



Fiqh - Legal Assessment of the Effect of Gender Status in Determining the Age of Majority and Its Role in Criminal Responsibility

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ABSTRACT: Determining the age of maturity in boys and girls is one of the important and complex issues in fiqh and law. Although well-known scholars of Imamiye believe that the age of majority is based on the definition of sexual maturity: 9 lunar years for girls and 15 lunar years for boys, according to the verses and hadith as well as the views of other scholars and the public Imamiye Scientific Research and the wide variety of its effects on adults, it is appropriate to focus on the comments that tend to increase the age of majority and reinforce these ideas. Since the age is just an evidence of majority, the determined age is inconsistent with the realities of adulthood and its consequences. One of the most important associated issues is to determine criminal responsibility for mature adults and to avoid punishing non-mature ones. One can realize that punishing individuals solely based on their age (9 or 15) and ignoring other related facts, does not seem appropriate.

Received 21 Jan. 2014
Accepted 24 Feb. 2014

ORIGINAL ARTICLE

Key Words: Age, Gender, Majority, Criminal Responsibility

INTRODUCTION

The Problem of determining majority and its signs is one of the major issues in the field of fiqh and law and there is not a unique agreement among jurists in this regard.

After Islamic revolution of Iran in 1979, all the rules should be Islamic according to the fourth principle of Iran constitution, so the age of majority was determined accordingly: the age of majority in boys is 15 lunar years and in girls 9 lunar years, which is consistent with the majority of the views of famous scholars and fiqh books. But this view was not supported by all religious scholars and some experts believe that it can be evaluated, or at least do not accept it as a general rule in all circumstances.

This paper investigates the age of puberty and compares the different related views between Imamiye and Shi'a scholars and looks at "puberty" in some countries, to emphasize that "puberty" cannot be accepted as a conclusive presumption and evidence of "Majority", especially among girls, and at least in criminal and punishment matters, more attention should be given to the other signs of majority.

Section 1: Definitions of Maturity, Puberty, and Majority

"Maturity" means to achieve the end goal in terms of destination, location, time, or a given affair [1]. The "Al-Misbah Al-Munir" defined "Majority" as: "The word "Majority" means to reach or to approach; it also means "autoerotism", "perception" and "puberty" [2]. "Puberty" is also defined as the formation and the onset of sexual activities [3].

According to "Smith" and "tire", "Puberty is the period of time that lasts about several years during which secondary sexual development, and the physical ability of reproduction occurs [4]. Also in the book "The Psychology of Adolescence", "puberty" is defined as: "the emergence of sexual instinct in a child which is the source of many changes and makes the person feel differently about "behavior" [5].

Section 2: Maturity from a Scientific Perspective

1 - Characteristics of pubertal development stages

Scientific research suggests that puberty is not a phenomenon that occurs once you reach a certain age, but the age of puberty is a process that begins with the emergence of some signs, continues through a period of time which may be different among people, and ends at the end of the mentioned period. Here we examine the characteristics of individuals in their puberty:

One of the main Characteristics of puberty is the rapid physical and mental growth of the child in normal conditions. The signs usually begin at the age of 11 and ends at age of 16 in girls, and it usually begins at the age of 12 and ends at age of 18 in boys. Before Adolescence, physical growth in boys is generally more than girls, but at

the start of adolescence it becomes reverse and it takes 2 to 3 years until the age of 15 in which boys surpass the girls again [6].

Ejaculation, facial hair growth, and voice changes are specific signs of puberty in boys, and on the other side, menarche (menstruation) is the phenomenon of delayed puberty in girls. The relationship between menarche and the peak of growth is relatively constant, because menarche happens after the peak of growth.

2 - Puberty and the factors affecting it

The age of puberty is not equal among individuals, and puberty may be different from country to country or even from city to city due to various factors (which will be discussed later).

Many researchers have studied puberty and determined the average age of puberty in some areas. Some of them are discussed below:

A research on 10000 Iranian adolescent boys and girls in Tehran and other cities shows that the average age of puberty in is 13.3 for girls 14.5 for boys [7]. Also, Medical Encyclopedia determines that the age of puberty varies from 14 to 17 for boys and from 14 to 16 for girls [8].

In the United States of America, research shows that the range of normal age of menarche (menstruation) is 9.1-17.7 (average=12.8) for American girls. Another study in the same country suggests that puberty begins in boys and girls at the age of 9 to 14 and 8 to 13, respectively. In North America, the age of menarche (menstruation) in girls varies from 9.1 to 16.2.

Dr. Jazayeri believes that: "the average age of puberty for 95% of boys is 14.5, but can be varied from 8 to 18 [9].

The average age of puberty varies among different races. English and American girls attain puberty later than Indian girls, and even some researchers have estimated that the average age of puberty European girls decreases about three to four months every ten years [10].

According to Prof. "Novak", puberty occurs earlier in cities than the villages and rural residents [8]. In poor countries of Southern Africa, the average age of puberty is 15.4, while the average age of menarche is 18.8 in "New Guinea" due to the very bad economic situation. The average age of menarche in cold countries is more than the tropics; For example, the Russian girls experience menarche at the age of 15.8, while the average age of menarche is 16 in Greenland.

Some people may experience abnormal early or late puberty. Early puberty in boys under the age of 9 refers to as "virilizing", however, cases of precocious puberty have also been reported in boys at the age of 3 [9].

On the other hand, abnormal puberty may appear as delayed puberty. Delayed puberty is a rare phenomenon in girls and only 1% of girls experience menarche at the age of 18, and the absence of breast buds at age of 13 is probably abnormal.

Section 3: Maturity from the view point of the Holy Quran

The Quran interprets maturity in three terms including: Marriage Maturity, Sexual Puberty, and Extreme Majority which are discussed below:

1 - Marriage Maturity: "And test the orphans [in their abilities] until they reach marriageable age"...

2 - Sexual Puberty: "Ghamous Al-Mohit" defines Sexual Puberty and autoerotism as sexual intercourse at sleep. "O you who have believed, let those whom your right hands possess and those who have not [yet] reached puberty among you ask permission of you [before entering] at three times"...."And when the children among you reach puberty, let them ask permission [at all times] as those before them have done"....

3 - Extreme Majority: Extreme majority is when cognitive thoughts and physical strength become active and childhood ends [11]... The author of "Al-Mizan fi Tafsir Al-Quran" defines "Extreme Majority" as a combination of both puberty and mental development. The "Al-Bayan fi Tafsir Al-Quran" interprets "Extreme Majority" as follows:

"The word "Extreme" means "Strong" and a "Major" one should be strong in his affairs; he should distinguish between right and wrong; he should not be idiot and be brave".

In addition to the above comments regarding the interpretation of the word "Extreme", some commentators take the word means puberty and sexual maturity, some believe that it means perfection and wisdom, and others interpret it as the age of thirty-three [11].

It is worth noting that the phrase "Extreme Majority" is used eight times in the Quran:

"And do not approach the orphan's property except in a way that is best until he reaches extreme majority"...

"And when Joseph reached extreme majority, we gave him judgment and knowledge"...

"And do not approach the property of an orphan, except in the way that is best, until he reaches extreme majority"...

"So your Lord intended that they reach extreme majority and extract their treasure"...

"...then we bring you out as a child, and then [We develop you] that you may reach your [time of] extreme majority"...

Translation: "And when he attained his full strength and was [extremely] major, we bestowed upon him judgment and knowledge"...

"It is He who created you from dust, then from a sperm-drop, then from a clinging clot; then He brings you out as a child; then [He develops you] that you reach your [time of] extreme majority, then [further] that you become elders"...

“And we have enjoined upon man, to his parents, good treatment. His mother carried him with hardship and gave birth to him with hardship, and his gestation and weaning [period] is thirty months. [He grows] until, when he reaches extreme majority and reaches [the age of] forty years...”

DISCUSSION

According to the mentioned verses, “age” is nowhere referred to as the maturity criteria in the Quran, and reaching marriage maturity, sexual puberty and extreme majority are used instead. Perhaps the philosophy is that the age of puberty cannot be the same in terms of time and place, and as experts believe, several factors such as geographic and climatic conditions can affect the age of puberty. In accordance with our religious beliefs, Islam is inclusive and universal and therefore determining a unique age of puberty is not wise, and the Holy God is free of that.

Section 4: Majority from the view point of Islamic narratives

Many narratives are quoted about majority, and we will mention some of them below. We fundamentally divide the narratives about majority into three categories. First, those account the age of puberty as the only criterion of majority. These narratives have different ideas about the age of puberty and are in conflict with each other. Second, those consider other characteristics such as autoerotism and Menstruation as the criterion of majority. Third, those consider the combination of two mentioned categories.

1 - Narratives considering the age of puberty: “Yazid Kannasi” quotes from Imam Muhammad Baqir (AS) as told that: “When a girl reaches the age of 9 years, she is not considered as an orphan and she can be a man's wife, and all the Islamic Penal (against or in favor of her) is executable”[12]. “Hassan Bin Rashid” quotes from Imam Hassan Askari as told that: “When a boy reaches the age of 8, he is allowed to involve on his property and he must be aware of his religious duties; this is applicable for girls at the age of 7”. “Abu Hamza Somali” cites that: “I asked Imam Muhammad Baqir (AS): When must a child be aware of his religious duties? He said: when he is the 13 or 14 years old. I asked: but they are not physically mature at such an age. He said: though they are not physically mature but they are aware of their religious duties and all the Penal (against or in favor of them) is executable”.

2 - Narratives considering sexual maturity: It is quoted in a valid narrative from Imam Jafar Sadiq (AS) that: “A girl was brought to Imam Ali (AS); she was a thief but she had not yet experienced menarche; Imam Ali (AS) whipped her, but he did not cut her hand [12]. Also, Imam Musa Kazim (AS) was asked about Hajj of a ten-year-old boy. He said: “When boys experience autoerotism and girls experience menarche, Hajj is obligatory upon them” [12].

3 - Narratives considering both the age of puberty and sexual maturity: “Abdullah bin Sinan” quotes from Imam Jafar Sadiq (AS) as he said that: “When a boy reaches the age of 13, his own actions are in his favor and his body's actions are written against him, and he would be punished for his guilt. Girls are the same when they reach the age of 9 and they also experience menarche at this age” [12].

“Ammar sabati” cites that: “I asked Imam Jafar Sadiq (AS) when prayers become obligatory for boys? He said: When they are 13 years old and if they experienced autoerotism before that, prayer would be obligatory upon them since then. Girls are the same as boys in this case, when they are 13 years old or if they experienced menarche before that, prayers become obligatory upon them” .Investigating the mentioned narratives, it is concluded that:

a) Narratives considering the age of puberty as the only criteria of “Majority” are different and conflict with each other.

B) A question that can be raised is that: “Who were the people having had these questions about majority?” The answer is people from Saudi Arabia or Iraq had these questions and they received the mentioned answers in response to their question according to their time period (about fourteen centuries ago), geographical and climatic environment, and physical circumstances of Saudi and Iraqi people. So, according to the narratives, age is not a circumstantial evidence for majority and the expressed age of 9 years and 15 years is just a circumstantial evidence for that time period (14th century).

Section 5: Majority from the view point of Scholars

1 - Imamiye scholars: Imamiye scholars believe that “Majority” can be determined considering some factors, but they are not in unison with each other and their views are different in some cases. Below we refer to some the views in this field: - “Sheikh Tusi” suggests that: “there are 5 factors to identify “Majority”: (1) autoerotism, (2) pubic hair (Anbat), (3) Age, (4) menarche, and (5) Pregnancy. Three of them (autoerotism, pubic hair, and age) are common between girls and boys and the other two (menarche and pregnancy) are just allocated to girls” [13].

-“Sheikh Tusi”, in his book “Al-Nahaya”, believes that the age of Majority is nine or ten years for girls [13].

- “Ibn Idris” in “Al-Sara’ir” suggests that: “The signs of Majority in men include: autoerotism, pubic hair, and completing 15 lunar years and for women: menstruation, pregnancy and completion of 9 lunar years” .As can be seen, “Ibn Idris” unlike “Sheikh Tusi” allocates autoerotism and pubic hair just to men.

- “Mohaqiq Hilli” believes that: “age (15 lunar years for boys and 9 lunar years for girls), coarse pubic hair, and autoerotism are signs of Majority, but pregnancy and menstruation in girls are not signs of Majority, they are just signs of precocious puberty .

- "Mohammad Javad Ameli", however, believes that considering menstruation as a sign of majority by scholars should be considered as a glance.

- Also, "Sahib Sharaya" suggests that famous jurists consider autoerotism as a sign of majority. "Imam Khomeini" says that: "the known signs of Majority in males and females are: (1) the growth of coarse pubic hair (below the navel), and the fine hair in some parts of the child's body is not a sign of puberty; (2) ejaculation or intercourse while you are awake or asleep; (3) completing 15 years in boys and nine years in girls" [14].

- "Mohammad Fazel Lankarani" and "Hossein Nouri Hamadani", as well as other contemporary scholars agree Imam Khomeini's point of view about these three signs of Majority.

- Among contemporary scholars, Ayatollah "Yousef Sanei" provides a new and hesitant point of view about the terms of Majority. He says: "Signs of Majority are as follows: (1)) the growth of coarse pubic hair, (2) ejaculation, (3) menstruation, and (4) If none of the above signs did not fulfill, the age criterion would be considered which is being 15 years old for boys and 13 years old for girls" [15]. "Mohaghigh Kashani" also believes that girls mature at the age of 13 lunar years.

- Some scholars, including "Ibn Saeed" and "Ibn Hamza" suggest that Majority in girls occurs when they have completed the age of ten.

One may ask that: "What are the signs and symptoms of Majority in androgynous?" To answer this question, I went to several religious books but I could not find an answer. However, one of the contemporary scholars was of the opinion that Majority takes place in androgynous when the person can distinguish between rights and wrongs.

Another question: "is Majority a developmental phenomenon or an obedient one?" To answer this question, we review the views of some scholars. Many scholars and jurists considered the age of Majority as an obedient sign. Famous scholars, also agree that completing the age of 15 lunar years for boys and 9 lunar years for girls is an obedient sign of Majority. This explains, for example, if a girl aged 9 lunar years, but there is no evidence of any physical signs of puberty, such as menstruation, she is considered as a Major person and she is responsible for all her actions.

In this regard, "Allameh Helli" says: "The criteria of being underage for girls is to be under the age of nine, because a girl does not menstruate when she is less than nine years old. The Lord created menstruation to feed the embryos in the uterus of women and girls do not have the ability to be pregnant when they are less than nine years old, so menstruation does not occur under this age. Similarly, Semen is the essence of embryonic development and growth. The emergence of these two phenomena does not take place in childhood. The lowest age for a girl to menstruate is 9; therefore the likelihood of majority in girls increases at this age".

"Age" is used to remove doubts, therefore, if there is any doubt in child's Majority, "age" can be considered as the evidence of it. Obviously, the meaning of this statement is not that "age" is the conclusive presumption and evidence of Majority, even if we absolutely know that a child is not major at a certain age.

For example, if you are sure that a girl is not sexually mature at the age of 9, this age cannot be considered as a sign of Majority. Although we know that Majority is not a religious fact to be realized by age, but it is a real truth and it does not need "the Fatwa of Mujtahids" and "Taqlid" is not permitted in this case; and each obliged person must recognize whether he/she is sexually mature or not.

Rejecting the realization of Majority at the age of 9, "Ayatollah Jannati" is of the opinion that the age of Majority for girls is realized when they experience menarche or reach the age that puberty normally emerges; he says, "taking this approach that "Ijtihad" changes over time and circumstances, we can say that the issue of determining the age of 9 as the criterion of Majority is devoted to the time of narratives and it is not reliable at this time, because girls in the days of Innocents (14 centuries ago) had the signs of puberty (menstruation and the ability for pregnancy) at the age of 9. So we can say that the age of 9 is not relevant for Majority, but it is the credo" [16].

"Ayatollah Sanei" is of the opinion that: "a person who distinguishes how bad a crime is, has reached "Punitive Growth". I.e. the person knows the consequences of what he/she does and is aware of its certain punishment. The person who has reached "Punitive Growth" is punishable and a human being generally knows the guilt of a crime much before puberty. However, Islam connects Majority to the occurrence of masculinity and femininity. Accordingly, childhood ends for most of the girls at the age of 13 and for most of the boys at the age of 15 [15].

2 – Sunni Scholars: Since, the Quran does not set a certain age as the age of Majority, there are remarkable differences between Sunni (Hanafi, Maliki, Shafi'i, and Hanbali) and Shia when they discuss about determining this age.

2-1 – Hanafi: Hanafi scholars believe that Majority in boys occurs with autoerotism and ejaculation, and in girls with menstruation and pregnancy. If any of these signs did not appear, according to "fatwa" of "Mojtahids", the age would be the criterion of Majority and it is when girls and boys reach the age of 15 [17].

2-2 – Maliki: Maliki scholars believe that the signs of Majority are as follows:

Ejaculation either asleep or awake, menstruation and pregnancy for women, coarse pubic hair (but fine pubic hair, mustache, and beard are not signs of majority), armpit hair, splitting the cartilage of the nose, changing of the voice. But, if any of these signs did not appear the age would be the criterion of Majority and it is when girls and boys reach the age of 18 [17].

However, "Malik bin Anas", the head of Maliki school (madhhab), considers Majority as a natural affair and believes that age is not valid for it.

2-3 - Shafi'i: Shafi'i scholars believe that the age of Majority is 15 lunar years for boys and girls, and have also determined other criteria as the indications of Majority as follows: Ejaculation: if the boy is 9 years old or more, otherwise ejaculation would not be a sign of Majority because it is the symptom of a disease. Menstruation: it is possible to start in girls at the age of 9 [17].

2-4 – Hanbali: Hanbali scholars believe that signs of Majority include: Ejaculation of semen during sleep or wakefulness, rough coarse pubic hair, reaching the age of 15 lunar years, menstruation, and pregnancy.

"Abu Dawood" considers Majority as a natural affair and believes that age is not valid for it.

Also according to the Hanbali scholars, Majority occurs in the pregnant women at least six months before giving birth [17].

2-5 - Sunni Scholars' reasons for determining the age of Majority: As we can see, except Maliki scholars who have determined the age of 18 as the age of majority, other Sunni schools determined the age criterion of 15 years for boys and girls to reach majority. Note that this age criterion would be the sign of majority, if other signs did not appear in person.

"Abdul Qadir Odeh" says: "Since the normal signs of puberty can be sometimes early or delayed, it was decided to determine the age of majority. Those who determined the age of 15 for girls and boys as the age of majority believe that what it is actually effective in responsibility and judgments is mental development and the growth of "reason" and autoerotism is religiously considered as the evidence of majority because the perfection of reason is not usually delayed from the age of 15. If a person does not experience autoerotism, there can be damage in his creation not in his "reason". If his reason is not permanently damaged, such a person should be considered as an adult when it is required to make judgments.

On the other hand, Those who determined the age of 18 or 19 for girls and boys as the age of majority believe that majority have been religiously addressed by autoerotism and until we are not able to determine if it is certainly going to occur or not, immaturity shall not be resolved. Also, since it is possible for the person to experience autoerotism, he cannot be considered as an immature one. I.e. it is obligatory to wait until there is not any possibility for autoerotism to occur and autoerotism is expected to occur within the time period of 15 to 18 or 19 years. After this period, it is not likely that autoerotism will happen, so it is not valid as a criterion anymore." [18].

Section 6: Majority and Criminal Responsibility

Criminal responsibility which means accepting the penalty and punishment for a crime is imposed on those who have some conditions including majority, physical and intellectual development. In other words, a person can be punished if his wisdom is perfect and certainly distinguishes between right and wrong along with reaching physical growth. Some jurists differentiate between majority as criteria for religious responsibility or civic responsibility, and criminal majority which will not be obtained when a person reaches the age of puberty. They believe that punishing individuals under 15 is contrary to Justice.

Considering the importance of this issue, and as it has been mentioned by some jurists, the age of puberty which is an evidence for physical maturity, should not be considered as the only circumstantial evidence of majority at least for criminal cases. Therefore, punishing a 9-year-old girl who may not have the complete distinction power is contrary to the rules of justice. In this regard, the criminal judge needs to consider other signs of majority in addition to evidence of age (which is differently determined by different scholars or in different countries), so that the punishment could be effective, corrective and deterrent.

The new Islamic Penal Code adopted in 1392, considers some new regulations about children and adolescents in Article 88 to 95. Some of them include changes in the criminal responses to children comparing with the previous law. This is not applicable to the age of majority, as Article 147 of IPC, determines the age of majority in boys and girls equal to 15 and 9 lunar years, respectively; and on the other hand, exempts immature people from criminal responsibility.

The only Article that has been predicted in the new Islamic Penal Code and can be considered as a change in the field of criminal responsibility and majority is the Article 91 which suggests: "in cases that Hadd or Qisas is the determined penal for crimes in individuals less than 18 years old, if they do not understand the nature of the crime or there is any doubt in their intellectual development, depending on their age, they shall be condemned according to the penalties provided in this chapter."

In addition to the criterion of the age of majority, the judge should also pay attention to other items. However, this is an effective step in modification of age criterion. Children as well as those who are under 18 years old could get very good and reasonable supports in this area and also it will be emphasized that "age" is not a definite and precise standard in criminal law, and it is only an indication that its contrary can be proved.

CONCLUSION

A) Famous Imamiye scholars are of the opinion that majority takes place in boys at the age of 15 and in girls at the age of 9 lunar years and they consider majority as an obedient issue, but the famous quote is not consistent with the fact that:

1-After a large body of investigations, scientists and biologists concluded that puberty is a natural and developmental issue which can be affected by a number of factors such as social conditions, environmental and geographical factors, the quality and quantity of nutrition, race, physical and mental health, heat and cold, obesity and impotence, strenuous physical exercise, etc. therefore, onset of puberty may vary from country to country.

2-According to the research conducted in Iran, the determined age of puberty (9 years) in any way is not consistent with the reality of our society, for example, findings from two surveys in the field of the menstrual age shows that the percentage of girls who experienced menarche at ages between 9 and 9.99 was 0.787% and 1%, whereas research has been conducted based on the solar years and if the lunar years is the criteria these percentages will be even lower. Accordingly, the age of 9 cannot be considered as the evidence of majority for girls in our society.

3- There are 11 verses in the Holy Quran related to majority, but God did not mention any age of majority, because Islam is a religion for all the people in the world and it is not limited to a specific area, and determining a unique age of majority, considering various factors affecting it, is pointless and useless.

4-Narratives related to the age of 9 conflicts with narratives related to the age of 10 and 13, and narratives that considered menstrual criteria. Some scholars, such as "Ayatollah Bojnourdi" are of the opinion that the narratives are not conflicting; menstruation is the criteria for majority, and the age-specific narratives are imply that it is possible for girls in these ages to experience menstruation.

5-Famous hadiths say that "criminal responsibility" depends on autoerotism and have not determined a specific age for majority.

6-Narratives were based upon the questions that people of Saudi Arabia or Iraq have asked from Innocent Imams several centuries ago and these responses is based on that geographic location and time.

7-Perhaps, famous scholars considered the age of 9 for girls majority and abandoned other opposing views on this issue, because Shia scholars have taken the side of caution in their Ijtihad and they rarely have been dealt with objective issues of society and this makes Fiqh stay away from social reality, and the result is usually "hardship and suffering" (Usr wa Haraj) for Muqallids.

8-Other reason which negates the age of majority as an obedient issue is that in some narratives, the age of 9 is considered as the age of majority in girls because of the menstruation. So, the basis of criterion is the nature of puberty that menstruation is the evidence of it.

9-Assuming there is a doubt that the age of 9 is the evidence of majority, immaturity is took-over at this age.

10-Punishing a girl who has reached the age of 9, but the natural and physical signs of majority has not appeared in her, can be canceled according the rule "Dar" (exclusion).

B) In addition to age, Imamiye scholars suggest that autoerotism, pubic hair, and menstruation are known as the signs of majority.

C) Investigating the opinions of Sunni scholars, we can conclude that the scholars of Hanafi, Shafi'i and Hanbali almost agree with each other at majority except about pubic hair which Hanafi scholars do not consider it as a sign. Most scholars determined the age of majority in girls and boys at the age of 15, but Maliki scholars believe that majority occurs in girls and boys at the age of 18 and have added other signs to what mentioned above including armpit hair, changing of the voice, and splitting the cartilage of the nose.

D) Some Imamiye scholars are of the opinion that a certain age should not be absolutely determined for majority, because it is a genetic and developmental issue. This idea is not perfect, because abnormal and delayed puberty in girls may be occur, for example, a girl may experience her first menarche at the age of 18, but she cannot be considered as an immature person.

E) It seems that some scholars have views other than the famous quote. Indeed, they look more bright and optimistic to the issue of majority and determine the age of 13 or 15 for girls and boys to be major provided that other signs of majority including coarse pubic hair, menstruation, and ejaculation have not emerged. In completion, we can say that boys and girls with precocious puberty, which occurs at an abnormal and rare age, cannot be treated as mature people and their punishment should be delayed until the standard age of responsibility.

F) To determine the criminal responsibility, it is appropriate that the judge consider other effects of majority than the age of puberty from the view point of physicians and the norm of the society and try not to sentence a person solely based on his/ her age.

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