

Example of essay on legal immaturity

[Law](#), [Criminal Justice](#)



1. Legal jurisprudence recognizes the rules and principles which are necessary for the justice. The concept recognizes equal rights and protection for everybody, Right from a competent person to a common person who has even no knowledge of his rights or duties. The rule of natural justice makes provisions to provide the opportunities to a person who has committed a crime or any offence intentionally or unintentionally. The legal procedure tries to find out the reasons behind a criminal act and that why a person was compelled or what motivated him to commit the said act. Justice is a very broad phenomenon which ensures the scope of justice for everybody and in this course several rights and duties are provisioned by the law of the land in every country. A large number of Scholars have discussed the subject over a long period of time and their opinions have been included in the rules and regulations from time to time to make the law more effective and inclined towards justice.

Legal psychology understands the difference between various classes of people. It recognizes the difference between the major and minor, it recognizes the difference between a strong and a weak person; it recognizes the difference between the intention of a criminal act and anything done unintentionally or accidentally. Once the difference is traced and the motive is known, law has different provisions of punishment for the people responsible for the act. In almost every society the provisions of punishment are different for the different people. An act done by an adult person is not treated same as an act done by a minor. There are two different provisions in the eyes of law for major and minor, sane and insane person, irrespective of the loss or damages. Before deciding the case or pronouncing the

punishment for an act, the intention, state of mind, circumstances, mental level everything is checked and then a decision is made.

In a number of cases, the courts have passed the verdict after considering the scope of the improvement, circumstances, intention and history of the accused. It is an established rule of law that if there is scope of improvement, the opportunity has to be given for it. The first step is to take disciplinary actions and not the punitive actions; punitive actions should be taken only if there is no scope left for the improvements. The courts have passed some ill remarks on the behavior of the law implementing authorities when they were found not following the instructions given by the rule of the law while deciding the cases. The basic idea behind treating the different people differently is because their thinking is different, their capacity is different, their mental level is different, their requirements are different and this is why the provisions of their treatment should be different for them. An adolescent can not plan or think as an adult can plan in normal conditions and this is why the provisions for both classes of people are different. Courts take into consideration the several factors like physical capacity, mental capacity, economical capacity, other facts and the circumstances while deciding the cases and they provide the youth offenders more chances to improve their behavior in comparison to their adult counterparts (Bruce A. Arrigo, Heather Y. Bersot and Brian G. Sellers, 2011).

The concept of juvenile justice is based on the abovementioned principle of the law and the most important motive of this rule is to provide the maximum scope of improvement to the juveniles. Courts have been following the principles of the natural rule of law in this regard and have been trying to

give the juveniles maximum chances to improve their behavior. Though the several researches show that there is a clear deficiency in this system and very often authorities have treated the juveniles like the adult offenders without following the principles established by the rule of law. The society and government also have displayed insensitivity towards the problem and abandoned the youths at their own condition. The juveniles are not mature enough to judge what is right or what is wrong but to abandon them in case of any miss happening is not going to solve the issue.

A change however, has been observed in the traditional views of the courts, considering the pre maturity of the youths, nature of the crime, history of the accused and several other related aspects of the matter. Juveniles may also be treated by a number of similar methods as the adults are treated. The courts have the rights to transfer the cases while during a trial of a juvenile to a criminal court from a juvenile court under some special conditions. This process of judicial waiver is utilized by the judge of a juvenile court in some cases and this process is known by different names at different places. While taking such decisions, a court has to keep in mind a number of things like the nature of the crime, the history of the offender and the decision may vary from case to case depending on the several conditions. In some cases there is strict rule to continue trial in the juvenile courts while in some cases the trial could be transferred in the other competent courts of law. In some states automatically the whole process is transferred to the criminal courts and the youths are tried by the criminal courts and not by the juvenile courts. A number of studies show that more than 200, 000 youths are tried in the laws made for the adults and not under the laws made for the juveniles

even their age is under eighteen.

The procedure to transfer the cases related to the youths in the criminal or any other courts apart from the juvenile court have been criticized by a number of scholars, human rights and child rights institutions. They allege the whole procedure as a process of derecognizing the basic principles given by the constitution and instances of brutality by the state. Various nongovernmental organizations have criticized the whole affair and alleged insensitivity on the part of the government and the judiciary. They say that these institutions are just doing the formality in stead of paying appropriate attention to the problem. The government and judicial system have been constantly criticized by the several sects of the society for not making any efforts to improving the condition of the youths.

One more observable fact is that the number of cases of the youths from the African American community is transferred to criminal and other courts more than the cases of the whites or any other communities are transferred in the United States of America. Several research reports display that the maximum number of cases related to African American youths are transferred into criminal and other courts for the trial. In some cases the age of such offenders is reported as low as thirteen years and the average age is fifteen years which is much below than the eighteen years of age. Several research reports blame this trend and allege that the people from the minority and other racial groups are being targeted by transferring their case into criminal and other courts while white adolescents are being tried in the juvenile courts. One more observable thing is the conviction rate in these cases that are transferred from the juvenile courts to the criminal or other

courts are observed to have bigger conviction rates in compare to the cases that are tried in the juvenile courts.

Study shows that the procedure of transferring the cases of the youths into criminal courts affects the psyche of these youths and they become the patients of depression. These youths start thinking that they are the criminals even if they committed the offences unintentionally or accidentally. Scholars and sociologists suggest that their trial should be conducted in the juvenile courts only as per the established procedures and if not done, they will be turned into dreaded criminals in the future. They suggest that instead of any effort to improve their behavior if they are pushed into an unnecessary process, they will be a victim of disruptive behavior and in the future they will harm the society in stead of being a responsible person. Interestingly the incidents show that the number of convictions is also very high in the transferred matters and the youths are convicted in the transferred matters more than they are in the juvenile courts.

The concept of juvenile system was designed to take care of the interests of children but the trend shows that the purpose of this concept is not achieved in Toto. The society, government and the judicial system have not fulfilled their duty completely. The goals have not been achieved and the problem persists because the people have not performed their role as they were supposed to do. By transferring the cases of youths in the criminal courts we have displayed our apathy towards the youths of the society. Treating them as the criminals have compelled them to commit bigger crimes and have ended the efforts of the improvement. The youths do not have a bigger sense of responsibilities like the adults and very often commit the crimes

without knowing the results of their actions or without the intentions. In case they have done something wrong, they should not be abandoned by their family or the society. All the possible efforts should be made to improve them instead of a tendency to just punish them for the every act they commit.

2. The trend of transferring the trial procedure from the juvenile courts to the criminal and other courts have been blamed for a number of problems. It is not only causing a number of psychological problems in the youths but also creating problems for the society. The scholars blame the trend for the growing number of crimes while the human rights activists blame the system for the human rights and child rights violation. The people, who have closely observed the whole affair, say that the system of transferring the cases is harmful for the society. A number of researches done on the subject, shows that the offenders committed more heinous offences after their case was transferred into the criminal courts and when they were let off. The trend of transferring the cases has not made any improvement or positive change in their personality. The transfer has tagged that they are fully developed criminals and that they have no any scope of improvements.

Automatic waivers are also in trend and exercised at some places where the cases are transferred to the criminal and other courts without any formal process of the transferring the cases by judges. Such instances have been proved to be punitive in nature and their effects are seen on the youths who have unintentionally or accidentally committed any wrong. The process of transferring their cases from juvenile courts to a criminal court or any other court is a kind of punitive action and also the said act is against the natural

rule of justice. These youths are punished initially without a chance of hearing their part when their case is transferred for the trial in a criminal court and secondly when they are convicted by the court for their wrongs. A number of studies done on the subject shows that the incidents of any improvements have not been reported in the behavior of youths even after the higher rates of conviction. On the other hands the trend shows that the youths are even more enthusiastically and professionally committing crimes once they are convicted for the pity crimes and get a chance to spend substantial amount of time with the professional criminals.

There are some concerns related to the study of the problem and the first step is to explore all the cases and their rulings on the subject. Once we have checked the thorough details and the whole process, we will be able to get a detailed idea of the problem and then we can seek for a solution based on the situation. While exploring such cases, we will have to keep all the facts, circumstances, incidents and the accused and then prepare a case study to find a solution in the given condition. Once the first step is completed, the second step is to review all the decisions of the courts and then prepare a data analysis. In the prepared paper, the problem and the causes have to be analyzed and then there should be an effort to find a solution (Bruce A. Arrigo, Heather Y. Bersot and Brian G. Sellers, 2011).

The next step is the efforts to implement the programs that have the capacity or merit to improve the behavior of the youths. The youths who have unintentionally or accidentally committed any mistakes should be given the opportunities to improve their behavior and the efforts should be made by the system and the society. The youths should be made available the

opportunity of improvement and taking punitive actions should not be the first solution. Youths are also a part of our society and society also has a duty towards them because no one is born as a criminal and there should be a thorough probe as what are the reasons that drive youths to commit the crimes.

The most important role in the whole affair is to be played by the society. The society has to be more sensitive towards the youths and should introspect that what are the reasons and circumstances that are motivating or compelling the youths to commit the crimes. The next process that society can do is to provide a proper assistance to these youths in the process of the improvement. Once the youths are trapped in any incident, the people of the society change their attitude towards them but this is the time when these youths need a proper attention, proper care and appropriate guidance in the process of improvement. If the people of the society are successfully providing them the required assistance, at least they can be saved from further problem (Bruce A. Arrigo, Heather Y. Bersot and Brian G. Sellers, 2011).

The society, government and the judiciary should play bigger roles and the first attention should be on improving the youths instead of taking punitive actions against them. The trial of their cases should be conducted into the juvenile courts and not in the criminal or any other courts unless it is the only solution. Conducting trial in the courts apart from the juvenile courts is itself a big issue for the youths. They are usually tagged as the established criminals and people start recognizing them as the professional criminals. The courts should not transfer the cases of the youths to the criminal courts

or any other courts and the trial of these youths should be conducted into the juvenile courts only. At some places there is a system of automatically transfer of the cases relate to the youths in the criminal courts. In such matters the youths especially who are trapped somehow or a victim of accidental crimes are subjected to suffer more than they deserve. Such incidents are contrary to the natural rule of justice because without hearing a person in a court where he should be heard, the process of justice is not complete.

The judiciary should look at the problem with a humanity point of view and should not perform only formality of the legal procedures. The judges are also a part of the society and thus have a duty towards the present and future of the society. The youths who are not visionary, commit some wrongs can be improved through a proper guidance and some counseling. The lives of such youths should not be wasted by pushing them into the unnecessary and complex legal procedures. If they can be improved by some extra efforts, the efforts should be made because the youths are future of the society and any deterioration in their future is a loss of the society. The situation has come at this juncture because we allowed it to arrive here. The people of the society have not performed their duties towards the youths and abandoned them when they were in need of proper guidance and appropriate counseling. When the problem grew and people started facing the heat of the issue they started calling them as criminals. The time has come to look seriously into the matter instead of any kind of blame game and to escape from the own duties (Bruce A. Arrigo, Heather Y. Bersot and Brian G. Sellers, 2011).

Reference

Bruce A. Arrigo, Heather Y. Bersot and Brian G. Sellers. (2011). *The Ethics of Total Confinement: A Critique of Madness, Citizenship, and Social Justice*. New York: Oxford University Press, Inc.