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Juvenile Justice and International Standards: A Comparative Analysis through RIMES[1]

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Abstract: This study examines juvenile justice systems across thirteen European and U.S. jurisdictions through two structural principles of international standards: decriminalisation and deinstitutionalisation. Using the RIMES instrument (Pool 9), the analysis identifies empirical patterns and constructs comparative typologies based on alignment with these principles. Regarding decriminalisation, four configurations are identified according to the minimum age of criminal responsibility: strict penal exclusion, nominal decriminalisation, conditional decriminalisation, and early penal inclusion. Regarding deinstitutionalisation, the analysis considers both the relative frequency and the potential duration of custodial sanctions, revealing five configurations ranging from consistent deinstitutionalisation to structural punitive intensification. The integrated analysis demonstrates that alignment with international standards cannot be assessed through isolated indicators but requires consideration of the interaction between access to the penal system and the intensity of institutional responses. Misalignment follows distinct trajectories, and structural coherence between these dimensions constitutes a central criterion for comparative criminal policy assessment. The study also confirms the potential of the RIMES instrument as an analytical tool for structural criminal policy analysis beyond its original measurement function.

Keywords: *Juvenile justice, International standards, Decriminalisation, Deinstitutionalisation, Comparative criminal policy*

1. Introduction

Any comparative analysis of juvenile criminal justice must take international standards as its primary point of reference, since they frame this field as a system of intervention fundamentally oriented towards the protection and social reintegration of youth. These standards not only delineate a framework of legal legitimacy but also provide a particularly useful analytical basis for comparative criminal policy research, insofar as they make it possible to identify models of intervention that reflect varying degrees of alignment with, or departure from, those standards.

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This study examines the empirical results derived from the international comparative instrument for criminal justice systems (RIMES)—more specifically, from Pool 9, devoted to youth criminal justice—across thirteen jurisdictions—Spain, Italy, England and Wales, Finland, Germany, France, Poland, Romania, and Portugal, as well as four U.S. states: Texas, New York, Florida, and California—and relates them to the international standards governing this field, focusing on two of their structural principles: decriminalisation and deinstitutionalisation. Although RIMES is grounded in the criminal policy model of social inclusion (Díez-Ripollés, 2011, 2024) and is primarily intended to measure the degree of social inclusion or exclusion generated by criminal justice systems (García-España & Díez-Ripollés, 2021), this study draws on its potential as a source of systematized information for comparative criminal policy analysis. This methodological choice is justified insofar as the indicators included in Pool 9 capture dimensions that are functionally equivalent to the principles underpinning international juvenile justice standards, thus allowing them to serve as an empirical basis for interpreting the operation of different systems and for comparatively assessing their forms of response to juvenile offending. The information collected through the RIMES protocols has been reviewed and updated for the purposes of this study.

This study aims to identify empirical patterns of alignment that make it possible to delineate criminal policy configurations in the field of juvenile justice according to their greater or lesser alignment with these principles. To this end, the study begins with a concise delineation of the content of these standards and subsequently examines the results of the application of the RIMES instrument across the different jurisdictions, with the aim of determining the extent to which its indicators provide relevant information for a comparative assessment of the degree of alignment with the principles of decriminalisation and deinstitutionalisation. Finally, an integrated analysis is developed that makes it possible to identify different typologies based on the structural combination of the dimensions analysed and their degree of alignment with the principles of decriminalisation and deinstitutionalisation.

"States Parties shall respect the rights set forth in the present Convention and ensure their application to each child within their jurisdiction." This provision, contained in Article 2 of the Convention on the Rights of the Child (1989) (CRC), which defines a child as every person under the age of eighteen, constituted the most decisive legal milestone in shaping juvenile criminal justice as it is understood at the international level today. Article 40 set out the essential elements governing the passage of juveniles through the criminal justice system; however, it has been the combined effect of several international instruments that has more precisely delineated the general and specific framework applicable to children and adolescents who commit criminal offences.

These instruments emphasise the importance of prevention and respect for human rights within juvenile justice, both in relation to the administration of justice and to the sanctions imposed, whether custodial or non-custodial—most notably the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (the Beijing Rules, 1985), the *United Nations Standard Minimum Rules for Non-custodial Measures* (the Tokyo Rules, 1990), the *United Nations*

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Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines, 1990), and the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (the Havana Rules, 1990).

Together, these instruments establish a set of fundamental principles that national criminal justice systems must take as a reference framework, without imposing any closed or uniform model. A further highly significant consequence of this body of law has been that regional international organisations have adopted these United Nations instruments as a benchmark, incorporating their principles and thereby progressively contributing to the harmonisation of juvenile justice standards worldwide (see, e.g., Inter-American Commission on Human Rights, 2011; Council of Europe, Recommendation No. R(87)20, 1987). Although these standards are not always implemented in a detailed or uniform manner, they nonetheless constitute an unquestionable point of reference for assessing both the direction in which juvenile justice systems should evolve and their overall quality in each jurisdiction (Montero Hernanz, 2021).

It is now universally acknowledged that the formal social response to criminal offences committed by juveniles must be differentiated from that applicable to adults. Among the principles that make up these international standards, the following are particularly relevant for the present comparative analysis:

- Decriminalisation: Criminal proceedings may only be initiated where the juvenile has committed acts that would also constitute offences if carried out by an adult. A central element of this principle is the establishment of a minimum age of criminal responsibility, below which children who commit unlawful acts are not subject to criminal jurisdiction, but rather to alternative ways of formal state intervention.
- Deinstitutionalisation: The most distinctive feature of juvenile justice, as compared to the adult system, concerns the nature of the sanctions imposed. Juvenile sanctions encompass a wide range of measures, with priority given to those that allow juveniles to remain in the community under professional supervision. Accordingly, the determination of sanctions considers not only the seriousness of the offence but also the juvenile's socio-familial circumstances. Deprivation of liberty is reserved for the most serious cases and must be imposed for the shortest possible period. This framework is further complemented by the prohibition of the death penalty and corporal punishment.

Juveniles are recognised as subjects of rights, albeit with a differentiated capacity from that of adults, given that their physical and psychological development is not yet complete. Their heightened vulnerability implies that their conditions of participation in criminal proceedings cannot be equated with those of adults. Accordingly, international standards have reconciled these two dimensions by recognising and guaranteeing differentiated conditions of treatment, grounded in the principle of the best interests of the child.

2. Method

Given that these international juvenile justice standards configure a model of intervention aimed at limiting the most intensive forms of penal control and promoting responses compatible with the social integration of youth, the present analysis adopts the

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aforementioned principles as its central analytical framework, as they correspond directly to the empirical dimensions captured by the RIMES indicators. Thus, the principle of deinstitutionalisation is used to examine the role of custodial detention within the system—on the basis of items relating to the frequency of juvenile detention (Item 121) and the provision of custodial sanctions exceeding ten years (Item 117)—while the principle of decriminalisation guides the analysis of the item relating to the minimum age of criminal responsibility (Item 113).

This correspondence enables a systematic linkage between empirical data and international juvenile justice standards and, on that basis, supports an integrated analytical approach in which the results derived from the application of the RIMES instrument are interpreted in light of those standards. This approach facilitates the identification of comparative criminal policy models according to their degree of alignment with this normative framework. It also confirms the value of the RIMES instrument as an empirical basis for comparative criminal policy analysis (Díez-Ripollés, 2011; García-España & Díez-Ripollés, 2021) and represents an advance over previous applications focused primarily on measurement (Pérez-Jiménez, 2023), by explicitly incorporating an interpretative dimension grounded in international juvenile justice standards.

The analytical strategy proceeds in two phases. In the first phase, each principle is examined separately through its corresponding indicator, identifying empirical patterns across the thirteen jurisdictions and constructing preliminary typologies based on their degree of alignment with, or divergence from, international standards. In the second phase, the results of both dimensions are integrated into a combined typology that assesses the structural coherence of each juvenile justice system in relation to the principles of decriminalisation and deinstitutionalisation jointly. The degree of alignment is assessed qualitatively, using international juvenile justice standards as the reference analytical framework.

3. Results

3.1. The principle of decriminalisation: the minimum age of criminal responsibility

The principle of decriminalisation constitutes one of the fundamental pillars of international juvenile justice standards, insofar as it promotes the exclusion of younger children from formal penal intervention. This principle is primarily operationalised through the establishment of a minimum age of criminal responsibility, below which juveniles who infringe criminal law should remain outside the juvenile justice system and, where appropriate, be subject instead to educational, welfare, or protective responses (UNICEF, 2022).

The international literature consistently highlights the minimum age of criminal responsibility as a key mechanism for excluding early childhood from access to the penal system (Goldson, 2013; Dünkel, 2014; Weijers, 2016; Zimring, 2019). In this regard, the Committee on the Rights of the Child, in its General Comment No. 24, has recommended raising this threshold to at least 14 years—thus exceeding the previously accepted minimum

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of 12 years—and has emphasised that no exceptions based on the seriousness of the offence should be permitted (CRC, 2019).

This recommendation is grounded in an increasing body of evidence from developmental criminology and neuroscience, which demonstrates the limited capacity of children aged 12 and 13 to fully understand the consequences of their actions and to act in accordance with such understanding (NIHRC, 2023). Furthermore, a range of empirical studies have questioned the preventive effectiveness of lowering the age of criminal responsibility, pointing to the absence of significant deterrent effects and even to the potential generation of criminogenic outcomes (Cauffman et al., 2017; Motz et al., 2020; Damm, 2025). Taken together, these elements have contributed to the consolidation of an international standard that places the desirable minimum age of criminal responsibility at around 14 years (Ransley et al., 2024; Delmage, 2026).

The RIMES instrument incorporates an operational indicator (Item 113)—designed to measure the degree of social exclusion in juvenile justice—whose content shows a clear convergence with the orientations derived from international standards on decriminalisation. Item 113, which focuses on the possibility of applying the juvenile penal system to children aged 12 years or younger, also allows for the assessment of the extent to which different jurisdictions align with, or depart from, the principle of decriminalisation.

The comparative analysis of the thirteen jurisdictions examined reveals that the configuration of the minimum age of criminal responsibility is far from uniform. Although there is broad consensus regarding the need to limit penal intervention in relation to juveniles, divergences arise in the way such limitations are articulated across different legal systems. In this context, it is possible to identify a series of empirical patterns in the configuration of this threshold, which in turn enable the construction of distinct criminal policy configurations based on their degree of alignment with, or divergence from, the principle of decriminalisation.

A first group of legal systems corresponds to what may be termed a strict penal exclusion pattern, in which juveniles below a certain threshold are entirely excluded from the penal system, without exceptions based on the seriousness of the conduct. This group includes Germany, Spain, Finland, France, Romania, and Portugal. In these systems, criminal acts committed by children under the age of 12 fall outside the scope of penal intervention and are instead channelled towards welfare, protection, or educational responses.

However, within this group, varying degrees of alignment with the principle of decriminalisation can be observed. Finland occupies the most advanced position, setting the minimum age of criminal responsibility at 15 years—notably, without operating a separate juvenile justice system: the Criminal Code incorporates specific provisions applicable to individuals aged 15 to 17 (Chapter 3, Section 4; Chapter 6, Section 8(1)), excluding those below that threshold from criminal responsibility altogether—in line with the most demanding recommendations of the Committee on the Rights of the Child. Germany, Spain, and Romania establish the threshold at 14 years, reflecting a high level of compliance with current international standards. In Germany, this is provided for in the *Jugendgerichtsgesetz* (JGG) and Section 19 of the Criminal Code; in Spain, in Article 1 of Organic Law 5/2000

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on juvenile criminal responsibility. Romania's Criminal Code additionally requires proof of discernment for those aged between 14 and 16, reinforcing the restrictive nature of access to the penal system at these ages. France, for its part, sets the age at 13 years (*Code de justice pénale des mineurs*, Law No. 2021-218, Art. L11-1), while Portugal establishes the threshold at 12 years within its educational tutelary system, under which juveniles aged 12 to 16 who commit acts constituting criminal offences are subject to the *Lei Tutelar Educativa* (Law No. 166/99, Art. 3(2)(g)). These latter cases represent more moderate levels of alignment, as they remain at the previously accepted minimum threshold but fall short of the current international standard.

From a substantive perspective, some of these legal systems—particularly Germany, Spain, and Finland—constitute paradigmatic examples of material decriminalisation, insofar as they completely exclude juveniles under the age of 14 from the penal system.

A second pattern corresponds to a conditional decriminalisation based on the seriousness of the offence, encompassing those jurisdictions which, despite establishing a minimum age of criminal responsibility at around 12 years, allow for exceptions in cases of gravity. This is the case in California, where Senate Bill 439 established a minimum age of 12 for juvenile court jurisdiction, with exceptions for particularly serious offences such as murder, rape, or kidnapping; and in New York, where a 2021 reform (enacted 29 December 2021) provides that juveniles under 12 cannot be arrested or prosecuted for most offences, with the sole exception of homicide. In both jurisdictions, children below this threshold are generally excluded from the penal system but may be prosecuted in cases involving serious offences such as homicide or rape. This pattern introduces an internal tension within the principle of decriminalisation, as exclusion is made contingent not on the age of the individual but on the seriousness of the offence—an approach that is problematic from a developmental perspective.

A third pattern is the early penal inclusion model, characterised by the routine activation of juvenile penal intervention in relation to children under the age of 12. This pattern is observed in England and Wales, Texas, and Florida, where the minimum age is set at significantly lower levels. In England and Wales, juveniles aged 10 to 17 may be arrested and charged pursuant to Section 50 of the Children and Young Persons Act 1933. In Texas, Section 8.07(a) of the Texas Penal Code provides for prosecution from the age of 10, either within the juvenile or adult system depending on offence seriousness. In Florida, Section 985.031(2) of the 2023 Florida Statutes sets no lower limit below the age of 7, with the exception of forcible felonies as defined in Section 776.08. Although these systems typically provide for specific procedural safeguards for juveniles, the inclusion of children in the penal system at such early ages reflects a criminal policy model that diverges markedly from the international standard of decriminalisation.

Finally, the analysis makes it possible to identify a fourth pattern, that of nominal decriminalisation, in which, despite the existence of formal exclusion from criminal responsibility, mechanisms of institutional intervention with respect to juveniles persist. In Italy, criminal irresponsibility is established up to the age of 14; however, security measures—such as placement in a judicial reformatory or probation—may still be imposed where the

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juvenile is considered socially dangerous (Article 224 of the Italian Criminal Code). Similarly, in Poland, although criminal responsibility is set at 13 years, the Juvenile Act (1982, Article 1(1)) allows for the imposition of educational measures in cases involving signs of demoralisation, without establishing a minimum age for this category of intervention—meaning that children of any age may, in principle, be subject to formal proceedings on this basis. In both instances, the formal exclusion from the penal system does not translate into a genuine withdrawal of punitive intervention, as quasi-penal forms of institutional control remain in place, operating functionally as responses to juvenile behaviour. This dissociation between formal exclusion and the material persistence of control calls into question the actual effectiveness of decriminalisation, revealing that disengagement from the penal system does not necessarily entail the disappearance of substantively punitive intervention logics.

Table 1 summarises these patterns, classifying the jurisdictions according to the configuration of the minimum age of criminal responsibility and their degree of alignment with the principle of decriminalisation.

Table 1.

Patterns of decriminalisation and the minimum age of criminal responsibility

Pattern	Jurisdictions	Characteristics	Alignment with the Principle of Decriminalisation
Strict penal exclusion pattern	Finland (15), Germany (14), Spain (14), Romania (14), France (13), Portugal (12)	Exclusion from the penal system below the minimum age threshold, without exceptions based on the seriousness of the offence.	High (with internal variations)
Nominal decriminalisation pattern	Italy (14), Poland (13)	Formal exclusion from the penal system combined with quasi-penal intervention mechanisms that maintain a logic of punitive control.	Medium
Conditional decriminalisation pattern	California (12), New York (12)	General exclusion from the penal system below the age threshold, with exceptions based on the seriousness of the offence.	Low
Early penal inclusion pattern	England and Wales (10), Texas (10), Florida (7)	Penal intervention is possible below the age of 12.	Very low

Source: Own elaboration

Taken together, the analysis carried out shows that the minimum age of criminal responsibility constitutes a central element in defining the scope of penal intervention in early childhood. However, its explanatory capacity remains limited when considered in isolation. For this reason, following the analysis of the conditions governing access to the penal system, it becomes necessary to shift the focus towards the intensity and nature of the intervention deployed once the system has been activated.

At this point, the framework of international juvenile justice standards naturally leads to an examination of the principle of deinstitutionalisation, insofar as it operates as a guiding criterion for assessing the scope and limits of the penal response to juveniles.

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3.2. The principle of deinstitutionalisation: frequency and intensity of custodial sanctions

The international normative framework of juvenile justice is structured around a clearly deinstitutionalising logic, grounded in two guiding principles: the deprivation of liberty as a measure of *ultima ratio* and its imposition for the shortest appropriate period (Dünkel, 2016; Gómez Barrera, 2021). Both principles are embedded within a broader and more structural requirement: the need to substantially differentiate the penal response directed at juveniles from that applied to adults, considering the specificities arising from their developmental condition and the centrality of their best interests (Liefaard, 2020).

This orientation finds its most explicit formulation in the Convention on the Rights of the Child, whose Article 37(b) establishes that the deprivation of liberty of children and adolescents "shall be used only as a measure of last resort and for the shortest appropriate period of time" (United Nations, 1989). This provision enshrines an international standard of restraint in the use of custodial sanctions, limiting their application to exceptional cases and subordinating their duration to a strict criterion of minimal intervention.

In the same vein, the Beijing Rules reinforce the need to restrict as far as possible the use of custodial sanctions, promoting responses that are proportionate and compatible with the educational and social reintegration aims of juvenile justice (United Nations, 1985). Complementarily, the Havana Rules emphasise the exceptional nature of deprivation of liberty and the obligation to ensure that all interventions in this field are oriented towards the protection of rights and the comprehensive development of the juvenile (United Nations, 1990).

Items 121 and 117 of the RIMES instrument capture two complementary dimensions of the principle of deinstitutionalisation. On the one hand, Item 121 examines the relative position of custodial sanctions within the set of measures effectively applied, thereby providing an approximation of their relative frequency in practice; on the other hand, Item 117 addresses the potential intensity of custodial intervention. Taken together, these indicators make it possible to analyse custodial sanctions along two fundamental dimensions, their relative frequency and their intensity, thus offering a more comprehensive view of the role played by deprivation of liberty in each jurisdiction, both in terms of its centrality in practice and its potential temporal extent.

3.2.1. Relative frequency of custodial sanctions and their position within the system of sanctions

Item 121 of the RIMES instrument makes it possible to examine whether custodial sanctions rank among the most frequently applied responses to juvenile offenders, thereby providing an empirical approximation of their relative frequency in practice. This indicator captures the effective functioning of the system beyond its formal normative configuration and exhibits a high discriminatory capacity (Pérez-Jiménez, 2023), which justifies taking this dimension as the starting point of the analysis.

Given that the legal categories employed across jurisdictions are not fully equivalent, the analysis adopts a functional criterion to identify custodial sanctions. For comparative purposes, these are understood as those measures involving the effective deprivation of

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liberty imposed on juveniles within the framework of the juvenile justice system (García-España & Díez-Ripollés, 2021), regardless of their specific designation. This approach makes it possible to integrate, under a single analytical category, diverse institutional forms—such as custodial placement in continental European systems or commitment to secure facilities in certain United States jurisdictions—thus ensuring comparability across the jurisdictions analysed.

The findings reveal, first, the existence of a group of jurisdictions in which custodial sanctions retain a clearly subsidiary character, as they do not rank among the most frequently applied responses. This pattern is consistently observed in several continental European systems—such as Germany, Finland, Poland, France, Italy, and Portugal—where educational, supervisory, or community-based measures account for most decisions. Available data confirm this pattern across jurisdictions. In Germany, educational and disciplinary measures account for over 63,000 decisions annually, compared to approximately 13,270 cases of juvenile imprisonment (Destatis, 2024). In France, educational measures, judicial warnings, and suspended sentences (totalling over 26,000 cases) substantially outnumber custodial sanctions (2,884) (Ministère de la Justice, 2024). In Poland, supervisory measures reach approximately 27,000 cases, compared to around 600 placements in correctional facilities (Statistics Poland, 2023). In Italy, deprivation of liberty affects only 23 juveniles, compared to several thousand cases resolved through probation, judicial pardon, or dismissal on grounds of triviality (Ministero della Giustizia, 2018). In Finland, juvenile imprisonment is limited to a few dozen cases annually (Prison and Probation Service of Finland, 2024), while in Portugal community-based measures consistently outnumber placements in educational centres by a ratio of approximately three to one (Direção-Geral de Reinserção e Serviços Prisionais, 2024). In these contexts, deprivation of liberty has a clearly secondary incidence and is, in practice, reserved for exceptional cases. Taken together, these systems reflect a restrictive use of custodial sanctions that is consistent with the *ultima ratio* logic promoted by international juvenile justice standards.

Alongside these cases, other jurisdictions can be identified in which custodial sanctions likewise do not rank among the most frequent responses, but for partially different reasons. This is the case in systems such as those of England and Wales and Texas, where the reduced centrality of custodial sanctions is not explained solely by the predominance of an educational logic, but also by the structural weight of intensive community supervision mechanisms. In these contexts, the penal response is primarily articulated through forms of probation and community control which, while avoiding custodial sanctions, nevertheless entail significant levels of intervention in the lives of juveniles. This configuration warrants interpretive caution. As scholarship developed within the framework of the *new penology* has highlighted, the reduced use of custodial sanctions does not necessarily entail a decrease in the intensity of penal control, but rather its reconfiguration towards more diffuse and continuous forms of intervention aimed at the management of risk populations (Feeley & Simon, 1992; Garland, 2001). From the perspective of international juvenile justice standards, this phenomenon may generate tensions with principles such as minimal intervention and the best interests of the juvenile, insofar as the expansion of intensive community supervision

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mechanisms may result in prolonged forms of control that are not always compatible with a reintegrative orientation.

In England and Wales, community sentences account for most judicial decisions—approximately 9,200 cases (around 72% of the total) in 2024—while custodial sanctions amounted to 660 cases, representing between 5% and 7% of all decisions (Youth Justice Board & Ministry of Justice, 2024). Similarly, in Texas, reliance is placed predominantly on community supervision mechanisms—deferred prosecution supervision (41%), adjudicated probation (31%), and supervisory caution (27%)—with custodial sanctions accounting for only 1.7% of cases (Texas Juvenile Justice Department, 2023). These systems thus display a configuration in which the reduced use of custodial sanctions coexists with intensive forms of control in the community.

By contrast, a third group of jurisdictions can be identified in which deprivation of liberty occupies a more prominent position within the repertoire of responses. In these cases, custodial sanctions consistently rank among the most frequently applied measures, indicating a greater centrality of confinement in the operation of the system. This pattern is observed in jurisdictions such as California, Florida, New York, Romania, and Spain.

In California, wardship probation constitutes the predominant response (65–75%), while custodial sanctions account for around 20–30%, ranking second (California Department of Justice, 2024). In New York, probation accounts for 55–65% of cases, with placement reaching 20–30% and likewise occupying second position (New York State Division of Criminal Justice Services, 2024). In Florida, probation (19–22%) and diversion programmes (22–26%) lead, but residential commitment consistently accounts for around 4–5% of cases, confirming its structural relevance within the repertoire of sanctions (Florida Department of Juvenile Justice, 2024).

A comparable trend can be identified in Romania, where custodial sanctions carry significant weight: official data for 2018–2022 show that they represented a high proportion of convictions—567 out of 828 cases in 2018 and 194 out of 535 in 2022—exceeding non-custodial measures in several years (Institutul Na□ional de Statistică, 2023), as well as in Spain, where community supervision constitutes the predominant measure (44–45%), while the various forms of custodial sanctions—closed, semi-open, open, and therapeutic regimes—collectively account for 13–16% of cases, consistently ranking as the second most frequent category (Spanish National Statistics Institute, 2024).

Taken together, the findings show that the relative position occupied by custodial sanctions within juvenile justice systems varies significantly across the jurisdictions analysed. While in some systems deprivation of liberty retains a clearly subsidiary character, in others it is more firmly integrated into the ordinary repertoire of responses. From the perspective of international juvenile justice standards, these differences are particularly relevant insofar as they reflect varying degrees of alignment with, or divergence from, the principle of deinstitutionalisation.

On this basis and drawing on the findings relating to the relative frequency of custodial sanctions, it is possible to identify a set of empirical patterns in the configuration of juvenile

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penal responses that allow for the construction of a preliminary typology, focused on the practical dimension of the principle of deinstitutionalisation.

First, systems can be identified in which custodial sanctions retain a clearly marginal role, as they do not rank among the most frequently applied responses, which is consistent with the *ultima ratio* logic governing deprivation of liberty in this field. Second, systems can be observed in which custodial sanctions exhibit a low relative frequency, but in which penal control is primarily articulated through intensive community supervision mechanisms, suggesting a reconfiguration—rather than a reduction—of penal intervention. Finally, systems can be distinguished in which custodial sanctions occupy a central position within the repertoire of responses, becoming part of the routine management of juvenile offending and thus departing, to a greater extent, from the principle of deinstitutionalisation.

Table 2 summarises these patterns, classifying the jurisdictions according to the relative frequency of custodial sanctions and their degree of alignment with the principle of deinstitutionalisation.

Table 2.

Patterns of the relative frequency of custodial sanctions and alignment with the principle of deinstitutionalisation

Pattern	Jurisdictions	Characteristics	Alignment with the Principle of Deinstitutionalisation
Consolidated deinstitutionalisation pattern	Germany, Finland, Poland, France, Italy, Portugal	Custodial sanctions are residual and do not rank among the most frequently applied responses	High
Deinstitutionalisation with reconfiguration of control pattern	England and Wales, Texas	Low use of custodial sanctions, with a central role played by community supervision mechanisms	Medium
Structural centrality of custodial sanctions pattern	California, Florida, New York, Romania, Spain	Custodial sanctions rank among the most frequently applied responses	Low

Source: own elaboration

This typology constitutes a first approximation based on the relative position of custodial sanctions in practice, allowing for the identification of their centrality in the management of juvenile offending. However, it remains incomplete insofar as it does not consider the potential intensity of custodial intervention, given that frequency of use does not provide information on the duration of sanctions. Hence, it becomes necessary to incorporate an analysis of the normative framework governing the temporal extent of deprivation of liberty as a second analytical axis for assessing the principle of deinstitutionalisation.

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3.2.2. Intensity of custodial sanctions: temporal scope

As previously noted, both the Beijing Rules and the Havana Rules incorporate the requirement that deprivation of liberty for juveniles must be imposed for the shortest possible period. However, these instruments do not establish specific quantitative limits.

The comparative analysis of the thirteen jurisdictions suggests the existence of a threshold that functions as a relevant indicator of tension with international standards. The ten-year maximum deprivation of liberty established in the RIMES instrument emerges as such an operational benchmark, not so much because of its numerical value, but due to what it represents in terms of juvenile criminal policy: the transition from a conception of custodial sanctions as an exceptional and short-term measure towards a logic of prolonged punishment.

In systems where this threshold is established as a maximum limit (generally in exceptional cases and for older age groups), it operates as a mechanism of restraint on punitiveness. Conversely, its exceedance reflects a transformation in the nature of deprivation of liberty, which ceases to be configured as a brief and exceptional measure and instead approximates the long-term sentences characteristic of the adult penal system. This development generates tensions with international standards insofar as it undermines the educational purpose and the objective of social reintegration that should characterise juvenile justice (OECD, 2023).

The following analysis examines the different jurisdictions considering the potential intensity of custodial sanctions, using the ten-year threshold of deprivation of liberty as a reference point for assessing their degree of alignment with, or divergence from, the principle of deinstitutionalisation. The empirical patterns identified in relation to the duration of custodial sanctions make it possible to construct a typology of criminal policy configurations that facilitates the comparative analysis of juvenile justice systems.

The first group identified comprises those jurisdictions that establish a clear and autonomous limit on the deprivation of liberty for juvenile offenders, explicitly excluding the possibility of exceeding the ten-year threshold. Portugal, Germany, and Spain constitute the principal examples of this typology, characterised by a high degree of alignment with the principle of deinstitutionalisation. The strict educational model established in Portugal limits placement in specialised centres to a maximum of three years, applicable where the juvenile has committed an offence carrying a maximum sentence of more than eight years, or two or more offences each carrying more than five years (*Lei Tutelar Educativa*, Law No. 166/99, Art. 18(3)). In Spain, the guarantee-based model sets a maximum limit of ten years of deprivation of liberty, applicable only to juveniles aged 16 or 17 who have committed two or more offences—or a continuing offence—involving crimes such as homicide, rape, or certain terrorist offences (Organic Law 5/2000, Art. 11(2)). This threshold, which is exceptional in nature, does not constitute the ordinary standard but rather the maximum compatible with the juvenile logic of the system, allowing for a response adaptable to the developmental trajectory of the juvenile without incorporating criteria characteristic of the adult penal system.

The situation in Germany is broadly analogous, as the imposition of custodial sanctions of up to ten years is restricted to cases of particular seriousness. However, this regime

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incorporates a relevant specificity from an age-based perspective: although such sanctions are formally provided for within juvenile criminal law, their effective application is, in practice, largely limited to young adults aged between 18 and 20 who are exceptionally subject to this regime. Under Section 105 of the *Jugendgerichtsgesetz* (JGG), the juvenile court determines whether juvenile or general criminal law applies; in cases of murder where the ten-year maximum is deemed inadequate, the sentence may be extended to fifteen years.

In these jurisdictions, the normative framework is autonomous from adult criminal law and does not rely on mechanisms of referral. This approach promotes a high level of alignment with international standards by configuring deprivation of liberty as an *ultima ratio* measure subject to strict temporal limits, thereby contributing to the containment of punitive expansion and preventing the erosion of the juvenile justice system.

A second group consists of legal systems that allow deprivation of liberty exceeding ten years exclusively in cases of extreme seriousness, typically linked to offences such as homicide or equivalent crimes. This group includes jurisdictions such as England and Wales, New York, Romania, and, with certain qualifications, Finland.

The common feature of these systems is that long-term deprivation of liberty does not form part of the ordinary design of juvenile justice but rather appears as an exceptional response linked to the gravity of the offence. In England and Wales, when a juvenile is tried before the Crown Court for offences carrying a maximum sentence of at least 14 years or listed under Section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, sentences exceeding ten years may be imposed; where a significant risk of serious harm to the public is established, detention for life or an extended sentence of detention may also be ordered. In New York, juveniles aged 14 or 15 charged with serious offences—such as murder, rape, kidnapping, arson, or robbery—are classified as juvenile offenders under Section 10.18 of the New York Penal Law, with jurisdiction lying with a youth court (Section 722.20 of the New York Criminal Procedure Law); 13-year-olds charged with second-degree murder are similarly classified. In such cases, juveniles may receive sentences of up to fifteen years of deprivation of liberty prior to eligibility for parole. In Romania, placement in a detention centre is ordered for a period of two to five years under Article 125 of the Criminal Code; however, where the offence carries a statutory penalty of twenty years or more, or life imprisonment, this may be extended to a minimum of five and a maximum of fifteen years, with execution taking place in juvenile facilities.

Finland presents a distinctive configuration, as it does not operate a separate juvenile justice system but instead provides for specific provisions applicable to individuals under the age of 18. In particular, where the offence committed is punishable by life imprisonment, the maximum deprivation of liberty for individuals aged between 15 and 18 is set at twelve years under Chapter 2c, Section 2 of the Finnish Criminal Code, extendable to fifteen years where a joint sentence is imposed under Chapter 7.

As a common feature, these jurisdictions rely on adult criminal law to define the circumstances in which longer periods of deprivation of liberty may be imposed. In these systems, tension with international standards does not arise primarily from the existence of such sanctions, but from their potential duration. Nevertheless, the exceptional nature of

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their application allows them to be situated at a medium level of compatibility with those standards, insofar as the logic of *ultima ratio* is not entirely displaced. However, this configuration raises concerns in relation to the principle of brevity and the resocialising purpose of juvenile justice, revealing a tension between the formal exceptional character of the measure and its potential intensity, thereby producing an unstable balance between the demands of social protection and the rights of the juvenile.

A third group—arguably the most problematic from the perspective of international standards—comprises those systems in which exceeding the ten-year threshold is not an exception linked to the seriousness of the offence, but rather a structural consequence of the normative design. Within these systems, two main mechanisms of expansion can be identified.

The first is referral to the adult penal framework. In the Italian and French systems, the duration of custodial sanctions is constructed as a reduction of the penalty provided for adults, meaning that the maximum limit is not autonomous but derivative. In Italy, penalties imposed on juveniles aged 14 to 18 are reduced by up to one third of the adult sentence (Criminal Code, Arts. 98 and 65(3)), meaning that a homicide conviction (ordinarily 21 years) results in a sentence of 14 years; for offences punishable by life imprisonment, the minimum custodial sentence may not be less than ten years (Art. 67). In France, custodial sanctions imposed by juvenile courts must be exceptional and specifically justified (*Code de justice pénale des mineurs*, Arts. L121-4-5 and L123-1), may not exceed half the penalty prescribed for adults, and are capped at twenty years where the offence carries life imprisonment (Art. L121-5). This adjustment does not prevent the imposition of very long durations in serious offences, raising the question of whether a quantitative reduction of adult penalties is sufficient to ensure the necessary qualitative differentiation of the juvenile system. The underlying logic thus resembles a mitigation of adult punishment rather than the configuration of a sanctioning regime specifically adapted to the characteristics and needs of juveniles.

The second mechanism consists of indeterminacy or temporal extension derived from structural factors, such as age limits for remaining in juvenile institutions or the possibility of transfer to the adult prison system. The jurisdictions of Texas and California combine these elements through hybrid mechanisms that may result in very long periods of deprivation of liberty. In Texas, juveniles may be subject to determinate sentences of up to forty years for offences specified in Sections 54.04 and 54.05 of the Family Code, with the possibility of serving these sentences within the adult prison system depending on conduct while in the custody of the Texas Juvenile Justice Department. In California, custodial sanctions within the Division of Juvenile Justice are limited by whichever threshold is reached first: the maximum determinate sentence applicable to adults, or the upper age limit of juvenile jurisdiction (25 years). In Poland, the Juvenile Act (26 October 1982) establishes indeterminate custodial sanctions, with juveniles placed in correctional facilities required to be released upon reaching the age of 21; in exceptional cases, however, young adults over that age may be transferred to an adult prison to continue serving their sentence. This indeterminacy may generate situations of prolonged uncertainty incompatible with the principle of legality and with the requirements of foreseeability in penal responses. Moreover,

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the possibility of execution in adult institutions directly challenges the principle of specialisation of the juvenile system and its educational and reintegrative purpose.

The empirical patterns identified in relation to the duration of custodial sanctions make it possible to construct a typology of criminal policy configurations based on the potential intensity of custodial intervention.

Thus, a first group includes jurisdictions that establish a clear and autonomous limit on the deprivation of liberty for juveniles (Portugal, Germany, and Spain), excluding the possibility of exceeding the ten-year threshold or restricting it to strictly exceptional cases. In these systems, the duration of custodial sanctions functions as a mechanism for restraining punitiveness and reinforces the differentiation of the juvenile system, in line with the principles of brevity and exceptionality required by international standards.

A second group comprises systems in which deprivation of liberty may exceed this threshold exclusively in cases of extreme seriousness (England and Wales, New York, Romania, and, with qualifications, Finland). In these jurisdictions, long-term sanctions do not form part of the ordinary design but are reserved for particularly serious offences, placing them in an intermediate position: the *ultima ratio* logic is formally maintained, albeit with tensions in relation to the principle of brevity.

Finally, a third group includes jurisdictions in which the possibility of imposing sanctions exceeding ten years constitutes a structural feature of the model (Italy, France, Texas, California, Florida, and Poland). In these cases, the duration of custodial sanctions is not defined autonomously but derives from referral to adult criminal law, the indeterminacy of measures, or mechanisms of institutional transfer. This configuration enables the imposition of very long periods of deprivation of liberty and generates a high degree of friction with international standards, as it brings the juvenile response closer to the logics characteristic of the adult penal system.

Table 3 summarises these patterns, classifying jurisdictions according to the potential intensity (duration) of custodial sanctions and their degree of alignment with the principle of deinstitutionalisation.

Table 3.

Patterns of the duration of custodial sanctions and alignment with the principle of deinstitutionalisation

Pattern	Jurisdicctions	Characteristics	Alignment with the principle of deinstitutionalisation
Normative restraint pattern	Portugal, Germany, Spain	Clear and autonomous maximum ≤10 years	High
Aggravated exceptionality pattern	England and Wales, New York, Romania, Finland	>10 years only in cases of extreme seriousness	Medium
Structural punitive pattern	Italy, France, Texas, California, Poland, Florida	>10 years as a structural feature of the system (referral to adult law, indeterminacy, or transfer mechanisms)	Low

Source: own elaboration

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3.2.3. Integrated typology of deinstitutionalisation configurations: frequency and intensity of custodial sanctions

The analysis of the duration of custodial sanctions introduces an additional dimension that allows for a more nuanced interpretation of the results derived from their use. While the frequency of custodial sanctions provides information on their position within the system's repertoire of sanctions, the maximum duration of such sanctions makes it possible to assess the potential intensity of penal intervention.

Given that both indicators capture complementary dimensions of the principle of deinstitutionalisation, their joint consideration is methodologically necessary in order to avoid partial interpretations of the functioning of juvenile justice systems. Indeed, a low use of custodial sanctions does not necessarily imply a lower intensity of penal control if it coexists with the possibility of imposing long-term sanctions; conversely, a higher frequency of confinement may be mitigated by the existence of strict temporal limits.

The integration of both analytical dimensions makes it possible to construct a more precise typology of criminal policy configurations in the field of juvenile justice.

Thus, in jurisdictions such as Germany and Portugal, a pattern of consistent deinstitutionalisation can be observed, fully aligned with international standards, in which deprivation of liberty occupies a clearly marginal position within the juvenile justice system and is, moreover, subject to strict temporal limits. In these cases, custodial sanctions effectively retain their character as *ultima ratio*, both in their use and in their duration, functioning as an exceptional measure within a system primarily oriented towards educational and community-based responses.

The Spanish case can be characterised as a normative restraint pattern, in which deprivation of liberty maintains a significant presence in practice but is subject to clearly defined maximum limits of an exceptional nature. This configuration reflects a tension between the persistence of a certain centrality of custodial sanctions in the penal response to juvenile offending and the incorporation of normative safeguards aimed at containing their expansion, placing the system in an intermediate position in terms of alignment with the principle of deinstitutionalisation.

A third configuration corresponds to a nominal deinstitutionalisation pattern (Finland, Poland, England and Wales, Texas), characterised by a low or moderate use of custodial sanctions that nonetheless coexists with the possibility of imposing long-term sanctions. In these systems, the reduced frequency of confinement does not necessarily translate into a lower intensity of penal control but may instead coexist with high levels of potential custodial intervention. This dissociation between use and intensity reveals internal tensions in the configuration of the system and calls into question the effective implementation of the principle of deinstitutionalisation.

Alongside these patterns, configurations of mixed punitive intensification can be identified (New York, Romania, France, Italy), in which custodial sanctions occupy a relevant position within the system of sanctions, but their duration does not follow a uniform indicator. Instead, it combines cases of exceptional seriousness with structural elements that allow for prolonged interventions. This internal heterogeneity gives rise to systems in which

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punitive intensification is not entirely consistent, yet sufficient to place them at low levels of alignment with the principle of deinstitutionalisation.

Finally, a structural punitive intensification pattern can be identified (California, Florida), in which custodial sanctions not only occupy a central position in practice but may also reach extended durations because of the normative design itself. In these cases, deprivation of liberty is fully integrated into the ordinary response to juvenile offending and approximates, both in its frequency and intensity, the logics characteristic of the adult penal system, thereby evidencing a significant departure from international juvenile justice standards.

Taken together, these patterns make it possible to identify different criminal policy configurations based on the combination of the use of custodial sanctions and their potential duration, as well as their degree of alignment with the principle of deinstitutionalisation. Table 4 summarises this integrated typology.

Table 4.

Integrated typology of deinstitutionalisation configurations: relative frequency and duration of custodial sanctions

Criminal policy configuration	**Jurisdictions**	**Relative Frequency of Custodial Sanctions**	**Duration of Custodial Sanctions**	**Alignment with the Principle of desinstitutionalisation**
Consistent deinstitutionalisation	Germany, Portugal	Marginal	Limited	High
Normative restraint	Spain	Frequent	Limited	Medium–High
Nominal deinstitutionalisation	Finland, Poland, England and Wales, Texas	Marginal (Finland, Poland) / Low (England and Wales, Texas)	Exceptional (Finland, England and Wales) / Structural (Poland, Texas)	Medium
Mixed punitive intensification	New York, Romania, France, Italy	Frequent (New York, Romania) / Marginal (France, Italy)	Exceptional (New York, Romania) / Structural (France, Italy)	Medium–Low
Structural punitive intensification	California, Florida	Frequent	Structural	Low

Source: own elaboration

The typologies identified demonstrate that deinstitutionalisation cannot be assessed solely in terms of a reduction in the use of custodial sanctions but also requires consideration of their potential intensity. The interaction between these two dimensions reveals divergent criminal policy configurations and varying degrees of alignment with international standards. In this way, the analysis provides a more precise comparative account of the role played by custodial sanctions in contemporary juvenile justice systems.

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3.3. Integrated analysis of juvenile justice systems based on the principles of decriminalisation and deinstitutionalisation

The preceding analysis has examined separately two fundamental dimensions of international juvenile justice standards: on the one hand, the delimitation of access to the penal system through the minimum age of criminal responsibility (principle of decriminalisation), and, on the other, the intensity of institutional intervention, particularly through the use and duration of custodial sanctions (principle of deinstitutionalisation). However, the assessment of the degree of alignment of the different jurisdictions, from a comparative perspective, can be further refined through an integrated approach that considers both dimensions jointly based on the indicators analysed.

The combined analysis of the results shows that the structural coherence of juvenile justice systems does not depend solely on the threshold governing access to the penal system, but also on the way responses are articulated once the system has been activated. Thus, jurisdictions can be identified which, despite establishing relatively high minimum ages of criminal responsibility and aligning with the principle of decriminalisation (such as Germany, Spain, or Finland), display significant differences in the intensity of their institutional intervention. Some systems maintain a frequent use of custodial sanctions or allow for potentially prolonged durations (as is the case, to varying degrees, in Spain and Finland), thereby introducing tensions in their overall level of alignment with international standards.

By contrast, other legal systems exhibit a greater degree of coherence between both dimensions, combining restrictive access thresholds with a residual use and limited duration of custodial sanctions (as in Germany and Portugal). These systems reflect a higher level of conformity with international standards, as they consistently integrate the requirements of decriminalisation and deinstitutionalisation.

On this basis, the integrated analysis makes it possible to construct a typology of criminal policy configurations according to their degree of structural coherence in relation to the principles of decriminalisation and deinstitutionalisation.

First, it is possible to identify guarantee-based configurations (Germany, Portugal), in which early exclusion from the penal system is accompanied by a low intensity of institutional intervention. In these systems, deprivation of liberty occupies a clearly marginal position and is subject to strict temporal limits, reflecting a consistent integration of the principles of decriminalisation and deinstitutionalisation.

A distinct position is occupied by configurations of normative restraint combined with intensive use (Spain), characterised by an adequate delimitation of access to the penal system but a frequent recourse to custodial sanctions. Although these are formally limited in duration, their centrality in practice introduces a significant tension with the principle of deinstitutionalisation, resulting in only partial alignment with international standards.

Alongside these, configurations of internal inconsistency can be identified (Finland, Italy, Poland), in which the different dimensions analysed do not converge at the same level of alignment. In these systems, the minimum age of criminal responsibility and the frequency of custodial sanctions may conform to international standards, while the duration of intervention introduces significant tensions. The defining feature of this model is therefore

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the lack of internal coherence between dimensions: configurations coexist in which a relatively high minimum age is combined with long-term sanctions in exceptional cases (Finland), alongside others in which formal exclusion from the penal system is accompanied by mechanisms that allow for a structural extension of intervention (Italy, Poland).

In addition, configurations of structural misalignment can be identified (England and Wales, Texas), in which the principal deficit lies in access to the penal system. In these systems, the early inclusion of juveniles constitutes the central source of misalignment, while the frequency of custodial sanctions remains relatively low. Nevertheless, the possibility of prolonged interventions intensifies this misalignment. Unlike the previous model, the inconsistency does not stem from the interaction between dimensions, but rather from a structural issue located at the level of access to the system.

Furthermore, configurations of mixed punitive intensification can be identified (France, Romania, New York), in which custodial sanctions occupy a relevant position within the system of sanctions. The defining feature of this model is the centrality of custodial intervention, combined with a heterogeneous configuration of its duration: in some cases, it is linked to situations of exceptional seriousness (Romania, New York), while in others it derives from structural elements of the adult penal framework (France). Unlike the model of structural misalignment, the issue here does not lie in access, but in the intensity and configuration of the institutional response.

Finally, structural punitive configurations can be observed (California, Florida), in which both access to the penal system and the intensity of intervention—measured in terms of the frequency and duration of custodial sanctions—are broadly configured. In these cases, deprivation of liberty is fully integrated into the ordinary logic of the system, reflecting a very low level of alignment with international juvenile justice standards.

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Table 5.

Integrated typology of juvenile justice configurations: structural coherence and alignment with the principles of decriminalisation and deinstitutionalisation.

Criminal policy configuration	Jurisdictions	Access	Relative frequency of custodial sanctions	Duration of custodial sanctions	Overall alignment
Guarantee-based	Germany, Portugal	High	Marginal	Limited	High
Normative restraint and intensive use	Spain	High	Frequent	Limited	Medium–High
Internal inconsistency	Finland, Italy, Poland	High (Finland) / Medium (Italy, Poland)	Marginal	Structural (Italy, Poland) / Exceptional (Finland)	Medium
Structural misalignment	England and Wales, Texas	Low	Low	Structural (Texas) / Exceptional (England and Wales)	Medium–Low
Mixed punitive intensification	France, Romania, New York	High (Romania) / Medium (France) / Low (New York)	Frequent (New York, Romania) / Marginal (France)	Structural (France) / Exceptional (Romania, New York)	Medium–Low
Structural punitive	California, Florida	Low	Frequent	Structural	Low

Source: own elaboration

This integrated approach makes it possible to identify criminal policy tensions arising from the interaction between the structural principles of juvenile justice. It highlights the existence of systems that comply with certain requirements of international standards regarding access to the penal system, but do not fully extend this logic to the configuration of their institutional responses, thereby giving rise to forms of partial alignment. This confirms that the assessment of the degree of conformity with international standards cannot be based on isolated indicators but requires consideration of the interaction between the different dimensions structuring intervention in respect of juveniles.

Furthermore, the analysis reveals that low levels of alignment with international standards follow distinct trajectories. On the one hand, there are systems in which the primary deficit lies in access to the penal system, due to the early inclusion of juveniles (as is the case in several U.S. jurisdictions). On the other hand, models can be identified in which tensions stem primarily from the intensity of institutional intervention, despite the existence of relatively high access thresholds (as in certain continental European systems). Finally, configurations are observed in which misalignment results from internal inconsistency between the dimensions analysed, giving rise to models in which elements of a contradictory nature coexist.

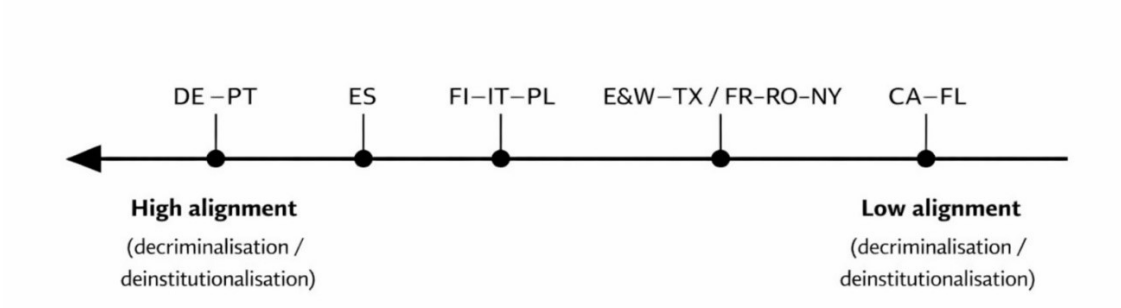
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The results can be represented graphically through a continuum of alignment with international standards (Figure 1), which makes it possible to visualise the relative position of the different jurisdictions analysed according to their degree of alignment with the principles of decriminalisation and deinstitutionalisation. This continuum follows an analytical logic based on the integrated typology (Table 5), rather than a quantitative score derived from the aggregation of indicators. The convergence or proximity of jurisdictions along the continuum does not imply structural homogeneity but may instead reflect distinct configurations depending on the dimension in which the criminal policy deficit is concentrated.

Figure 1.

Integrated continuum of alignment with international standards (decriminalisation and deinstitutionalisation)



It should be noted that all the European jurisdictions analysed are bound by the Convention on the Rights of the Child, whereas the United States—and, consequently, the state jurisdictions included in this study—has not ratified it. This element does not alter the analytical framework adopted, given that the degree of alignment with international standards examined in this study is not equated with the level of compliance with formal legal obligations. Indeed, these standards are constructed based on a broader set of sources—including soft law instruments and interpretative developments by international bodies—which operate as a common reference regardless of the degree of formalisation of state commitment. Nevertheless, the absence of ratification may help to contextualise some of the divergences observed in the results.

Ultimately, the combined analysis of the principles of decriminalisation and deinstitutionalisation demonstrates that the degree of alignment with international juvenile justice standards must be understood in relational rather than fragmented terms, with coherence between access to the system and the intensity of intervention constituting a central element for its proper assessment.

4. Discussion

This study provides a comparative analysis of juvenile justice systems based on their degree of alignment with international standards, taking as its central axis the principles of decriminalisation and deinstitutionalisation and using as its empirical foundation the results

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derived from the RIMES instrument. This approach has made it possible not only to identify differences across jurisdictions, but also to delineate criminal policy configurations and to suggest comparative typologies that facilitate their interpretation in structural terms.

With regard to the principle of decriminalisation, the analysis confirms that the minimum age of criminal responsibility constitutes a central criterion for delimiting access to the penal system, although its configuration exhibits significant variation. While European systems—such as Germany, Spain, or Finland—tend to operate at relatively high thresholds, other legal systems allow for penal intervention at earlier ages or introduce exceptions linked to the seriousness of the offence, as is the case in several U.S. jurisdictions. The findings also show that formal exclusion from the penal system does not always translate into effective substantive decriminalisation, insofar as quasi-penal forms of institutional intervention may persist.

As regards the principle of deinstitutionalisation, the results indicate that the position of custodial sanctions cannot be assessed solely in terms of frequency of use. Considering both their centrality and duration makes it possible to distinguish between configurations in which deprivation of liberty retains a residual and limited character—as in Germany or Portugal—and others in which it is integrated into the ordinary penal response or may reach extended durations. Between these poles lie systems characterised by structural tensions, in which a low frequency of use coexists with a high potential intensity of intervention.

The principal contribution of this study lies in the integration of both dimensions. The combined analysis of the principles of decriminalisation and deinstitutionalisation makes it possible to identify different criminal policy configurations based on the structural coherence of juvenile justice systems. This integrated approach also highlights a particularly relevant finding: misalignment with international standards does not follow a single pattern, but rather distinct trajectories. In some systems, the primary deficit is concentrated in access to the penal system, whereas in others it lies in the intensity of institutional intervention or in the internal inconsistency between these dimensions. Accordingly, convergence or proximity in levels of alignment does not imply structural homogeneity but rather reflects differentiated configurations depending on the dimension in which the criminal policy deficit is concentrated.

From a methodological perspective, the study highlights the potential of the RIMES instrument as a basis for the structural analysis of criminal policy, beyond its original function as a measurement tool. The integrated use of its indicators makes it possible to construct analytical typologies that capture the diversity of existing configurations and facilitate their comparative interpretation.

Future research could extend this framework to additional jurisdictions, incorporate longitudinal data on changes in juvenile justice configurations over time, and examine the relationship between alignment with international standards and measurable outcomes in youth reoffending and social reintegration. Further work might also explore the extent to which soft law developments by international bodies translate into observable changes in national criminal policy configurations.

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In sum, the findings suggest that the evaluation of juvenile justice systems in relation to international standards should be approached from a relational perspective, in which coherence between access to the penal system and the configuration of institutional responses constitutes a key element for understanding their criminal policy orientation.

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