

Research on Strategies for Lowering the Age of Criminal Responsibility for Minors Driven by Judicial Cases

Zhang Yining

School of Law, Qingdao University of Science and Technology, Qingdao, Shandong, China

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Abstract: The controversy surrounding the adjustment of the minimum age of criminal responsibility for juveniles, driven by judicial cases, essentially centers on the tension between deterrence through punishment and the protection of minors. Taking low-age heinous crimes in judicial practice as the entry point, this study systematically dissects the theoretical foundations, legislative motivations, and practical driving logic underlying the adjustment of the minimum age of criminal responsibility. It argues that the adjustment must be predicated on strictly defined applicable conditions, and through the establishment of a dynamic evaluation system that integrates the gravity of criminal conduct and individual culpability, achieve precise calibration of penalties. Concurrently, it necessitates the implementation of special safeguard mechanisms within criminal procedural frameworks and the development of pathways for the integration of penal execution with social rehabilitation measures to mitigate the risk of institutional distortion. This study innovatively proposes a closed-loop research framework of "judicial cases-legislative response-institutional refinement," offering theoretical underpinnings and institutional recommendations for resolving the dilemmas in the governance of juvenile delinquency.

1. Introduction

The intensification of the trend toward juvenile delinquency at a younger age has elevated the adjustment of the minimum age of criminal responsibility to a focal issue in legislative and judicial spheres in recent years. The traditional system of delineating criminal liability based solely on physiological age encounters a dual predicament of "legal vacuum" and "public anxiety" when confronted with severe violent crimes committed by minors of a young age. As a vehicle for legal practice, judicial cases not only reflect the contradiction between institutional supply and practical demands but also furnish empirical evidence for legislative adjustments. The adjustment of the minimum age of criminal responsibility transcends mere technical revisions to legislation; it entails a complex interplay involving the objectives of punishment, the determination of culpability, and the protection of minors' rights. Grounded in the driving logic of judicial cases, this study explores the legitimate boundaries and institutional supporting pathways for adjusting the minimum age of criminal responsibility, aiming to provide theoretical insights for the refinement of the juvenile delinquency governance system.

2. Theoretical Basis and Legislative Motivation for Lowering the Age of Criminal Responsibility for Minors

2.1 Historical Evolution and Functional Positioning of the Age of Criminal Responsibility System

As one of the core components of the modern criminal law system, the age of criminal responsibility system has developed in tandem with the deepening understanding of the psychological and physiological development of minors. Early criminal legislation often relied solely on chronological age as the determinant of criminal capacity—a framework rooted in a rudimentary perception of minors as lacking mature rational judgment^[1]. This approach primarily aimed to afford special protection to minors, while partially relinquishing the punitive deterrence function of criminal law. However, with advancements in psychology and sociology providing empirical insights into the cognitive development of minors, the determination of criminal responsibility has gradually transcended the simplistic reliance on biological age. Legislators have increasingly considered factors such as mental maturity and environmental influences. This shift reflects not only a respect for individual differences among minors but also a broader transformation in criminal law values—from retributivism to prevention-oriented justice. The functional refinement of the system is evident in its dual pursuit: safeguarding the rights of juvenile offenders while ensuring proportional punishment for grave offenses, thereby upholding the foundational stability of public order. In this context, the historical trajectory of the age of criminal responsibility system represents a dynamic balancing act between acknowledging the particular vulnerabilities of minors and preserving societal security.

2.2 Comparative Practices in Lowering the Age of Criminal Responsibility Abroad

International legislative practices regarding the reduction of the criminal responsibility age for minors reveal both systemic diversity and shared characteristics. Common law countries, such as the United Kingdom and the United States, typically adopt the “doctrine of *doli incapax*” or the “rebuttable presumption of incapacity,” allowing courts to override statutory age thresholds under certain conditions by substituting subjective malice for objective age standards. While this approach enhances judicial flexibility, it has faced criticism for granting excessive discretion. In contrast, civil law countries tend to favor a more structured yet flexible framework. Germany, for instance, replaces a rigid age threshold with comprehensive capacity assessments, while Japan has gradually lowered the minimum age of criminal responsibility through legislative amendments. The rationale in both models emphasizes individualized evaluation over categorical exclusion. At the international level, the Convention on the Rights of the Child requires state parties to establish a minimum age for criminal responsibility, but leaves the specific age to domestic discretion, stipulating only a lower bound of 12 years old. A comparative analysis reveals two primary drivers behind the downward revision of the criminal responsibility age: first, the rising incidence of violent crimes committed by younger minors; second, growing public demand for the punishment of heinous offenses, irrespective of the offender’s age. Jurisdictions across different legal traditions continue to grapple with the inherent tension between judicial efficiency and the protection of individual rights—an enduring dilemma that must also be carefully weighed in China’s legislative reforms.

2.3 The Legislative Necessity of Lowering the Criminal Responsibility Age in China

China’s current system of minimum age for criminal responsibility—set at 12 years old (or

14under special circumstances)-was rational within its historical context. However, the increasing frequency of serious violent crimes committed by younger minors in recent years has exposed significant tension between legislation and judicial practice. First, the rigid statutory age threshold means that certain egregious offenses cannot be prosecuted due to the offender's age, leading to public concerns about the fairness of the justice system. Second, the growing trend of minor offenders employing more intelligent and organized methods suggests that relying solely on chronological age to determine criminal responsibility is no longer adequate in addressing evolving patterns of crime. The need for legislative reform is further underscored by the complex nature of minors' physical and psychological development. The disconnect between biological age and mental maturity is becoming increasingly common, with some younger minors already possessing a clear understanding of the consequences of their actions. Yet the current legal framework, constrained by age limits, fails to effectively regulate such behavior. Moreover, the lack of coordination between the juvenile justice protection system and the age of criminal responsibility results in largely symbolic correctional measures for younger offenders. In this context, lowering the minimum age of criminal responsibility is not only a necessary response to the reality of younger-age criminality, but also an essential step toward improving the juvenile justice system and achieving individualized criminal sanctions[2].

3. The Driving Mechanisms behind the Lowering of the Age of Criminal Responsibility in Judicial Cases

3.1 Typological Review and Issue Extraction from Representative Judicial Cases

The increasing frequency of extreme violent crimes committed by minors in judicial practice constitutes a pressing impetus for lowering the age of criminal responsibility. A typological analysis of recent cases involving intentional homicide or fatal intentional injury committed by younger minors reveals that their criminal methods exhibit distinctly adult characteristics. The tools used tend toward professional-grade (e.g., controlled knives, chemical agents), the crimes are marked by premeditation (e.g., reconnaissance, disguise), and the outcomes often result in high lethality. These cases not only challenge the public's conventional understanding of minors' behavioral capabilities but also expose the disconnect between current age thresholds for criminal responsibility and the trend toward younger offenders. Moreover, the rising involvement of minors in emerging cybercrimes adds another layer of complexity-cases of organized prostitution and online fraud, for instance, often feature young participants who embody a dual identity as both victims and perpetrators. Their motives may stem from economic incentives, but they are also frequently manipulated or coerced by adult criminals. The common thread across such cases lies in the stark contrast between the severity of the offenses and the legal system's outdated assessment of minors' criminal liability-underscoring the urgent need for empirical, typology-based research to inform legislative reform.

3.2 The Contradiction between Age and Criminal Responsibility Reflected in Judicial Cases

The contradiction between age and criminal responsibility revealed in judicial cases fundamentally reflects the conflict between legal fiction and individual differences. The nonlinear relationship between biological age and psychological maturity is particularly pronounced in extreme cases. Some minors aged 12 to 14, due to precocious development or prolonged exposure to violent environments, may possess cognitive abilities and self-control capabilities comparable to or even stronger than those of certain adult offenders. However, minors shall bear criminal responsibility only under specific legally-defined circumstances (for minors aged 12 to 14, it refers

to committing intentional homicide or intentional injury resulting in death, or causing serious disability with particularly cruel means, and the circumstances being atrocious/heinous, with the case needing approval for prosecution by the Supreme People's Procuratorate). (This also applies to some minors under 12 who, according to the law, are completely exempt from criminal responsibility...)The limitations of criminal responsibility assessment in judicial practice further exacerbate this issue. Existing evaluation systems emphasize intellectual development indicators, while overlooking assessments of minors' moral awareness and the degree of distortion in their values. As a result, some young offenders who are in fact fully responsible for their actions escape legal sanction[3]. Such contradictions not only undermine the authority of the law but also trigger public concerns over the fairness of the juvenile justice protection system, compelling legislators to reconsider the rationality of current age-based classifications.

3.3 The Logical Path of Case-Driven Legislative Reform

The logic behind case-driven reform to lower the age of criminal responsibility lies in the dynamic equilibrium between law and reality. The escalation in the severity of juvenile offenses, as depicted in cases, calls for a departure from rigid "age absolutism" toward a standard that integrates subjective and objective elements, centering on the notion of criminal capacity. The legitimacy of this reform path is rooted in three dimensions: first, the cumulative effect of cases forms a societal consensus, as public tolerance for "heinous crimes by minors" continues to wane, providing a foundation of popular support for legislative change; second, the dilemmas exposed in these cases-such as disproportionately lenient sentencing or the failure of correctional measures-force institutional innovation, compelling lawmakers to confront the mechanistic flaws in age-based classification; third, the maturation of the case guidance system offers technical support for integrating judicial insights into lawmaking. By curating, compiling, and interpreting representative cases, it becomes possible to transform "individual justice" into "universal justice." Under this logic, legislative reform must employ cases as pivotal links to construct a closed-loop mechanism of "judicial feedback-legislative need identification-optimized system design," ensuring that the lowering of the criminal responsibility age is both jurisprudentially sound and practically viable.

4. Construction of Supporting Systems Following the Lowering of the Age of Criminal Responsibility

4.1 Design of the Applicability Conditions for Lowering the Age of Criminal Responsibility for Minors

The design of the applicability conditions for lowering the age of criminal responsibility must hinge on two core pillars: the severity of the criminal act and the assessment of criminal capacity. A refined and differentiated standard system should be established. Legislation must clearly define the scope of application of the lowered threshold, including within its ambit violent crimes such as intentional homicide and intentional infliction of serious injury or death, where the statutory minimum sentence is no less than three years' fixed-term imprisonment^[4]. Simultaneously, factors such as the cruelty of the criminal methods and the intensity of subjective malignancy should serve as evaluative elements to prevent the overextension of criminal penalties to minor offenses, thereby avoiding penal overreach. The assessment of criminal capacity must go beyond the singular benchmark of physiological age and instead integrate forensic psychiatric evaluations, social investigation reports, and psychological assessments. A multidimensional evaluation framework should be developed, centered on cognitive control capacity, while also accounting for upbringing environments and behavioral motivations. For minors suffering from intellectual disabilities,

histories of prolonged abuse, or those coerced into criminal conduct, a negative list excluding them from the applicability of the lowered threshold should be established, aiming to achieve the dual objectives of individualized punishment and the protection of minors. Procedural constraints concerning applicability conditions must not be neglected either; judicial interpretations should clarify the evaluative authorities, procedures, and evidentiary rules to prevent arbitrary conclusions and ambiguity in judicial discretion.

4.2 Special Safeguard Measures in Criminal Procedure

Following the lowering of the age of criminal responsibility for minors, the criminal procedure framework must be restructured with the protection of rights at its core. The system of appropriate adult participation should extend throughout the investigation, prosecution review, and trial stages, granting them full rights of presence, evidence examination, and procedural objections, while affirming their neutrality independent of judicial organs to counterbalance the disadvantaged procedural status of minors. The implementation of full coverage of criminal defense must go beyond mere formalism. This requires the establishment of specialized defense teams for juvenile criminal cases, mandatory appointment of defense counsel, and robust mechanisms to guarantee the right of counsel visitation. These measures ensure that defense attorneys intervene at the investigative stage, conducting substantive reviews of interrogation legality and the integrity of the evidence chain. The evidentiary weight of social investigation reports should be strengthened, with their legal status as sentencing references explicitly defined. Moreover, the entities responsible for the investigations, the content, and procedural standards should be specified to avoid one-sided or subjective conclusions. The fulfillment of procedural safeguards must also be supported by supplementary mechanisms, such as the establishment of specialized tribunals for juvenile criminal cases, improved rules for evidence disclosure, and the introduction of psychological intervention systems, thereby achieving the unity of procedural and substantive justice¹⁵¹.

4.3 Mechanisms for the Integration of Penal Execution and Social Reintegration

In the wake of lowering the age of criminal responsibility, the connection between penal execution and social reintegration must revolve around the core goal of re-socialization, forming a compound model that combines closed supervision with open rehabilitation. The establishment of juvenile-specific penal institutions should transcend the traditional closed nature of prisons by incorporating educational and rehabilitative zones, vocational training rooms, and psychological counseling spaces, thus integrating the educational and corrective functions of punishment. During the execution phase, risk assessment and graded management systems must be introduced to dynamically adjust the intensity of supervision based on minors' recidivism risk and rehabilitative performance, avoiding a one-size-fits-all punitive model. The transition to social reintegration should leverage community correction as its platform, integrating resources from families, schools, social organizations, and professional institutions to build personalized correction plans tailored to each individual. Correctional content should encompass legal education, psychological counseling, vocational training, and the restoration of social relationships, reinforced through periodic follow-ups, ongoing evaluations, and adaptive adjustments to ensure the sustainability of corrective outcomes. The smooth operation of these integration mechanisms requires institutional support, including the development of information-sharing platforms between penal execution and social correction bodies, clarification of responsibilities among correctional entities, and the establishment of a linkage system between correction effectiveness and penal adjustment, ultimately fulfilling the dual value of penal purposes and reintegration of minors into society.

5. Conclusion

Lowering the age of criminal responsibility, as an institutional breakthrough in the governance of juvenile delinquency, must be supported by rigorous application conditions, procedural safeguards, and mechanisms for correctional integration in order to achieve the dual objectives of penal effectiveness and the protection of minors. The institutional adaptation of a lower age of criminal responsibility should be built upon a dynamic evaluation system that considers both the harmfulness of the criminal act and the individual's capacity for responsibility, thereby enabling precise alignment of penalties. This can be achieved by strengthening the participation of appropriate adults during criminal proceedings, ensuring full coverage of legal defense, and applying specialized evidentiary rules to counterbalance the disadvantaged position of minors in litigation. Furthermore, integration of punishment execution and social reintegration should be promoted through a tiered treatment system and cross-sectoral collaboration networks to facilitate the resocialization of juvenile offenders. At its core, the construction of a system for lowering the age of criminal responsibility is an art of balancing legal rationality with humanitarian concern. Only by grounding the system in empirical evidence and binding it with normative constraints can we avoid its degeneration into a variant of punitive excess.

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