



PROSPECTS FOR APPLYING FOREIGN EXPERIENCE IN INTERROGATING MINORS FOR COMMITTING ANTISOCIAL ACTS

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Abstract: Interrogating minors involved in antisocial behaviors presents unique challenges that require special approaches to ensure fairness, accuracy, and protection of their rights. Drawing on foreign experience provides valuable insights into effective practices such as child-friendly interview techniques, multidisciplinary collaboration, and trauma-informed methodologies. Juvenile justice systems in developed countries emphasize principles like proportionality, rehabilitation, and minimal intervention, which can serve as models for other jurisdictions. However, cross-cultural application of these strategies requires careful adaptation to local legal frameworks, cultural norms, and resource availability. By integrating proven international best practices with context-specific considerations, there is significant potential to improve the quality of interrogations, reduce re-traumatization, and achieve better outcomes for minors and society as a whole.

Keywords: interrogation of minors, antisocial behavior, foreign experience, juvenile justice, best practices.

Introduction: The problem of juveniles engaging in antisocial behavior is one of the most important and widespread issues for society. Among them, factors that involve minors in criminal situations, such as contagion, disruption of family relationships, socio-economic difficulties, and the influence of negative friendships, are of particular importance. Using foreign experience in interviewing minors with antisocial behavior allows us to learn effective methods for solving such problems. By applying foreign experience, it is possible to achieve the goals of protecting the rights of minors during the interview process, influencing their psychological state, and improving the justice system.

Introduction: The problem of juveniles engaging in antisocial behavior is one of the most important and widespread problems for society. Among them, factors that involve minors in criminal situations, such as contagion, disruption of family relationships, socio-economic difficulties, and the influence of negative friendships, are of particular importance. Using foreign experience in interviewing minors with antisocial behavior allows us to learn effective methods for solving such problems. By applying foreign experience, it is possible to achieve the goals of protecting the rights of minors during the interview process, influencing their psychological state, and improving the justice system.

The Decree of the President of the Republic of Uzbekistan No. PF-60 dated January 28, 2022 "On the Development Strategy of New Uzbekistan for 2022-2026" defines strengthening the country's position as an equal subject in international relations and increasing Uzbekistan's prestige in the world community as one of the main goals of the strategy.[1] Therefore, analyzing and comparatively studying foreign practices regarding the crime of involving minors in antisocial behavior is of particular importance. As the head of our state

emphasized, our task is to constantly seek innovation, deeply study advanced experiences in foreign countries, and apply them to our practice.[2]

We have also set ourselves the goal of studying the successful experiences of advanced foreign countries. Because analyzing and implementing these experiences is important for further improving the activities of investigative units of internal affairs bodies and logically developing reforms.

According to the legal scholar S.N.Gordeev, a scientifically based analysis of the experience of foreign countries helps to identify the strengths and weaknesses of the national system. In addition, it is important to introduce the best practices of foreign countries in the investigation of the crime of involving minors in antisocial behavior into the current legislation and investigative practice.

Studying the methodology and theoretical and legal approaches to investigating crimes in developed countries allows for a deep scientific and practical analysis of investigative tactics, eliminating gaps in existing criminal and criminal procedure legislation, and applying advanced foreign experience in the investigative process.

Indeed, "mutual exchange of experience and opinions, as well as the assimilation of positive aspects, have always yielded positive results in any era, whether between individuals, communities, or states." [4]

As the legal scholar B.N. Rashidov noted, "the perfection of the results of ongoing scientific research depends not only on a deep analysis of the theoretical, historical, scientific, and practical aspects of the problem, but also on the study of contemporary social development, modern requirements, and the experience of other countries on this topic." [5]

The process of investigating criminal cases in international practice is organized differently in different countries. Depending on the specifics of each state's legal system and state structure, pre-trial proceedings are carried out in various forms. In some countries, the preliminary investigation is organized independently, while in others, there are other forms of police investigation or pre-trial proceedings. These differences are related to the national legislation and law enforcement practice of the states.

M.K.Najimov and F.P.Hayitboev, by analyzing legal systems, divided them into the following types:

- Romano-Germanic (continental) family of law;
- family of common (Anglo-Saxon) law;
- legal systems of the Scandinavian countries;
- Legal systems of the countries of Latin America;
- Legal systems of the countries of the Far East;
- family of religious and traditional law;
- family of socialist law;
- mixed legal systems.

Based on historical sources and the legal systems of modern foreign countries, the experience of investigating criminal cases can be divided into the following groups:

1. States of the Anglo-Saxon legal system. In this system, precedent law is the main source, the police have broad powers, and the investigation process is based on practice. Technical means are actively used, and prior experience plays an important role in court decisions. This system operates in such countries as Great Britain, the USA, Canada, and Australia.

2. States belonging to the Romano-Germanic legal system. There is codified legislation here, and prosecutorial oversight is strong. The investigation process is strictly regulated, and the collection and evaluation of evidence are clearly defined. This system is implemented in European countries such as Germany, France, Italy, and Spain.

3. States of the East Asian legal system. (Japan, South Korea, Singapore). Modern technologies are widely used here, traditional and innovative methods are combined. Cooperation between the police and the prosecutor's office is strong, there are modern methods of recording evidence.

4. States of the CIS system. (Russia, Kazakhstan, Belarus). The legal framework is similar, the structure of the investigative bodies is close, and the procedure of the investigation process is practically the same. It is easier to introduce the experience of these countries into the national system.

It is known that, among other types of crimes, the introduction into the legislation and investigative practice of Uzbekistan of the best practices of foreign countries in the sphere of investigating crimes related to the involvement of minors in antisocial behavior is of great importance.

States of the Anglo-Saxon legal system. Studying the legislation of developed countries and mastering the aspects relevant to our country is a proven and easy way to achieve progress. Undoubtedly, the USA is among the countries that most of us think of when we think of developed countries. In America, human rights and the development stage of progress do not leave this unnecessary.

In America, the investigation of crimes committed by minors requires a unique approach, unlike the investigation of crimes committed by adults. The juvenile justice system prioritizes moral correction over punishment, and methods of investigating juvenile crimes should balance responsibility with the protection of the rights and well-being of juvenile offenders.

In the United States, there are special law enforcement procedures for investigating crimes committed by juveniles, and law enforcement agencies often have special units or protocols to handle juvenile cases:

In the USA, children's investigative departments and juvenile justice systems operate to investigate the crime of involving minors in criminal activity. They have special training in the investigation of crimes related to children and pay special attention to the protection of children's rights. Child psychologists and social service workers cooperate in the investigation process, which serves to ensure the interests of children. It is also indicated that when a minor is arrested, his parents or guardians are usually notified.[6]

In addition, during interrogations of minors, it is established that their Miranda rights (right to remain silent, right to a lawyer) should be explained to minors in a simplified way that they understand, and as a basis for this, the process of explaining Miranda rights must be recorded on video along with the interrogation process. During the interrogation, it was noted that both the interrogating employee and the minor should appear in the frame, which is the main evidence proving that they were not subjected to any psychological and psychological pressure.[7]

The mandatory participation of a parent or legal guardian and a lawyer in the Miranda rights warning and questioning process, the child should have the opportunity to consult individually with one or both of these persons, if the parent/guardian is a victim of a crime,



suspected, or openly hostile to the child, the child should be given the opportunity to participate by another supporting adult, the participation of a legal counsel (lawyer) is an inalienable right, is also reflected in American law.[8]

For example, the Sheriff's Office of King County, Washington, requires the following questions and statements to be read to young people in addition to the regular Miranda warning:

1. You have the right to remain silent, that is, you can say nothing.
2. If you don't want to talk to me, that's normal.

3. If you want to talk to me, I can tell this information to the judge for juvenile affairs or adult judge and the Probation Officer. You have the right to speak with a free lawyer right now. This free lawyer works only in your interests and is available at any time - even at night. This lawyer won't tell anyone what you said. A free lawyer will help you decide whether to answer questions. If you want to talk to me, this lawyer can be with you.

4. If you start answering my questions, you can change your mind and stop the conversation at any time. In this case, I don't ask any more questions.

Renunciation of the rights of a minor:

1. Do you understand? (If yes, go to question 2.)
2. Do you want to talk to a lawyer? (If "no," move on to question 3).
3. Do you want to talk to me? (If "yes," the Q&A process begins.) [9]

Today, American scientists are putting forward a number of proposals to protect the rights of children during interrogation and ensure justice in criminal proceedings related to them. These are:

1. The use of deception by the police during interrogation should be prohibited.[10]
2. The interrogation should be conducted when the child is usually awake and not asleep.
3. The place of interrogation must be psychologically comfortable.
 - It is prohibited to tie the hands or lock the feet of young people;
 - It is recommended that only one employee participate in the interrogation as much as possible;
4. Interrogation sessions should not exceed two hours, with a break provided every hour.
 - In no case should the interrogation exceed a total of four hours; [11]
5. The interrogation process should be aimed at obtaining accurate and reliable information, and not at accusing the young person.
 - It's better to ask open questions.
 - Through behavioral analysis, one should not try to determine whether the child is telling the truth or lying.
 - A young person should avoid promising benefits through recognition or the consequences of refusing recognition.[12]

Although the legislation of the USA has a number of positive experiences related to the investigation of juvenile crimes, in our opinion, some of them, such as the mandatory participation of a defense counsel, parents or guardians in the process of detaining minors, in the process of interrogation, the necessity of explaining the Miranda law, are already reflected in our legislation, as a positive innovation, we consider it expedient to implement the requirement for video and audio recording of investigative actions conducted with minors,

taking into account the rapid change in the psyche of minors, instability, tendency to deviations, intolerance to psychological pressure, and as a result, the discrepancy between the results of investigative actions and the results of the judicial investigation may lead to a number of problems in ensuring the principle of justice in the consideration of a criminal case. After all, Article 27 of the Constitution of the Republic of Uzbekistan in the new edition stipulates that when detaining a person, his rights and the grounds for his detention must be explained to him in a language he understands.

In addition, based on the fact that the legislation of the USA establishes the activities of investigative departments related to children for the conduct of criminal cases related to minors, taking into account the limited number of investigators and inquiry officers in lower-level investigative departments and divisions in the Republic of Uzbekistan, based on the criminogenic situation in each city and district, at least one investigator or inquiry officer should specialize in conducting criminal cases related to minors, and additional classes in this direction should be conducted, which, in our opinion, would contribute to the proper organization of work related to minors.

In the legislation of Great Britain, the juvenile justice system deals with juvenile criminal cases. The "Juvenile Justice" system is a legal system aimed at considering crimes committed by minors (usually under 18 years of age) and determining punishment, re-education, and rehabilitation measures for them.

Article 37 of the Law "On Crime and Disorder," adopted in 1998, states that "the main goal of the youth justice system is the prevention of offenses by children and youth," from which we can understand that the purpose is not to punish offenses committed by children and youth, but to re-educate them, adapt them to society, and prevent them from committing offenses in the future.[13]

In Britain, juvenile criminal cases are usually heard in juvenile courts. This court is a special type of magistrates' court, intended for persons who have reached the age of criminal responsibility, but have not reached adulthood. There is no jury in the juvenile court, and public participation is not allowed to protect the defendant's privacy. The juvenile court deals only with less serious crimes (such as theft and drug-related crimes). However, serious crimes, including violence and sexual assault, as well as murder-related crimes, are referred to the court of aggression.[14]

In Great Britain, the punishment of young people for less serious crimes is aimed at re-education. One of the punishments is a public punishment, which involves participation in a special program aimed at correcting the behavior of a young offender. In addition, punishment may be established for the detention of juvenile offenders in juvenile offenders' institutions for their upbringing and social adaptation. No punishment given to young people should be more severe than the punishment given to an adult for the same crime. Also, no person under the age of 21 may be sentenced to adult prison.[15]

A noteworthy aspect of UK legislation is that when a minor commits problematic behavior for the first time, engages in antisocial behavior, or commits minor offenses, they do not need to be prosecuted. In such cases, the case is decided by the police and local authorities out of court. For this purpose, various orders, agreements, and preventive measures are applied. This process is carried out to protect young people from early entry into the youth justice system and to offer them the necessary assistance and support.

Pre-trial measures



Warning (Reprimand) - an official warning is given to a young person for a committed offense.

Final Warning - issued if the previous warning was ineffective. This is the last warning, after which the trial may begin.

Measures against antisocial behavior (Anti-social behaviour measures) An Acceptable Behaviour Contract (Acceptable Behaviour Contract - ABC) is a voluntary agreement concluded with a young person and their parents, who agree to comply with the established rules.

An Anti-Social Behavior Order (ASBO) is a formal prohibitive measure imposed by a court that forces a young person to abandon certain actions or places.

The Individual Support Order (ISO) is a measure applied in conjunction with ASBO, which provides for special assistance and counseling to change the behavior of a young person.

Other measures

Local Child Curfew (Local Child Curfew) - a restriction on the presence of a young person in a certain place for a certain period of time.

Types of punishment established in the community (Sentences in the Community) Supervision Order - a young person is supervised by local law enforcement officers.

Community Rehabilitation Order - involves the participation of a young person in rehabilitation programs to improve their behavior in society.

Community Punishment Order - a young person is punished with socially beneficial labor.

Action Plan Order - a special individual action plan is developed to prevent offenses by a young person.

Attendance Center Order - a young person attends a special center at a certain time and participates in positive activities.

Referral Order - a measure to refer a young person who has committed an offense for the first time to a special public commission if they confess to it.

Reparation Order - a young person performs community service to compensate for the damage caused to the victim.

Fine - a monetary penalty in a certain amount.

Conditional Discharge - a young person is released on the condition that they do not commit another offense within a certain period of time. If he violates this condition, he will be prosecuted for his previous crime.

Absolute discharge (Absolute Discharge) - in cases where the application of punishment is not mandatory, the young person is officially released.[16]

In the UK, the juvenile justice system deals with juvenile crimes before trial, while the juvenile court deals with them in court. The establishment of separate pre-trial educational mechanisms indicates a systematic approach to juvenile delinquency. From the British experience, if we introduce independent public institutions into the legislation of Uzbekistan at the pre-trial stage, the main task of which is the upbringing of minors, then, in our opinion, this will contribute to the prevention of crimes committed by minors.

In Germany, the most prominent of the Romano-Germanic legal systems, crimes committed by young people in Germany since 1923 are considered within the framework of the Juvenile Justice Act. This law introduced special juvenile justice courts, special



organizations involved in the process, special procedural rules, as well as special punitive measures and measures.[17]

Since then, with several amendments, the Juvenile Justice Act applies when offenses are committed as defined in the German General Criminal Code (Strafgesetzbuch, StGB).[18]

In 1922, a special "Youth Welfare Act" was adopted in Germany for children in need of care, which was modernized in 1990 and is now called the "Law on the Welfare of Children and Youth." [19]

Since the 1920s, the "dualistic approach" has been practiced in Germany:

Children in need of care belong to the Children's Welfare System and are provided with protection and assistance.

Young offenders belong to the Youth Justice System, which also adheres to the principle of "putting the interests of the child first." This system focuses on support and re-education rather than punishment, but the process is based on the criminal justice system and adheres to procedural guarantees, which are often linked to the youth welfare system.[20]

According to this general approach, the Juvenile Justice Act applies only if a young person commits a crime defined in the Criminal Code.[21]

To the Criminal Code, for example:

- Alcohol consumption in public places,
- This does not include "status violations," such as absence.

Such conduct is regarded as an administrative offense and may be punishable by an administrative fine under the Administrative Offenses Act ("Ordnungswidrigkeitengesetz").[22]

The English and Welsh Anti-Social Behavior Orders (ASBO) system is not available in Germany.[23]

If a young person engages in antisocial behavior, but this is not considered a crime, the Child Well-being System should identify the following aspects:

1. Does the young person and/or his/her parents need support?
2. Do they want this support?

All support measures are voluntary. Only in cases where the life or health of the child is in serious danger:

Youth welfare agencies can appeal to the family court.

The court may decide to separate the young person from the family or introduce special support measures for the parents.[24]

In France, another country belonging to the Romano-Germanic family, special attention is paid to the issue of combating the involvement of minors in antisocial behavior. For example, Article 227-19 of the French Criminal Code provides for liability for inciting minors to regularly and excessively consume alcoholic beverages.[24]

The section of the French Criminal Code "Attack on minors and family" contains Article 227-1, which establishes liability for abandoning a minor under 15 years of age (except in cases where it is impossible to ensure their health and safety). Article 227-2 establishes liability for injury or chronic illness resulting from abandoning a minor under 15 years of age. If the child dies as a result of abandonment, a prison sentence of up to 30 years is imposed. Such norms are also present in the legislation of Germany, the USA, and Sweden.[25]

In France, the Youth Criminal Code (Code de la justice pénale des mineurs or CJPM) came into force on September 30, 2021. This Code incorporates the basic principles of the



1945 Decree and promotes effective care by thoroughly reviewing the criminal process. It unites all laws concerning children within a single legislative framework. Prior to this, starting from the second half of the 20th century, provisions on youth criminal justice were disseminated in various legal acts, such as the Decree of February 2, 1945, several criminal decrees, and the Code of Criminal Procedure.

The Youth Criminal Code (CJPM), which entered into force on September 30, 2021, is designed to accelerate criminal proceedings and improve the care provided to young offenders by the Judicial Service for the Protection of Youth (Protection Judiciaire de la Jeunesse - PJJ). To implement this, all children's laws are combined into a single code.

The procedure for investigating a crime before a young judge in criminal cases has been abolished, that is, a judge of a youth court cannot simultaneously conduct an investigation and consider a case.

The criminal process related to youth consists of three stages. The sentence is issued in two stages (a court hearing on the guilt of age and then a court hearing on punishment), which are distinguished by the term of consideration: a) a court hearing on guilt (from ten days to three months after the case is brought to court); b) educational supervision (six to nine months after being found guilty); c) a court hearing on punishment (after the expiration of the probationary period).

The new Code grants the youth judge the right to consider a criminal case in the first instance if the sentence provides for five years or more imprisonment for a young person under 16 years of age and three years or more imprisonment for a young person over 16 years of age, or if it is already known to the minor court.

The responsibility for involving a minor in vagrancy, which exists in the legislation of France and a number of countries, is currently absent in the legislation of the Republic of Uzbekistan. Currently, administrative and criminal liability is possible only for parents who leave their child unsupervised abroad. In our opinion, by amending the Criminal Code of the Republic of Uzbekistan, the first part of Article 173 can be set out in the following order:

Involvement of a minor in the consumption of alcoholic beverages, narcotic drugs and their analogues or substances that are not psychotropic, but affect the mental state of a person, into vagrancy, committed after the application of administrative penalties for the same actions,

Based on this, the first part of Article 188 of the Code of the Republic of Uzbekistan on Administrative Responsibility can also be stated in the following order:

Involvement of a minor in the consumption of alcoholic beverages, narcotic drugs and their analogues or substances that are not psychotropic, but affect the mind, and vagrancy

Based on the fact that Japan is ahead of European countries in some areas among the countries of the East Asian legal system, when studying Japanese legislation, we noticed that special attention is paid to minors.

In Japan, practices related to the investigation of minors are aimed at protecting and restoring their rights, taking into account their age, personality, and social status. These practices are carried out on the basis of the Law on the Protection of Youth and the Criminal Code.

The Youth Protection Act (少年法, Shōhō):

Article 3 of this law establishes the principles of minimizing the criminal liability of minors and protecting their rights.



Article 20 provides for the liability of parents or guardians for the antisocial behavior or involvement of their children in a crime.

Criminal Code:

Article 60 of the Code indicates the responsibility of parents or guardians for the antisocial behavior or involvement of their children in a crime.

Japanese legislation defines minors as individuals aged 14-20.

The judicial system in Japan consists of the Supreme Court, higher courts, district courts, courts of general jurisdiction, and family courts.

The number of courts of general jurisdiction is 438, they operate in the regions, that is, in districts and towns, and all civil cases with a claim amount not exceeding 1 million yen, as well as criminal cases that do not pose a great public danger and are not very serious, are considered by a judge of the court of general jurisdiction in a single and simplified manner.

There are 203 district courts in Japan, where all categories of criminal and civil cases are considered as first instance. District court judges also usually hear cases individually, only criminal cases that are scheduled for collegial consideration at the stage of assignment or for which a sentence of imprisonment for a term exceeding one year may be imposed are considered by a collegial panel.

A judge of a family court shall individually consider civil cases related to family relations, cases of reconciliation, and cases of offenses or crimes committed by minors.

In Japan, there are more than 200 family courts.

Higher courts are located in 14 major cities of Japan, where appeals against decisions made by lower courts, that is, courts of general jurisdiction, district and family courts, are considered in appellate procedure with the participation of three judges.

The Supreme Court of Japan is the highest instance of the judicial system and considers appeals against cases heard in higher courts in appellate procedure. The Supreme Court has a chairman and 14 judges.

Summary:

In Japan, liability for involving minors in crime or antisocial behavior is established under the Youth Protection Act (少, Shō) and the Penal Code. This responsibility primarily applies to parents or guardians and presupposes their social and moral responsibility.

In Russia, cases involving minors in crimes are considered by special investigative departments. During the investigation, special attention is paid to the protection of the rights and interests of children. Psychologists and social service workers participate in working with children.

In general, in foreign countries, special approaches and protocols aimed at protecting the rights and interests of children are applied in the investigation of the crime of involving minors in antisocial behavior. This serves to prevent harm to the mental and physical well-being of children and to ensure their rights.

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A very comprehensive report about juvenile justice in Germany is to be found at Dünkel 2011. See furthermore Dünkel 2006

The law stipulates that juvenile justice law professionals shall be trained and experienced in pedagogic. However, in practice obviously these requirements are not regarded sufficiently, see Drews 2005.



Under the Nazi regime between 1933 and 1945 the age limit was lowered to 12. Today, lowering the age of criminal responsibility is only an issue for a few conservative politicians and is sometimes raised after severe cases of juvenile offending have taken place but never leads to serious drafts. See Dünkel 2011, p. 549.

Criminological research shows that in practice juvenile courts do not always proof this provisions carefully but rather routinely assume criminal responsibility, see Eisenberg § 3, Brunner/Dölling § 3.

For more information see Dünkel 2011, pp. 587-593, for an European overview see Dünkel/Pruin 2011 with further references.

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