

Juveniles and Cybercrime: When Adult Punishment is Justified

The question of whether juveniles should face the same punishment as adults for cybercrime is a controversial debate within criminal justice reform. While traditional juvenile justice philosophy focuses on rehabilitation over punishment, some cybercrimes are so complex and harmful that we need to handle them in a specific way. I argue that juveniles should be punished the same as adults for serious cybercrimes, such as sexual exploitation, major financial scams, and planned digital attacks. These crimes involve a level of planning and damage that goes beyond just being a reckless teenager.

Recent trends reveal that online crimes can be divided into three categories: those seeking financial gain, those driven by sexual motives, and those engaged in bullying (Kim, 2023). Not all cybercrimes are equal, and we must distinguish between impulsive acts like cyberbullying, which can be attributed to adolescent immaturity, and severe crimes like sextortion or complex fraud. These require a level of planning and technical expertise that proves they are not just accidents but shows a clear and malicious intent. Crimes driven by sexual motives are considered the most serious category (Kim, 2023), and these often involve deliberate grooming, manipulation, and exploitation that cannot be dismissed as youthful indiscretion.

The American Bar Association acknowledges that juveniles have difficulty with impulse control, susceptibility to peer pressure, and limited ability to contemplate risks (American Bar Association, 2015). However, many cybercrimes, particularly those involving sexual exploitation or large-scale fraud require proper planning, technical experience, and

repeated deliberate actions over extended periods. A juvenile who creates and distributes child sexual abuse material, engages in sextortion schemes, or displays complex phishing operations is not acting on impulse. These crimes demonstrate the capacity for calculated harm that justifies adult-level accountability.

Opponents of equal punishment often cite adolescent brain development research, noting that the prefrontal cortex, which controls the ability to delay and reflect, take options into account, contemplate risks and consequences, and exercise social intelligence, is not fully developed in adolescence (American Bar Association, 2015). The brain development argument is most applicable to crimes of passion, peer-pressure-driven offenses, and impulsive acts. However, it is far less compelling when applied to cybercrimes requiring planning and technical skill. A juvenile who spends weeks or months grooming victims online, building elaborate fraud schemes, or developing malware demonstrates executive function capabilities. The very complexity required for many serious cybercrimes indicates a level of cognitive function that approaches adult capability.

Justice systems must balance compassion for juvenile offenders with accountability for serious harm. When a juvenile commits a cybercrime that devastates victims' lives through sexual exploitation or financial ruin, age should not shield them from meaningful consequences. By punishing juveniles as adults for the most serious cybercrimes, we protect future victims, provide justice for those already harmed, and maintain the integrity of our legal system's fundamental principle: that punishment should be proportional to the crime committed and the harm inflicted.

References:

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