

“THE HISTORICAL DEVELOPMENT AND EVOLUTION PROCESS OF JUVENILE JUSTICE”

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It is well known that the emergence of every legal concept and norm can be traced back to history. In other words, before reaching its present form, every legal institution undergoes various historical processes and stages of development. In this regard, the foundations and contemporary development of juvenile justice are also studied through the prism of historical evolution and foreign experience. By examining its history and formation, it becomes possible to understand the true nature and essence of this concept. Knowledge of its history provides the key to revealing its substance and understanding its future prospects. This is particularly relevant to juvenile justice. Without understanding its historical background, it is difficult to grasp the distinctive features of this system: why did juvenile justice not exist in the past, and what factors led to its emergence? Why does juvenile justice depart from general procedural rules while still being regarded as effective? Finally, why has juvenile justice come to be viewed as a symbol of the justice system of the future?

The historical past of juvenile offenders—from ancient times and the Middle Ages up to the mid-nineteenth century—can be characterized as harsh and unjust. During this period, the sword of justice served primarily as an instrument of punishment. Historical and legal sources confirm this conclusion. At that time, childhood was not recognized as a legal concept requiring special protection. Consequently, legal documents contained no provisions aimed at providing children and adolescents with special judicial safeguards. It may even be argued that legal scholars of the ancient, medieval, and early capitalist periods did not regard juvenile offenders as a distinct demographic group deserving special attention.

As a result, the severity of judicial treatment toward juveniles was reflected in the fact that, when they committed offenses, they were generally treated in the same manner as adults from the perspective of legal liability. However, it would be inaccurate to claim that Roman law, medieval legislation, and particularly the laws of the eighteenth and nineteenth centuries left no traces of legal efforts aimed at protecting children from severe punishment. Evidence of such attempts can be found in certain provisions of Roman law.

Roman law also introduced another important concept concerning state protection of children—the doctrine of *parens patriae* (“parent of the nation”). According to this principle, the state is recognized as the supreme guardian of the child. This idea has repeatedly been cited throughout the history of juvenile justice. In ancient and medieval legal systems, crimes committed by minors and their liability were considered primarily from the standpoint of punishment. The procedural status of juveniles attracted the attention of legal scholars much later.

The *Law of the Twelve Tables* was the first legal source to introduce the principle of exemption from punishment. This principle mainly applied to minors and was later interpreted by commentators as the doctrine of “forgiveness on account of minority.” Under these laws, punishment could be waived if one of two conditions existed: first, if the offender did not understand the nature and consequences of the criminal act; second, if the offense had not been completed. This principle remained influential for a long period in states that adopted Roman law.

The denial of childhood as a distinct stage of human development and the prevalence of harsh treatment were particularly evident in medieval legislation. The renowned Swiss researchers Maurice and Enrique Veillard-Tschiboulsky note that capital punishment and other forms of severe penalties commonly imposed on adults were also widely applied to juveniles during the Middle Ages. Although certain legal acts, such as the *Schwabenspiegel* (a twelfth-century German legal code) and the *Carolina* (the criminal judicial ordinance promulgated under Emperor Charles V in the sixteenth century), referred to the principle of exemption from punishment, they also contained limitations that made it possible to circumvent this principle in practice. Consequently, the medieval justice system remained extremely severe toward juvenile offenders.

The next significant stage in the development of juvenile justice occurred during the nineteenth century, particularly in its second half. It was during this period that traditional attitudes toward juvenile offenders gradually began to change. Although the foundations for this transformation had already matured within the historical development of juvenile justice itself, a specific catalyst was required. This catalyst emerged in the form of a sharp increase in juvenile delinquency during the late nineteenth century.

Advances in technology and industrial development transformed economic relations and altered traditional social conditions. At the turn of the nineteenth and twentieth centuries, European cities witnessed the appearance of thousands of homeless and delinquent youths. The existing methods of combating crime proved ineffective and often produced even more harmful consequences for juveniles. It should also be emphasized that the emergence of juvenile justice, like the development of the judiciary itself, was the result of a long and complex historical process. Initially, the administration of justice did not distinguish between children, adolescents, and adults; punishment was imposed primarily according to the gravity of the offense committed.

Gradually, however, the spread of humanitarian ideas and the struggle to incorporate principles of humanity into law began to bear fruit. Although the need for special protection of minors had not yet been fully recognized, historical legal sources already contained concepts such as forgiveness and leniency based on minority. Society increasingly came to understand that applying punitive measures designed for adults to juvenile offenders was not only ineffective but also inconsistent with the principles of justice.

As an example of an early form of juvenile justice, the French Civil Code (*Napoleonic Code*) recognized minors as a distinct legal category and incorporated criteria related to whether a juvenile understood the consequences of his or her actions. Such provisions reflected an emerging awareness of the need to take into account the developmental characteristics of minors when determining legal responsibility.

An important milestone in the historical development of juvenile justice as a component of the global justice system occurred at the end of the nineteenth century. On July 2, 1899, the world's first juvenile court was established in the State of Illinois, United States. The first Juvenile Court Act in history was also adopted there at that time. Interestingly, the initiative for the adoption of the world's first juvenile court legislation came from women activists, namely Lucy Flower, a member of the Chicago Women's Club, and Julia Lathrop, a member of the social reform organization known as Hull House. For this reason, the United States is widely regarded as the birthplace of juvenile justice.

The newly established juvenile justice system sought to provide a more objective approach to juvenile offenders by taking into account their psychological and biological development while

simplifying traditional judicial procedures. The primary goal was not merely punishment but also rehabilitation and social reintegration.

The establishment of the Juvenile Court in Chicago at the beginning of the twentieth century attracted considerable international attention. However, different countries adopted different models of juvenile justice. Some established autonomous juvenile courts, while others assigned juvenile matters to courts of general jurisdiction. Subsequently, juvenile courts began to operate effectively in developed countries such as England, France, Germany, and Russia. Thus, throughout the twentieth century, juvenile justice evolved into a distinct legal institution aimed at protecting the rights and interests of minors while ensuring their successful reintegration into society.

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