

# A Comparative Study of Juvenile Criminal Responsibility in the Criminal Law of Iran and Azerbaijan

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The paragraph beginning with “In its initial steps, Iranian statutory law...” lacks analytical coherence because it summarizes several legislative developments without explaining the jurisprudential transition from the gradual system to the immediate system of criminal responsibility. The article would benefit from a dedicated analytical discussion clarifying why post-revolutionary legislation abandoned the earlier gradual approach and how Islamic jurisprudential doctrines specifically shaped this transformation. At present, the section remains predominantly descriptive rather than analytical.

The manuscript repeatedly uses the concepts “immediate system of criminal responsibility” and “gradual system of criminal responsibility,” yet these terms are not operationally defined with sufficient theoretical precision. For example, in the sentence “The second system is the gradual system of criminal responsibility,” the authors explain the concept descriptively but fail to situate it within broader comparative juvenile justice theory. The article should engage with contemporary international scholarship on developmental criminal responsibility, child psychology, and proportional culpability.

The manuscript lacks engagement with empirical realities and judicial practice. Although the article discusses statutory frameworks extensively, it does not examine how courts in Iran or Azerbaijan actually implement juvenile criminal responsibility rules. Including case law, judicial statistics, or examples of sentencing practices would substantially improve the practical relevance of the study.

The paragraph discussing Article 91 of the Iranian Islamic Penal Code requires deeper analysis. The statement “the position of immediate criminal responsibility has to some extent been softened” is too vague for an academic legal article. The authors should explain whether Article 91 represents a doctrinal shift, a procedural safeguard, or merely a discretionary judicial exception. Additionally, the inconsistent judicial interpretation of Article 91 in Iranian courts should be addressed.

The Azerbaijani section is noticeably more descriptive than critical. For example, the discussion of Article 20-2 merely lists offenses for which criminal responsibility begins at age fourteen but does not evaluate whether these offenses satisfy

international proportionality standards. The authors should critically assess why these specific offenses were selected and whether the legislative rationale is criminologically defensible.

The manuscript would benefit from a comparative table summarizing the principal differences between Iranian and Azerbaijani juvenile criminal responsibility systems. At present, the reader must extract differences manually from lengthy textual discussions. A structured table comparing minimum age thresholds, gender distinctions, categories of offenses, sanctions, and rehabilitation measures would significantly improve clarity and readability.

Several sections contain repetitive explanations that should be condensed. For instance, the concept that juvenile justice should prioritize rehabilitation over punishment is repeated in multiple paragraphs with nearly identical phrasing. The article would gain stronger argumentative flow if repetitive normative statements were reduced and replaced with deeper doctrinal analysis.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

The section concerning international standards is underdeveloped. When discussing Rule 4 of the Beijing Rules and Article 1 of the Convention on the Rights of the Child, the authors merely reproduce normative texts without evaluating whether Iranian and Azerbaijani laws comply substantively with these standards. A more rigorous comparative compliance analysis is necessary, especially regarding proportionality, best interests of the child, and gender equality in criminal responsibility.

The manuscript suffers from a methodological deficiency because no explicit comparative legal methodology is identified. Although the study is presented as comparative, the authors do not clarify whether the comparison follows a functionalist, doctrinal, historical, or socio-legal approach. A dedicated methodology section explaining the basis of legal comparison, criteria for selecting the two jurisdictions, and analytical framework is strongly recommended.

The sentence “Azerbaijan, by adopting approaches such as a gradual system of criminal responsibility and applying identical regulations to both girls and boys, demonstrates greater conformity with international conventions and covenants” reflects a strong evaluative conclusion in the abstract without sufficient supporting comparative indicators. The authors should avoid normative conclusions in the abstract unless supported by clearly identified legal criteria and systematic comparative analysis later in the article.

The discussion of Iranian law concerning fixed Islamic punishments and retaliatory punishments is insufficiently nuanced. The manuscript repeatedly refers to “certain jurisprudential considerations” without specifying the underlying fiqh doctrines, schools of interpretation, or legal debates surrounding puberty, maturity, and discernment. The article would be significantly strengthened by identifying the exact jurisprudential foundations influencing Articles 146, 147, and 91 of the Islamic Penal Code.

The article requires clearer differentiation between “maturity,” “puberty,” “discernment,” and “criminal responsibility.” In several paragraphs, these concepts are treated interchangeably despite having distinct meanings in criminal law, developmental psychology, and Islamic jurisprudence. For example, the discussion in the paragraph beginning “Theorists of criminal development believe...” conflates sexual maturity with intellectual development without sufficient conceptual clarification.

The authors should address the inconsistency in age calculation methods in Iranian law more critically. The article notes that the end of childhood is calculated according to lunar years while adolescence is determined according to solar years, yet no analysis is provided regarding the legal uncertainty or practical judicial implications arising from this dual system. This issue deserves independent analytical treatment.

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## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.