

## POSITION OF THE YOUNG ADULT AGE IN THE CRIMINAL LAW

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The function of the age as in the other branches of law also in the criminal law is to express the maturity of the person getting into touch with the law. This is, therefore schematic because the biological, sociological and psychological factors indicate considerable maturity differences also among the persons of the same age i.e. to such an extent that it causes difficulties to determine whether in the criminal law for establishing of a certain maturity the biological or social age is to be taken for basis. For making the decision the unambiguous scientific standpoints should cannot be known for homogeneous process and periods of development of the personality. But nowadays the development psychology yet give a reassuring answer whether we can talk at all about the general development of the personality or we can acknowledge only the separate independent development of the components of the personality. Further question which is to be answered: whether the development of the personality has such general periods during which certain components of the development (such as emotional, intellectual, biological, social maturity) reach a relatively similar level required for the categorization? It is not to be questioned that such main periods as childhood, adult or old age arrange in groups persons disposing of similar level of maturity components. But these are for us meaningless generalizations. Considering our subject it is essential the determination of the fact whether between the childhood and the adult age from point of view of the development such considerable further stages are existing where also the law considers it necessary to set up its own bounds? No matter how unclear the answer is wich we get to this question of ours from the development psychology; it becomes from day to day more obvious that the stormy maturing period characterizing the young age should be considered periodical. It goes without saying that when checking up only one period we cannot determine anything. J. Piaget's statements are to be considered according to which the development period includes the level of the preparation and the ending. In each period something will be ended and at the same time something will be started and the final configuration determines also the structure of the period.<sup>1</sup>

From the various psychological studies the conclusion can be drawn that up-to-date development psychology outlines more and more definitely the certain characteristic stages of the maturity development between the childhood and the adulthood. The most definitely the childhood is distinguished where in the development the biopsychical and sociological actually exists. This period lasts till the age of 6–7 years after which the so called "school period" follows. This period will be replaced by the so called prepuberty characterizing the age of 11–14 years when life reaches the period of the restlessness and stage of the initial crisis. The puberty lasting till the age of 17–18 years is a period of great importance and widely acknowledged which is characterized in biological sense by the quick growing, in physiological by the sexual maturing, in psychological by the mistakes and self-search and in sociological by the family protection. Many authors consider it that between the puberty and adult age a development period with the denomination "young adult age" can be placed.<sup>2</sup>

In the mess existing from the ideas denying the periodical division of the maturing process till the conception converting that into years of life, too it becomes quite understandable the manifoldness which can be seen also nowadays in certain Law Books regarding relevant ages of life established by the criminal law. All Law Books of the world have the common stand that the attitude of the perpetrators in the childhood – due to lack of maturity – cannot be influenced by means of the criminal law and thus leaves those with no penalty. Also the puberty defined by the development psychology does not avoid the interest of the criminal law since the Law Books have made specifically or by indirect regulations a general institution the young age. The problem has arisen exactly due to separation of the young age from the childhood and the adulthood. Due to this it became necessary to translate the psychological meaning of the maturity of the personality into the language of the criminal law so that this may also be laid down in the Statute Law. All these were realized in the periods of the criminal law reform movements at the beginning of the century. The psychologies of the early century which belonged mainly to the range of the free speculations can give a few assistance to such activities of the criminal law; i.e. to it that an independent criminal law category be established to which such persons belong who dispose of more or less the same level of biological, physiological, mental and social maturity. What else could make the makers of the criminal law backed by their general human experiences – making use of the moderate assistance rendered by the branches of science dealing with the human being – to determine actually arbitrarily the legal limits of the young age in the criminal law. This job could not have been completed without reference to the age – although it is to be mentioned that the "calendar age" created by this way became the means of the different codification solutions. Certain Law Books – sometimes without reference to the young age category – fixed only the upper limit of the age having moderate responsibility in



the criminal law referring to the fact that for the actual calling to account in the case given the certain level of the maturity of the person requires further investigation. Other Law Books give the determination of the upper and lower limit of the young age and demand existence of further conditions. There are such Law Books which besides the determination of the upper and lower limit do not require further investigation and thus accept for the ages circumscribed by limits only the exclusive protection of reduced maturity of the personality. A differentiation can be made also by the way that the law secures criminal law relevance to the ages mentioned above on committing, judging the crime or on serving the sentence. A considerable difference appears also when we see the importance which the law systems in the Criminal Code manifest to the youthful ages. Some of these systems create an individual criminal law of the youth, while the others see the importance of same only in the infliction of the punishment.<sup>3</sup>

In the manifoldness of the criminal adjudication possibilities of the youth it is nearly a surprise the relatively same view of determining the ages of life. All these show that the "arbitrary" determination of the limits of ages is to be understood only in respect of development psychology and in the narrow range of the ages of life. The creators of law in certain countries strictly adhered in the determination of the age limits to the requirement dictated by the special situation characterizing their own country. But — in spite of the considerable differences — these did not lead to extensive age differentiation. Thus, for example, in most of the countries of Europe the lower limit of the youth is between the life of 14 and 16 years. The narrow range of the differences shows not only the same view in the determination of the youth but also that the majority of the European Law Books estimate the social destination of the criminal prevention in the reciprocal action of the life age and social requirements.

There is an other situation in case of establishing of upper limits of youth. Here there are greater differences ranging from 16 to 21 years in consequence of which limits of year for the criminal young age also reduce or increase considerably (from 2 to 5 years). When explaining the difference also in this respect we can refer to social and ethnical differences prevailing due to geographical position, upon which in the given case it becomes obvious why the young age ends with completion of the 15th years in Iraq, Lebanon, Syria or in Egypt and why the upper limit in question is increased to the 21 st completed year in the Northern countries of Europe such as in Denmark or in Sweden. But from all these it does not follow at all that in countries of the same geographical region and social system the identity of establishing the age limits should have resulted. The example of the Western European as well as of the European socialist countries illustrates very demonstratively the truth of this remark. Situation of criminal young age is in the socialist countries as follows:

Soviet Union	16–18 years	(in special cases between 14–16 years)
Bulgaria	14–18 years	
Czechoslovakia	15–18 years	(between 12–15 years in special cases the civil court can order reformatory school)
Rumania	14–18 years	
Poland	17–21 years	
GDR	14–18 years	

Although in case of the socialist countries exactly at the determination of the upper limit an endeavour can be shown for uniformity, moreover by means of various passing of sentence methods unification is promoted further on, but it may not be denied that these countries being mostly similar to each other in the character and rhythm of the development have not reached the identical determination of the year limits of the criminal law. Moreover this deviation can be shown also in case one single country in the changes of the law regulation. In this respect it is enough to refer only to experiences gained in our own country. In 1878 the Cse-megi Codex determined the criminal young age in the years between 12–16. Exactly 30 years later Amendment of the First Criminal Code lifted the upper limit of the young age to 18 years without changing the lower limit. In 1954 the FN without formal changing of the life ages already determined introduced prohibition of infliction of punishment on youth between 12–14 years. The specified legal consequences of this were drawn by the new Criminal Law Book which determined the life age limits of the criminal young age in the years between 14–18.

In comparison to the variation of age limits the orders which the law attached to validation of these criminal age limits represented greater changes. Already only on the basis of this it is not necessary to have much courage to state that life ages established by this way do not from constant elements of the criminal law. For their changes taking place per countries and per age several examples can be found in the first line, therefore, because from the commencement of their existence the lack of exact science of the selection characterizes them. From this derives the constant querying of the correction of the age limits which is nearly automatically followed by the continuous endeavour for correction. Particularly this becomes justified in these days when more and more scientific conditions exist for the extensive analyzing of the actually accelerated social and biological development. As a matter of fact thus we reached the sketching up of our actual aim, that is the fact that we intend to check up how the age years playing part in the criminal law influence also the calling to account. Upon the above mentioned we know very well that these age years were determined by forced schematizing of the development in many directions of the personality. At the same time is also known for us that without determination of the age years we could not reach to the guarantee regulation which is so typical to the criminal



law. The biopsychical maturity of a person and the social infiltration — which is perhaps more important than the former — changes together with the life age, even in that case when the life age is not appropriate for common expression of this development of many directions.

We have no doubt that the establishment of criminal young age does not mean the lack of maturity of the criminal law but means the lack of the — in general sense — comprehended mental and social maturity. With other words it is clear for us that the biopsychical and criminal law works are not in full coincidence with each other. The criminal maturity does not mean more than the legislative standpoint in respect of the general maturity of the personality. From these all it does not follow at all that it should not be endeavoured parallelly with development of means of knowledge to draw nearer the so called general maturity to the "relative maturity" of criminal law. In the first line this can be realized so that we approach to the concept of the general maturity by extension of the work of the so called "maturity of criminal law". In our opinion this extension can be reached by such a way that in the concept of the maturity of criminal law and of the responsibility based upon the criminal maturity we introduce with growing scale the components of the judgement disposing of social character. When we intend to change of legal relevance of the criminal young age we can choose many ways. But when we concentrate unambiguously to the age limits there are only two ways of the change:

a) One of these is the movement of the lower or upper age limit of the young age either downwards or upwards. The lower year limit of the young age is doubtlessly important as it means the gate between the legally considered irresponsibility and the criminal calling to account. To make narrower or wider of this gate it is not necessary to change the year limits by all means. It is enough to refer to the fact that for example in Poland the lower limit of the young age is very high (17 years) but this does not mean a full irresponsibility. There is similar situation in Czechoslovakia (15 years) where the children of age between 12–15 years can be ordered for reformatory school by the civil court. The movement of the lower year limit downwards should be considered by all means as retrograde. It would be contrary to the human and considerate view with the society looks on action of negative character committed by the youth. On the other hand the lift of the lower year limit is very complicated and should lead to a conflict of the opposite arguments. It is obvious that in the last decades the lifting of the lower level of the age limit became frequent in the jurisdiction of the developed civil states. But this cannot be brought together with utilization of the scientific achievements in respect of the maturity of the personality — much rather the thing is that the "state of welfare" intends to extend the social advantages not only on the persons respecting the lawful rights but also for those who infringe the same. However, many opponents of the lifting of the age limit gather up arguments scientifically elaborated and refer most repeatedly to the symptom of acceleration.<sup>4</sup>

It seems that the objective fact of the acceleration could subjectively be felt under all social orders. In our opinion today the increase of the lower age cannot get into any relation with the question of the acceleration; in that can dominate only pedagogical and law technical points-of-view. Namely referring to logical reasons it is to be rejected all endeavours which aim at extension of the age of the complete legal irresponsibility. But it can be imagined far too well that by means of increasing the role of the other branches of law the limit regarding the calling to account of the young criminal reasons be increased by some years. This would not result by all means the initiation of the Civil Court or Court of Guardians; in case given the structural and functional transformation of the Juvenile Court could be reached the same result.

We have not knowledge of endeavours which aim at reducing the upper age limit of youth, therefore we consider it unnecessary to deal with this possibility in the frame-work of this study. Now it is concerned much rather the upwards lifting of the age limit. Such endeavours can be found also in the legislation of the Western countries. In respect of the motives of the Legislators it is worth to enhancing the "humanizing" tendency. At the same time we can meet with strong counter-arguments deriving from especially practical reasons. In the, first line, therefore, because it would be very difficult to obtain scientific arguments from the development psychology or criminology examinations against the lifting of the criminal age limit of the becoming adult. One part of the practical arguments refers to the probable public reaction to the increase of the year limits and states: presumably the public opinion would not approve if the older young men committing often heavy crimes were initiated in the juveniles enjoying criminal tolerances of certain degree. Similarly it seems a practical argument also the stand-point referring to the records of the crime statistics according to which the increase of the criminal young age by one or two years would mean a very high jump in the statistical proportion of the young criminals. The configuration of juvenile crime is not only a component of the crime statistics. There is not country to which is indifferent the proportion of juvenile and adult criminals in the all crimes committed. In the first line starting from the motive that the actual position of the juvenile crime has always and in every respect a tendency pointing to the future.

Although we, on our part do not consider the reasons mentioned above essential we esteem by all means justified the opinion which sees rejectable the lifting of the year limit referring to the heterogeneous character of the age group created by this way. It is not necessary to have pedagogical experiences to admit that regarding judgement of the 14-years old completed just now the 8th class of the elementary school or the 21-year olds preparing for the state examination at the university or working as skilled labourers uniformly and in the same way from point of view of the criminal law a compulsory ruling would be a baseless presumption disregarding the practical experience.<sup>5</sup>

From the above argumentation it can be seen that in the present



study we do not intend to make a proposal for the change of the present valid age limits of the criminal young age in spite of the fact that we consider the establishment of the same as arbitrary and inflexible; this consideration is supported also by the development psychological, sociological examinations carried out recently.

b) Namely an other way offers itself for the change of the legal relevance of the ages of life with the approval of which we can repeatedly meet not only in psychological, sociological and criminological studies but also in the bills; more exactly with the *sui generis* approval of the young adult age category. In spite of the fact that the development psychological examinations in connection with maturing make doubt at a certain scale on that the maturing process of the human being can be divided into periods: the use of the development periods — even in the psychology — are accepted at a growing scale.

To deal in details with these periods it would be beyond the frame works of this study, all the more, because from the point of view of our subject only one development period, the periods of the young adult ages is interesting. Also this in the first line, because so we can decide whether this phase of the development of the personality disposes of such peculiarities the consequences of which are to be concluded from the point of view of the formation of the criminal responsibility? We should not be irresponsible even in that case if we gave unambiguously to this question an affirmative reply without considering the stand-points of the science branches dealing with the human being. The acknowledgement of such an age group would — in the proper sense of the word — mean other than the prolongation of the young age — at the same time would be appropriate for lifting of the inflexible borders existing between the criminal young age and the adult age. Lifting of the gates of the life year-limits would make possible for the judge to step into the field of the increased individualization the further onward movements on which would considerably be promoted by the laworders regarding the interim age groups. All these seem adhereable and clear stand-points but the question is so not simple. The unambiguous acceptance of the fact that the reaching of the 18th year does not mean for the person the complete maturity and cannot exempt the judges from the examination what the science branches say about the biopsychical characteristics of the life years between the puberty and the adult age? Criminal acceptance of the adult age young is impossible to bind only to the increased realization of the individualization, if we made this, we should approach to the standpoints which — keeping in view the criminal individualization holds — realizable the division of the criminal law according to various groups (special orders for women or for perpetrators of old age). Or in contrary to this we should make steps towards such anarchical requirements which aim at complete abolition of the artificial distinction between the juveniles and adults and at establishment of the uniform system regarding all perpetrators. In the uniform system created by this way the extraordinary wide range of the penalties and orders of various types

would secure for the judge the possibility of the individualization at the largest scale.<sup>6</sup>

The acceptance of the young adult age would obviously not be limited to the individualization, but meant the supplement of the criminal law and touched such main criminal institutions, too, as the criminal responsibility or questions of educational character of the criminal sanction. Therefore, for establishment of the legal category of the young adult age encouragement should be received from biological, psychological and sociological fields under statement of the fact that in to the category mentioned above such from youth and adults qualitatively differing persons fall the existence of which is actually a group occurrence. From the up-to date psychology we receive a lot of encouragement but we have immediately to mention that the criminal consideration of the interim ages between childhood and adulthood cannot be considered a new occurrence. Already the Roman Law accepted the existence of the minor aetate which is already older than the proximus pubertati but not yet a complete adult. What we wait from the psychology is the more exact and precious elaboration and evaluation of this age. We can find several studies the aim of which is the completion of this. In his study, L. V. Lazarevic numerates names of several physicians, jurists and psychologists who when studying the maturing of the personality refer to the existence to the young adult age group.<sup>7</sup>

Studies of sociological type take their standpoint principally in similar spirit regarding to the existence of young adult age. It is quite natural if we think that bio-psychical maturity is definitely in connection with the social maturity of an individual. The maturity process of each organ happens by the actual functioning of the organ itself, and its speeding-up or slowing-down is mainly influenced by its social position resulted during the course of social maturity. However, it does not mean that social maturity precedes psychological maturity. Even the contrary can be considered as general. The point under discussion is only that the structure of a given society can highly influence the pace of psychological maturity process. The social maturity process leads only very slowly to that stage where the individual is really able to comply with the requirements of the community. What it means exactly that varies by authors dealing with this question.

Without drawing up each contrary viewpoint concerning this question, we only wish to emphasize that social maturity can never be separated from other features of general maturity, and those authors who keep this in view while forming their opinion are right. In the light of this, the following conditions are required to reach social maturity:

a) Ambition and ability to judge independently the occurrence and deeds in accordance with recognition, and on this basis one can find his way among the basic norms of a society without real difficulties.

b) Emotional independence based on the minimum level of financial independence. It makes possible to become independent from the family, and this brings into life the wish to create an independent family.



c) To accept a person of the opposite sex as a life-partner or as a sex-partner in such a way that at the same time it should mean the acceptance of the role what it means.

d) To build-up such attitude towards society that goes beyond the actual milieu of work place and the family, and meets the requirements of the whole community. There is no need to explain that at the end of puberty one does not have these conditions yet. But no doubt that after the puberty age the efforts to ensure these conditions will play a completely different role in one's life that it was previously experienced. This changed phase of the preparation seems to be corresponding to the young-adult age in a social sense, and according to certain authors, it lasts from 18 to the age of 25–30.

No doubt, the linking of maturity process to such period is the result of schematism, and it must be emphasized that, naturally, maturity can be reached earlier too. Prematurity is especially common at certain areas. It is caused first of all by the lack of harmony among different factors of personality development. A young man can be early matured physically, but retarded intellectually, emotionally and socially, and on the contrary it is possible that he is matured intellectually but backward in other respects.

We have already mentioned the occurrence of acceleration as a never seen speeding-up factor of the youth's maturity process. This concept is explained scientifically, and is a life-like motivation of modern times, and can be observed by anybody. But as far as our subject is concerned this concept is just to reason that when judging the deeds and responsibility of a person over the puberty age, it is absolutely necessary to use the standard of grown-ups. However, the existence of acceleration and its influence in various ways does not by all means shorten the course of general personality ripening. First of all because the acceleration does not effect all fields of personality ripening. There are such opinions that it even delays the actual time of social maturity process, and the periods of gaining a position in the community. The point is that the time of education in a widely used sense became longer in our days. These facts by themselves, but even the economic factors resulting from them are still prolong the time to reach a status in the society.

All things considered, the specialized branches of science dealing with the youth's maturing process are leaving lessing doubt about the fact that there is a special period of getting adult, which inspite of the great differences is characterized by certain group-rules. The main object of a social system of correlating rules is to give the youth a proper formation, to realize their positive ambitions, and to defend them from harmful effects. For this very reason, these science-branches cannot leave this age-group out of consideration, if they do not want to lean on mere fictions.

The same holds to the criminal law and other sciences dealing with crimes. And nothing proves more that these science-branches do not wish to fall behind the scientific achievements of other branches dealing

with humanity, that in the recent times a number of international conferences had regarded this subject as worth while to meditate on the studying of the young-adult age-group, or even had adopted concrete decisions in this regard. Thus, section III. of the European Consultative Group founded for Crime Prevention and Treating Criminals had already made such kind of proposal to the participating countries, in 1956. The Strasbourg Working-Group confirmed this effort in 1957. Accepted the designation of young-adult age-group in the criminal law, and called the attention of certain countries to introduce a distinctive process and treatment. The section IV. of the European Consultative Groups has emphasized the importance of considering this question, and later on in 1961 the VIth International Congress of Social Protection started a campaign for the establishment of legal status for those who at the time of committing a crime were over the young-age limits, but not yet reached the age of 25.

Although, we cannot speak of a universal adoption of the young-adult category in the Criminal Law, but we can point out doubtlessly, that now its existence cannot be narrowed down to chiefly affirmative attitudes taken up at discussions on the subject. The classification carried out in accordance with it has become widely practiced in the criminal justice of several countries. And in those countries where the legislation also provides recognition by substantive law, at the same time, the category of young-adults becomes integral part of the criminal law. But the criminal law cannot undertake to elaborate a kind of universal terminology of this category. As the upper and lower limits of the mentioned age vary from country to country, the same way the naming of this age-group can vary as well. In connection with the studies of this question we can meet these days different namings of this age-group (like young-adult, adult-young, young-offender etc.) that might cover very different meanings in a concrete case. If we want to draw up some kind of systematical proportioning in this regard then the following five sections can be differentiated.

1. The Act does not contain provision as to the special impeachment of young-adults, only the law enforcement provides for different treatment. In this regard the acceptance of this system is very wide, as in most of the countries the different enforcement of youth from adults does not end by reaching the "criminal adult-age" but spreads over later age groups too. (In Hungary: 20 years)

2. Also quite current, but comparing to the previous practice of law, it is of higher level, that although it does not contain provision for the special impeachment of young-adults but on the basis of the general provisions of the criminal law it determines obligatory reduction of the penalty imposed under the general provisions of the criminal law. On the whole it does not mean else that the prohibited application of certain kind of penalties for the young offender is extended over further age-groups. (In our country the penalty of death and imprisonment for life is prohibited for offenders under the age of 20.)



3. In some countries (German Federal Republic, Norway, Yugoslavia, Belgium, Sweden) legal relevancy is provided for the young-adult age group without prescribing special criminal law provisions for them. The point is actually that according to the rules the offenders over the young-ages have to be judged by the general criminal law, but the judge gets the possibility to apply the provisions for young-offenders up to a certain age. Naturally, there are great differences within this system too, with regard to what kind of conditions are defining the judge's decision-possibilities. Or, in case the existence of these conditions it is obligatory to judge accordingly or the judge has the liberty to choose. It must not be considered as a matter of no importance, that in a given case the judge has the possibility to extend certain young-age provisions to a case in question, or his whole judgement can be based on the „young offenders criminal law”.

4. The next variety actually provides solution opposite to the previously introduced one. (Switzerland, the Austrian Draft Penal Code, and practically the English Criminal Code.) Thus, according to the meaning, this solution carries out as rules the provisions concerned to young-offenders, and only in exceptional cases is possible to apply the general criminal law to the young-adult offenders.

5. We have to mention finally the conception which greatly recognizes the independent status of young-adults, which is wishing to establish a special impeachment and penalty system for this age-group in the criminal law. This conception — with a view to its consequences — cannot be limited to the field of substantive law — its realization could only be ensured by the establishment of special process regulations, separated courts and enforcement branches. It would be difficult to decide at present, that such solution of the problem would mean the definite exaggeration of the importance of the age-group in question or is equal to its complete enforcement to be realized only in the future. But it is sure that at present no country has reached such codificative solution. (Such draft is being under preparation in France, on the basis of the works of Chazal and Pinatel.) The conception's acceptance in itself would present such inflexibility of which elimination we are just making efforts by introducing the young-adult category. Anyhow, by bringing into existence an independent system of young-adult criminal law and define this with upper and lower age-limits, we are bound to reach the same praesumption process of which predominance we disapprove. Up to this point it is evident that the young-adult age-group has already been built-in institutionally into the structure of criminal law. But it cannot be avoided now that we should give a definite answer for those basic questions regarding its coming into existence, which, by leaving them unanswered, could not be understood as far as their present situation and their future development is concerned. If we intend to discuss the question such a way so that to cover the whole range of the subject then the questioned versions are going to shape the following way:

*a)* The young-adult age in the criminal law is definitely a legal category, that has some concern with the result of evolution psychology. However, the defining factor of its existence is the judicial and through this, social interest linked with specialized judgement of the young age-group crimes. So the question, that when and how this institution has got to be established in the criminal law depends on the sole wish of the legislative power.

*b)* The young adult-age is basically a biological and psychological category, of which origin could be traced back to the beginning of human life, as human life was ever moving along in space and time. Taking up this question is new because the science dealing with man only now reached to such depth of the recognition of human personality on which basis maturity group characteristics and the connecting consequences can be formed. (for example in the law, pedagogy etc.) So the fact is that the criminal law starts only now to solve this problem, and it does not mean else but the correction of a non-attributable default.

*c)* The young adult age is a social category with biopsychical roots, and its essentiality is provided not by the characteristics of the vanishing life, but the characteristics of the answers to the concerning social requirements. So it does not exist from the time immemorial, but appeared that time when during the human ripening otherwise also existing phase-displacements had seized important roles. Thus, the young adult age category in the criminal law is the reflection of individual characteristics provided by this phase displacements, on social-legal requirement level. Nothing would justify such a detailed scanning of the answer if our choice would definitely fall to the version in point *c)* as it seems logical at first sight. Mainly because it would mean the problem's exaggeration, if we wanted to insist on that we have to talk about the legal categorization of a kind of basic social lawfulness. It is much nearer to the truth if we state that our analysing of natural-science like problems, belongs to the forms of the legal world. Because first of all it is a juridical question to decide that for the sake of social justness what methods are to be used for more thorough elaboration of bio-psychical category (age) already accepted by the criminal law. The main point of this activity if in the meantime we observe the important bio-psychical or sociological type changes of the question to be regulated. Therefore, a complete reply could be put together with the combination of versions *a.* and *c.* And this actually means that the basically legal outlook of the question necessitates the help of other sciences. If we consider the young-adult age (as a social occurrence) as a prolonged period of puberty than the young-adult age has got to be understood in the criminal law sense as delayed young-age crime. It is obvious therefore, that legal regulation of the problem as well as at the time of the reformatory movements for the introduction of young-age at the beginning of this century, postulates the active collaboration of lawyers, psychologists, sociologists, educationalists and other experts dealing with the young.



<sup>1</sup> J. Piaget: Les stades de developpement intellectuel d l' enfant et de l' adolescent.

<sup>2</sup> Bela Buda and Mrs. Otto Havas in their study recently issued place between the childhood and the adulthood the youth period the older age group of which they divide into puberty and young adult age stating that the period of the latter age group lasts from the age of 18 years till the age of 28-30 years. (Bela Buda-Mrs. Otto Havas: On the verge of the adulthood. Educational Publisher, Budapest 1974, 198-199 pages).

<sup>3</sup> Though already the Roman Law granted a possibility of milder sentence of the youth, we can speak about special judging of the youth only from the middle of the 19th century. But also this had in the first line a commencement on the field of the enforcement of the sentence, the result of which became that in criminal judgement of the youth many countries put in the centre of the interest the peculiarities of the enforcement and method of treatment and not the characteristics of the judgement.

<sup>4</sup> It is interesting that Jenő Balogh has referred to such acceleration symptoms as early as at the beginning of the century. He writes: "Against it that the legislation determines the lower age limit too high, it used to be mentioned that in our age also the children are mature very early, and bear often dangerous malice moreover show scandalous wickedness." (Jenő Balogh: Juveniles and Criminal Law, Budapest, 1909, 177 pages).

<sup>5</sup> We are referring to the 21st year, because in connection with the increase of the age limit this year is mentioned most frequently.

<sup>6</sup> M. L. Rey of the same opinion (Juvenile Delinquency, Maladjustment and Maturity, Journal of Criminal Law, Criminology and Police Science, 1960. Nr. 1, 44 pages) and also F. Gramatica represented mainly the same stand point (L' age evolutive considere uniquement comme l'element d'appliquer la mesure de defence sociale. Stockholm, 1958. 11-15 pages).

<sup>7</sup> L. V. Lazarevic: Position of young adults in the criminal law., Belgrad, 1963. OKKRI translation, 76-80 pages.

## УГОЛОВНО-ПРАВОВОЕ ПОЛОЖЕНИЕ МОЛОДЫХ СОВЕРШЕННОЛЕТНИХ

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доцент

(Резюме)

Современная психология о развитии человека ставит период «возраста молодых совершеннолетних» между периодами возраста подростков и взрослых. Автор научной работы из этого делает вывод, что и уголовное материальное право не может быть безразличным по отношению существования «возраста молодых совершеннолетних». Свойственное уголовное суждение молодых совершеннолетних не может быть решено институтом индивидуализации назначения наказания. Нужно, чтобы специальное уголовно-правовое обращение с лицами этого возраста вошло в состав уголовного кодекса. Автор, в связи с этим рассматривает возможные решения, и предлагает, по его мнению, наилучшие разрешения.

**DIE STRAFRECHTLICHE LAGE DER JUNGEN ERWACHSENEN**

von

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(Zusammenfassung)

Die moderne Entwicklungspsychologie hält zwischen das Pubertäts- und Erwachsenenalter unter der Benennung „junge Erwachsene“ noch eine Periode einfügbar. Davon zieht der Verfasser dieser Abhandlung die Schlußfolgerung, daß im Zusammenhang mit der Existenz der Periode „junge Erwachsene“ auch das materielle Strafrecht nicht gleichgültig bleiben kann. Die eigenartige strafrechtliche Beurteilung der jungen Erwachsenen ist heute durch die Institution für Individualisierung der strafzumessung nicht mehr zu lösen. Es besteht die Notwendigkeit, die spezielle strafrechtliche Behandlung der Personen dieses Lebensalters in die Struktur des Strafgesetzbuches institutionell einzubauen. Der Autor erörtert die diesbezüglichen möglichen Lösungen und schlägt gleichzeitig die von ihm für die beste gehaltene Lösung vor.