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PANEL: CRIMINAL LIABILITY OF MINORS. LEGAL NATURE, REGIME.

Moderator / Coordinator/ Speaker

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Presentation of the Panel

The criminal liability of minors is a special legal institution, located at the intersection of criminal law and child protection policies. Its main purpose is not the actual sanctioning, but the re-education and social reintegration of the minor who has committed an act provided for by the criminal law. Its special character derives from the psychological, moral and social particularities of persons under 18 years of age, who have not yet reached a full level of maturity and discernment.

The legal nature of the criminal liability of minors is an attenuated one, with a pronounced educational and preventive character. The state seeks to correct antisocial behavior through support, counseling and supervision measures, avoiding stigmatization and social isolation.

The regime of criminal liability of minors is, therefore, an autonomous one, based on the principle of individualization of responsibility and the best interest of the child. The court analyzes in each case the personality of the minor, the family environment, the antecedents and the real possibilities of reintegration. The ultimate goal of these measures is not punishment, but rehabilitation and the formation of behavior in accordance with social values.

The criminal liability of minors reflects a modern and humanistic conception of criminal law, in which the emphasis shifts from repression to education, prevention and social reintegration, reaffirming the formative role of criminal justice towards young people in conflict with the law.