
Accountability Of Criminal Activity By Minors

Everything beyond the realm of legality, is a crime, but not all criminals are held responsible in the same way. More that they cannot be all treated the same way due to the individual variations of reasons of their actions and reaction to the treatment. Minors are not and cannot be punished the same way for a crime as an adult who is considered completely competent to make the decision to commit a crime. Even in such a case, with the “brain maturation” and adolescent rebellion playing a major role in their criminal thinking, it cannot be allowed to go on and perhaps get worse with time. Minors must be help accountable for their acts or their thoughtcrimes will be expressed freely without the fear or understanding of its consequences.

Criminal activity is characterised by the violation of laws inplace for the safety and the wellbeing of the society at large. For the maintenance of order, it was imperative for disorder to be identified and laws were made based on the deviance from optimal orderly societal conditions. But things are never that black and white, and so the grey area comes with the concept of intention. "Actus non facit reum nisi mens sit rea", meaning “an act does not make a person guilty unless mind is also guilty”, certain mental abnormalities cause the individual to be incompetent in a way that thwarts their ability to understand the consequences of their actions, thus not criminally responsible. Based on Plato’s attribution of "an element of free choice, which makes us, and not Heaven, responsible for the good and evil in our lives." which might be taken away due to an abnormality or incomplete development. A person is morally responsible if, with knowledge of the circumstances and in the absence of external compulsion, he deliberately chooses to commit a specific act.' “Children, therefore, can act voluntarily, but because they do not have the capacity to premeditate their acts, they, like animals and the insane, are not to be considered morally responsible. “ (The Origins of the Right and Wrong Test of Criminal Responsibility and Its Subsequent Development in the United States: An Historical Survey)

Balfour Browne defined responsibility as “knowledge that certain acts are permitted by law and that certain acts are contrary to law, and combined with this knowledge the power to appreciate and be moved by the ordinary motives with influence the actions of mankind.” Sir James Stephen opined that no act can be a crime if the person committing it was unable to know the nature and quality of their act, or that the act is wrong or couldn’t control his own conduct due to disease affecting their mind or defective mental power. This argument is raised about the juvenile delinquents who are by default legally incompetent, meaning that they are deemed incapable of making informed decisions in the eyes of law. A legal loophole such as that just solidifies the criminal thinking errors in individuals committing the crimes. Reasons are not excuses, the aim is not only to punish crime but also to prevent it, and for that to be done, the reality needs to be taken into consideration. For example, in the landmark Nirbhaya Delhi

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gangrape case Akshay Thakur, Pawan Gupta, Vinay Sharma and Mukesh Singh were sentenced capital punishment (2013) for the rape and murder of a 23-year-old woman. One of the key accused was a juvenile, 17 years old when the crime was committed and was sent to a reformatory for three years, the maximum penalty under the law at the time for those who were under the age of 18. They had been found guilty of raping the woman in a moving bus, sexually assaulting her with an iron rod and dumping her on the roadside bleeding, leading to her death a few days later in a Singapore hospital. The juvenile was considered a victim of his circumstances but it was his own decisions that got him in the situation where he took an active part in a horrendous crime, which is inexcusable.

Therein comes the debate of the impact of incarceration of developing children on whom the consequences could be grave. Some literature suggests that people in prison experience mental deterioration and apathy, endure personality changes, and become uncertain about their identities. Several researchers found that people in prison may be diagnosed with post-traumatic stress disorders, as well as other psychiatric disorders, such as panic attacks, depression, and paranoia; subsequently, these prisoners find social adjustment and social integration difficult upon release. Other researchers found that the incarceration experience promotes a sense of helplessness, greater dependence, and introversion and may impair one's decision-making ability. This psychological suffering is compounded by the knowledge of violence, the witnessing of violence, or the experience of violence, all too common during incarceration. In fact the reconviction rate for people after being released from a past sentence is 41%. For those with four previous prison sentences, the reconviction rate is 57%. And those with six to ten previous experiences of prison are reconvicted at a rate of 65% raising the question whether imprisonment does more harm than good.

Imprisonment is not the only response to criminals, there are five objectives to any sentence given by the criminal justice system i.e. Retribution, rehabilitation, incapacitation, deterrence, and restoration. Imprisonment is often for the protection of the public and as a punishment for the criminal while trying to restore them as a normal member of society. Though the impact of social isolation might make it harder for them to fit in and cause the individual to return to crime. Reward and punishment are powerful stimuli that can cause people to change their behaviour by unlearning the blurred line of legality if not moral responsibility. Minors should be held morally responsible for their actions, as judgments of responsibility are judgments about the relationship between an agent and an action and this relationship is not affected by the maturity. Instead the awareness of a choice must be made clear in order for them to make the right choice even when not fully developed.

The reasons for juvenile delinquency are myriad, and playing the blame game is more than easy. Most cases can be tracked to the delinquent being abused by the parents, or by influenced by the wrong kind of company. A study conducted by Farrington 1986; Tremblay and

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Nagin 2005 represents the relationship between age and crime, called the age-crime curve. It makes an asymmetric bell shaped curve, meaning that the possibility of offensive activity tends to peak in the teenage years (15-19 year olds), and declines from the early 20s. Loeber and Farrington postulated ten reasons for the sharp increase during adolescence including brain maturation, individual differences in self control, behavioural risk factors, social isolation, mental illness, life events and environment. With all of these factors affecting the criminal expression in humans, there is a clear need for the attenuation of the occurrence of these factors in the lives of adolescents especially. Hence, it is important to target those areas that act as antecedent conditions or the factors in the “making” of a criminal. Considering the harm of juvenile offending and the lack of traditional treatments, the development of effective interventions is of utmost importance.

Increasingly severe criminal penalties for recidivists may make crime insufficiently rewarding. Ageing offenders are more likely to view incarceration and legal sanctions as more serious threats, because they have more to lose than youthful offenders and as they more fully realise that time is diminishing and increasingly valuable resource. Instead of waiting for them to cause irreversible damage and “age-out” of crime, a proliferation of individual-, family-, school-, community-, and institutional-based treatment strategies for juvenile offending has been reported, with varying levels of documented effectiveness. The most common treatment approaches for juvenile offenders can be divided into six primary categories: family therapy, parent and social skills training, cognitive–behavioural treatment, peer group counselling, wilderness programs, and boot camps.

Conclusively, though Frankenstein’s monster is easy to sympathise with, and is clearly a victim of his circumstances and the atrocities by his own creator, there were choices that were made. The wrong choices led to the immoral and illegal acts that someone has to be held accountable for. The safety of the society cannot be at stake for the justification of one’s actions. The environment, upbringing, past trauma, and more might be responsible for the criminal activity displayed by a minor, but that does not mean it is acceptable. The rules of society must be upheld accurately to function optimally. Others must be taught to Measures must be taken to prevent the possibility of expression by making an example of wrongdoers, for the awareness that no one can walk off scot free.

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