

Selected issues of juvenile punishment

Abstract

The thesis focuses on the issue of sanctioning delinquent youth, with the focus being situated on the age of juvenile offenders or offenders who have committed a crime close to the age of juvenile delinquency. Significant historical context and legislative changes are provided, particularly in the context of the current version of the Juvenile Justice Act. It focuses on the description and analysis of the basic concepts related to the punishment of juveniles and the background that governs the punishment of persons who are not criminally responsible, juveniles and so-called young adults, i.e. persons who committed a crime after the age of eighteen. It also discusses the international instruments that directly touch on the subject, again oriented towards age and the age of criminal responsibility. Furthermore, it deals with the legal regulation of juvenile punishment and the age of criminal responsibility of juveniles in neighbouring countries, which are Germany, Austria and Slovakia. In general terms, it describes the course of criminal prosecution and the possibilities of defending a juvenile and then outlines the possibilities of extinction of criminality by limitation or diversion. Finally, it then discusses possible legislative changes to the current and effective legislation on Juvenile Justice Act. One of the topics is mental maturity, which, although related to a juvenile's age, is not directly dependent on it. However, particularly in the case of juveniles, it is necessary to take into account mental maturity, i.e. intellectual and moral maturity, and then to treat the juvenile according to his/her level of development and, in the case of a conviction with a guilty verdict and sentence or measure, to take this into account when imposing the measure. Although the age of the juvenile offender is examined in the context of the offence committed, the type of measure must be considered only at the time when the juvenile should be punished for his or her conduct, typically at the time of sentencing. During adolescence, individuals undergo different processes of emotional, hormonal and physiological development. Often, one of these processes does not fully develop, and it is necessary to respond to the delinquent behaviour of such an individual by imposing an appropriate measure in order to correct the person as effectively as possible. Such a measure must have its basis in law, which is why it is necessary to react promptly in shaping legislation, responding to the development of society and, in particular, to changes in juvenile delinquency. At present, for example, there has been an increase in delinquent behaviour in cyberspace and, given the digital age, internationally. Despite the fact that the Czech legislation knows a relatively wide range of measures, I believe that *de lege ferenda*

should be to ensure a more effective impact on juveniles through even more effective prevention and more appropriate measures, thus ensuring the achievement of the purpose of the ZOSM. In addition, changes to the current legislation should make it clear what age is considered to be close to the age of juvenile delinquency.