

Rights, Responsibility and Adolescence: Rethinking the Age of Criminal Responsibility in Consensual Relationships

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ABSTRACT

The paper discusses the disagreements over current legal frameworks imposing criminal responsibility on sexual partners of the same age for engaging in sexual relations with adolescents, arguing that age for criminal prosecution needs reconsideration. This research presents both a legal perspective supported by scientific findings from psychology and developmental science area. To its credit, it examines variations in the legal benchmarks across different jurisdictions and how they affect adolescents. Moreover, it discusses contemporary theories that highlight cognitive-emotional and social development that occurs at the stage of adolescence, and thus, doubting the adequacy of current legal age limits.

The study reveals critical harms and repercussions that emanate from the criminalization of consensual relations within young persons, including stigmatization, psychological harm, and long-term impacts on schooling and employment opportunities. The legal arguments presented to support the conclusion call for a balanced, strong legal environment that protects adolescents from prohibited risk-takers while also recognizing their rights to assume teens' enhanced capacities for risk.

The study emphasizes the need for developmental science and psychology research in legislative reform strategies, particularly focusing on age issues. It recommends changes to the legal system to ensure fair handling of cases, citing the recognition of adolescence as a pre-adult stage, which can be easily amended to improve juvenile protection and rights.

It warrants reconsideration to address the issues of justice, fairness, and rights of adolescents in handling consensual relationships not criminal under the given age of criminal responsibility. Thus, the current research work can be regarded as a significant contribution in the context of contemporary discourse on legal reform with presenting an in-depth discussion coupled with policy implications drawn from the findings.

Keywords: Adolescent rights, Criminal responsibility, Consensual relationships, Legal reform, Social Growth.

Introduction

Background and Context

One of the key ideas in criminal law is the age of criminal responsibility, which establishes the minimum age at which an individual may be punished for activities they have performed. These thresholds can however be similar and distinct depending on the cultural, legal and/or psychological acceptance and rejection parameters among jurisdictions. Criminal law in the past as it is seen today aimed at both, at ensuring safety of the society from negative actions as well as at recognizing kids and teenagers as being unfit to realize the consequences of the actions that they undertake. In many countries, a child's legal responsibility begins at a certain age. In certain states, this age may be as low as ten years old, but it may be greater in others, indicating that the state may provide some protection for young people.¹

¹ Crofts, T. (2016). Reforming the age of criminal responsibility. *South African Journal of Psychology*, 46. DOI: 10.1177/0081246316640116

There has been discussion recently over the ages at which offenders should be held accountable in light of growing knowledge regarding the development of the teenage brain. Studies conducted on the subject show that growth continues even into one's middle years, and that this is also the time for issues with morality and judgment, as well as difficulties controlling one's impulses. According to this data, adolescents may not be treated by the law in the same way as adults because they are not wholly responsible, which raises questions about the jurisdiction that is currently in place.

Purpose and Significance of the Study

The key objective of this study is a critical analysis of the ACR, and the focus will be made on the legal-logical, psychosocial, ethico-legal criteria of the difficulty. Thus drawing the conclusions concerning the existing legislation and its actual enforcement, the information from the sphere of the developmental psychology and neurology in the given work allowed to reveal the negative impact of the criminalization of adolescents to the maximal extent.²

Age of criminal responsibility is not merely a legal concept but an idea that reflects the society and its development. It gives rise to concerns on various issues such as perception of the society towards children and adolescents, punishment and reforming the juvenile offenders and rights of individuals compared to safety concerns of society. It is possible to brainstorm a new concept of this age limit and create better and more humane and adequate strategies in the sphere of criminal justice for youth.³

Legal Implications of the Age of Criminal Responsibility

Regarding the legal aspect of the age of criminal responsibility, one has to look at the relevant statutes and laws that determine the age of criminal responsibility in various countries. For instance, historically, the age of criminal responsibility in different jurisdictions has been arbitrarily determined instead of being established scientifically based on the development of cognition and morality. For example, in England and Wales, the age of criminal responsibility is ten years; one of the lowest in Europe because of a historical view that focused on practicality and a desire to protect the public, rather than on the child's development.⁴

A comparative review proves that differences among jurisdictions are rather substantial. Average age of criminal responsibility in Scandinavian countries is also set relatively high, at 15, which traditionally corresponds with juvenile justice that focuses on rehabilitation. These differences show that there is no convergence of opinion and that cultural, social and political factors play a significant role in formulation of laws.

Insights Derived from Psychological and Developmental Views

Psychological research plays an important role in revealing the profile of criminal responsibility. The conclusion can be drawn from the research findings that adolescents are more likely to act on impulse, lack capacity to think generatively and are often swayed by friends. The following are aspects that contribute to a diminished level of responsibility compared to that of an adult. The developmental psychologists also note that it is necessary to consider differences in these respects, as they should promote more humane forms of punishment and focus on rehabilitation rather than punishment.

Neuroscientific data also provide empirical evidence for these arguments, for brain circuits that are responsible for decision making, risk assessment and moral judgment, for instance, are not fully formed until mid-twenties. This evidence undermines the canal legal approach that assumes that children who are over a given age have to be held responsible like adults. This highlights the necessity for legislative changes that consider a young offender's developmental stage.⁵

Ethical Considerations

Some moral issues in relation to age of criminal responsibility derived from justice, equity, as well as; human rights. It is oxymoronic to put children or adolescent into the same legal realm as adults and expect the similar accountability when they are not psychologically and ethically equal. These can have negative consequences for youths' futures, particularly for the younger generation, and lead to unfairly determinate results in their life.⁶ Human rights and child development theories are two ethical ideas that are more supportive of the juvenile justice system. They suggest, among other things, that authorities adopt programs that concentrate more on

² Herring, J. (2016). The age of criminal responsibility and the age of consent: should they be any different?

³ Stanford Encyclopedia of Philosophy. 'Rights'. Available at: <https://plato.stanford.edu/entries/rights/> [Accessed 27 May 2024]

⁴ 'An Age of Complexity: Children and Criminal Responsibility in Law' (SAGE Journals) <https://journals.sagepub.com/doi/10.1177/1473225413492056> accessed 27 May 2024.

⁵ Mir, M. H. (2017). Age of criminal responsibility and the child criminal justice: imperatives of developmental model of juvenile justice for India. In *Jamia Law Journal* (Vol. 2). Retrieved from www.manupatra.com

⁶ Arthur R, 'Rethinking the criminal responsibility of young people in England and Wales' (2012) *European Journal of Crime, Criminal Law and Criminal Justice*

juvenile offenders in an effort to reform them while they are still impressionable and malleable. This viewpoint is in line with the provisions of modern international human rights covenants, which forbid the use of severe punishment by the courts and provide opportunities for rehabilitation.⁷

Consequently, as previous sections of this paper observed, the introduction lays the groundwork for analysis of the age of criminal responsibility. Legal, psychological, and ethical factors are stipulated as significant when addressing this essential threshold. With this study, therefore, the author is seeking to join other scholars in offering useful inputs towards the policy and legal change processes aspiring to meet social, political, and economic needs and rights of adolescents. The following sections will elaborate on these issues, drawing out a detailed argument and proposing means of transformation.

Literature Review

Minors and criminal responsibility the issue is a rather contentious and ambiguous concern that has triggered a lot of debate and interest among legal experts, social analysts, psychologists, and law makers across the globe. The point at which a child can be considered capable and culpable with regard to criminal conduct is not simply a question of legal categorization and specification but is one that is grounded in notions of moral, psychological as well as social maturity. In many jurisdictions, the age of criminal responsibility has been a highly polemic issue, which for many times has mirrored the society's understanding of childhood as well as the ability of evolving personalities to reason. To this end, the rest of this literature review aims to investigate the legal dimensions of the age of criminal responsibility and explore the history and nature of current and past legal systems determining this age. It also focuses on the psychological and developmental views over teenagers influenced by cognitive and psychosocial changes during adolescence, piloting how and to what extent a young person can comprehensively grasp the legal concepts, and proceed with legal actions in an independent manner. In addition, the review presents the case law as well as the differences in jurisdictions to show how various nations try to deal with this problem and the results when different reforms have been made to attempt to solve the problems of juvenile crime. Consequently, this paper seeks to give a concise but detailed depiction of the contextual features that shape ACR in an effort to unveil the broad issues to the youth justice systems and their ramifications on policy and practice.

Herring (2016) vividly noted the critical distinction between the factors that are used in establishing the age, at which one can be regarded as criminally responsible and that of giving consent.⁸

Opposition has been made to the assertion made by some authors that whereas if a child gives consent to engage in sexual activity the law will consider them to be capable of engaging in sexual activities, they are also presumed to be capable of facing criminal charges over their actions. The researcher has provided three major premises. It also locates consent in terms of one party allowing another to do something which would otherwise be wrong. The age of criminal responsibility can be defined as the age at which an individual can be held legally responsible to answer for his or her misdeeds as a criminal. These are separate issues and the law ideally may classify them for different age categories. The second argument is even stronger and is aimed at the complete rejection of the utilization of the age criterion in the strict terms as the basis for excluding a person from the number of criminals. But arising from the analysis of this paper, one can conclude that a bright-line criterion that looks at age is indeed appropriate when it comes to defining the age of consent. Lastly, the researcher has pointed out that there are quite significant social impacts of the decided appropriate age of consent and criminal responsibility.

Crofts (2016) discussed age at which criminal responsibility must be determined and also examined the subsequent validity of the principle of *doli incapax*. The researcher also chooses and explains different meanings attributed to the age of criminal responsibility and discuss its relevance. Some of the common law countries have changed from the traditional positioning of the minimum age at seven years and assuming that children below this age cannot be held responsible for their wrong doings to a principle, which places the age limit between seven and fourteen years and states that any child between these ages cannot be held responsible unless it is proven otherwise. In the process of conducting the research, it has been noticed that there are successive efforts to increase the minimum age below which children cannot be legally punished to twelve and the abolition of *doli incapax* rule of the presumed non-liability. In pursuing this discussion, the author remains unabated in his belief in the presumption to hold until if and only if, the new proposed minimum age of criminal responsibility provided by the United Nations Committee on the Right of the Child is achieved well.⁹

Hussain (2017) noted that there is no way that adolescents can be related to as both children and adults since they have distinct development needs and wants that are different from both ages groups. Adolescence can be defined as the process of human development distinct from childhood and from adulthood based on physical and social changes. This is in reference to a stage where the brain molecules, commonly called synapses, are

⁷ Office of the High Commissioner for Human Rights. 'What are human rights?'. Available at: <https://www.ohchr.org/en/what-are-human-rights> [Accessed 27 May 2024]

⁸ Herring, J. (2016). The age of criminal responsibility and the age of consent: should they be any different?

⁹ Crofts, T. (2016). Reforming the age of criminal responsibility. *South African Journal of Psychology*, 46. DOI: 10.1177/0081246316640116

eliminated while others are coated, in the process known as myelination that largely forms the biological and psycho-social development of an individual. As attained from the discussed physiological and psycho-social developmental models, it is quite apparent that adolescents are not merely in the childhood category or the adulthood bracket. They need extra protection and special regard than these two groups because this is developmental phase of life that individuals are easily influenced to embrace negative behaviors and engage in criminal activities. Therefore, it is imperative to shift from two-categories demographics (child/adult) to three-demographic categories (child, adolescent, and an adult) to meet the needs and wants of every stage of development of a human being. From this approach, one will be in a position to understand the difficulties and needs experienced by adolescents especially those involved in juvenile delinquency hence helping in eradicating the scourge. In establishing legislative provisions on presumption of age at which offenders can be treated as being criminally responsible, it is pertinent to bear in mind developmental aspects. They should also always match with the destiny of the development and socio-economic environments.

McDiarmid (2013) had focused on the legal notion of the age of legal duty. By identifying the pivotal components, the argument suggests that, for a proper distribution of criminal responsibility, it is necessary to understand such concepts as the concept of awareness of the criminal, the concept of understanding the illegality of the action and its consequences, and, finally, the concept of the inner moral sense of the actions. When pushing deeper the question on child's psychological development and her lived experience, the picture complicates. Another aspect of development that is gradual, occurring from infancy to adulthood is the course of separation from others to self-sufficiency. The age at which a person becomes criminally liable for illegal actions should be determined in a way that takes into consideration the scope and complexity of the problem as well as the progression of independence.¹⁰

Brown and Charles (2021) in their research about the England and Wales and criminal law, it was found that the age of legal duty is 10 years. This regulation has been criticized for its drawbacks by policymakers and professionals all over the world who focus on juvenile justice. In any case, the People concerned in the Westminster Government are not ready to consider changes on the minimum age of criminal responsibility despite existence of proofs pointing towards likelihood of change. In this article, the author analyses some background information on the necessity for changing the MARC, the consultation for reconsideration of General Comment No. 10 (2007), as well as the measures to be taken by the UK devolved administrations. It highlights the need for a holistic approach to diversion with regard to other positions that are embraced when engaging with children. It is possible that the above-mentioned approach makes positive changes that improves the lives of children including making transformative changes.¹¹

Legal Perspectives on the Age of Criminal Responsibility

Pakes (2010) stated that, reduction of the age of criminal responsibility is an issue of so much discussion and has undergone radical change. Linking this to children, author also considers the issue of how early criminal responsibility ought to start, given that there could be some doubt as to the continued relevance of the defense of *doli incapax*, which is rebuttable [2].

Wells (2013) equates the moral Taboos which are enumerated under the criminal code, to the ones provided under age of criminal responsibility. He asserts that many criminal acts are simply a restatement of moral codes; and as such, there is need to reconsider which age can be considered as the legal age by which people are held sacrosanct to the law [4].

Tapp and Henaghan considered that there should be coherence between the minimal age of legal duty and the age of consent; therefore, it is significant that age-related policies should consistently address the legal rights of youth. In this paper, 2 key areas of psychological and developmental understanding of adolescence are analyzed.¹²

Steinberg's (2005) gave his view on insight on the developmental psychology of adolescence; the brain is not fully developed up to the mid-twenties. That is relevant to presenting adolescent behaviors and evaluating their responsibility or criminality, which indicates that juvenile offenders are not able to be as punished as adults.

Kunnen et al. (2017) note dynamical systems perspective in developmental psychology and reveal the importance of teen-specific treatment. The type of interventions advocated for appropriate handling of juvenile offending is supportive measures not punitive ones.

¹⁰ McDiarmid, C. (2013). An Age of Complexity: Children and Criminal Responsibility in Law. *Youth Justice*, 13(2), 145-160. DOI: 10.1177/1473225413492056

¹¹ Brown, A., & Charles, A. (2021). The Minimum Age of Criminal Responsibility: The Need for a Holistic Approach. *Youth Justice, European Journal of Crime, Criminal Law and Criminal Justice*, 21(2), 153-171. <https://doi.org/10.1177/1473225419893782>

¹² ResearchGate. "The age of criminal responsibility and the age of consent: should they be any different?". Available at: https://www.researchgate.net/publication/353281919_The_age_of_criminal_responsibility_and_the_age_of_consent_should_they_be_any_different [Accessed 27 May 2024]

Case Studies and Jurisdictional Comparisons

Goldson (2014) provides a comparative survey of juvenile justice systems, noting significant differences in the ages of criminal responsibility and their impacts on youth outcomes. He highlights the reconstructive methods in Scandinavian countries, contrasting them with more disciplinary systems like that of the United States.

Cunningham and Owens (2018) quoting Woolard discussed five case studies of youths from Japan and New Zealand to argue that family engagement mechanisms and community rehabilitation solutions will decrease juvenile crime and enable reintegration into society.

Previous Reforms and their Outcomes

Smith (1999) analyses the effects of the Youngster Justice and legal Evidence Act in the UK in terms of integrating accountability and a punitive aim, with the objective of reformation. As such it will be argued that while the Act aimed to achieve certain objectives, it failed to address developmental needs which are required when dealing with young offenders.

O'Neill (2000) focuses on New Zealand which has enacted the Teenagers, Youngsters, and Their Families Act which has increased the age of criminal identity and also advocates for restorative justice. This reform has been largely successful, as it checks increased incarceration rates and improved the lives of young offenders.

Analysis

Working Legal Standards and Use

The current legal framework of juvenile justice has therefore evolved over a broad canvas and harbors a diverse range of social, cultural, and politically imprinted legislations. These standards are relevant to help in the formulation and guidance on how various systems of laws tackle the issue of juvenile and children's rights. The consensual age, like in many countries of the world, is defined at a relatively low level, in this case at the age of seven. For instance, in England and Wales, the age is set at 10 years old, however, in Scotland, the age at which it was recently changed is 8 to 12 years of age. The United States of America current threshold of ACR differs across the states with some states setting the age as low as seven years. On the other hand, the different countries of Europe have set their age higher; for instance, Germany, and Italy has set it at 14, and the countries in the Nordic such as Denmark, Norway and others have set the age at approximately 15 years of age.¹³

These legal standards are not mere figures of the makers' own creation, but are predicated on the different legal systems' permissive threshold for attributing culpability to children. The decision-making process is frequently based on the moral and cognitive skills' assessment, safety considerations, and societal norms.

Even within clearly defined jurisdictions, application of legal standards can be different. For instance, it would appear that most legal jurisdictions have provisions in order to handle situations that seem to exist on the border between the ages of these limits. In the United Kingdom there has been a common law defense called as the doctrine of *doli incapax* which holds that it is presumed that kids aged between 10 and 14 years lack criminal intent; however, this defense may be waived if there exists sufficient evidence that the child had significance understanding of the act. Likewise, in some states of the United States, so-called 'blended sentencing' is provided whereby some juvenile offenders can be transferred to the adult system where necessary.

Experience also shows varying degrees of differences in the handling of juveniles upon the realization of these standards. For instance, children from the minority groups and those with poor socio-economic background are always over-represented in the prosecute list and are even issued longer prison terms compared to their counterparts. This means that even though the age of legal duty is important, it is not an exhaustive determinant of how juvenile justice is applied.¹⁴

Such laws also intersect with modern legal concepts and human rights. For example, there is the United Nations Convention on the Rights of the Child (UNCRC) that seeks to protect the rights of children and encourages the member countries set a minimum age at which one is considered legally responsible for criminal activities but this convention does not come with a specific age. This feature advocates for the countries to keep revising the laws to come with the best institutions of the rights of children and their development.

Thus, the ongoing legalization of the minimal age of legal duty can be characterized as quite differentiated yet still containing factors that concern morality and maturity as well as legal, safety, and social aspects. The practical implementation of these standards can differ greatly, and this indicates a situation where further research and evidence pointing to potential bias need to be conducted to check for equality or trend towards compliance to International Human Rights Standards.

¹³ Stanford Encyclopedia of Philosophy. 'Rights'. Available at: <https://plato.stanford.edu/entries/rights/> [Accessed 27 May 2024]

¹⁴ Brown, A., & Charles, A. (2021). The Minimum Age of Criminal Responsibility: The Need for a Holistic Approach. *Youth Justice, European Journal of Crime, Criminal Law and Criminal Justice*, 21(2), 153-171. <https://doi.org/10.1177/1473225419893782>

Developmental Insights and Their Legal Implications

Developmental psychology offers searching angle from cognitive and moral development of children and adolescents, which are important in legal status of criminal responsibility. Designing equitable and efficient juvenile justice systems has a significant influence, which is why understanding how teenagers acquire moral reasoning, decision-making abilities, and the capacity to foresee outcomes is crucial.

Developmental ontology research has identified different cognitive and moral development processes that children undergo as they grow up. For instance, there is evidence that the primary motor region of the brain, also known as the prefrontal cortex, which is charged with providing executive functions, including impulse control, risk, and decision-making, remains underdeveloped up to the age of 25. This notion has specific consequences on how juvenile should be treated as per the law because it looked into the analysis that younger individuals have inadequate ability when compared to adults to respect the implications of their actions.

Moreover, psychological theories discussing moral development, one of which is the cognitive-developmental theory by Lawrence Kohlberg also states that children develop through various stages throughout their development process. It should be noted that children at a young age usually make decisions out of personal reward and reinforcement mechanisms derived from parental or other authoritative figures and laws, whereas adolescents and adults take into account ideals of right and wrong and potential repercussions of their actions on other people. This progression helps to substantiate the claim that it is possible that children under a certain age level should not be held as accountable as adults.

From these developmental findings it may be concluded that it is not fair nor practical to punish young children in the same manner as adults for criminal offending. Rather, there is a need for legal systems to take into consideration the developmental age of the person in question when charging and punishing individuals for murders and other such crimes. This might entail devising two independent facets of justice that would govern young people, with the prevailing one emphasizing on positive alteration rather than punishment befalls the juvenile, and guaranteeing that legal processes are accomplished in a way that corresponds to the mental / age maturity of the kid/child.¹⁵

Developmental psychology presents a focused perspective on cognitive and moral development of children and adolescents that are crucial in the legal provisions of criminal responsibility. When decriminalizing juvenile justice systems, it is crucial to create effective and nondiscriminatory guidelines. For this reason, we must comprehend how teenagers grow their moral and decision-making faculties as well as their capacity to predict the course of the law.

The analysis of developmental ontological data has revealed certain types of cognitive and moral development or stages that a child goes through during the process of his or her upbringing. For instance, there is some literature which depicts the primary motor area of the brain popularly called the prefrontal cortex involved in offering executive control, which encompasses impulse control, risk, as well as decision making, to be subdued up to the age of 25. With reference to this notion there are certain implications that it entails as to how juvenile should be treated in line with legal provisions in the course of analysis because it argued that youngsters have quite restricted capacity, compared to adults in terms of understanding the repercussions of their actions.

In addition, psychological theories addressing the moral development of children, which is one of the theories mentioned in the above section called the cognitive-developmental theory by Lawrence Kohlberg also indicate that children go through the certain stages during their development. It should also be understood that while the child at a young age will go around making decisions based on personal benefits and reinforcement from parents and other authority or the law, the adolescent or adult will have principles and conscience that tells them what is right or wrong and the consequences they will face if they get caught doing such wrong deeds. This progression assists in establishing parity in the assertion that it is perhaps reasonable that children below a specific age must not be gripped to the similar duty as adults.¹⁶

Based on these developmental findings any punishment that is meted out to young children for criminal offending should not be same as that given to adults is neither fair nor utilitarian. Instead, the legal systems should consider the developmental age of the individual of interest when charging and punishing those individuals that commit murders and other heinous crimes. This might involve developing two separate sources of justice through which young people will be governed; the dominant source focusing on the positive change rather than punishment for a junior person that incurs the legal judgement; and ensuring that the legal procedures are done in a manner relevant to the mental age/childhood of the kid. In fact, due to the acceptance of these lines of reasoning, several legal systems have considered incorporating these developmental theories into systems of juvenile justice. For example, in the United States, the juvenile justice system has received deference from the Supreme Court in quite a number of cases relating to the developmental differences between juveniles and adult persons. In *Roper v. Simmons* (2005) the Court found it was unconstitutional to sentence anyone to death where they were under eighteen at the time of the offence, relying on the data of developmental psychology. In the same year, in *Graham v. Florida*, the Court again stressed developmental science, stating

¹⁵ Arthur R, 'Rethinking the criminal responsibility of young people in England and Wales' (2012) *European Journal of Crime, Criminal Law and Criminal Justice*.

¹⁶ 'An Age of Complexity: Children and Criminal Responsibility in Law' (SAGE Journals) <https://journals.sagepub.com/doi/10.1177/1473225413492056> accessed 27 May 2024

that juvenile cannot be given mandatory life sentencing for non-homicide offenses. These case examples allow for appreciating how developmental findings may influence the legal criteria and help to avoid degrading treatment of juvenile offenders. They also underscore the need for the continuous practice of psychologists, law, and policymakers to disseminate knowledge and conduct research on children and adolescents and the laws put in place to address issues involving juveniles. Lastly, the principles of developmental psychology are highly valuable in the arenas of cognition and moral reasoning in children and adolescents, which forms the foundation of evaluating legal responsibility in criminal law. By integrating these perceptions into juvenile justice systems, we can make more just and effective legal frameworks that identify the unique developmental stages of young people.¹⁷

Impact of Criminalization on Adolescents

Delinquency, as a process of criminalization of adolescents, has severe and irreversible consequences for the lives, personal growth, and potential of the boys and girls who fall into its orbit. It becomes important to comprehend these effects so as to ensure that legal policies and practices that affect and involve young individuals do not endanger their fundamental rights and freedoms and the general public is shielded from youth related vices.

Another downside of criminalization concerning adolescents is that students have to interrupt their learning and growing process. When youth are put in prison or somehow associated with the criminal justice system, they may lose their continuity in school, and this's a thing that may hinder their chances of getting formal education and employment opportunities in future. Cross-sectional research evidence has indicated that youths that encounter criminal justice systems experience high rates of academic dropout in their quest to perpetrate crime coupled with low motivation or probabilities for college educations thus severely restricting their mobility in the economic feature.¹⁸

Furthermore, one has to take into consideration that being arrested, prosecuted and being in prison can directly affect the young people's psychological wellbeing. Stress might also lead to another mental problem, including, but not limited to, depression, anxiety, or PTSD if these kinds of experiences already exist, or something new develops from the occurrence. In addition to social exclusion, labeling that comes as a result of criminalization may cause an adolescent's character or morale to be utterly destroyed, thereby affecting his or her character and morale and development.

The social consequences of criminalization are random and fundamental also. It is a known fact that youngsters who have been in a legal justice system may experience challenges constituting their reintegration into a community or on the development of healthy interpersonal relations. They are discriminated by their fellow students or people in their communities, hence faced with exclusion, prejudice, rejection and isolation. In result, through social exclusion, the rate of recidivism grows into a cyclic pattern of continuative crime commission and interactivity with the legal justice system.

Additionally, the criminalization of teenagers could have lengthy-term outcomes for his or her future interactions with the felony machine. A criminal report can hinder an individual's capability to find employment, steady housing, and get admission to diverse social offerings. In a few jurisdictions, having a crook document also can have an effect on a character's ability to vote, serve on a jury, or even gain an expert license. These unintended consequences may significantly limit a teen's chances and quality of life throughout adulthood.¹⁹

The effect of criminalization on youth isn't always calmly disbursed throughout all companies. Research has proven that minority youngsters and people from socio-economically deprived backgrounds are disproportionately represented in the juvenile justice machine. These companies often face systemic biases and inequalities that exacerbate the poor influences of criminalization. Addressing these disparities is essential for developing a truthful and equitable justice gadget. Due to these issues, a large number of supporters and proponents are currently calling for measures to destigmatize young offenders and promote fresh approaches that prioritize juvenile aid and rehabilitation, respectively. Restorative justice packages, diversion initiatives, and network-primarily based programs are some of the intervention strategies that target offenders before they are imprisoned.

Measures are examples of methods that aim to respond to the causes of young person criminogenic behavior, as also reduce the detrimental effects of criminalization. Last but not the least, basing our conclusion on the tested facts and evidences we are convinced that criminalization of children can lead to terrible and lasting impacts on their education, psychological state, social interactions, and future opportunities. It is crucial to establish these affects so that improvement of criminal guidelines and prison procedures which may offer the rights and protection of the kid offenders as well as protecting the general public can be enhanced. When we

¹⁷ Herring, J. (2016). The age of criminal responsibility and the age of consent: should they be any different?

¹⁸ Crofts, T. (2016). Reforming the age of criminal responsibility. *South African Journal of Psychology*, 46. DOI: 10.1177/0081246316640116

¹⁹ McDiarmid, C. (2013). An Age of Complexity: Children and Criminal Responsibility in Law. *Youth Justice*, 13(2), 145-160. DOI: 10.1177/1473225413492056.

focus on punishment rather than supporting the juvenile, we are able to ensure that youth become productive healthy citizens in the society.²⁰

Protecting Both Adults and Autonomy

One of the most delicate and complex challenges connected with safety and criminal responsibility of young people is the concern of weighing the level of security of victims from reoffending against the desire to provide young persons with the possibility to take full responsibility for their actions. The legal systems should find the ways of achieving the mission of protecting youths from being harmed and also at the same time containing the increasing capacities of youths to make choices and to commit themselves. One of the primary issues on this balance is the popularity of teenagers' developmental level. As previously mentioned, developmental psychology suggests that adolescents are nevertheless maturing cognitively and morally. This information helps the argument for supplying extra protections to younger humans in the criminal gadget, along with age-suitable prison illustration, the use of juvenile courts, and a focal point on rehabilitation instead of punishment. However, respecting kids' autonomy is also important. Younger people are increasingly seeking independence and the ability to make their own decisions as they get older.²¹

Legal systems ought to consequently bear in mind a way to honor this choice for autonomy while making sure that teens are not exposed to undue risks. This stability may be in particular challenging in instances where teenagers are worried in crook sports, because the legal response have to address both the want for duty and the popularity in their developmental fame.

One technique to balancing protection and autonomy is through the idea of "graduated responsibility" wherein felony duty increases with age and adulthood. This version acknowledges that more youthful teenagers may also require greater protection and assistance, while older youngsters can be granted greater autonomy and held to better standards of duty. Graduated responsibility can be reflected in diverse felony practices, together with exclusive sentencing suggestions for one-of-a-kind age agencies or the use of blended sentencing alternatives that combine juvenile and person justice system factors. Additional vital consideration is the situation of the own family and network in supporting young people.

Thus, legal systems have to promote parents, guardians, and community participants in the environmental rehabilitation and the reintegration of sweet sixteen offenders. For early childhood and teen in specific, there are most of the potentialities of applying family and community-based intervention in helping these young persons to open constructive potentiality and minimize the probability of future criminality. Similarly, the international human rights law also provides state actors with guidelines on how to regulate safety and independence.

The United Nations Convention on the Rights of the Child (UNCRC) states for the need to take account of the child's interest in all matters affecting legal capacity and regards infants and young persons as bearing rights in an evolving capacity. This maxim supports the premise of developmental bug concept as children grow, they must be allowed more freedoms but should be provided adequate safety. Also, prison systems must make sure that there are proper resource items and opportunities that market the growth and health of the kids.²²

This encompasses the right of entry to learning, academic wellness amenities and services as well as appliances that encourage other people's perseverance and life experience. Thus, the prison systems by providing these can assist the teenagers in making favorable choices and thus the probability of participating in criminal activities is minimized. In summary, the notion of protecting and at the same time providing for the secondary access to autonomy of adolescents while determining the degree of their criminal responsibility requires a higher degree of measure and attention to be paid to balance between protection and support based on the degree of development, emerging capacities and needs of adolescents.

Legal frameworks need to establish this stability in order to guarantee that younger people won't be harmed. At the same time, everyone needs to be able to make their own decisions and accept personal responsibility for their acts. By initiating graduated obligation models, family and crew involvement, and conforming to the international human rights, we propose to form a juvenile justice system that's more just and quite effective.

Discussion

Interpretation of Findings

The evaluation of modern criminal requirements and their software, developmental insights, and the effect of criminalization on youngsters exhibits numerous essential findings. Firstly, there may be a massive disparity in the ages of criminal responsibility throughout one of a kind criminal system, reflecting various cultural,

²⁰ ResearchGate. 'Reforming the age of criminal responsibility'. Available at: https://www.researchgate.net/publication/300086041_Reforming_the_age_of_criminal_responsibility [Accessed 27 May 2024]

²¹ Mir, M. H. (2017). Age of criminal responsibility and the child criminal justice: imperatives of developmental model of juvenile justice for India. In *Jamia Law Journal* (Vol. 2). Retrieved from www.manupatra.com

²² United Nations. 'Universal Declaration of Human Rights'. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed 27 May 2024]

social, and political factors. These variations spotlight the shortage of a universally standard trendy and underscore the complexity of figuring out the appropriate age for crook responsibility.

Developmental insights offer compelling evidence that the cognitive and ethical capacities of youth are not fully advanced, suggesting that more youthful people won't possess the equal level of culpability as adults. This supports the argument for better minimum a long time of criminal obligation and the implementation of strippling justice systems that concentrate on rehabilitation rather than punishment.

The impact of criminalization on adolescents is profound, with widespread negative results on schooling, psychological well-being, social relationships, and future possibilities. The findings indicate that minority children and people from socio-economically deprived backgrounds are disproportionately affected, revealing systemic biases inside the juvenile justice system. These differences highlight the want for reforms to create an extra unbiased and a just system.

Protection and autonomy seem to be volatile concept in the middle of which stability was an issue repeated in the findings. On one side, young human want to be protected from hurt; on the opposite, their course for growing creatorship and self-steering capacity should not be forgotten. This stability is a must, especially when focusing on their development into becoming responsible and self-reliant citizens.²³

In conclusion, the study underscores the importance of understanding the state, tackling developmental information, anti-criminalization effects as well as, assertive-protective equilibrium in the manner in which juveniles are treated in relation to criminal justice. The relationships between the identified attributes found here provide a starting point for considering criminal and coverage consequences and devising guidelines for reforms in this area of the law.²⁴

Legal and Policy Implications

Based on the established evidence-informed conclusions, this study has several important legal and policy implications. Secondly, differences in legal languages are also significantly large to provide reason to adopt a more reasonable standard ages of criminal responsibility which is in harmony with human rights standards and developmental aspects. Increasing the minimal age of legal duty as proposed by the U. N could also be implemented as it would protect the young and respect their developmental phases.²⁵

The details highlighted by research on the developmental disparities between adolescents and adults have a broad relevance in legal systems. These differences entail that courts and lawmakers should think about them the next time they are establishing culpability or even the relevant punitive measures. This may entail increasing the instances where juveniles are taken through the juvenile court system, arriving at appropriate age benchmarks for sentencing, and recommending healing as opposed to punitive measures.

Section three presents an analysis of minority and disadvantaged youths; this shows that the process of criminalization greatly affects their lives and therefore calls for policies that will change texture of the juvenile justice system. This will accomplish the following measures: training each law enforcement and judicial officer against discrimination, providing equal opportunities for equal justice in legal representation, and devising a system of justice with diversionary processes instead of punishments.²⁶

Addressing the need for protection whilst at the same time weighing this against the right to personal freedom has consequences as far as the law governing adolescents is concerned. There is a recommendation that a range of policies should endorse engagement of families and communities in the rehabilitation process as well as supporting of restorative justice practices. These approaches assist in ensuring the adolescents understand the repercussions of their behavior as well as receive all the necessary assistance for enhancing personal growth and wellbeing.

Moreover, using the UNCRC as a reference point, it will be easier to make Afghanistan's legal standards concerning children more harmonized and child-friendly. Such an alignment would entail periodic revisions and amendments of national laws commenced to consider upcoming knowledge on child development and human rights as fundamental.²⁷

Last but not least, the legal and policy implications of the study findings underscore and strengthen the call for the enhanced developmentally appropriate reforms and standards to 'right' the juvenile justice system by

²³ Arthur R, 'Rethinking the criminal responsibility of young people in England and Wales' (2012) *European Journal of Crime, Criminal Law and Criminal Justice*.

²⁴ SAGE Journals. 'An Age of Complexity: Children and Criminal Responsibility in Law'. Available at: <https://journals.sagepub.com/doi/10.1177/1473225413492056> [Accessed 27 May 2024]

²⁵ 'Rights' (Stanford Encyclopedia of Philosophy) <https://plato.stanford.edu/entries/rights/> accessed 27 May 2024.

²⁶ ResearchGate. 'The age of criminal responsibility and the age of consent: should they be any different?'. Available at:

https://www.researchgate.net/publication/353281919_The_age_of_criminal_responsibility_and_the_age_of_consent_should_they_be_any_different [Accessed 27 May 2024]

²⁷ <https://ijme.in/articles/law-commission-of-india-report-on-the-age-of-consent-denying-justice-and-autonomy-to-adolescents/?galley=html#:~:text=The%20283rd%20report%20in,to%2018%20years%20in%202012>

redressing the existing systemic biases and provide sufficient protection to youth while respecting their agency. These suggestions provide a base for recommending specific legal reforms to improve the treatment of adolescents within the justice system.

Recommendations for Legal Reforms

The age of consent in this context is the age at which a girl is considered sufficiently grown up to be able to decide whether or not to engage in sexual activity. It was explained that the AoC had been 16 years in India. Having remained stagnant at this level since 1940, this age limit was tweaked again in 2012 with the promulgation of the gender neutral POCSO Act. This has led to turning every sexual conduct especially penetrative sex a criminal act for all male and female persons below the age of eighteen years. This logically stems from the definition of a child which according to the United Nations Convention on the Rights of the Child 1990 (UN CRC 1990) is defined as any person below the age of eighteen years for very sound reasons. However, the element is found to have been rather robotically incorporated in the POCSO Act while defining the lower limit of unrealistic consent. The changes were made to the Criminal Law Amendment Act, 2013 (CLA 2013) that altered the Section 375 of the IPC whereby the rape was defined only for women and girls and brought the AoC under the rape law at par with the adult law by raising the age of consent at 18 years. Sexual intercourse therefore with a person under the age of eighteen years is referred to a 'statutory rape' which is constructive rape notwithstanding consent.

Another thing, it is suggested to increase the minimum age established by legal systems and follow the norms prescribed by the international human rights conventions. To make the definition contain the age of 14+ it is to recognize the difference between child and adult and to better protect young people.²⁸

Legal systems should improve the procedure providing the use of juvenile courts and guaranteeing the consideration of the case taking into consideration the developmental level of the accused. This pertains to giving young person's proper legal aid services, making the judicial setting appropriate for such persons to comprehend, and a shift from punishment to the acquisition of change.

Introducing equity policies could mean that the various ways in which such youths are disadvantaged or criminalized is effectively addressed in equal measure to reduce the negative impacts of the criminalization process on such youths. It can include the creation of procedures that would prevent discrimination in the juvenile justice system and the supervision of resulting adverse discriminatory effects; coach cultural competence to all members of the justice system; and guarantee legal assistance for all juveniles.

Integrating restorative justice practices in juvenile justice will assist in emerging a middle path that seeks to punish the offenders while at the same time reform them. The principles of restorative justice include acknowledging and addressing the harm caused, building empathy among all the key stakeholders, and reintegrating the offender, victim, and any other affected persons into a healthy community. Here, the program that allow discussions and reunion can be used as the means that would best help adolescents come to terms with their crimes and readjust to society.²⁹

Another area of focus in legal changes should be significant and constant involvement of the family and the community in the rehabilitation process. Measures made to encourage family-centered treatments, community involvement programs, and other types of support systems would contribute to the positive change that the adolescents may require to avoid reinventing misery upon themselves as well as other people.

Finally, it was recommended that national laws be subjected to annual revision and bring them at par with the current international instruments like the UNCRC. This alignment ensures that children's rights and best interest is put into consideration thereby enhancing the legal policy governing children or the juvenile while standardizing the national standards in line with research findings on children and juvenile policy.

Briefly, the following recommendations for legal changes are created to establish a fair and efficient system of juvenile justice to raise the minimum age of criminal responsibility, to use the juvenile court's jurisdiction to more extend, to fight the philosophical and practical pre-judice, to apply the restorative justice principles and methods, to develop the family and community participation, and to realize the international human rights conventions.³⁰

Addressing Potential Challenges

The current paper will seek to outline some of the challenges of implementing the recommended legal reforms if adopted and how their implication will assist in formulating a more comprehensive and fair juvenile justice system.

²⁸ 'Universal Declaration of Human Rights' (United Nations) <https://www.un.org/en/about-us/universal-declaration-of-human-rights> accessed 27 May 2024

²⁹ ResearchGate. 'Reforming the age of criminal responsibility'. Available at: https://www.researchgate.net/publication/300086041_Reforming_the_age_of_criminal_responsibility [Accessed 27 May 2024]

³⁰ United Nations. 'Universal Declaration of Human Rights'. Available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed 27 May 2024]

One of the serious issues to be addressed in achieving consensus is the question concerning the admissible minimum age for criminal responsibility. Different countries and jurisdictions in the world have different populations, cultures, societies, and political leadership that shape their laws'. Sometimes, even fundamental concerns such as child protection might overlook the importance of International and National consensus, this can only be overcome through strong advocacy, communication and coordination between policy makers, development legal experts and child rights organizations.

Another challenge is the implementation of change across legal and judicial institutions since such systems usually act as barriers to change initiatives. Change in the established measure to more humanitarian styles of discipline may not be favored by people who do not accept any type of reformative measures. To overcome this kind of resistance, it is vital to provide elaborate training and information to the people that work in the justice system explaining the positive outcomes of using development-rehabilitation models and presenting successful models from other states.

Pervasive and entrenched racism and prejudice in the juvenile justice system is one of the most pernicious issues, and the proposed solution cannot be simple or a single one. It is imperative to start with fighting discrimination through enforcing anti-discrimination policies, and training programs, yet these efforts need to be complemented by manifold initiatives against social injustice. It is crucial to engage with community organizations, advocates, and policy-makers to support the changes in the approach to the functioning of justice systems of various countries.³¹

Resource limitations may also become an issue when establishing legal reforms especially where the respective jurisdictions may not have adequate resources to enable the change in law. Enlarging juvenile courts, involving specialists in working with juvenile delinquents, and using restorative justice practices means investing. Therefore, the above-represented reforms require funding and support, including financial assistance and support of government budgets, international organizations and private donors.

Moreover, to maintain parity and symmetry in the implementation of various change initiatives across multiple geographical locations and communities is not easy. It is critical to recognize that inequities in a juvenile justice policy can dilute its efficiency and equality. Creating oversight mechanisms, conducting regular assessments, and promoting best practices can help to ensure steady application and constant improvement of juvenile justice standards.

Furthermore, community outlook and public sentiment to youthful offenders can determine the effectiveness of legal changes. Pre-negative attitudes and prejudice influencing the public's understanding of youth crime can thus hamper the adoption of reformative models. Instead, increased public awareness, media involvement, and community actions are critical in changing the public mind-set and garnering support for recasting policies that aim to reform and restore the original purpose and well-being of youths.

Lastly, it is possible to conclude that the management of challenges concerning legal reforms implementation presupposes an integral and partnership strategy. One of the largest barriers to a fair and effective system handling juvenile justice is the lack of consensus on several significant issues like the minimum age of criminality, overcoming the reforms and formalistic opposition, combating racism and prejudice in the justice system, resource mobilization, standardization of the implementing body, and altering the perceptions of public towards juvenile justice. We should not await the emergence of such criticisms to find strategies that can enable the legal system to serve female adolescents appropriately.

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³¹ SAGE Journals. 'An Age of Complexity: Children and Criminal Responsibility in Law'. Available at: <https://journals.sagepub.com/doi/10.1177/1473225413492056> [Accessed 27 May 2024]

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