



Late Adolescents: Why They Be Treated As Adults.

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Abstract

This paper will try to explore the cognitive, legal and social justifications for treating this age group that is Late adolescents as adults. Typically, age group between 18–21 often find themselves in a legal grey area as sometimes they are considered persons who are vulnerable to society and cognitive changes often caught them in perplexed situations where they are not able to understand the consequences of certain acts. Research exploring why late adolescents should be treated as adults in the law typically examines both developmental and social considerations, such as cognitive maturity, legal responsibility, and societal expectations. As we know about the neuroscientific perspective the proponents of this area believes that human brain fully develops till the age of mid-20s but this cannot be a sole basis where they could be treated differently as no such conclusive proof has been established by American psychological Association.¹ Apart from this late adolescence is the phase where there is a sense of legal and social responsibility accompanied by economic and social independence also late adolescents exhibit adult like reasoning ,long term planning ,and moral judgment allowing them to function independently.²

key words: Juvenile Justice system, heinous crimes, cognitive development, late adolescents.

Introduction.

Late Adolescence is a phase that is transitional between childhood and adulthood but to define it is a very complex thing to do but most scholars have agreed that it lies between 18 to 21 years of age.³ Traditionally turning 18 signifies entry into adulthood but the debate still persist about whether the late adolescents phase can be considered adult in all aspects of life this paper will try to examine various dimensions of cognitive development ,legal prospective and societal roles to argue that the late adolescents should be considered as adults. Many such kind of factors are also responsible for treating late adolescents as adults that include decision making, impulse control, and susceptibility to peer pressure. The United States Supreme Court decision in *Jones v. Mississippi* (2021)⁴ held that a sentencing court need not make a specific finding that a youth is “permanently incorrigible” or even articulate a specific *Miller v. Alabama* rationale for a sentencing

¹ *Roper v. Simmons*, 543 U.S. 551 (2005). Scalia, J., dissenting

² Steinberg, L. (2013). The influence of neuroscience on US Supreme Court decisions about adolescents' criminal culpability. *Nature Reviews Neuroscience*, 14(7), 513-518.

³ T. Leventhal, J. Brooks-Gunn, in *International Encyclopedia of the Social & Behavioral Sciences*, 2001.

⁴ *Jones v. Mississippi*, 141 S. Ct. 1307, 1322 (2021).

decision guided by factors provided in *Miller v. Alabama*. As it is evident Compared to young adults above age 21, late adolescents (ages 18–21) also take more risks and engage in more sensation-seeking behaviour to differences in brain development, late adolescents are more likely than young adults to respond to immediate outcomes and are less likely to delay gratification. As in Indian legal system after the fateful incident of Nirbhaya case the Criminal law Amendment were incorporated regarding enhancing of punishment and later juvenile justice Act was also amended in which section 15 was incorporated that dealt with preliminary assessment so as to look into the physical capacity and mental capacity of accused even though the accused was under 18 years of age if during the preliminary Assessment it was found that he was capable of understanding the consequences of act then he could be tried as adult.

Reasons why Late Adolescents should be treated as adults:

1. NEUROSCIENTIFIC PERSPECTIVE LACKS CONCLUSIVE EVIDENCES

In *Roper v. Simmons* the dissenting opinion of Justice Scalia, in his contradiction contended that, studies have shown that people under 18 years were adequately full grown to settle on troublesome moral choices, for example, choice to have an early termination. Being disparaging of the larger part assessment, of Justice Scalia thought that, “the larger part is making speculations about youngsters, while the death penalty choices require a jury to make individualized appraisals of every respondent”. Further it was contended that, there is a distinction between readiness of adolescents to participate in unsafe or against social conduct and the choice of an adolescent to carry out murder. Justice Scalia appropriately said that “it is altogether reliable to accept that youngsters frequently act hastily what's more, need judgment, and yet, to accept that the individuals who carry out planned murder are to some degree at times similarly as at fault as grown-ups, is similarly evident”⁵. Justice O' Connor concurred with Justice Scalia's viewpoint that, despite the fact that, adolescents overall could have decreased culpability, a specific adolescent wrongdoer could have adequate culpability to warrant a passing penalty. To creator's psyche and assessment, contradict in *Roper* will make the law later on, for that it isn't simply down to earth yet in addition moderate to disagree assessment for this situation.

As mentioned in this case by Justice Scalia that all the Court has done today, to borrow from another context, is to look over the heads of the crowd and pick out its friends. *Cf. Conroy v. Aniskoff*,⁶. We need not look far to find studies contradicting the Court's conclusions. As petitioner points out, the American Psychological Association (APA), which claims in this case that scientific evidence shows persons under 18 years of age lack the ability to take moral responsibility for their decisions, has previously taken precisely the opposite position before this very Court. In its brief in *Hodgson v. Minnesota*,⁷ the APA found a “rich body of research” showing that juveniles are mature enough to decide whether to obtain an abortion without parental involvement. Brief for APA as Amicus Curiae, O. T. 1989, No. 88–805 etc., p. 18. The APA brief, citing psychology treatises and studies too numerous to list here, asserted by middle adolescence (age 14–16) young people develop abilities similar to adults in reasoning about moral dilemmas, understanding social rules and laws, and reasoning about interpersonal relationships and interpersonal problems. Given the nuances of scientific methodology and conflicting views, courts which can only consider the limited evidence on the record before them are ill equipped to determine which view of science is the right one. Legislatures are better qualified to weigh and evaluate the results of statistical studies in terms of their own local conditions and with a flexibility of approach that is not available to the courts. *McCleskey v. Kemp*,⁸. Even putting aside questions of methodology, the studies cited by the Court offer scant support for a categorical prohibition of the death penalty for murderers under 18. At most, these studies conclude that, on average, or in most cases, persons under 18 are able to take moral responsibility for their actions. Not one of the cited studies opines that all individuals under 18 are unable to appreciate the nature of their crimes. Moreover, the cited studies describe only adolescents who engage in risky or antisocial behaviour, as many young people do murder, and other heinous crimes. It is entirely consistent to believe that young people often act impetuously and lack judgment, they also have peer pressure and also have potential for rehabilitation⁹ but at the same time to believe that those who commit premeditated murder are at least sometimes just as culpable as adults.

⁵ *Roper v. Simmons*, 543 U.S. 551 (2005). Scalia, J., dissenting

⁶ *Cf. Conroy v. Aniskoff*, 507 U. S. 511, 519 (1993) (Scalia, J., concurring in judgment)

⁷ *Hodgson v. Minnesota*, 497 U. S. 417 (1990)

⁸ *McCleskey v. Kemp*,⁸ 481 U. S. 279, 319 (1987).

⁹ *Miller v. Alabama*, 567 U.S. 460, 472 (2012).

So, it is evident that American Psychological Association (ASA) has never been consistent in claiming that brain of an adolescents is still in the phase of development as it has shown contradictory views in the above stated cases moreover let's accept this fact that the process of cognitive development goes on till mid-20s that doesn't mean one could escape the legal circumference by acting according to his own whims and fancies. "Compared to adults, middle adolescents and late adolescents are more likely to engage in behaviours that risk their lives and wellbeing. Many health risk behaviours peak in late adolescence and young adulthood. This includes risk-taking behaviours and risk-related outcomes such as reckless driving, unprotected sex, and unintentional injuries. Further, overdose deaths and substance misuse peak in late adolescence and early adulthood."¹⁰

So, to counter the behaviours of these groups state has to come up with uniform laws to deter these age groups a line has to be drawn somewhere otherwise every person who is accused in could try to protect himself under the garb of neuroscience and cognitive development theory that still is in its infancy stage not completely proven.

2. EMOTIONAL AND SOCIAL MATURITY

"Notwithstanding the substantial variation in social and legal policies across these ages, few studies have focused specifically on behavioural and brain changes in eighteen- to twenty-year-olds relative to older adults and teens. The few studies that have examined motivational and social influences on cognitive capacity in young adults have used varying age ranges and produced mixed results. For example, while young adults over eighteen show little impact of peers on their decision making on a driving task, they show less delay of gratification (i.e., choose immediate smaller rewards over delayed larger rewards) when they believe a peer is observing them. Yet, they show better overall performance on gambling tasks in the presence of peers. Thus, sensitivity to peers in young adulthood may share both overlapping and distinct effects to those observed in teens. This work highlights the importance of contextual influences, such as social and emotional arousal, on the development of behaviour and brain function that may be particularly relevant for evaluating appropriate age cut-offs."¹¹

In an effort to address aspects of these questions, members of the MacArthur Research Network on Law and Neuroscience examined cognitive capacity in emotionally charged and emotionally benign situations in young adults. We focused specially on eighteen- to twenty-one-year-olds relative to younger (thirteen to seventeen) and older (twenty-two to twenty-five) ages. To discern specific emotional contexts that may impact cognitive control differently across development, we examined the impact of both brief and prolonged emotional states and of both positive and negative valence on cognitive control. Our premise was that these emotional contexts may relate more to emotionally charged situations relevant for legal policy judgments, such as those related to criminal responsibility, accountability, and public safety, than to emotionally benign situations.

We tested whether young adults would behave more similarly to adolescents (thirteen to seventeen) or adults (over twenty-one) in these emotionally laden contexts. Second, we tested whether prefrontal activity would differentiate performance levels between young adults from adults. In contrast, we predicted few differences in cognitive capacity between young adults and teens or adults in nonemotionally situations. We used social cues of emotional expressions (smiling, fearful, neutral) as cues to assess the effects of brief emotional triggers on cognitive control. To assess prolonged emotional states on cognitive control, participants performed the cognitive control task while anticipating a negative event (loud aversive noise), positive event (winning up to \$100), or no event. These emotional events were unpredictable in an attempt to elicit sustained states of anticipation and did not relate to the individual's performance.

Our findings show that, relative to adults over twenty-one, young adults show diminished cognitive capacity, similar to that of adolescents, under brief and prolonged negative emotional arousal. This behavioural pattern was paralleled by less adultlike recruitment of prefrontal circuitry in teens and young adults, consistent with relatively protracted development of the prefrontal cortex into the early twenties. In contrast, young adults' performance did not differ significantly from either teens or adults in nonemotionally situations. Positive emotional arousal impacted teens more than either young adults or adults, underscoring the point that developmentally informed age lines may differ from one context to another.

¹⁰ White Paper on the Science of Late Adolescence "A Guide for Judges, Attorneys, and Policy Makers" P,11

¹¹ MACARTHUR FOUND. RES. NETWORK ON L. & NEUROSCIENCE, <http://www.lawneuro.org/> (last visited 10 January, 2025).

As emotional regulations continuously evolve it has been seen that Late adolescents demonstrate capacities that are quite similar to adults including capacity for empathy, responsibility and moral reasoning. They are driven towards higher education, leadership qualities, employment, and relationships and these require adult level self-regulations.¹²

Adulthood is a social construct, rather than a scientific one. Science can tell you when a person is done growing and developing, or the average age, but a person will change throughout the course of a lifetime. Everyone is different, too, so even the development of each individual varies. According to The National Institute of Mental Health, the brain doesn't stop developing until after the mid to late 20s. Someone without a fully developed brain should not be expected to make so many decisions.

3. LEGAL AND SOCIAL RESPONSIBILITY

Late adolescents, typically defined as individuals between the ages of 18 and 25, are often caught in an ambiguous legal and societal position. While they are granted many adult rights and responsibilities, certain laws and social policies continue to treat them as if they lack full maturity. This section explores the legal recognition of late adolescents as adults, inconsistencies in their treatment, and their increasing social and economic responsibilities.

a) Legal Recognition as Adults, Voting and Civic Engagement

One of the most fundamental aspects of adulthood is the right to vote. In most democratic nations, individuals gain the right to vote at 18, recognizing their ability to make informed decisions about leadership, governance, and policy. This suggests that society trusts late adolescents with significant civic responsibility, reinforcing their legal status as adults. If they are deemed mature enough to influence national policies, they should also be treated as adults in other areas of life.

b) Military Service and Jury Duty

The United States is one of many nations that permit 18-year-olds to join the military, where they may receive training in heavy machinery operation, warfare, and life-or-death decision-making. In order to influence the verdicts in court proceedings, late teenagers must also serve on juries. These obligations demonstrate how the legal system recognizes their ability to think critically and reason ethically.

c) Legal Accountability and Criminal Justice

By age 18, individuals are tried as adults in criminal courts, meaning they face full legal consequences for their actions. Unlike juvenile offenders, they are no longer eligible for lighter sentencing or rehabilitation programs designed for younger adolescents. The criminal justice system's treatment of late adolescents as adults underscores the expectation that they are fully responsible for their actions. However, inconsistencies arise when certain laws, such as drinking age restrictions, imply that they lack the maturity for specific decisions.

d) Contracts, Property Ownership, and Financial Independence

At the age of 18, people are legally able to sign contracts, borrow money, rent flats, and handle their money independently of their parents. These financial obligations call for maturity traits like accountability, critical thinking, and long-term planning. In order to show that they can handle complicated financial decisions, many late teens take on mortgages, credit card debt, or college loans.

e) Inconsistencies in Legal Treatment

While late adolescents are recognized as adults in some aspects of the law, they are still treated as adolescents in others. For example:

¹² Arnett, J. J. (2000). Emerging adulthood: A theory of development from the late teens through the twenties. *American Psychologist*, 55(5), 469–480.

Drinking Age Laws: In countries like the U.S., individuals cannot legally purchase or consume alcohol until 21, suggesting that they lack the maturity to handle alcohol responsibly. However, they are entrusted with greater responsibilities, such as military service and jury duty, before reaching this age.

Health Care and Insurance Plans: “A lot of health insurance plans permit people to stay on their parents' plans until they turn 26, which suggests that they are not entirely self-sufficient. In a similar vein, despite legal maturity, certain mental health programs maintain teenage safeguards past the age of 18. Age Restrictions for Hotel and Car Rental: Some establishments place age limits on hotel reservations and car rentals, which reflects cultural scepticism regarding the maturity of late adolescents. These discrepancies show that a more unified strategy is required to acknowledge late adolescents as mature adults in both the legal and social spheres”.¹³

Societal Expectations and Responsibilities

a) Workforce Participation and Economic Independence

Late adolescents often enter the workforce full-time, contributing to the economy and supporting themselves financially. Many work in industries requiring professional responsibility, including healthcare, law enforcement, and corporate environments. The expectation that they perform at the same level as older adults further supports the argument that they should be treated as full adults in all aspects of life.

b) Higher Education and Decision-Making

Many late adolescents make significant life choices regarding higher education, career paths, and personal relationships. Universities and employers expect them to act independently, manage time effectively, and make informed decisions about their futures. Society assumes they can handle these responsibilities, reinforcing the notion that they are functioning as adults.

c) Marriage and Parenthood

Many late adolescents marry and start families, further proving their ability to handle adult responsibilities. Parenthood requires emotional stability, financial planning, and long-term decision-making, yet societal attitudes often contradict this reality by treating them as developmentally immature in other aspects of life.

These all above headings suggests that late Adolescents are mature enough to take responsibilities and there remains no space for not being treated them as adults to make a society better place they have to dealt at par with adults otherwise treating them differently in matter of culpability will increase the crime rate and make a society not worth for living so they must be treated under same domain of laws as adults.

4. IMPACT OF SOCIAL MEDIA AND TECHNOLOGY

Maturity is traditionally defined as the ability to think critically, regulate emotions, and take responsibility for personal and societal roles. With the rise of digital technology, adults now have tools that accelerate learning, improve decision-making, and foster emotional and social intelligence. This paper examines how the internet and technology contribute to adult maturity in intellectual, emotional, professional, and civic domains.

Intellectual Growth and Cognitive Maturity

a) Access to Knowledge and Lifelong Learning

The internet provides unlimited access to educational resources, from online courses to research databases. Adults can continuously learn new skills, stay updated on global affairs, and refine their critical thinking. Studies suggest that exposure to diverse perspectives online enhances cognitive flexibility, a key component of maturity (Smith & Anderson, 2020).¹⁴

¹³ National Institute of Justice. (2021). “Young Adults in the Criminal Justice System: Disparities and Challenges.”

¹⁴ Smith, A., & Anderson, M. (2020). “Digital Learning and Cognitive Growth in Adulthood.” *Journal of Online Education*, 35(2), 112-128.

b) Critical Thinking and Decision-Making

Digital platforms encourage adults to evaluate information, detect misinformation, and analyze complex issues. Engaging with different viewpoints on social media, news sites, and forums fosters critical thinking, making individuals more discerning and mature decision-makers.

c) Emotional Intelligence and Social Maturity

Technology enables adults to express themselves through digital platforms, improving emotional literacy and self-reflection. Research indicates that online discussions and support groups help individuals develop empathy and regulate emotions in a socially acceptable manner (Goleman, 2019).¹⁵

d) Social Connectivity and Cultural Awareness

The internet facilitates global connections, exposing adults to diverse cultures and perspectives. Interacting with people from different backgrounds enhances empathy, open-mindedness, and emotional intelligence, all of which contribute to social maturity.

e) Professional Development and Responsibility

Technology improves workplace productivity by enabling remote work, digital collaboration, and automated tasks. Adults who integrate technology into their professional lives develop adaptability, problem-solving skills, and organizational maturity.

f) Financial Responsibility and Digital Transactions

With digital banking, investment platforms, and financial planning apps, adults gain better control over their finances. Access to online financial education empowers individuals to make informed decisions, promoting fiscal maturity.

Civic Engagement and Social Responsibility

a) Political Awareness and Activism

Technology provides platforms for civic engagement, encouraging adults to participate in political discussions, advocacy, and social change. Studies show that informed digital engagement leads to greater social responsibility and maturity (Putnam, 2021).¹⁶

b) Ethical Awareness in the Digital Age

Online interactions expose adults to ethical dilemmas, reinforcing moral reasoning and responsible behaviour. Digital literacy programs emphasize ethical decision-making, reducing online misconduct and fostering digital maturity.

The late adolescent population always gets a free access to internet without seeking the consent from their parents they can surf any sort of content available of internet without any hindrances that can have a broad impact on the cognitive domain of this vulnerable population. The free access to documentaries, movies, web series, cyber related courses, hacking programmes have resulted in learning of the new skills without knowing the impact they can have in society. They are generally driven towards novelty which often led them in a quagmire of uncertainty these classes of people have enhanced IQ's that more often is used in premeditated crimes they are also well aware of the escape plans due to the sources available on internet so they must be taken seriously and they must face the sane consequence as adult person faces because they are well aware of the consequences of their acts.

¹⁵ Goleman, D. (2019). *Emotional Intelligence: Why It Can Matter More Than IQ*. Bantam Books.

¹⁶ Putnam, R. (2021). *The Upswing: How America Came Together a Century Ago and How We Can Do It Again*. Simon & Schuster.

5. JUVENILE JUSTICE ACT 2015

In 2015, a new Juvenile Justice (JJ) Act was enacted by the Parliament of India. Among other changes from an earlier version of the act that came out in 2000, it introduced preliminary assessment of 16- to 18-year-olds accused of heinous crimes to determine whether they should be tried as adults. The act requires the juvenile justice board to consider four aspects while assessing a minor:¹⁷ Physical capacity of the minor to commit the offence alleged against them Mental capacity of the minor to commit the offence alleged against them Ability to understand the consequences of the offence alleged Circumstances under which the offence was allegedly committed If a minor satisfies all the conditions of the assessment, they will be eligible for punishments as stringent as life imprisonment, reserved only for adults in the past. However, as of now, this assessment is done at a stage when the trial is yet to commence and there aren't enough facts available about the minor to evaluate their case. Juvenile justice boards have been using reports from mental health experts to pass orders to transfer a child to be tried as an adult, which has led to oppositions from several quarters of society.

It is important to note that this Act putted a sort of cap till age of 16 years but it kept a margin between 16 to 18 years so as to consider whether such accused was having physical and capacity mental capacity we here are conceded with the mental capacity of an accuses as it is quite evident that the manner in which the particular act is committed reflects the very intention of the accused as also mentioned by justice Scalia in *Roper v. Simmons*¹⁸ the manner in which the murder was committed by accused Simmons revealed that it was all premeditated and they way he bragged about it with his peer group. Hence if we talk about the late adolescent, they are much more cognitively richer than mid adolescents so here no space can be left for being differently treated than adults as late adolescents are beyond this period so there remains no doubt that why they should be dealt differently than adults as this age group is fully developed physically and psychologically. Most often it has been that they often laugh on the system of how they are being tried with so much of lenience which have led them to recidivism.

CONCLUSION

In many respects, late adolescents are recognized as adults in law and society, but in other respects, they are classified differently. They take on financial responsibilities, work full-time jobs, vote, serve in the military, and make important life decisions. In all legal and social circumstances, acknowledging them as complete adults would promote accountability, establish uniformity, and bring laws into line with practical standards. Society should regard late adolescents as responsible persons in order to facilitate their transition into fully autonomous adulthood, rather than insulating them from responsibilities. As discussed above it is quite evident that Late adolescents are in many ways that is either by physical means or by psychological means similar to adults, they are enough privileged and these privileges are to be addressed with deterrence and proper policy making so as to have a control over this population that almost accounts for more than half of total population. They are to be considered in all domains at par to adults otherwise the whole society will be order less that can lead to lawless society where culpability will be crushed under the garb of neuroscientific approach o cognitive developments towards late adolescents that is injustice to victims at the same time which cannot be considered a right way of eliminating crime from a society.

With so many privileges in their hands like internet, economic and social independence, legal and political responsibilities, late adolescents often get swayed away with these privileges so to tackle this huge amount of population state has to make ensure that they will be dealt stringently and a uniformly like the adults so as to deter them in strict sense and moreover as they are more tilted towards reformation by putting a pressure of same culpability and responsibility as adults they can be moulded into a law abiding citizen.

¹⁷ Section 15 of Juvenile Justice (care and protection of children) Act 2015.

¹⁸ *Roper v. Simmons*, 543 U.S. 551 (2005). Scalia, J., dissenting