Being Young and Criminal: What a Difference Penal Law Makes

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In most industrialized countries, those who reach the age of 18 years are legally regarded as adults and are held to be fully responsible for their actions. In Germany, people above this age (18 to 20 years of age) may still be treated as minors and convicted under juvenile penal law if judges consider them too young to be held accountable for their criminal behaviour. Recent evidence shows that application of the adult penal law instead of the more lenient juvenile law varies across German regions and is decreasing over time (Entorf and Spengler, 2008; Entorf 2010). This paper employs the discontinuity and the fuzzyness of the assignment of the age groups of "adolescence" (i.e. the group aged between 18 and 20) to either juvenile penal law or adult penal law to test the deterrent effect of harsher adult penal laws. The study is based on a survey of 1771 inmates from 31 German prisons.