime of "arson", the perpetrator of the crime a requirement has been set - not to be a juvenile.

The text of the Byzantine Eclogue is compared with its Old Bulgarian translation, called the ***Slavic Eclogue***. Similarly, in relation to the crimes of "homosexuality" and "intentional murder", age restrictions have been placed on their perpetrators.

2. *The period 1018-1185 – Byzantine rule*. In the section it is stated that during the Byzantine rule both the law received by Byzantium has continued to operate,

as well as the *Law on judging people* and the *Slavic Eclogue.*

3. *The period 1185 – 1396 – The second Bulgarian state*. In this section, the legal compendium ***Syntagma of Matthew Vlastar*** from 1335 is examined. In Chapter "F-5" have been included the Fourth Rule of St.Gregory of Nissan and the Eighth Rule of St. Basil the Great, which been dedicated to voluntary (intentional) and involuntary (careless) murders, with specific definitions for them. In the "Laws" section of the same provision, an age restriction have bee placed - ***a child up to 7 years of age is not subject to criminal liability***.

4. *The period 1396-1878. – Ottoman rule*. The subject of research in this section first of all is the ***Ottoman Criminal Code*** of 1858. In the latter, there have been texts that *recommended the judicial institutions to take into account the age of the defendant, and when he was a child from 8 to 14 years - he was exempted from sentencing because he could not yet clearly distinguish between good and evil, and could not realize the sense of guilt.*

Further, the Bulgarian customary criminal law in force during this period is examined. Moreover, the research of S.S. Bobchev., made since 1908 until 1927, concerning the application of customary criminal law during the Ottoman rule and after it, is studied in detail. The research contains answers of old-age Bulgarians related to age restrictions for the perpatrators of crimes.

In third place, the legal compendium ***Law of Constantine Justinian*** is analyzed. In the content of this law compilation three articles were found, in which age restriction have been provided regarding the perpetrator of a crime. In article 38 concerning “fornication” it has been said *that a person under 12 years of age shall not be punished*. In article 42, dedicated to witnesses, it i has been provided that "*the witness is not credible if he is younger than 25 years, if he testifies with many and the 20-year-old witness is admissible*." In article 68, item 12, item 4, related to being captured, has been stated that children are not minors "*if they are 18 years old*"

5. The period 1878 – 1944 - Third Bulgarian state. The section traces the successive adoption of legislative acts with criminal law content after the Liberation in 1878. The first is - ***Statute on the punishments that magistrate can impose*** from 1880. When reviewing its texts, it was established that minors under 10 years of age have not been criminally responsible, and *persons aged 10 to 17 have been "juveniles"*. For the latter, there have been a possibility to reduce the imposed penalty by half.

The second adopted criminal law act was the First Bulgarian ***Criminal Law*** of 1896, which has been applied until 1951. According that law minors up to the age of 10 have been absolutely not criminally responsible. *The limits of juveniles have been between*

10 and 17 years, and such persons have been criminally liable only if they "*have acted with discretion*", if they understood the nature and meaning of what they had done and were capable of directing their actions. In case juveniles were criminally liable, special rules have been provided for replacement and reduction of the imposed penalties.

Further, the first special law regarding the criminal regime of juveniles - the ***Juvenile Courts Act*** of 1943 is examined. The field of application of this legal act has been in relation to persons who have reached the age of 12, but who have not reached the age of 17. Attention is drawn to the fact that the law has provided for the first hypothesis of exemption from criminal liability of a juvenile with the imposition of educational measures, exhaustively listed in the Juvenal Courts Act. It is also indicated that the special law has contained a newly established institute of conditional sentencing of juveniles. When comparing the Criminal Law from 1896 with the Juvenal Court Act, it was found that the latter also has provided for the replacement and reduction of punishments imposed on juveniles.

6. *The period of 1944 – 1989* - In this section, first of all, in view of the content of the Criminal Law from 1951 it is stated that the age of juveniles has been changed to 13 years, and persons who have reached the age of 13 but not reached the age of 18 were have been declared juveniles, with the restriction - if they could understand the nature and meaning of the act and lead

the actions. Similar to the previous Criminal Law, rules were have been provided for replacing the punishments of juveniles. Attention is drawn to a new opportunity been created for the court to release the juvenile from punishment if the act is not serious and if it was committed due to infatuation, frivolity or foreign influence.

Further in the section, the Criminal Code of 1956 is examined, according to which persons under the age of 14 have been declared minors, and persons over the age of 14 but under the age of 18 have been considered juveniles.

The special ***Law for Combating Juvenile Delinquency*** from 1958, renamed the ***Law for Combating Antisocial Behavior of Minors and Juveniles*** in 1961, is also subject to consideration. The specialized institutions established with it, assisting in the fight against juvenile delinquency, the possibilities for their referral, as well as the types of educational measures imposed on juveniles who have committed anti-social acts or crimes for which they were exempted from criminal liability are described in detail.

7. *The period from 1989 till present days*. The section generally states that the special rules for juveniles, according to the current ***Criminal Code*** of 1968 will be discussed in detail in Chapter Two of the dissertation.

CHAPTER TWO of the dissertation is devoted to

the criminal law regime of juveniles, in view of the current national legislation.

In **Part One**, age and sanity are discussed as a prerequisite for the criminal responsibility of juveniles. The following concepts are analysed in order to explain in detail the institutes specific to under-age persons:

- age and age characteristics;
- age characteristics and their importance for the sanity of juveniles;
- the peculiarities of the content of the insanity of juveniles;

In the ***second section***, is researched the special regime of criminal responsibility of criminally responsible juveniles. First of all, the institute of exemption from criminal liability of juveniles was examined, emphasizing separately on the two types of procedures. In the case of exemption from criminal liability with the imposition of educational measures under Article 61 of the Criminal Code, the notions of not high public danger, infatuation and frivolousness are specified, in accordance with mandatory case law of the Supreme Court and criminal law doctrine. When characterizing the exemption from criminal liability with the imposition of an administrative penalty under Art. 78a of the Criminal Code, the amendments to the Criminal Code with SG No. 26 of 2010 are taken into concideration for the possibility of this institute also being applied to juveniles. The prerequisites cumulatively required for the application of this

particular proceeding are defined and described in detail.

Further in the section, the penalties applicable to juveniles are consistently clarified as a different system of penalties for persons under the age of 18 and the types of penalties imposed on juveniles are characterized. The mandatory replacement of the punishments of juveniles under Art. 63 of the Criminal Code, as well as the exemption from serving the imposed punishment of juveniles, including conditional sentencing and early release from serving the imposed punishment, are specified. The rules for rehabilitation, effacement of the criminal prosecution and the punishment imposed on juveniles, as well as in the case of recidivism, are highlighted. A special place is assigned to the changes in the Criminal Procedure Code from 2023, related to the criminal law regime of juveniles. It is emphasized that although these amendments and additions are in the criminal procedural regime of juveniles, it is inextricably linked to criminal law and creates some significantly more favourable special rules for them.

The exposition of **Part Two** follows the provisions of the special ***Law for combating anti-social behavior of minors and juveniles*** from 1961 and in particular the amendments and additions of 2004. **Section one** lists the guidelines in which the changes were made, as well as the newly adopted principles. In the next section, a comparative analysis of the definition of anti-social behavior under the Law for Combating Antisocial

Behavior of Minors and Juveniles and the crime under the Criminal Code is made.

In **Section three**, dedicated to the educational measures under the *Law on Combating Antisocial Behavior of Minors and Juveniles*, a comparison is made between these measures and the punishments under the Criminal Code provided for juveniles. A classification of educational measures is prepared. There were reviewed the procedures for imposing educational measures by the local commissions for combating antisocial behavior of minors and juveniles, as well as by the regional courts for placement in a socio-pedagogical boarding school and in an educational boarding school . The consequences of non-fulfillment of the imposed educational measures and the possibilities of creating a new educational case are indicated.

Separately, in connection with the by-laws in force at the moment, the operation and status of children's pedagogical rooms, socio-pedagogical boarding schools and educational boarding schools are examined.

In a separate point of the section, arguments "for" and "against" the existence of the socio-pedagogical boarding school and in an educational boarding school are presented. In that section is also examined the unadopted draft law on the ***Law on diversion from criminal proceedings and the imposition of educational measures on juveniles*** from 2016, which provides for the closure of specialized boarding schools and their replacement with a *Center for Educational*

Supervision. Substantial attention is given to the purpose of the draft law for the establishment of the completely new institute - diverting juveniles from criminal proceedings through mediation. It is noted that this institute provides the opportunity for the application of restorative justice, thus the recommendations of international organizations such as the Council of Europe and the United Nations, as well as the EU, would be fulfilled.

CHAPTER THREE is related to the criminal law regime of juveniles, according to international legal acts and European legislation.

Section one is devoted to the United Nation Minimum Standards for Juvenile Justice, which include:

1. ***Uunited Nation Rules on Minimum Standards Relating to Juvenile Delinquency*** (1985 Beijing Rules). It is stated that they are not of a mandatory nature and represent recommendations, through which the relative unification of the criminal law regimes for juveniles in the legal systems of the UN member states is aimed at, by defining common principles and guidelines regarding pre-trial and judicial proceedings against juveiles;

2***. United Nation guidelines for the prevention of anti-social behavior by juveniles*** (Guidelines from Riyadh). They recommend the development of national, regional and international approaches and strategies for the prevention of juvenile delinquency. It is pointed that

these guidelines recommend to member states for the successful prevention of anti-social events, the creation of special laws and proceedings for persons under 18 years of age;

3. ***United Nation Rules on Minimum Standards for Non-Custodial Measures*** (Tokyo Rules). When reviewing them, it is clear that they do not only apply to juveniles, but to all persons. Although they are extremely important because they constitute a set of basic principles which promote the use of non-custodial measures, as well as minimum guarantees for persons , on whom measures have been imposed as an alternative to imprisonment.

4. ***United Nation Rules for the Protection of Minors Deprived of Liberty*** (Havana Rules). These are specific rules for juveniles who have been sentenced to imprisonment and are serving their sentence in places of imprisonment.

In **section two**, the following international legal acts of the Council of Europe related to juveniles are included:

1. ***Guidelines for Child-Friendly Justice*** (2010). Although these guidelines are not legally binding, they are an important document for suspected or accused juveniles in criminal proceedings. They deal with the rights of juveniles during the entire criminal proceedings.

2. ***Resolution 2010 (24) Child-friendly justice: from rhetoric to reality***. This instrument expresses the

need for a human rights-based and juvenile justice system for juvenile offenders. Therefore, specific standards regarding criminal proceedings against juveniles are outlined.

3. ***Recommendation SM/Rec(2008) 2011, on the European rules for juvenile and minor offenders subject to sanctions and measures***. With the recommendation, the member states are generally directed to prioritise the use sanctions and measures that can have an educational impact on juveniles.

In the **third section**, the 1989 ***United Nation Convention on the Rights of the Child*** is analyzed. It is in force for Bulgaria since 1991 and as an international treaty, it is legally binding. It contains norms of criminal law importance, which the member states are obliged to provide for persons under 18 years of age. The safeguards to be assured when a juvenile is suspected or accused of violating a criminal law are also provided.

In **Part Two**, European legislation concerning juveniles is reviewed. Its **first section** examines the ***Convention for the Protection of Human Rights and Fundamental Freedoms*** (ECtHR) in force for Bulgaria since 1992, as well as the practice of the European Court of Human Rights (ECHR***). Article 5 "Right to freedom and security"***, related to deprivation of liberty, is studied in detail. Particular attention is given to the fundamental ***Article 6 "The right to a fair trial",*** and the guarantees for its application are listed. The synonymous guarantees of the ECtHR's long-standing

case law on this right are also mentioned.

In **Section two** the subject of consideration is the ***Charter of Fundamental Rights of the EU***. Some of its provisions guarantee fundamental rights of access to justice, which contain *fair trial guarantees* applicable to both adults and juveniles.

Section three includes the ***Directive on the right of access to a lawyer in criminal proceedings (2013/48/EU)***. It is found that direct references are made in its provisions in relation to the criminal law regime of minors, stating that it reaffirms the fundamental rights and principles recognised by the *EU Charter of Fundamental Rights*, which include the rights of juveniles.

Section four analyzes the provisions of the ***Directive on procedural guarantees for children, suspects or accused in criminal proceedings (2016/800/EU)***. The purpose of this Directive is to put in place procedural safeguards to ensure that persons under the age of 18 who are suspects or accused in criminal proceedings are able to understand and follow the proceedings and to exercise their right to a fair trial, and to prevent them from reoffending and to promote their social integration.

CHAPTER FOUR is entitled "***Restorative Justice***". In the **first section**, restorative justice is noted

as a new approach to juvenile delinquency. Its origins and the shaping of its theory in criminal justice doctrine are traced. The concept of restorative justice, according to some authors, as per the 2020 ***United Nations Handbook for Restorative Justice Programs***, is discussed. It is generally accepted that restorative justice, as an alternative method of criminal proceedings, consists in restoring the harm of the criminal act to the victim by the perpetrator without the use of criminal repression.

Section two lists and examines the international legal acts of the Council of Europe related to restorative justice:

1. ***Recommendation No. R /2003/ 20 of the Committee of Ministers of the Council of Europe on new ways of dealing with juvenile delinquency and the role of juvenile justice***. According to this international organization, the traditional criminal justice system is not fully adequate against the crimes and anti-social behavior of juveniles, due to the fact that they have different educational and social needs than adults. For this reason, it is necessary to establish alternative methods of criminal proceedings against juveniles through mediation. It is pointed out that at present the Criminal Procedure Code does not provide for the possibility of applying mediation, as it is specified that a draft law has been drawn up.

2. Recommendation /2006/ 8 of the Committee of Ministers of the Council of Europe on assistance

provided to victims of crimes. In that instrument proposes that Member States provide in their legislation for public authorities, where appropriate, to seek and offer opportunities for victim-offender mediation.

3. Recommendation CM/Rec /2018/8 of the Committee of Ministers of the Council of Europe, on restorative justice in criminal matters. Member States are suggested to develop and use restorative justice in their national criminal justice systems, through mediation. In this regard, it is specified that a draft law of 2016 for amendment and supplementation of the Criminal Procedure Code and the Criminal Code, which provides for the establishment of mediation in criminal cases, has been drafted, and its motives are set out.

In the **third section**, the international legal acts of the United Nations concerning restorative justice are presented, such as:

1. ***The United Nation Minimum Standards for Juvenile Justice***. These standarts made suggestions for "diversion from criminal justice" as well as providing viable alternatives in the processes of holding juveniles criminally accountable through diversion to community services.

2. ***Resolution E/RES/1999/26 of the United Nations Economic and Social Council on the development and application of mediation and restorative justice measures in the criminal justice system.*** Guidelines for the application of restorative justice alongside mediation in criminal proceedings are

set out.

3. ***Economic and Social Council Resolution E/RES/2002/12 on Basic Principles for the Use of Restorative Justice Programs in the Criminal Justice System.*** The instrument defines the basic principles in the use of restorative justice programs in criminal justice, as well as the fundamental principles, standards and guarantees for its application.

Section four reviews EU legislation related to restorative justice:

1. ***Framework Decision 2001/220/JHA of the Council of the EU on the legal status of crime victims in criminal proceedings***. The Decision recommends the use of mediation in criminal cases, laying the basis on which restorative justice is developed through mediation in EU Member States.

2. ***Directive 2012/29/EU establishing minimum standards for the rights, support and protection of victims of crime.*** The Directive provides important guidelines for the introduction and implementation of restorative justice through mediation. Basic principles and guarantees that should be included in the legal systems of individual countries are indicated.

Section five presents detailed arguments "for" and "against" the application of restorative justice. The benefits of the application of this institute from the beginning to the end of a classic criminal proceeding are highlighted in detail. It has been established that despite the lack of a legal basis in the *Criminal Code, the*

Criminal Procedure Code and the Law for Combating Antisocial Behavior of Minors and Juveniles, there are opportunities and institutions that resemble measures of restorative justice, such as the release from criminal responsibility with the imposition of educational measures under Art. 61, paragraph 1 of the Criminal Code; the release from criminal liability with the imposition of an administrative penalty under Art. 78a of the Criminal Code, as well as the newly created institute in Art. 375a of the Criminal Procedure Code, included in Chapter 28 of the Criminal Procedure Code.

CONCLUSIONS

Juvenile criminal regime has existed since the Early Middle Ages. Its existence is socially justified and necessary because it represents an opportunity to apply a significantly more favorable regime to juveniles. This special regime, as an institute of criminal law, needs to be amended and further developed, in view of the need to establish an alternative methods of criminal proceedings against juveiles. In order to fully achieve these goals, it is necessary to adapt the Bulgarian legislation with Directive 2012/29/EU, by amending and supplementing the Criminal Code and the Criminal Procedure Code for the establishment of restorative justice, through mediation.

Amendments and additions to the Criminal Code

In Chapter Eight of the Criminal Code, Art. 78a, a text should be created according to which ***Paragraphs 1-6 shall not be applied if an agreement has been reached between the parties through mediation.*** Therefore, it will be necessary to create a new section in the same chapter of the Criminal Code regarding exemption from criminal liability in case of an agreement through mediation. Exemption from criminal liability under this order may be applied before the initiation of criminal proceedings, as well as at each of its stages, when the following conditions are cumulatively present:

- For the crime, a penalty of imprisonment of up to three years or another lighter punishment should be prescribed, when it is intentional, or imprisonment of up to five years or another lighter punishment, when it is careless;
- Property damages caused by the act are reimbursed or insured.
- The perpetrator has not been convicted.
- The victim and the perpetrator reached an agreement through mediation.

Mediation relief will not apply if the harm caused is grievous bodily harm or death, or the perpetrator was intoxicated, as well as multiple crimes.

Art. 81 of the Criminal Code should include a provision *according to which the statute of limitations should be suspended from the beginning to the end of the mediation procedure between the victim and the perpetrator.*

Amendments and additions to the Criminal Procedure Code

First of all, the following text should be included in the grounds that exclude the initiation of criminal proceedings and the grounds for its termination under Article 24, paragraph 1 of the Criminal Procedure Code: "***an agreement was approved after mediation was completed***."

On the next place, I propose to create a ***differentiated procedure with the name "Release from criminal liability in case of agreement, through mediation***", which would include the following provisions:

1. *Regarding the referral to mediation*: under the conditions of Article 78a of the Criminal Code, the prosecutor or the court refers the victim and the perpetrator to a mediation procedure. In this procedure, the victim and the perpetrator should participate in person, and if one of them is a minor, his parent or guardian should participate. The participation of a defender or trustee is not mandatory, except in cases where the perpetrator or victim is a juvenile.

2. *The requirements for the mediator*: The mediation procedure involves a mediator who must meet the requirements of the Mediation Act and has additional qualifications in the field of criminal law and process. For the mediation procedure itself, the mediator should meet together and separately with both the victim

and the perpetrator to discuss the consequences of the crime and the possibilities for reaching an agreement. The mediation must be conducted behind closed doors and within a short time frame - from two to three months, given the factual and legal complexity of the case.

3. *Mediation procedure*: If the mediation ends with an agreement, after recovering the damages caused by the perpetrator, the mediator should send it to the body that referred the parties to mediation. In the event that no agreement has been reached on the file, the respective case should be returned immediately to the authority that directed the parties to mediation for continuation of the proceedings.

4. *Agreement resulting from mediation*: The agreement should be concluded in writing and contain agreement on the circumstances of the act committed, the nature and amount of damages caused and on the specific measures. It must be signed by the participants in the procedure, who declare that they refuse to consider the case under the general procedure, and by the mediator.

5. *Effect of the agreement*: When the prosecutor or the court, which directed the victim and the perpetrator to mediation, approves the agreement reached, he refuses to initiate or terminate the initiated criminal proceedings.

III. REFERENCE FOR THE MORE SIGNIFICANT CONTRIBUTIONS IN THE DISSERTATION

1. The essence of the criminal law regime for minors has been studied.

2. The opinions adopted in the legal doctrine and judicial practice on the discussed issues have been analyzed.

3. The international acts of the Council of Europe and the United Nations, as well as the European legislation related to the criminal law regime of minors, were studied.

4. Restorative justice as an alternative method of criminal proceedings against minors has been reviewed and analyzed.

5. The international acts of the Council of Europe and the United Nations, as well as the European legislation related to restorative justice, are indicated.

6. In connection with the above, specific proposals for improving the regulatory framework have been made.

IV. SCIENTIFIC PUBLICATIONS RELATED TO THE TOPIC OF THE DISSERTATION

The author of the dissertation has participated in scientific conferences and published the following articles related to the topic:

1. Historical review of the criminal law regime of juveniles;

2. International legal acts of the Council of Europe related to the restorative justice of juveniles;

3. International legal acts of the Council of Europe related to the criminal regime of juveniles;