

International Models of Juvenile Justice: A Comparative Legal Study and Pathways for Legislative Reform in Uzbekistan

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Abstract: This article offers a comparative legal examination of the institutional and legislative practices developed in the United States, Germany, Norway, Iceland, Japan, the Russian Federation, and the Republic of Kazakhstan for combating and preventing juvenile offending. The purpose of the study is to identify the shared principles and distinguishing features of the juvenile justice frameworks that have emerged across different legal traditions, and to substantiate elements that could be incorporated into the legislation and law-enforcement practice of the Republic of Uzbekistan. The findings indicate that, despite institutional variation, every successful model reflects a common trajectory: a move away from punitive sanctions toward education and social rehabilitation, the development of specialized institutions, and the mobilization of family and community resources in the prevention process. The article concludes with evidence-based recommendations for establishing specialized juvenile judges, integrating social workers into court proceedings, and reforming the terminology used in juvenile proceedings in the Republic of Uzbekistan.

Keywords: juvenile justice, youth offending, comparative law, international practice, multisystemic therapy, restorative justice, probation, Uzbekistan.

Introduction

The prevention of juvenile offending and the administration of justice toward young offenders remain among the most pressing concerns of contemporary legal scholarship. Over the course of the twentieth century, numerous states separated cases involving minors from the general criminal justice process, establishing distinct juvenile justice institutions grounded in pedagogical and socio-rehabilitative principles. This process unfolded in close connection with the United Nations Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the United Nations Guidelines for the Prevention of Juvenile Delinquency [1].

In the Republic of Uzbekistan, cases involving minors are currently examined by the general criminal courts, subject to certain procedural accommodations (such as the participation of an educator or psychologist), but no separate network of specialized courts yet exists. At the same time, within the framework of the judicial and legal reforms currently under way and the broader policy of safeguarding human rights, it is of pressing importance to study the advanced experience of foreign states on a scientific basis and to adapt it to national conditions.

The purpose of this article is to conduct a comparative legal analysis of the legal-institutional experience of the United States, Germany, Norway, Iceland, Japan, the Russian Federation, and the Republic of Kazakhstan in the field of juvenile justice, to identify their common principles and points of divergence, and to develop evidence-based reform proposals for the Republic of Uzbekistan.[2]

Research Methodology

The methodological foundation of the study consists of comparative-legal, historical-legal, and systemic-structural methods of analysis. The national legislation, institutional architecture, and relevant scholarly literature and official statistics of seven states — the United States, Germany, Norway, Iceland, Japan, the Russian Federation, and the Republic of Kazakhstan — were selected as the object of the research. The selection of these states was guided primarily by their membership in different legal families (Anglo-American, continental European, East Asian, and the legal space of the Commonwealth of Independent States) and by the fact that each demonstrates a juvenile justice model with its own distinctive achievements. The experience of each state was analyzed according to the following criteria: (1) institutional structure (the existence of specialized courts, police units, and probation services); (2) the dominant underlying approach (punitive versus educational-rehabilitative); (3) the range of actors engaged in prevention; and (4) the reported quantitative outcomes (recidivism levels, dynamics of offending indicators).[3]

Result and Discussion

United States: the specialized court model

In the United States, the juvenile court system is regulated at the state level and is built around a series of procedural features designed to protect the interests of the child. In particular, court hearings are closed to the public, terminology has been neutralized (a "petition" replaces an "indictment," and a "disposition" replaces a "sentence"), and jury trials are not mandatory — decisions are instead made by a specialized judge trained in child psychology. Among the available measures, probation, community service, restitution, and referral to educational-treatment facilities occupy a priority position; only in cases involving the most serious offenses is a case transferred to the adult court. According to official statistics from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the U.S. Department of Justice, arrests of juveniles for violent offenses declined by 50 percent between 2006 and 2019, while overall juvenile arrests fell by 67 percent over the same period [4]. This sustained downward trend lends indirect support to the long-term effectiveness of the specialized juvenile court system and its associated prevention programs, although researchers attribute the decline not solely to judicial reform but also to a range of broader socio-demographic factors.

Germany: the pedagogical priority model

The German juvenile law system rests entirely on the principle of pedagogical influence — an individual who has committed an offense is regarded not as "one to be punished" but as "one to be educated." The Juvenile Courts Act was first adopted in 1923, and following a fundamental reform in 1953 the principle "education, not punishment" was enshrined as the law's guiding motto. This approach rests on two scientific foundations: first, criminological observations have shown that incarceration tends not to rehabilitate a young offender but rather to assimilate them into a criminal subculture; second, developmental psychology characterizes the period between 14 and 18 (and even up to 21) years of age as a phase of unfinished socialization marked by emotional instability, which provides scientific grounds for the view that only pedagogical-educational measures, rather than punitive ones, can be effective.[5]

Norway: the Multisystemic Therapy (MST) model

Since 1999, Norway has implemented, on a nationwide scale, the Multisystemic Therapy (MST) program developed by Professor Scott Henggeler, making it a central element of its juvenile delinquency prevention policy. The program is designed to work not with the adolescent alone but simultaneously with their entire social environment — family, school, peer group, and local community — with risk and protective factors comprehensively assessed for each young person and an individualized rehabilitation plan developed accordingly. International meta-analytic research has confirmed that MST produces statistically robust, moderate effects in reducing antisocial behavior and recidivism [6]. According to a ten-year national monitoring study conducted by the Norwegian Center for Child Behavioral Development (NUBU) and published in 2024, 4,103 young people completed the MST program, of whom 5.39 percent had a prior criminal

record; over the course of treatment, criminogenic risk factors — including substance-abuse and lack-of-supervision indicators — declined substantially in both groups, confirming that the program is effective even for adolescents in the highest-risk category [7].

Iceland: the social prevention model ("Youth in Iceland")

Figure 1. Implemented since 1998, the Icelandic model is oriented not toward responding after an offense has occurred but toward addressing its underlying causes at the earliest possible stage. Under the model, annual social surveys are conducted among 14- to 16-year-old students, and the resulting data are used to design separate prevention programs for each municipality; the state also provides financial support for children's participation in sports clubs and creative activities. This approach is theoretically consistent with Cohen and Felson's routine activity theory [8]: by organizing young people's leisure time in a supervised and meaningful way, the number of "favorable situations" for offending is reduced. According to the annual "Youth in Iceland" survey series conducted by the Icelandic Centre for Social Research and Analysis (ICSRA), between 1998 and 2018 the proportion of tenth-grade students reporting intoxication within the past 30 days fell from 42 percent to 5–6 percent, daily cigarette smoking fell from 23 percent to 2–3 percent, and lifetime use of illicit substances fell from 17 percent to 6–7 percent [9]. This trend is illustrated below (Figure 1).

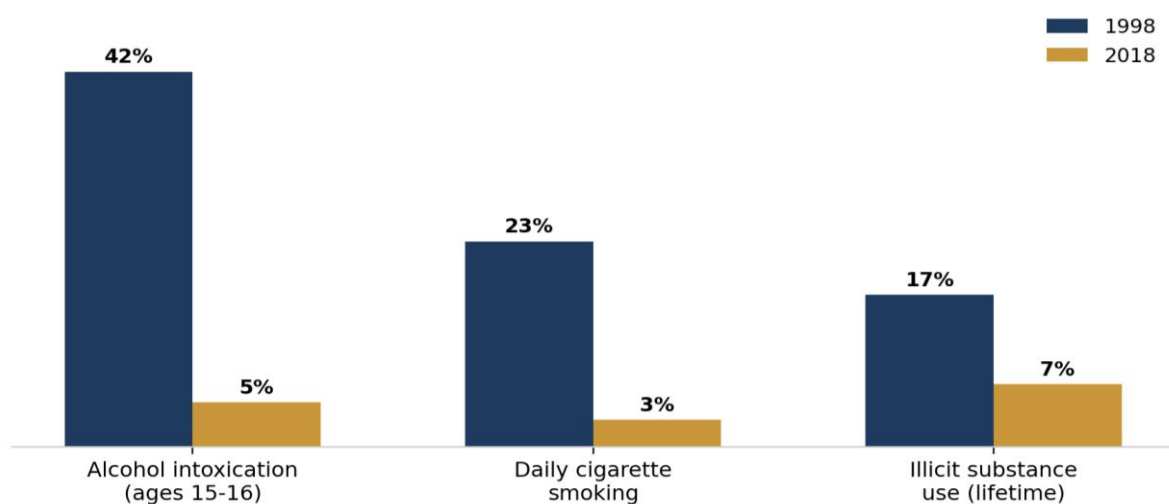


Figure 1. Outcomes of the “Youth in Iceland” Program (1998–2018)

Japan: community policing and the restorative approach

Japan's "koban" (local police-box) system is recognized as one of the most effective community-policing models in the world. Koban officers are tasked not only with responding to offenses but also with building enduring relationships of trust with local residents and preventing offending through routine visits and educational outreach. In the scholarly literature, Japanese criminal justice policy is historically analyzed in connection with Braithwaite's theory of reintegrative shaming — a framework in which society seeks to reincorporate offenders rather than stigmatize them — although recent years have also seen a rise in more punitive, populist tendencies [10].

The Russian Federation: the multi-agency commission system

In Russia, the prevention of juvenile offending is organized under the 1999 Federal Law No. 120, at the center of which stand the commissions for juvenile affairs and the protection of their rights. These commissions bring together representatives of internal affairs bodies, education, healthcare, social protection, and local government, and each case is reviewed individually, with psychologists and educators engaged where necessary. The strength of this model lies in its multi-agency, comprehensive character, while its weakness lies in the uneven development of practice across the country's regions.[11]

The Republic of Kazakhstan: specialized courts, police, and mediation

Among the states of the Commonwealth of Independent States, Kazakhstan has developed the most institutionally coherent juvenile justice system. The country operates specialized juvenile courts, a juvenile police inspectorate, and mediation institutions that are widely applied in cases involving minors. According to research conducted by Ablaeva the results of a sociological survey carried out on the basis of sixteen specialized juvenile courts confirmed that these courts have played a significant role in improving the social-demographic indicators of the population. Where the parties reach an agreement in minor offenses, the case may be resolved through mediation — a mechanism that prevents the child from acquiring a criminal record and gives practical effect to the principles of restorative justice.[12]

Table 1. In Belarus, Kyrgyzstan, Azerbaijan, and Armenia, international standards (the Convention on the Rights of the Child, the Beijing Rules, and the Riyadh Guidelines) are likewise being incorporated into national legislation step by step; however, the development of specialized juvenile courts and police institutions in these states lags behind that of Russia and Kazakhstan, with primary attention instead directed toward prevention commissions and social services.

Table 1. A generalized comparative table summarizing the experience of the states analyzed above is presented below [13]

Country	Model type	Core institution	Reported outcome
United States	Specialized court (justice model)	Juvenile courts, confidential proceedings	Arrests for violent juvenile offenses fell 50% (2006-2019) (Puzzanchera, 2021)
Germany	Pedagogical model	"Education, not punishment" principle	Priority given to educational measures over incarceration
Norway	Multisystemic Therapy (MST)	Family, school, and social-service partnership	4,103 youths completed MST over 10 years; significant reduction in criminogenic risk factors (2024 study)
Iceland	Social prevention ("Youth in Iceland")	Annual surveys, municipal-level programs	Alcohol use 42%→5-6%, daily smoking 23%→2-3% (1998-2018)
Japan	Restorative community-policing model	"Koban" community police posts	High social control; comparatively low recidivism
Russia	Commission-based system	Multi-agency prevention commissions	Individualized prevention programs
Kazakhstan	Specialized court + police	Juvenile courts, juvenile police, mediation	Improvement in social-demographic indicators

As the table illustrates, despite their outwardly divergent institutional forms, all of the successful models rest on three shared principles: (1) a shift from punishment toward education and rehabilitation; (2) the specialization of the actors responsible for handling juvenile cases; and (3) the active engagement of the family, the school, and the local community in the prevention process.

Discussion: Practical Significance for Uzbekistan

Analysis of foreign experience makes it possible to draw a number of evidence-based conclusions for the Republic of Uzbekistan. First, drawing on the experience of the United States and Kazakhstan, it would be advisable to introduce, within the district and city courts, the position of

specialized judge dealing exclusively with cases involving minors and possessing specialized training in children's rights and psychology — a step fully consistent with the requirement of judicial specialization set out in the Beijing Rules [14].

Second, the humanization of the language used in proceedings is of considerable importance: according to labeling theory, attaching social labels such as "the accused" or "the convicted" to an adolescent at an early stage may foster the negative self-perception of "I am a criminal regardless." Introducing neutral terminology, as in the American model, would therefore also serve to give fuller effect to the presumption of innocence guaranteed under Article 40 of the Constitution of the Republic of Uzbekistan.

Third, following the experience of Russia and Kazakhstan, mandatory participation of social workers from the National Agency for Social Protection in court proceedings, together with the introduction of a "social report on the child's living conditions and psychological state" prepared by such workers, would ensure that judicial decisions are grounded not only in legal but also in socio-psychological considerations. This is particularly consistent with the comprehensive, family-oriented approach applied in the Norwegian and Icelandic models — the high effectiveness of which is, in turn, theoretically explained by Hirschi's social bonding theory: strengthening an individual's bonds to the family and to social institutions reduces the risk of offending.

Finally, taking into account Kazakhstan's mediation institution and Japan's restorative approach, it is recommended that opportunities for reaching agreement with the victim in minor offenses be expanded, and that alternative measures such as community service and restitution be incorporated into legislation. Such measures, consistent with the "restorative justice" paradigm described by Muncie and Goldson serve not to remove the child from society but to reintegrate them into it.[15]

Conclusions and Recommendations

The comparative legal analysis of international juvenile justice models demonstrates that the treatment of children in conflict with the law has progressively moved away from a predominantly punitive paradigm toward a **child-centred, rehabilitative, restorative, and preventive approach**. Although national juvenile justice systems differ significantly in their institutional structures, procedural mechanisms, and legal traditions, the most effective models share several common principles: recognition of the special legal status of minors, prioritisation of the best interests of the child, proportionality of sanctions, limitation of deprivation of liberty, access to legal assistance, individualised assessment, family and community involvement, and the use of rehabilitation and reintegration measures. The experience of the United States, United Kingdom, Germany, Norway, Japan, and other jurisdictions illustrates that there is no single universal model of juvenile justice that can be mechanically transferred from one legal system to another. The effectiveness of juvenile justice depends on the interaction between legislation, judicial practice, social services, educational institutions, families, local communities, and mechanisms for preventing repeated offending. Therefore, international experience should be considered not as a ready-made legal framework but as a **source of comparative legal instruments and institutional solutions** that can be adapted to Uzbekistan's social, legal, cultural, and administrative conditions. A particularly important conclusion concerns the distinction between **punitive justice and restorative justice**. Traditional punitive approaches primarily concentrate on establishing guilt and imposing punishment, whereas restorative justice focuses on repairing the harm caused by the offence, restoring relationships, encouraging the juvenile offender to accept responsibility, and supporting the victim. International practice indicates that restorative mechanisms—mediation, reconciliation, community-based sanctions, counselling, behavioural programmes, and supervised rehabilitation—can provide more sustainable results for juvenile offenders, particularly in cases involving less serious offences. Such measures also correspond to the principle that deprivation of liberty should be used only when other lawful and proportionate measures are insufficient. The comparative analysis further demonstrates the importance of **diversion mechanisms**. Diversion allows competent authorities to redirect a juvenile away from formal criminal proceedings when the circumstances of the case and the seriousness of the offence permit such an approach. Early intervention can prevent the child from entering a criminal justice environment that may intensify

social exclusion and increase the risk of repeated offending. For Uzbekistan, the broader development of diversion mechanisms could therefore become an important element of juvenile justice reform. Such mechanisms should nevertheless operate under clearly defined legal criteria, judicial or prosecutorial oversight, procedural safeguards, and guarantees against discrimination or arbitrary decision-making.

References

- [1] E. Ablaeva, “Juvenile courts in the Republic of Kazakhstan: History, realities and prospects,” *Lex Russica*, vol. 73, no. 10, 2020.
- [2] R. Bjørknes, S. Hukkelberg, K. Taraldsen, and A. T. Høstmælingen, “Does Multisystemic Therapy change criminogenic risk factors? A 10-year study among Norwegian youths with and without offenses,” *Crime & Delinquency*, 2024, doi: 10.1177/00111287241287134.
- [3] J. Braithwaite, *Crime, Shame and Reintegration*. Cambridge, U.K.: Cambridge University Press, 1989.
- [4] L. E. Cohen and M. Felson, “Social change and crime rate trends: A routine activity approach,” *American Sociological Review*, vol. 44, no. 4, pp. 588–608, 1979.
- [5] K. Hamai and T. Ellis, “Crime and criminal justice in modern Japan: From reintegrative shaming to popular punitivism,” *International Journal of the Sociology of Law*, vol. 34, no. 3, pp. 157–178, 2006.
- [6] T. Hirschi, *Causes of Delinquency*. Berkeley, CA, USA: University of California Press, 1969.
- [7] A. L. Kristjansson, M. J. Mann, J. Sigfusson, I. E. Thorisdottir, J. P. Allegrante, and I. D. Sigfusdottir, “Development and guiding principles of the Icelandic model for preventing adolescent substance use,” *Health Promotion Practice*, vol. 21, no. 1, pp. 62–69, 2020, doi: 10.1177/1524839919849032.
- [8] U. I. Mirzatillayev, “Voyaga yetmaganlar jinoyatchiligining oldini olish: milliy va xorijiy davlatlar qonunchiligi tahlili,” *O‘zbekiston Respublikasi IIV Kriminologiya tadqiqot instituti axborotnomasi*, no. 1, 2025.
- [9] J. Muncie and B. Goldson, Eds., *Comparative Youth Justice: Critical Issues*. London, U.K.: SAGE Publications, 2006.
- [10] C. Puzzanchera, *Juvenile Arrests, 2019*. Washington, DC, USA: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 2021.
- [11] M. A. Sattorova, “Voyaga yetmaganlar jinoyatchiligining o‘ziga xos xususiyatlari,” *Oriental Renaissance: Innovative, Educational, Natural and Social Sciences*, vol. 2, no. 11, 2022.
- [12] United Nations General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, Resolution 40/33. New York, NY, USA: United Nations, 1985.
- [13] United Nations General Assembly, *United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)*, Resolution 45/112. New York, NY, USA: United Nations, 1990.
- [14] M. A. Usmanova and N. O. Ashurova, “Voyaga yetmaganlar jinoyatchiligi va uning profilaktikasi,” *O‘zbekiston Respublikasi IIV Kriminologiya tadqiqot instituti axborotnomasi*, no. 1, 2025.
- [15] T. van der Stouwe, J. J. Asscher, and G. J. J. M. Stams, “The effectiveness of Multisystemic Therapy (MST): A meta-analysis,” *Clinical Psychology Review*, vol. 34, no. 6, pp. 468–481, 2014.