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Statutory Rape Law: The Case of Matthew Koso

I agree with the ruling of the Court in the case of Matthew Koso. The purpose of statutory rape legislations is not only to prevent teen pregnancies, but primarily to protect minors from engaging in sex at an age when they are presumed to be incapable of giving consent. The Nebraska statutory law places the age of consent at 16, and the age of perpetrator for prosecution to be initiated at 19 (ASPE 2008). Koso impregnated the girl at the very tender age of 12 when he was in his 20s, before he actually married her some two years later. He clearly violated the law on statutory rape.

According to Richard and Huprich (2008), “ from a psychological viewpoint, competence requires adequate cognitive ability and psychological maturity to comprehend, appreciate and make choices based on the risks, benefits, voluntariness, and nature of participation requested” (36). A 12-year old has not reached the level of competence that allows him or her to understand the consequences of engaging in physical intimacy with another person. This is why under Nebraska law, the age of competence is pegged at the age of 16, or thereabouts, in the case of the other states where the age of competence ranges from 16 to 18. In the case of Koso, the girl, i. e. Crystal was only 12 years old at the time that she got pregnant while Koso was 8 years her senior. While she was at an age in which she cannot be expected to fully understand the notion of pregnancy, and even sex and its complexities, Koso was already fully mature at 20. However, Koso failed to exercise this maturity by understanding that the girl he was having physical intimacy with did not share his understanding of what was happening. Having sex with a girl of the tender age of 12 is a negligent failure to

exercise prudence expected of a man of his age. This is despite the fact that Koso eventually married Crystal when she turned 14.

The state acting under the principle of *parens patriae* has the right to impose punishment against persons jeopardizing the health and future of minors.

This legal tradition, which means 'parent of the country' allows the government to protect persons who do not have the competence to make their own decisions (Stephens and Scheb 220). Moreover, the courts have upheld the constitutionality of statutory rape laws, even when imposed only against male perpetrators. The rationale for this, according to *Michael M. v. Superior Court of Sonoma County*, 450 US 464 (1981), is that males and females do not have the same experiences with regard to the risks and consequences of sexual intercourse. Not only can become pregnant, they also suffer deeper "emotional, physical, and psychological consequences of sexual activity." If the law would allow Koso to totally escape liability because he eventually married Crystal making her a very young mother and wife, then the intent of the law would be disregarded. Every adult man who had sex with and impregnated young girls can just marry them afterwards, in hindsight, to evade the impact of the statutory rape law.

I agree with the ruling in the Koso case because the goal of statutory rape laws are to protect young girls from committing to an act which they are not expected to fully comprehend, and to prevent teenage pregnancies. Allowing mature men to escape the law because they married the girls they had sex with, in hindsight, does not alter the consequences which the law want to prevent. The girls do not only become mothers at a very tender age, but

they are saddled with the burden of becoming wives instead of enjoying their youth and looking forward to the future.

References

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