Pros and Cons of Abolishing the Juvenile Justice System

Name

Institutional Affiliation

Pros and Cons of Abolishing the Juvenile Justice System

The juvenile justice system rehabilitates minors charged with committing criminal offenses (Scott, Grisso, Levick, & Steinberg, 2015). Globally, America is the only country that has a juvenile system. Children found guilty of committing crimes such as murder, and other crimes are put behind bars (Morrow, Dario, & Rodriguez, 2015). However, many people have complained that the juvenile system has failed in its mandate to rehabilitate minors. Instead, they claim that the manner at which the juvenile prisons handle the juveniles is violent. This makes the system to be inefficient in rehabilitation (Scott, Grisso, Levick, & Steinberg, 2015).

The Juvenile system has been associated with making youths violent such that when they end their sentence, they become a threat to the public. In the United States, citizens are proposing the abolishment of the juvenile justice system (Cole, Smith, &DeJong, 2018). American citizens suggest that the best way to ensure that juveniles change while in prison is to charge them in the adult courts. With this system, a youth is denied his or her constitutional rights during his or her trial and also as he or she serves the jail sentence (Scott, Grisso, Levick, & Steinberg, 2015). This makes people to propose the court to abolish the system. This paper discusses the pros and cons of abolishing the juvenile justice system.

**Reasons to Abolish the Juvenile System**

Those who support the abolishment of the juvenile systemdebate that the key reason why the judiciary system should consider this move lack of constitutional rights. This is because juveniles are denied legal rights under the juvenile court (Scott, Grisso, Levick, & Steinberg, 2015). For a long time, several changes have been made within the juvenile system. Some of these changes have adversely affected the running of the juvenile court. Before these reforms were made, the juvenile system was effective in rehabilitating juveniles. Afterward, it only punishes them rather than helping them to become better people in the society (Cole, Smith, &Dejong, 2018). One of the best ways to deal with these failures is to combine the juvenile court with the traditional criminal court system.

In the case of the claims that youth offenders lack their constitutional rights under the juvenile justice system, the Supreme Court should make important decisions that can shape the juvenile court (Neubauer&Fradella, 2018). For instance, the Supreme Court should make amendments that will allow the juveniles to proof beyond the reasonable doubt. Youths should be given equal rights to adults. The court should enable juveniles to exercise their rights, including the right to receive timely notification of what they have charged. Also, minors should be allowed to have an attorney to signify them in court (Cipriani, 2016). Research conducted shows that the majority of the lawyers who were supposed to represent juveniles never appeared in court. Even if they did, they lacked adequate trained; hence, delivered incompetent representation. Besides, when young offenders are on trial, judges never advise them about their rights ((Scott, Grisso, Levick, & Steinberg, 2015). This is unfair as juveniles are unaware of the way they are supposed to answer before the judge. Even the lawyers who are present in the court to represent juveniles never appeal court's decision on the juvenile charges.

Judges are the primary reason as to why juveniles never get to exercise their rights before the juvenile court. They never allow them to consult with their attorneys or even their parents (Cipriani, 2016). The juvenile court has been linked with many constitutional violations against juveniles' rights. Therefore, advocates want the Supreme Court to incorporate both juvenile and criminal system to protect minors from constitutional violations. Supporters of the move of abolishing the system now urge state courts to create and implements policies of sentencing for young offenders (Morrow, Dario, & Rodriguez, 2015). Unlike in juvenile courts, adult courts have adopted sentencing guidelines for adults. Studies demonstrate that juvenile courts give urban criminals severe penalties compared to rural and suburban young criminals. Juveniles are immature individuals who deserve assistance through counseling them to understand and prepare them for legal proceedings (Cole, Smith, &DeJong, 2018). Competent lawyers should do this counseling with the necessary skills and experience. When a juvenile is in a trial, he or she must have a lawyer to represent him or her during the court proceedings (Scott, Grisso, Levick, & Steinberg, 2015). Incorporating adult court with the juvenile court will significantly help to eliminate constitutional violations against juveniles' rights as well as facilitate their rehabilitation.

**Reasons Not to Abolish the Juvenile System**

Many people are against the move of eradicating the system because of several reasons. One of the critical reasons why the Supreme Court should decline the proposal to eliminate this system is because if a young offender is charged before a court that deals with adults, this is the not the right decision (Neubauer&Fradella, 2018). This is because youths and adults are different people, especially in terms of maturity; thus, they should face their legal proceedings under the criminal justice system. The mental development of children is minimal compared to that of adults. Adults and children should face trials in separate courts ((Scott, Grisso, Levick, & Steinberg, 2015). Studies indicate that when a juvenile is charged for serious crimes in an adult court, the court is likely to give him or her a harsher punishment than when he or she is taken in a juvenile court. Serious problems can arise if a young offender is taken to an adult court. The reason behind this is that in adult courts, minors can access educational along with rehabilitative programs which are only available in detention facilities for juveniles (Cipriani, 2016). Judges in adult courts are too harsh on young offenders such that it can affect minors psychologically.

Another reason why it is essential to maintain the juvenile justice system is that juveniles function differently from adults in terms of developmental immaturity ((Scott, Grisso, Levick, & Steinberg, 2015). Youths perform like disables incompetent adults. Therefore, people should stop believing that sentencing a minor in an adult court helps the small to correct his or her mistakes. Studies show that adult jails, as well as prisons, are not conducive for juveniles (Morrow, Dario, & Rodriguez, 2015). The experience juveniles may have in those facilities can instill fear on them; hence, risky for their emotional and physical wellbeing. Courts should give young offenders less punishment irrespective of the court that try and also sentence them (Cipriani, 2016). Some of the young juveniles in juvenile detention facilities have mental disorders. It is the mandate of these facilities to ensure that they properly handle youths with mental disorders as this will transform their behaviors (Neubauer&Fradella, 2018). The juvenile justice system is responsible for providing juveniles with mental disorder safe and secure treatment.

It will be essential to maintain the system mainly as it helps young offenders to reform and become better people when they get back to society (Scott, Grisso, Levick, & Steinberg, 2015). The community no longer sees them as a threat to their security. The community expects its youths to succeed and live a normal life like the other members of society. When a juvenile is detained, he or she undergoes teaching, counseling, and treatment that transforms him or her to become a better person (Cole, Smith, &DeJong, 2018). Juvenile detention facilities ensure that they efficiently change young offenders such that when they release them to the society, they avoid repeating the same mistakes or behaviors. While locked in, juveniles access quality education that helps them to secure successful employment when they get out (Cipriani, 2016). However, this cannot happen to the minors if they are combined in the same facilities as adults.

**Conclusion**

According to my opinion, I oppose the idea to abolish this system. This is due to the fact that the detention facility young offenders is the most appropriate facility where a young offender can positively transform his or her behavior (Neubauer&Fradella, 2018). The main objective of juvenile justice is to rehabilitate a youthful offender and prepare him or her to get back to society and live a normal life. Combining both juvenile and criminal justice system cannot help to rehabilitate children because an adult and a minor are two different people (Morrow, Dario, & Rodriguez, 2015). Therefore, it is crucial to maintain the juvenile system. The court should solve the failures of the juvenile system by implementing various reforms to ensure that it is effective and efficient in rehabilitating young offenders ((Scott, Grisso, Levick, & Steinberg, 2015). Firstly, the juvenile justice system should adopt rules that require young offenders to have a lawyer to represent them before the court (Cipriani, 2016). Secondly, it should provide counseling to the juveniles to help them understand and answer court proceedings (Cipriani, 2016). Thirdly, the juvenile justice system should ensure that juveniles fully exercise their constitutional rights just like adult offenders (Scott, Grisso, Levick, & Steinberg, 2015). All these measures can assist in improving the operations of the system.

References

Cipriani, D. (2016). Children's rights and the minimum age of criminal responsibility: a global perspective. Routledge.

Cole, G. F., Smith, C. E., &DeJong, C. (2018). The American system of criminal justice. Cengage Learning.

Morrow, W. J., Dario, L. M., & Rodriguez, N. (2015). Examining the prevalence of a 'youth discount' in the juvenile justice system. Journal of Crime and Justice, 38(4), 473-490.

Neubauer, D. W., &Fradella, H. F. (2018). America's courts and the criminal justice system. Cengage Learning.

Scott, E., Grisso, T., Levick, M., & Steinberg, L. (2015). The Supreme Court and the transformation of juvenile sentencing. New York, NY: Trustees of Columbia University.