

Criminal liability and sanctioning of youth

Abstract

The major topic of my rigorous thesis is Criminal liability and sanctioning of youth. Thesis is divided into four related parts and I analyse this issue especially from the view of substantive law.

During periods of childhood and adolescence young people are not enough intellectually and morally mature and they do not have enough life experience. For this reason, I devote the first part of this thesis to short introduction to developmental psychology. I refer to psychological differences of young people and I describe basic specifics of childhood and adolescence as significant life periods from the developmental point of view.

In the second part I introduce basic models of dealing with delinquent youth and the concept of restorative justice, which is the basis for the current Juvenile Justice Act No. 218/2003 Coll. I also provide historical overview of development of criminal justice against juveniles in the territory of the Czech Republic until today. In this part I also explain basic and the most important terms which are used in the Juvenile Justice Act.

The third part of this thesis is devoted to the topic of criminal liability of juveniles. I discuss the fact that experts do not have the same opinion on intellectual and moral maturity – some of them are convinced that it is a kind of insanity and some of them think that it is a separate reason excluding criminal liability. I also analyse age limit of criminal liability, which is a very often discussed topic and I provide potential reasons to decrease or not decrease this age limit in our legal regulation. At the end of the third part I deal with possibilities of termination of criminal liability of juveniles.

The cardinal topic of the fourth and in my opinion the most important part is sanctioning of delinquent youth. I analyse the system of sanctions that Juvenile Justice Act provides, and I identify lack of legal regulation with its possible solution. In this part I also deal with the matter of sanctioning children under 15 years of age. At the end of this thesis I introduce some relevant statistic data from judicial statistics about using described institutes in general practice.

Key Words: criminal liability, youth, developmental psychology