

# Trends & Policies in Criminology and Justice

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## An Objective Assessment of Major Issues in Juvenile Law

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**Keywords:**

juvenile law, criminal minors, MACR reduction, antisociality, status offenders, court notification system, restorative justice

\*See also: Yoon, Haesung et al. 2022. "A Study on the Plan for Revision of Juvenile Law and Other Relevant Regulations: Understanding Recent Trends with an Object and Purpose Analysis." Seoul: Korean Institute of Criminology and Justice.

### Summary

- Major Issues in Juvenile Law
  - Conducts an overview of current trends and legal systems around the world on criminal minors and the minimum age of criminal responsibility (MACR), and explores the implications for Korean juvenile law.
  - Identifies issues and provides suggestions for status offenders and the court notification system
  - Identifies issues and provides suggestions for the current juvenile law via surveys and interviews of juvenile justice practitioners and experts- Proposes strategies for the future development of juvenile law

## 01. Research Aim and Objectives

### Background

- The issue has been raised that for juvenile delinquents who commit violent crimes, protective detentions for those of age 10 and above through under 14 may not serve as appropriately severe sanctions. It has been suggested that criminal sanctions should be imposed instead.
- Questions have been raised on several important problems of criminal justice policies such as until what age must the justice system interfere to preemptively prevent juvenile delinquency, and which type of system must be integrated to prevent recidivism and encourage resocialization.

### Research Object and Methodology

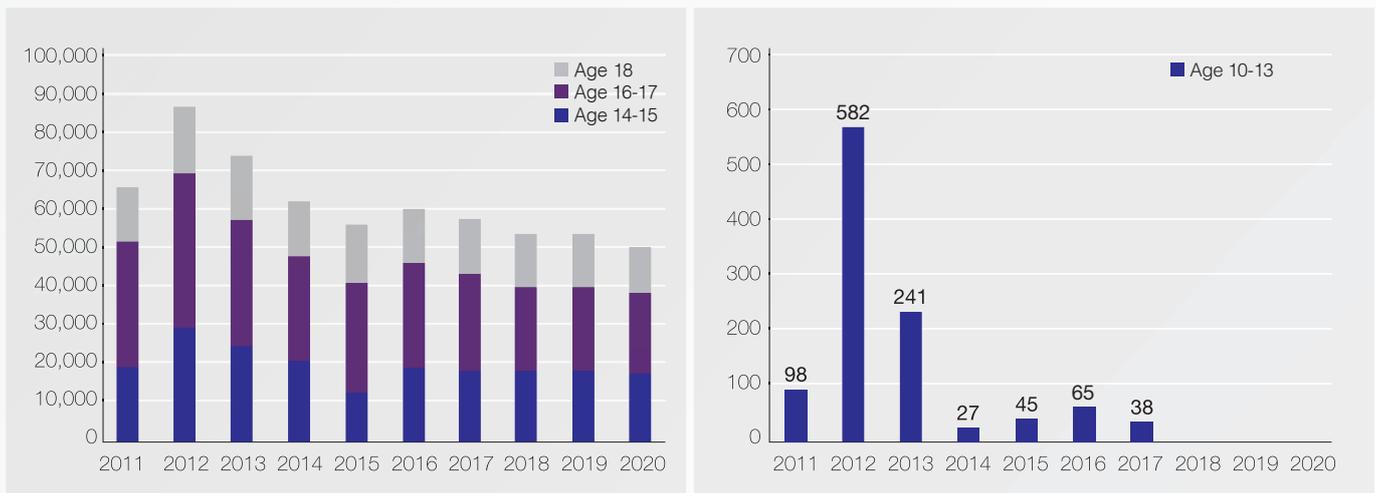
- Centered around Article 1 of the Juvenile Act, the study conducts a comparative legal analysis on the differences between major countries based on their history and periodic trends. Furthermore, it aims to identify issues and solutions for current juvenile law via literature review as well as consultations with legal experts and practitioners.
- On the topic of lowering the age of criminal responsibility, the study conducts a comparative legal analysis on the ages of criminal responsibility around the world. It also examines status offenders and the court notification system.

## 02. Main Findings

### Main Issues of Current Juvenile Law

- Examining the research aim and the subject of the study in reference to Article 1 of the Juvenile Act
- Juvenile crime trends by age group

[Figure 1] Juvenile crime trends by age group (2011-2020)

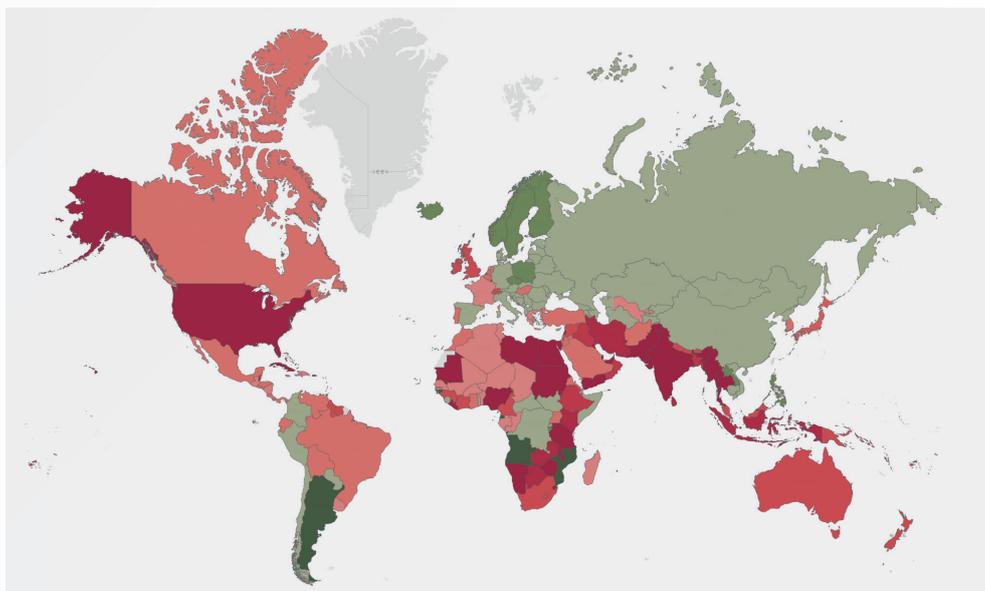


- Overview of MACR by country and examining MACR reduction

[Table 1] Age of criminal responsibility by country

Country	Age of Criminal Responsibility
Switzerland	10
UK (England, Wales, Northern Ireland)	10
UK (Scotland)	12
Canada	12
France	13
Germany	14
Spain	14
Italy	14
Japan	14
Denmark	15
Sweden	15
USA	7-13

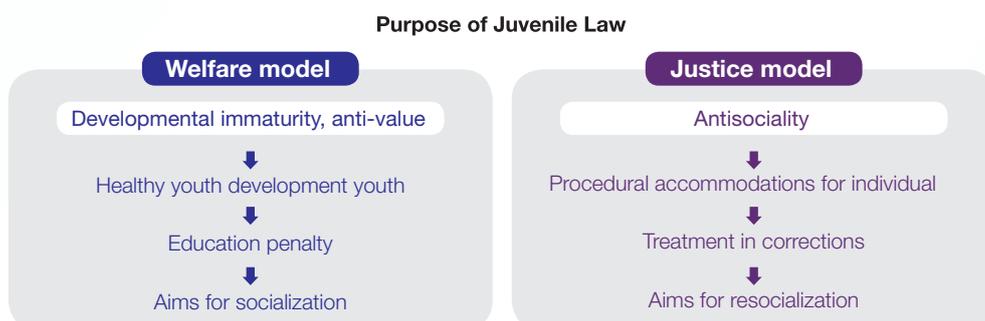
[Figure 2] Age of criminal responsibility by country (August 2022)



Source: Children's Rights International Network (CRIN)  
<https://home.crin.org/issues/deprivation-of-liberty/minimum-age-of-criminal-responsibility>.  
 (The map displays the age of criminal responsibility by country, from ages 7 (dark red) to 16 (dark green))

- Developing a dual model of the purpose of juvenile law: welfare and justice model

[Figure 3] Welfare model corresponding to the ideals of juvenile law



### Comparative Legal Analysis of Main Issues and Implications

- Comparative analysis of the ideals of juvenile law and establishing guidelines for revising Article 1 of the Juvenile Act
- Examining the rationality and validity of the minimum age of criminal responsibility (MACR) based on those of other major countries as well as UN international standards and recommendations
- Comparative analysis of status offenders and the court notification system; identifying issues and solutions

### Strategies for Future Development of Juvenile Law

- Enhancing the expertise of juvenile court
- Improving the status offender and the court notification system
- Enhancing the expertise of the police and the prosecution, etc.

## 03. Policy Proposals

- Guidelines for revising Article 1 of the Juvenile Act
- Specialization of juvenile court; expanding youth welfare facilities
- Emphasis on the ideals of juvenile diversion and restorative justice
- Enhancing the expertise of the police and the prosecution; cooperation with local governments and welfare institutions
- Comprehensive roadmap for the future development of juvenile law

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