



THE CRIMINAL LAW ASSESSMENT OF YOUNG ADULTS IN HUNGARY

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ABSTRACT

This study examines the conceptual and normative foundations for recognizing young adulthood (ages 18–24) as a distinct category in Hungarian criminal law. While current legislation treats individuals as fully responsible adults from age 18, empirical research from psychology, sociology, and criminology suggests that many young adults lack the psychosocial maturity typically associated with full adulthood. The analysis draws on national and comparative legal sources, judicial practice, and international frameworks to assess whether young adults warrant differentiated treatment in criminal justice. Findings reveal a normative gap in Hungarian law: the concept of “young adult” is inconsistently applied, lacking statutory definition and leading to judicial ambiguity. Based on legal theory, empirical criminal statistics, and comparative models, the study proposes the introduction of a formal legal definition within the Criminal Code and the inclusion of a new mitigating provision under Chapter IX. This reform would enhance legal clarity, promote proportional sentencing, and respect both judicial discretion and constitutional principles. The paper concludes that codifying young adulthood as a distinct penal category is both necessary and feasible for a more just and developmentally informed criminal justice system.

KEYWORDS Young adulthood, criminal justice reform, developmentally appropriate sentencing, legal capacity and maturity, age-responsive criminal law

1. Introduction

The 20th century brought growing recognition of the need to translate psychological concepts of maturity into the language of criminal law. Understanding the notion of “young adulthood” requires an appreciation of

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developmental stages, as personality does not cease to evolve upon reaching adolescence or legal adulthood. Development is a lifelong process characterized by qualitative changes and increasing complexity, with each stage presenting specific psychosocial tasks (Molnár, 1996).

Although some psychologists critique rigid stage models, Erik Erikson's widely accepted framework highlights the sequential resolution of psychosocial crises as essential to healthy development. In this context, adolescence marks the search for identity, while young adulthood centres on the capacity for intimacy. A failure to successfully navigate earlier stages may hinder later development, leading to dysfunctional behaviour, including potential criminality (Erikson, 1950).

While young adults possess full legal rights, their behaviour and decision-making often reflect unresolved developmental challenges. This transitional period is frequently marked by underutilized social competencies, raising the question of whether these individuals lack knowledge or psychological maturity. Scholars such as Quenzel Gudrun and Klaus Hurrelmann identify key markers of adult status – financial independence, family formation, civic participation – which serve as benchmarks for assessing psychosocial maturity (Quenzel & Hurrelmann, 2022).

Thus, examining young adulthood through a developmental lens offers valuable insight into the legal and social status of individuals at the threshold of full adult responsibility (Vörös, 2009).

2. The significance of age limits in criminal law

Age plays a critical role in defining legal capacity across various areas of law, including criminal responsibility. From obtaining a driver's license to entering marriage with judicial consent at 16, legal systems consistently tie rights and obligations to specific age thresholds. In criminal law, age marks a pivotal factor in determining when the state may legitimately impose punitive measures – a last resort (*ultima ratio*) – on individuals who have committed offenses (Tóth, 2017).

Over time, the protection of minors under 18 has become a constitutionally enshrined value, reinforced by international instruments now incorporated into national legal systems. These frameworks reflect a global consensus that children lack the maturity necessary for criminal accountability and should not be influenced through punitive mechanisms. Nonetheless, legislators continue to establish minimum ages of criminal responsibility – thresholds that differ significantly by jurisdiction and era (Molnár, 1996).

In Hungary, this lower age limit has fluctuated between 12 and 14 years since the era of the Csemegi Code, while other European states set it as low as 10 or as high as 15 (WHO, 2024). The absence of a consistent scientific basis for these limits often invites criticism and debate. While age can serve as an indicator of developmental stage, it alone is insufficient to assess criminal maturity. As Lombroso emphasized, a criminal act cannot be understood apart from the perpetrator (Lombroso, 1876).

Thus, modern criminal justice systems increasingly recognize the need to assess individual cognitive and moral maturity, particularly in cases involving minors. Scholars such as Géza Tokaji argue that it is not age per se, but the presence of developed intellectual capacity that should define criminal liability (Tokaji, 1976). In light of ongoing social and developmental research, age thresholds remain subject to adjustment – either downward or upward – depending on evolving legal and societal standards.

3. Young adulthood as a distinct legal category: a normative gap

A central question of this study is whether legal systems should recognize an additional age-based category – beyond the established thresholds of criminal liability and formal adulthood – that merits differentiated legal treatment. While the Curia's Criminal Chamber Opinion No. 56/2007 acknowledges age-related mitigating factors, including “young adults” and the elderly, these references lack binding force or clearly defined age boundaries (BKv. 56, Ch. II., Points 1 and 4).

Molnár József's dissertation provides a conceptual foundation for recognizing “young adults” (typically ages 18–21 or even up to 25–30) as a distinct group warranting tailored legal norms. He critiques the rigid age cutoffs currently in use, arguing that they obscure individual differences in maturity and psychosocial development. This group often exhibits behavioural and cognitive patterns closer to juveniles than to mature adults. Their decision-making, impulse control, and social integration capacities are still in formation (Molnár, 1996).

Several European legal systems already incorporate the category of young adults into their criminal justice frameworks, though the upper age limit varies. Typically, this group includes individuals from the age of legal adulthood up to 21 (Zeijlmans et al., 2021). In Hungary, however, the concept appears mainly in criminological discourse and official statistics, with limited normative consequences.

Ultimately, determining whether young adults require a distinct penal framework depends on an interdisciplinary understanding of their criminological, sociological, and psychological characteristics (Csúri, 2008). Without empirical insights from the social sciences, it is impossible to assess the necessity – or form – of such a model under Hungarian law. As with any legal reform, alignment with a nation's social, political, and cultural context is essential. While comparative analysis offers guidance, national adaptation must account for local developmental realities.

4. Legal approaches to young adult offenders: a comparative European perspective

The legal treatment of young adults is not a uniquely domestic concern; it reflects broader international trends shaped by cultural and institutional contexts. A comparative analysis of European jurisdictions offers valuable insight and a normative foundation for potential reform of Hungarian law.

Dünkel and Pruin identify three primary models in European criminal justice systems regarding young adults. The first permits their inclusion – either broadly or conditionally – within the juvenile justice system, as seen in Germany, Finland, and Croatia. This model favours sanctions more aligned with juvenile offenders than with adults. The second model, which includes Hungary, operates within the adult system but allows for mitigation based on the offender's age. The third model applies no distinction at all, subjecting young adults to the same substantive and procedural rules as older offenders (Dünkel & Purin, 2012).

However, Zeijlmans and colleagues challenge this categorical typology, noting that some countries, such as Croatia, exhibit mixed practices. They argue for a functional analysis of individual legal elements rather than classification by country. Their study focuses on four dimensions: procedural exemptions, differentiated sentencing, mitigated penalties, and separate detention (Zeijlmans et al., 2021).

These forms of differentiation are increasingly prevalent across the European Union and reflect a developmental approach to sanctioning. International frameworks support special consideration for young adults (Vaskuti, 2016).

The following section offers a closer examination of Germany, the Netherlands, and Austria – three Member States that exemplify distinct strategies in addressing this legal and developmental dilemma, summarized in Table 1.

Table 1: Comparative developmental approaches to young adults: Germany, the Netherlands, and Austria

EU Member State	Procedural measures	Tailored sanctions	Penalty reduction	Segregated detention
Germany	✓	✓	✓	✓
Netherlands	✓	✓		
Austria	✓		✓	✓

Germany exemplifies one of the most permissive systems regarding young adults in criminal justice. The German Youth Courts Act (JGG), enacted in 1953, prioritizes education over punishment and applies not only to juveniles but also, under certain conditions, to young adults aged 18 to 20. The JGG defines this group explicitly and provides a comprehensive legal framework. Young adults may be subject to juvenile justice provisions if their moral and intellectual development aligns with adolescence and the nature of the offense is comparable to juvenile crime. Even when adult criminal law applies, exemptions remain: for instance, young adults cannot receive life imprisonment; instead, a maximum sentence of 10 to 15 years may be imposed (Zeijlmans et al., 2021).

The Netherlands pioneered criminal justice provisions for young adults as early as 1965. Although initially seldom used, since 2014, courts can apply juvenile justice rules to offenders up to age 22, based on developmental assessments and the nature of the offense. Prosecutors consult forensic experts, such as the Probation Service and the Netherlands Institute of Forensic Psychiatry and Psychology, before making such decisions. If juvenile law is applied, the accused may be placed in a juvenile facility. This approach aims to reduce criminal careers and improve rehabilitation through access to education and milder sanctions. Juvenile detention is capped at two years, contrasting with potentially life-long sentences in adult courts. However, if adult procedures are applied, no mitigation is available (Zeijlmans et al., 2021).

Austria has recently reformed its justice system to address rising youth crime and promote reintegration. The Austrian Youth Court Act includes young adults aged 18 to 20, offering notable sentencing benefits. A 2016 reform capped custodial sentences at 15 years, barring life imprisonment – though exceptions introduced in 2020 allow adult penalties for serious crimes like homicide or terrorism. Procedural benefits include jurisdiction by youth courts and modified interrogation protocols. In penal enforcement, young adults may be held separately or in youth prisons. Although the statutory definition ends at 21, individuals may remain under youth penal regimes until age 24 if integration with juveniles is deemed appropriate. However, Austria lacks a distinct legal framework specifically tailored to young adults' developmental needs (Zeijlmans et al., 2021).

5. Young adult offenders in Hungary

5.1. Criminal statistics

Table 2 presents a five-year overview of criminal offenses in Hungary, disaggregated by age group (Office of the Prosecutor General, 2024). Among these, the 18–24 age group – commonly referred to as young adults – consistently represents the second highest number of offenders, following adults aged 25–59. Between 2019 and 2023, the number of crimes committed by young adults ranged from approximately 24,500 to 27,000 annually, peaking in 2022 at 27,098 offenses before slightly declining to 26,603 in 2023.

While overall criminal patterns fluctuate across age groups, the relative stability of crime rates within the young adult population is notable. Unlike juvenile crime (ages 14–17), which showed more significant variability, or adult crime (25–59), which increased more sharply by 2023, young adult offending remained persistently high throughout the period. This suggests that the young adult phase continues to be a structurally vulnerable stage in terms of deviant behaviour.

Table 2: Five-year overview of criminal offenses in Hungary

Age group	2019	2020	2021	2022	2023
Child (0–13)	1,826	1,734	1,763	2,352	2,523
Juvenile (14–17)	7,863	8,064	7,666	7,942	8,836
Young Adult (18–24)	24,497	23,989	26,078	27,098	26,603
Adult (25–59)	95,735	96,608	103,611	97,950	106,153
Elderly (60+)	6,740	8,543	7,557	8,622	9,028

The data supports the argument that young adults occupy a transitional zone in legal and psychological development. Although legally categorized as adults, many individuals in this age range lack full psychosocial maturity, which influences their risk of criminal involvement. This reinforces the need for differentiated legal treatment and policy responses aimed at preventing recidivism and promoting reintegration – interventions that acknowledge both the legal autonomy and developmental limitations of this group.

5.2. The legal concept of young adulthood

The primary legal source defining the category of young adults in Hungarian law is Act XXXI of 1997 on the Protection of Children and the Administration of Guardianship (Child Protection Act), which was adopted in alignment with the

UN Convention on the Rights of the Child and Hungary's Fundamental Law. The Act was designed to protect children and promote their well-being, including through support for those leaving institutional care. Notably, the Act explicitly mentions the goal of assisting the social reintegration of young adults who were formerly under child protection ([Child Protection Act, § 1, para. 1](#)).

The law defines a young adult as a person who has reached the age of majority but is under 24 years old ([Child Protection Act, § 5, point c](#)). This definition is found in the interpretative provisions and forms the basis for specific entitlements, such as housing support ([Child Protection Act, §§ 25-28](#)). However, a closer examination raises interpretive concerns: while the term "young adult" is broadly defined by age, many of the Act's provisions – both in terminology and context – refer specifically to those who previously received child protection services.

This suggests a potentially narrower scope than initially assumed. The Act's preamble and explanatory memorandum emphasize the state's obligation to support children separated from their families through forms of positive discrimination. The term "child" is consistently defined as a person under 18, and the concept of "juvenile" is aligned with the Criminal Code's definition ([Child Protection Act, § 5, points a-b](#)). Thus, while the law offers a formal age-based definition of young adults, its substantive protections and entitlements may apply only to those with a history in the child welfare system ([MR of Child Protection Act, §§ 1-3](#)).

From a jurisprudential standpoint, although H. L. A. Hart advocated for interpreting legal concepts in light of their use by practitioners ([Szigeti & Takács, 2004](#)), Hungarian courts are required to interpret legal texts in accordance with their purpose and the Fundamental Law ([FL, art. 28](#)). As such, the Child Protection Act's definition of young adults appears to be functional and specific to its own regulatory domain, rather than establishing a universally applicable legal category for all 18-24-year-olds.

5.3. Criminal law perspective on young adulthood

In Hungarian criminal law, the term "young adult" lacks a binding statutory definition. The only national legal source to reference it is the Child Protection Act, which defines young adults as those aged 18 to under 24, but within the narrow context of child welfare and aftercare. While the Child Protection Act recognizes young adults in this limited scope, criminal law relies instead on judicial practice and interpretative documents.

The key reference point is the Curia's Criminal Chamber Opinion No. 56/2007, which – though not binding – addresses sentencing considerations. Here,



“young adults” are described as those slightly older than juveniles, with some court decisions defining this as the 18-21 age range. The Chamber Opinion excludes young adults from benefiting from a clean criminal record as a mitigating factor in the same way older adults might, suggesting the label implies a lesser level of individual accountability. However, the exact age boundary is vague, as it merely notes that these individuals have “only recently surpassed the age of juvenility” (BKv. 56, Ch. II., points 1 and 4).

Judicial practice has been inconsistent. Some rulings consider young adulthood as a mitigating factor; others disregard it entirely, depending on the judge’s discretion and interpretation. This variability highlights a gap in legal certainty and opens questions about fairness and proportionality in sentencing.

Judges in Hungary operate under the principle of judicial independence and are bound by both statutory law and constitutional norms. The Constitutional Court upheld that sentencing guidelines must not unduly constrain judicial discretion. However, this does not preclude legislation from clarifying applicable categories – such as young adulthood – if consistent with the Fundamental Law (13/2002. (III. 20.) AB, point 2.2).

The Criminal Code prohibits life imprisonment for offenders under 20 (CC, § 41 para. 1), and Penal Enforcement Act link certain procedural consequences to the age of 21, such as changes in detention conditions (PEA, § 24, para. 6). Yet these fragmented provisions do not amount to a coherent doctrinal framework for young adults in criminal justice.

Several appellate cases (see e.g., Bhar. 308/2023/20, Bf. 315/2023/26, Bf. 191/2021/9) reveal how inconsistently age-related mitigation is applied. In some instances, second- or third-level courts rectified first-instance omissions by recognizing young adulthood as a mitigating factor. In others, courts failed to consider age altogether or made subjective determinations about its relevance, sometimes even extending the definition beyond age 24. This discretionary variability underscores the need for statutory clarity.

Scholars such as Katalin Ligeti, József Molnár, and András Csúri propose defining young adults in criminal law, often focusing on the 18–21 or even 18–25 age range (Ligeti, 2006; Molnár, 1996; Csúri, 2008). Their recommendations typically combine age limits with behavioural and criminological criteria (e.g., non-recidivism, non-violent offenses) to tailor sentencing. International norms support such frameworks. The UN Beijing Rules, Model Law on Juvenile Justice, and the Council of Europe’s 2003 and 2008 recommendations advocate for extending juvenile justice principles to young adults, generally defined as those aged 18 to 21. These norms emphasize developmental immaturity and social reintegration as grounds for differentiated treatment.

6. Conclusion

While the formal threshold of adulthood in Hungary is set at 18, this study challenges proposals advocating for the optional or mandatory application of juvenile criminal provisions to young adults. Instead, it suggests a targeted reform: incorporating specific legal provisions for young adults (ages 18 to under 24) within Chapter IX of the Criminal Code (“Sentencing”), under a new subsection titled “Sentencing of Young Adults”.

This placement is justified by existing indirect references. Section 80(1) of the Criminal Code mandates that sentencing must consider both aggravating and mitigating circumstances, referencing the Chamber Opinion – which includes young adulthood as a factor. Establishing an explicit legal definition within the Code would clarify judicial obligations and ensure equitable consideration of age-related factors.

A new statutory definition is recommended:

(1) “A young adult is a person who, at the time of the offense, had reached the age of eighteen but not yet twenty-four.”

This definition would elevate the concept from a non-binding interpretative guideline to a formal mitigating factor. Following this, the following clause is proposed for statutory inclusion:

(2) “In the case of a young adult, sentencing may also be conducted pursuant to the next point of Section 82(2).”

Such provisions would obligate courts to consider young adulthood explicitly, enhancing predictability and fairness while respecting judicial independence.

Although most European jurisdictions and international recommendations define young adults as those under 21, Hungarian penal practice – especially in enforcement – often extends this range to 24. This reflects alignment with the Child Protection Act, which supports social reintegration up to age 24.

Three rationales underpin the proposed age range: (a) Sociological research confirms continued development beyond age 18. (b) Hungarian penal enforcement treats individuals up to 21 as juveniles for practical purposes. (c) The Child Protection Act provides support mechanisms for individuals up to age 24 exiting child welfare.

Given this multidimensional rationale, anchoring the legal definition of young adulthood at 24 promotes consistency across legal domains and better captures the transitional maturity of this group. A future extension of this boundary could be debated, but 24 currently provides a balanced and supported threshold.

Such a reform would not undermine judicial independence, as clarified by the Constitutional Court of Hungary, which holds that non-binding guidelines can guide sentencing but do not replace the need for codified norms. A statutory provision ensures clarity, equal treatment, and aligns with constitutional principles of legal certainty.

It is also worth noting that the Chamber Opinion refers to other age groups, such as the elderly, without statutory basis – further demonstrating the need for legislative clarity. Since personality development is cumulative, recognizing young adulthood in law is a necessary step toward comprehensive criminal justice reform.

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