

SURVEY OF APPLICATION OF PECULIARITIES OF CRIMINAL LIABILITY OF MINORS FOR YOUTHS OF 18-20 YEARS (2012)

Background: According to the 6.4 measure of the implementation plan of the Juvenile Justice Programme which was approved by the Government of the Republic of Lithuania in 2 September 2009 Resolution No. 1070.

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The survey was conducted seeking to systematically analyse the application of peculiarities of criminal liability for youths of 18-20 years of age together with the relating problems, and to provide proposals on the consecutive development of criminal liability of minors to address young adults.

The research includes analysis of international legal acts, their recommendations on the application to young adults of provisions of criminal law addressed to minors. The group of young adults susceptible to application of peculiarities of criminal liability of minors or other provisions of criminal law addressed to minors is defined following the experience of foreign countries. The research analyses the provision laid down in Article 81(2) of the Criminal Code and the regulatory aspects of peculiarities of criminal liability provided within it which may raise problems for the application of this provision in practice. As well, the research work pays attention to the characteristics of young adults accused (suspected) in the performance of a criminal activities and the criminal activities conducted by them.

The work shows that young adults in Lithuania outrun in numbers minors and other adults. Under the majority of statistical indicators, young adults fall within the category between minors and mature persons. The application of peculiarities of criminal liability of minors to young adults in case-law is particular rare and laggard. Therefore, it is possible to analyse only separate cases of the application of these provisions rather than any trends.

Currently in Lithuania there is no clear conception of social maturity of young adults and it is being related with a particular age, absence of mental and physical development, personal education or studies in a high school, planning of the criminal activity, accumulation of accomplices, and other circumstances, however, every particular case lacks the disclosure of comprehensive content of social maturity and its evaluation. The frequency of application of Article 81(2) of the Criminal Code to young adults much depends on the fact how social maturity and other indications of a young adult is understood by judges and other officers in the law enforcement institutions.

The conclusions of the research propose to gradually include specialists of psychology, pedagogy and other social sciences to the process of the evaluation of social maturity of young adults. Specialists might draft certain guidelines, list of criteria or methodics for the establishment of social maturity to help judges to apply this provision.

Experience of foreign countries shows that judges specialising to work with criminal cases relating minors have gained more experience and more important insights by trying criminal cases of young adults, being capable of taking account into their needs and interests, in comparison with judges of the general courts. The best practice of Germany shows that criminal law provisions addressed to peculiarities of young adults are applied much more often where persons of these age groups having committed a criminal act at the same time fall under the application of criminal procedure provisions addressed to minors.

The results of research (in Lithuanian): *Ūselė L., Dobrynina M.* Nepilnamečių baudžiamosios atsakomybės ypatumų taikymo 18-20 metų jaunuoliams Lietuvoje tyrimas. Teisės institutas, 2012 (online).