

## The Environmental Dimensions Of Adult Offending In India: Legal Gaps And Emerging Jurisprudence

Ms. Swati Moahapatra<sup>1</sup>, Dr. Rose Verghese<sup>2</sup>, Dr. Bhavani Prasad Panda<sup>3</sup>, Dr. Bishwa Kallyan Dash<sup>4</sup>

<sup>1</sup> Ph.D. Scholar at School of Law, KIIT University, Bhubaneswar; could be reached at: swati.mohapatra@kls.ac.in

<sup>2</sup> Director at School of Law, KIIT University, Bhubaneswar; could be reached at: director@kls.ac.in

<sup>3</sup> Former Director at School of Law, KIIT University, Bhubaneswar; could be reached at: bppanda2017@gmail.com

<sup>4</sup> Associate Professor at School of Law, Forensic Justice & Policy Studies, National Forensic Sciences University, Bhubaneswar; could be reached at: bishwakdash@gmail.com

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### Abstract

*Young adulthood constitutes a distinct developmental period characterized by ongoing biological, psychological, and social maturation. This paper examines interdisciplinary perspectives from legal, psychological, sociological, and biological fields to understand criminal behavior among young adults. Through analysis of comparative legal systems and international criminological research, it advocates for specialized legal approaches to young adult offenders. The research synthesizes evidence from developmental neuroscience, criminological theory, and socio-legal scholarship to demonstrate that the current practice of treating young adults as fully mature under criminal law fails to account for critical empirical findings and normative principles. The paper culminates in proposing doctrinal reforms for age-appropriate justice mechanisms within the Indian legal framework.*

**Keywords** Young Adult Offenders, Transitional Justice, Psychosocial Maturity, Neuroscience, Age-Crime Curve, Criminology, Legal Competency, Comparative Jurisprudence.

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### Introduction

Scholars, legislators, and criminal justice professionals have long been interested in the phenomenon of young adult offending. This transitional age—typically 18 to 25—is characterised by the paradoxical combination of adult-like cognitive capacity with adolescent-like psychosocial immaturity. While the legal system often draws a sharp binary between juveniles and adults at age 18, a wealth of interdisciplinary research now challenges this rigid bifurcation. The objective of this paper is to explore theoretical explanations for young adult criminality and to advocate for jurisprudential reforms grounded in age-sensitive and developmentally appropriate responses.

### Defining 'Young Adults' in Law and Criminology

The term 'young adult' refers to individuals who have exited adolescence but have not yet attained full psychosocial maturity. Definitions vary:

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Jurisdiction/Body	Young Adult Age Range
United Nations CRC	18–21
Germany	18–21
Switzerland	Up to 25
Netherlands	18–23
USA (varied states)	16–25
Australia	18–24/25

This international variation reflects the growing scholarly and legal consensus regarding "emerging adulthood" as a developmental stage requiring specialized juridical considerations. Young adulthood represents a critical transitional period across multiple dimensions—social, cultural, legal, and economic—necessitating differentiated legal responses. The demographic expansion of this population cohort, coupled with corresponding increases in young adult offending rates, amplifies the urgency of this issue. Given these considerations, a comprehensive examination of young adult treatment within India's criminal justice framework becomes imperative, particularly in developing evidence-based arguments for implementing age-sensitive legal reforms tailored to the Indian socio-legal context.

### Developmental and Neurological Basis for Differential Treatment

Neuro-scientific research affirms that the human brain continues to mature into the mid-20s, especially in areas responsible for impulse control, risk assessment, and long-term planning (Bryan-Hancock and Casey 2010).<sup>5</sup> The prefrontal cortex which is critical for executive functioning, is among the last regions to fully develop. Young adults exhibit:

- Increased susceptibility to peer influence
- Reduced temperance and risk prediction
- Late maturation of the dorsolateral prefrontal cortex

This gap between cognitive maturity and psychosocial capacity has been termed the “immaturity gap” (Steinberg, Cauffman, et al. 2009)<sup>6</sup>. This is responsible for the risk associated with criminality.

### Legal and Social Responses Across Jurisdictions

Globally, numerous jurisdictions accommodate this gap:

Germany:-Judicial Discretion under the Youth Courts Act (Jugendgerichtsgesetz)

Germany’s legal framework for young adult offenders is among the most progressive in Europe. Under Section 105 of the German Youth Courts Act (JGG), courts have the discretion to apply juvenile law to offenders aged 18–20, based on their moral and cognitive maturity at the time of

<sup>5</sup> Bryan-Hancock, Claire, and Sharon Casey. 2010. "Psychological Maturity of At-Risk Juveniles, Young Adults and Adults: Implications for the Justice System." *Psychiatry, Psychology and Law* 69.

<sup>6</sup> Steinberg, Laurence, Elizabeth Cauffman, Jennifer Woolard, Sandra Graham, and Marie Banich. 2009. “Are Adolescents Less Mature Than Adults? Minors' Access to Abortion, the Juvenile Death Penalty, and the Alleged APA ‘Flip-Flop.’” *American Psychologist* 64(7): 583–594.

the offence (Baier, 2017).<sup>7</sup> Case-by-case evaluation by the court considering the development, upbringing, behaviour, and maturity of the offender. In the event that the offender is deemed immature, the court is empowered to impose educative sanctions in the form of community service, supervision orders, or participation in socio-educational programs. Youth custodial sentences up to 10 years can be awarded as a substitute for regular prison sentences, with the intention of rehabilitation instead of punishment. Germany is in line with the "educational over penal response" concept, with a preference for the offender's social reintegration. Courts frequently rely on psychosocial reports and developmental assessments to determine sentencing.

#### **Austria (Hybrid Sentencing and Personality Assessment Model)**

Austria follows a flexible legal model similar to Germany's. The Austrian Juvenile Court Law (Jugendgerichtsgesetz) permits courts to apply juvenile sentencing norms to offenders aged 18 to 21, provided their mental and emotional development does not align with that of a typical adult. Sentencing depends on an individualized assessment of the offender's personality (Galli, 2019).<sup>8</sup> It allows for the application of both juvenile and adult law, depending on the offence's nature and the offender's maturity. Judges are encouraged to use diversionary measures, especially for non-violent and first-time offenders.

#### **Netherlands**

The Netherlands passed the Adolescent Criminal Law in 2014, and it permits courts to sentence criminal offenders aged between 18 and 23 under juvenile justice law. The law was based on development neuroscience and seeks to offer sanctions informed by age to young adults who are found to be immature, impulsive, and emotionally unstable (Domburgh, Loeber, and Hendriks 2016)<sup>9</sup>. The law permits sentencing under the juvenile justice system for 18–23 years old. It permits detention of young people in detention centres for young people as opposed to adult prisons. It promotes the use of behaviour intervention, counselling, and probation supervision.

#### **Australia:**

In Australia, the approach to young adult offending varies across states but generally reflects an understanding of developmental vulnerability.

#### **Victoria**

The Youth Justice Act allows young adults up to age 25 to be placed in youth justice facilities rather than adult prisons. Courts can consider the maturity level of the offender when determining

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<sup>7</sup> Baier, Dirk. 2017. "Juvenile and Young Adult Criminal Law in Germany: A Model for Europe?" *Youth Justice* 20(1): 12–29.

<sup>8</sup> Galli, Thomas. 2019. "Austria's Hybrid Juvenile Sentencing Model: Development and Challenges." *European Journal of Crime, Criminal Law and Criminal Justice* 28: 171–186.

<sup>9</sup> Domburgh, Sanne van, Rolf Loeber, and Jan Hendriks. 2016. "Developmental Considerations in Dutch Adolescent Criminal Law." *European Journal of Criminology* 24(3): 367–386.

sentencing. A focus is placed on diversion programs, education, and restorative justice practices (Cunneen & Schwartz, 2020).<sup>10</sup>

#### Brazil: Youth-Focused Sentencing within the Framework of Young Adult Justice

Brazil recognises individuals aged 18–24 as young adults. Although the criminal majority is reached at 18, the Penal Code and child welfare laws allow for differentiated treatment in sentencing for this age group. Sentencing may be influenced by educational and psychological assessments, though this remains discretionary (Karam, 2021).<sup>11</sup> Brazilian courts often invoke Article 59 of the Penal Code, which requires consideration of the offender's personality, behaviour, and social circumstances when determining the appropriate penalty. Specialised correctional units and community programs cater to young adults. The Statute of Youth (Estatuto da Juventude) provides a framework for state policy on youth development, rehabilitation, and criminal reintegration. Although still developing, Brazil's legal response reflects a commitment to restorative and developmental justice, albeit with regional disparities in implementation.

### Theories of Criminology Explaining Young Adult Offending

#### A. Psychological Theories

Freud's Psychoanalytic Theory: Unresolved childhood conflicts may manifest in maladaptive coping and delinquency due to an underdeveloped superego. In the context of young adult offending, particularly in the age group of 18–25, many individuals may carry unresolved psychic conflicts from childhood. These conflicts can manifest in antisocial or criminal behaviour, especially if the superego fails to inhibit the id's desires, and the ego cannot balance competing drives. For instance, A young adult who has experienced early trauma may resort to theft or violence as a displaced expression of suppressed rage or helplessness. The absence of consistent discipline may lead to impulsivity, aggression, or manipulative behaviour, reflecting id-dominant personality traits. Criminologists applying Freud's framework argue that many crimes committed by young adults can be seen not as calculated, rational decisions but as symptoms of unresolved inner turmoil and defensive attempts at coping. Freud's theory offers a foundation for recognising that not all criminal behaviour stems from rational choice. Especially in transitional age groups like 18–25, where emotional regulation is still under construction, psychoanalytic theory advocates for compassionate, rehabilitative justice systems.

#### Erikson's Psychosocial Stages

The conflict of intimacy vs. isolation dominates young adulthood. Unresolved identity issues may drive antisocial behaviour. Particularly relevant for criminology and legal psychology is the sixth stage, which typically spans early adulthood (ages 20–30) and is defined by the conflict between intimacy and isolation. Erikson's insights help contextualise why young adults may turn to deviant or criminal behaviour during this phase, especially when they experience failures in interpersonal connection, identity consolidation, and emotional regulation. In Erikson's schema, the key

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<sup>10</sup> Chris Cunneen and Melanie Schwartz, "Young People and the Law: Emerging Trends in Australian Youth Justice," *Current Issues in Criminal Justice* 33 (2020): 395–410.

<sup>11</sup> Maria Lúcia Karam, "Juvenile Justice and Young Adult Offenders in Brazil," in *Juvenile Justice Systems: International Perspectives*, ed. Franklin E. Zimring (Oxford: Oxford University Press, 2021), 211–226.

developmental task for young adults is to form deep emotional bonds, such as romantic partnerships, close friendships, and social affiliations. The successful resolution of this conflict results in the virtue of love—the ability to commit to others without losing oneself. Conversely, failure to resolve this conflict leads to isolation, fear of commitment, emotional withdrawal, and in some cases, antisocial or self-destructive behaviour. This stage builds upon the previous one—identity vs. role confusion (adolescence)—where an individual seeks to define who they are. Without a coherent identity, one cannot engage in intimate relationships without feeling vulnerable or threatened. Therefore, young adults who enter this phase without successfully resolving the prior stage may experience psychological tension that manifests in alienation, aggression, or risk-seeking behaviours, which are strongly correlated with offending patterns. The challenge of intimacy also intersects with the neurobiological development of young adults. The prefrontal cortex—which governs emotional regulation, planning, and impulse control—continues to mature into the mid-20s. Erikson's theory complements this scientific finding by suggesting that the emotional infrastructure for intimacy may still be under construction in early adulthood. In the Indian socio-cultural landscape, Erikson's intimacy vs. isolation conflict is further compounded by:

- Delayed marriages due to economic instability or familial obligations.
- Limited spaces for emotional expression, particularly for men.
- Stigmatization of mental health issues, isolating emotionally struggling young adults.

Additionally, cultural expectations to conform (marry early, get a stable job, care for elders) clash with emerging individualistic values, creating identity confusion and social strain. This sociological conflict reinforces isolation and emotional suppression, both of which are criminogenic factors in Erikson's framework.

### **Piaget & Kohlberg**

Cognitive and moral development theories reveal that higher moral reasoning, critical for lawful behaviour, is not universally attained at 18. The formal operational stage, which emerges around age 11, is where abstract thinking, hypothetico-deductive reasoning, and long-term planning develop. However, Piaget acknowledged that not all individuals reach full formal operations, or apply it consistently, even into adulthood. Young adults (18–25) may thus vary widely in their capacity for logical, abstract moral reasoning, especially under emotional stress or peer pressure. This cognitive development theory suggests that people learn more complex types of reasoning and understanding as they develop. Offenders may know intellectually right from wrong but cannot apply reasoning to action, which is an imbalance between cognitive ability and everyday judgment.

Matza's Drift Theory suggests young adults oscillate between conformity and deviance, influenced by social instability and identity crises. They are psychologically unanchored—not fully independent adults, but no longer under strict supervision. They experience social marginality, often due to weak bonds with family, school, or employment. They might use peer norms or subcultural values to neutralize guilt.

Farrington's ICAP Model integrates cognitive, social, and biological risk factors contributing to antisocial potential among youth. The model relies on three aspects:- The first aspect is Antisocial Potential (AP): The capacity to commit antisocial acts, shaped by Early life experiences (e.g., parental neglect, abuse). It includes Temperament (e.g., low empathy, impulsivity), Low IQ or

educational attainment, Substance abuse and peer delinquency. The second aspect is Cognitive Processes, which influence whether Antisocial Potential is converted into action. These include: Moral reasoning, Self-control, Perception of risks and rewards, Beliefs about legality. The third is Situational Factors, such as opportunity, provocation, peer presence, and emotional arousal.

## **B. Sociological Theories**

Sampson & Laub's Age-Graded Theory Emphasizes the role of social bonds—family, education, employment—in criminal desistance. The theory posits that while early antisocial behavior is influenced by childhood experiences (e.g., weak parental attachment, low school engagement), turning points in adulthood—such as employment, marriage, and military service—can reinforce conformity and reduce the likelihood of offending. Especially for young adult offenders it is essential to highlight that their transition is delayed or disrupted because :-

- Employment is often precarious or informal.
- Marriage is delayed due to financial or cultural factors.
- Education may be incomplete or irrelevant to available jobs.

So when these stabilising structures are absent or inadequate, young adults remain at a greater risk of persistent offending. The Indian context illustrates this vividly: with a high youth unemployment rate (~23% as per CMIE, 2023) and a delayed average age of marriage (~27 for men), many Indian young adults lack these protective turning points

## **Moffitt's Dual Taxonomy**

Terrie Moffitt (1993) proposed a developmental taxonomy of antisocial behaviour that classifies offenders into two main groups:

- Adolescence-Limited (AL) Offenders: Engage in criminal behaviour only during adolescence or early adulthood, often as a response to peer influence or a desire for autonomy.
- Life-Course-Persistent (LCP) Offenders: Begin antisocial behaviour early in childhood and continue into adulthood, often due to neuropsychological deficits and dysfunctional family environments.

For Young Adult offenders, the period of 18-30 suggests a period of the “maturity gap”—a period during which adolescents possess biological maturity but lack legal and social privileges.

The Chicago School of Sociology attributes youth crime to urban disorganisation, peer group influence, and the absence of social control. Scholars like Shaw and McKay (1942) introduced the Social Disorganisation Theory, arguing that neighbourhoods characterised by poverty, residential instability, ethnic heterogeneity, and weak institutions tend to foster criminal subcultures, especially among youth. In rapidly urbanising societies, slums and low-income colonies often mirror the disorganised neighbourhoods described by the Chicago School, characterised by weak or oppressive law enforcement, minimal to total lack of Community supervision and surveillance, dysfunctional Schools and families. Thus, Young adults growing up in these spaces are particularly vulnerable. This results in concentrated crime zones, where young adults engage in theft, extortion,

drug trade, or sexual offences, not out of pathological intent but due to environmental conditioning and limited alternatives

Vygotsky's Social Learning Theory posits that Individual behaviour is shaped through interaction with more knowledgeable others (MKOS), and development occurs within a Zone of Proximal Development (ZPD)—the gap between what a person can do alone and what they can do with guidance. As active social learners, young adults are vulnerable to criminal norms in peer-dominated environments. In India, youth in marginalised regions—whether rural areas with Naxalite influence or urban slums with criminal syndicates—often acquire deviant scripts from their environment, including school. Many young adults lack positive mentors, making them susceptible to criminal learning.

### **C. Biological and Biosocial Theories**

Biosocial Theory focuses on hormonal influences, particularly testosterone and cortisol, as well as neurotransmitters like serotonin and dopamine. The age range of 18–25 coincides with peak levels of testosterone production in males. Elevated testosterone levels have been associated with increased aggression, dominance-seeking, and risk-taking behaviour, particularly when provoked by social competition or perceived threat. Similarly, low levels of serotonin, linked to poor impulse control, can make young adults more vulnerable to violence or substance abuse when combined with high environmental stress. Cortisol, a stress hormone, affects fear reaction and reactivity. Atypical cortisol patterns have been described in young offenders, especially those with a history of early trauma or neglect.

### **Life Course Theory**

Life Course Theory of Crime is the product of complex interactions among genetic, social, and biological factors within a time period. Offenders have unique offending pathways (e.g., adolescent-limited, life-course-persistent). Biological risk factors (e.g., neurodevelopmental lags, genetic weaknesses) combine with life events to influence offending behaviour. Life Course Theory identifies young adulthood (18–25) as a high-risk, high-impact period. It is marked by prefrontal cortex development, which is central to judgment, planning, and behavioural inhibition and is still ongoing during these years. The Genetic predispositions, such as a family history of impulsivity or conduct disorder, may become behaviorally expressed during this window. The absence of protective life events (e.g., graduation, marriage, stable employment) leads to persistent antisocial behaviour. It even gets aggravated if there are life shocks—parental death, romantic betrayal, or failure in exams—as it can act as triggers for first-time or repeat offending.

### **Legal Competency and Procedural Justice**

Legal competency, foundational to criminal trials, assumes rational participation and comprehension. However, research (Grisso, 2005) questions the ability of young adults to:

- Make informed decisions
- Consult meaningfully with counsel
- Understand long-term consequences

The U.S. Supreme Court in *Roper v. Simmons* (543 U.S. 551, 2005) and *Graham v. Florida* (560 U.S. 48, 2010) acknowledged adolescent immaturity as a mitigating factor. A similar rationale must be extended to young adults.

Identity, Career, and Social Transition: Societal Risk Factors

**Young adulthood is a time of economic and relational instability:**

- "Emerging adults" face delayed milestones: stable employment, marriage, and independent housing.
- Lack of occupational identity correlates with frustration, deviance, and low social integration.
- Peer influence, educational disengagement, and digital dislocation intensify risk behaviors.

Social theories corroborate that strained transitions and structural inequality heighten criminal propensity in this age group.

Revisiting the Age-Crime Curve: India vs. the West – A Criminological and Socio-Legal Analysis

The age-crime curve is one of the most replicated findings in criminology. It refers to the statistical pattern where criminal activity tends to rise during adolescence, peaks in early adulthood, and then gradually declines. In most Western countries such as the United States, United Kingdom, Canada, and Australia, crime rates typically peak between ages 18 and 21, after which desistance begins as individuals transition into stable adult roles.

However, the Indian crime data presents a marked deviation from this classic trajectory. According to the National Crime Records Bureau (NCRB) 2023, the peak age range for recorded criminal activity in India is 30–35 years, with 18–35 accounting for most repeat offenders.<sup>12</sup> This divergence from Western trends invites a comprehensive multidisciplinary inquiry into the underlying socio-economic, developmental, and legal factors influencing young adult criminality in India.

One of the primary reasons for the extended peak in India's age-crime curve is the delayed transition to adulthood. Unlike Western societies, where individuals often attain economic independence, residential stability, and family formation by their early 20s, Indian youth are significantly delayed in achieving these traditional markers of adulthood.

**Factors contributing to this delay include:**

- Extended dependency on family structures
- Prolonged educational trajectories due to competition and reservation-based admissions
- Socio-cultural expectations of marriage and employment stability before familial independence

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<sup>12</sup> National Crime Records Bureau. 2024. *Crime in India 2023: Statistics Report*. New Delhi: Ministry of Home Affairs, Government of India.



- Gendered norms and caste-based barriers further complicate social mobility for many youth

This stagnation creates a transitional limbo—a period where individuals possess adult rights (such as voting or marriage) but lack stable adult roles, leading to psychosocial strain, identity diffusion, and heightened vulnerability to criminal peer influence or antisocial coping mechanisms. Also, India's labour market structure is another key differentiator that explains why offending persists longer in the 30–35 age group. Western criminology literature emphasizes that desistance from crime—i.e., the process of ceasing criminal behavior—is heavily influenced by turning points, such as: Marriage, Employment, Parenthood, Military service or education

**However, in India, such transitions are either delayed or devalued. For instance:**

- Marriage no longer provides the same stabilizing influence, especially in urban and lower socio-economic groups
- Stable employment is scarce
- Education is often de-linked from employability. The informal sector sees more participation than the formal sector.

This results in delayed or distorted desistance, meaning that many individuals who, in Western societies, would have moved out of crime by their mid-20s, continue offending into their early 30s.

A comparative study by the India Justice Report (2022) suggests that Indian offenders often oscillate between periods of compliance and recidivism, particularly due to systemic barriers to rehabilitation, legal reintegration, and lack of targeted correctional programs for young adult offenders (India Justice Report 2022).<sup>13</sup>

Comparative Observations and Lessons for India

**From the above analysis, several key themes emerge:**

- Judicial Discretion Based on Maturity: Most systems empower judges to assess the developmental maturity of the offender, often guided by psychological or behavioural evaluations.
- Extended Definition of 'Youth': Countries like the Netherlands, Germany, and Australia extend the scope of juvenile protections well beyond the age of 18.
- Prioritization of Rehabilitation: Rehabilitation, rather than retribution, is the dominant theme—especially in community-based corrections and diversionary programs.
- Use of Special Courts: Several jurisdictions employ youth courts, therapeutic courts, or Indigenous justice models to ensure culturally and developmentally appropriate justice delivery.

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<sup>13</sup> India Justice Report. 2022. *India Justice Report: Ranking States on Police, Judiciary, Prisons and Legal Aid*. New Delhi: Tata Trusts. [https://indiajusticereport.org/files/IJR%202022\\_Full\\_Report.pdf](https://indiajusticereport.org/files/IJR%202022_Full_Report.pdf)

India, by contrast, lacks a distinct legal category for young adults, despite demographic trends and crime data (NCRB 2023) indicating their significant involvement in criminal activities. Current laws draw a rigid line at 18, without accounting for transitional vulnerabilities or cognitive immaturity post-adolescence.

## Conclusion

Through a rigorous multidisciplinary approach, this research has demonstrated that young adults, typically aged 18 to 25, represent a distinct criminological and legal category that requires differentiated treatment under the criminal justice system. The current Indian legal framework, which considers age 18 as the definitive threshold for adulthood, fails to accommodate the nuanced continuum of developmental, neurological, psychosocial, and socio-economic transitions that mark young adulthood. This conflation between legal adulthood and psychosocial maturity not only misrepresents the cognitive realities of young offenders but also undermines the very purpose of a just, proportionate, and rehabilitative justice system. It is not the case to completely exonerate the Young Adult Offenders from liability. The research aims at making reformation and rehabilitation a priority while treating them.

## Reframing Culpability Beyond Chronological Age

India's legal approach is largely formalistic, with Section 2(k) of the Juvenile Justice (Care and Protection of Children) Act, 2015, drawing a hard cut-off at age 18. Post-18, individuals are processed through the adult criminal justice system, without consideration for cognitive maturity, social instability, or emotional volatility—all well-documented characteristics of emerging adulthood. Yet, empirical findings from developmental neuroscience, such as those by Steinberg and Casey, clearly illustrate that executive functions related to decision-making, impulse control, and risk assessment continue to develop into the mid-20s.

Moreover, sociological insights—such as those from Sampson and Laub's life course theory or Moffitt's dual taxonomy—show that many youth engage in crime not due to criminal inclination, but as a function of life instability, peer dynamics, or lack of social control mechanisms.

Thus, culpability must be thought of as a constantly evolving attribute that depends not merely on age but on some combination of psychosocial factors.

## The Legal System's Role in Reinforcing or Reducing Recidivism

The punitive orientation of the Indian criminal justice system has not yielded the desired deterrence. According to NCRB 2023 reports, 18- and 35-year-olds constitute the highest category of repeat offenders, especially for property offences, drug offences, and offences against women (National Crime Records Bureau 2024)..<sup>14</sup> The figure may be considered not only as evidence of the deterioration in society but also of the failure of the criminal justice system to reform and rehabilitate.

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<sup>14</sup> National Crime Records Bureau. 2024. *Crime in India 2023: Statistics Report*. New Delhi: Ministry of Home Affairs, Government of India.

In contrast, countries like Germany, the Netherlands, and Austria have demonstrated how flexible sentencing, specialised youth courts, and personalised interventions can reduce recidivism and promote reintegration. These countries have incorporated developmental research into legal theory, giving judges the authority to handle 18-25-year-olds under juvenile standards, recognizing the gray zone of young maturity.

India's failure to distinguish between a mature recidivist and a cognitively immature first-time 19-year-old offender reflects an archaic jurisprudence that prioritizes retribution over reformation.

### **Constitutional Mandate for Reform: Rights, Dignity, and Social Justice**

The call for reform is not merely criminological—it is constitutional. Articles 14, 15(3), 21, and 39(e) & (f) of the Constitution of India collectively affirm the right to equality before law, protection of childhood and youth, and the guarantee of life and personal liberty with dignity.

Particularly, Article 21 has been judicially expanded by the Supreme Court to include the right to fair trial, the right to rehabilitation, and the right to development. Applying this principle, the justice system must ensure that young adults are not prematurely labelled or condemned in ways that foreclose opportunities for reform. Similarly, Article 39(e), a Directive Principle of State Policy, mandates that the tender age of citizens is not abused—a principle rendered hollow if the justice system mechanically imposes adult penalties on youth who are not psychosocially equipped to navigate the world of adulthood.

The jurisprudential evolution in *Roper v. Simmons* (2005)<sup>15</sup> and *Graham v. Florida* (2010)<sup>16</sup> by the United States Supreme Court, wherein it held that youthfulness must mitigate culpability, resonates with India's own Article 21 jurisprudence, which increasingly supports substantive, individualised justice over formalistic equality.

### **Policy and Legislative Recommendations for India**

To be consistent with global best practices and constitutional morality, India must implement legal, institutional, and procedural reforms to create a developmentally responsive criminal justice framework. Key recommendations could include:

- **A Statutory Definition of Young Adults:** Introduce a legal category of 'Young Adult Offenders' aged 18–25, similar to the adolescent criminal law regime in the Netherlands.
- **Judicial Discretion in Sentencing:** Amend the Code of Criminal Procedure to allow judges to assess maturity levels, criminal history, and psychosocial development before determining whether to apply adult sentencing norms.
- **Special Courts and Panels:** Establish Young Adult Courts or Benches, staffed with judges trained in developmental psychology, criminology, and restorative practices.
- **Diversion Programs:** Institutionalize pre-trial diversion mechanisms that emphasize education, job training, psychotherapy, and community service over incarceration.

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<sup>15</sup> *Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>16</sup> *Graham v. Florida*, 560 U.S. 48 (2010).

- **Mandatory Psychosocial Assessments:** Require court-ordered psychological assessments for all offenders aged 18–25 before sentencing.
- **Reintegration Programs:** Develop community-based reintegration models, including mentorship programs, halfway homes, and employment linkages for young adult ex-offenders.

### **5. Reconciling Justice with Science: The Emergence of Neurojurisprudence**

The 21st century heralds the merging of law and neuroscience, which is especially relevant in instances involving young adults. The growing area of neuro-jurisprudence advocates for the assimilation of scientific findings on brain development into legal doctrine, ensuring that criminal responsibility is examined in light of both mental capacity and developmental trajectory.

This specific approach is not merely compassionate—it is rational and evidence-based. It recognises that moral and legal responsibility is a continuum, and that rehabilitative justice is more effective than punitive incapacitation for youth in transition.

### **6. Justice as Restoration, Not Condemnation**

Above all, the conclusion of this research reaffirms a fundamental tenet of the Indian legal system: justice is not revenge; it is restoration. For the vast majority of young adults who commit offences due to immaturity, impulsivity, or socio-economic adversity—not malice or criminal intent—the law must provide a bridge back to lawful citizenship, not a precipice into lifelong criminality.

Young adulthood is not just a vulnerable period; it is also a profoundly reformatory one. It is during these years that individuals can be diverted from antisocial pathways, provided they are met not with institutional rejection but with constructive engagement and second chances.

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