

Conceptualizing Criminal Maturity Through Psychology: Reconsidering the Theories of Imami Jurists and Iranian Criminal Law Scholars in the Context of Objectivism and Subjectivism

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Criminal responsibility, in its potential sense, comprises three elements: cognitive capacity, freedom of choice, and knowledge of legal prohibition. In criminal law, cognitive capacity refers to an individual's ability to understand and distinguish the nature of actions and their moral and social consequences. The attainment of cognitive capacity depends, on the one hand, on the maturation of the faculty of reason and, on the other hand, on the absence of any impairment affecting this faculty. Throughout different periods of legislation, the Iranian legislature—unlike its treatment of insanity, the nature of which it has expressly clarified—has focused primarily on the criterion of criminal maturity. Consequently, criminal law scholars have devoted comparatively little attention to the concept of criminal maturity. However, determining criminal maturity necessarily requires a clear understanding of its meaning. Accordingly, using a descriptive–analytical method, the present study seeks to elucidate the concept of criminal maturity in offenses punishable by *ḥadd* or *qisās* and, in doing so, to identify the approach adopted by the Iranian legislature.

Keywords: criminal responsibility, criminal maturity, intellectual maturity.

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1. Introduction

Criminal responsibility has two dimensions: potential and actual. In both dimensions, cognitive capacity is a constituent element of criminal responsibility. The realization of cognitive capacity requires one affirmative condition and one negative condition. The affirmative condition, which is the subject of the present article, is the development and maturation of the faculty of reason. The negative condition is the absence of any impairment of cognitive capacity. Following the legislature, criminal law scholars have addressed the criteria for determining criminal maturity

in their writings and scholarly works. Under the laws enacted before the Iranian Revolution, age was the principal criterion for distinguishing and determining criminal maturity. This was because age, in addition to being readily ascertainable and comprehensible to everyone, corresponded most closely to the degree of cognitive and physical development. Under post-revolutionary legislation, following Imami jurisprudence, physical or sexual puberty was adopted as the criterion for criminal maturity. In the most recent legislative development, the Islamic Penal Code of 2013 employed both criteria. The Iranian legislature's



emphasis on the criteria for criminal maturity has resulted in comparatively limited attention being given to the concept of criminal maturity in the works of criminal law scholars.

Whenever any of the foregoing criteria is independently applied to establish criminal maturity, the significance of its underlying concept diminishes because each criterion operates as an irrebuttable presumption of the offender's criminal maturity. Accordingly, the present issue is of little relevance to offenses punishable by *ta'zir*, for which age constitutes the criterion of criminal maturity. It is likewise of limited relevance to offenses punishable by *diyah* and to *hadd* and *qisās* offenses—where, in the latter category, the offender under consideration has not attained puberty—because the absence of puberty is equated with the absence of criminal maturity. The issue becomes considerably more important when, as under Article 91 of the Iranian Islamic Penal Code, the legislature combines puberty and age as criteria for determining criminal maturity in offenses punishable by *hadd* or *qisās* and entrusts its determination to the judge. In such circumstances, the concept of criminal maturity assumes fundamental importance because establishing criminal maturity necessarily requires an understanding of its meaning. When the parameters of a concept are clearly understood, its legal consequences can be appropriately applied to achieve the objective of criminal law, namely, “that no innocent person be punished, rather than that every offender necessarily be punished.” Although the apparent simplicity and self-evident nature of maturity and intellectual development have led criminal law scholars to devote comparatively little attention to them, a meticulous examination reveals that they involve numerous complex issues. Accordingly, this article seeks, in three sections, to explain the concepts of maturity and intellectual development from the perspectives of Imami jurisprudence, criminal law scholarship, and psychology and to determine the meaning intended by the Iranian legislature.

The term *rushd* literally means guidance and reaching one's destination (Moin, 1997). Al-Raghib states in *Al-Mufradat* that *rushd* is the opposite of *ghayy*. The latter signifies a darkness in which a person loses their way (al-Isfahani, 1992). This meaning of *rushd* is also intended in the Qur'an. In several verses, God states, “Those are the rightly guided,” and “Pharaoh's command was not rightly

guided” (al-Isfahani, 1992). According to this view, *rushd*, *rashad*, and *rashadah* have the same meaning, namely guidance, rectitude, and being rightly directed. Some lexicographers, however, maintain that *rushd* and *rashad* differ: the former means “rectitude,” whereas the latter signifies “steadfastness in religion” (al-Farahidi, 1989). Others contend that *rashad* is narrower than *rushd*, because *rushd* concerns both worldly and otherworldly matters, whereas *rashad* pertains exclusively to matters of the hereafter (al-Suyuti, 1984). In civil law, the meaning of *rushd* is clear: it denotes an attribute or characteristic that enables an individual to act rationally in financial affairs (Safaei & Ghasemzadeh, 2003). The situation is different in criminal law. Despite the longstanding use of the term *rushd* in jurisprudential texts, its meaning remains unclear, and this ambiguity is also reflected in the opinions of criminal law scholars and in judicial practice.

2. Maturity as the Possession of Reason

Some scholars understand maturity as the possession of reason and regard a mature person as one who is rational (Shokri, 2016). Therefore, explaining the concept of maturity necessarily requires clarification of the meaning of reason. In criminal law, reason carries one of the following two meanings.

First, reason may refer to the normal functioning of an individual's faculty of reason, free from disturbance or dysfunction. In this sense, reason stands in opposition to insanity and, more broadly, to all mental disorders that involve some disruption in the operation and functioning of this faculty (Mirsaeidi, 2004). Reason in this sense is not only distinct from maturity but also conceptually different from it. Moreover, insanity, in its narrow sense, signifies an impairment in the normal functioning of the faculty of reason. Insanity is therefore distinguishable from intellectual deficiency and intellectual developmental disability. Accordingly, this meaning of reason does not express the concept of maturity. Whenever jurists have understood reason in this sense, they have regarded the absence of insanity—not the absence of maturity—as a condition of criminal responsibility (Najafi, 1981).

Second, reason may be understood as cognitive capacity, meaning the ability to distinguish the social rightness or wrongness of conduct and comprehend its consequences. The opposite of reason in this sense

encompasses all cognitive impairments that deprive an individual of the capacity for discernment and judgment. Reason as cognitive capacity stands in opposition to insanity, *'atah*, intellectual weakness, and *birsam*.

Insanity refers to mental disorders that impair the functioning of reason. Such impairment may affect the faculty of reason itself or other faculties that serve it, such as imagination, thought, and similar faculties (Naraqi, 1996). *'Atah* means intellectual deficiency, feeble-mindedness, or dullness (Tabatabaei, 1975). In explaining and interpreting the term *ma'tuh*, some jurists maintain that *'atah*, understood as intellectual weakness, is itself a form of insanity and therefore negates criminal responsibility, including liability to *qisās*. A “weak” person here means someone lacking reason. In a reliable narration transmitted by Abdullah ibn Sinan from Imam al-Sadiq, the term “weak” is interpreted as referring to an intellectually deficient person (al-Hurr al-Amili, 1984). Such a person suffers from diminished intellectual capacity. The term *mubarsam* refers to a person affected by an illness that causes delirium and irrational speech. Some lexicographers likewise define *birsam* as a recognized illness that causes the affected person to become delirious (al-Turayhi, 1995).

To explain insanity more precisely and depart from its conventional meaning, some jurists have employed the term “maturity” instead of “reason” (al-Allamah al-Hilli, 1993). Contrary to the interpretation advanced by some legal scholars—who maintain that al-Allamah al-Hilli used the term “maturity” to mean intellectual development rather than the absence of insanity (Aghaei Jannat Makan, 2013)—maturity, in al-Allamah al-Hilli’s view, signifies the absence of cognitive impairments affecting an individual’s faculty of reason. Accordingly, a mature person is one who, because their cognitive faculty is unimpaired, possesses discernment and judgment and can properly understand the effects and consequences of their conduct. Some criminal law scholars offer the same interpretation of maturity and intellectual development under Article 91 of the Islamic Penal Code. They argue that insanity may constitute the basis of this provision, in which case there would be nothing distinctive about the age of 18 or older (Elham & Borhani, 2015).

This understanding of maturity has several consequences. First, establishing the absence of maturity

necessarily requires an expert opinion because immaturity is a specialized matter and, like insanity, must be established through a forensic medical assessment. Second, the forensic medical authority determines the presence or absence of maturity based on specialized medical knowledge. Third, immaturity is not confined to a particular age.

It is evident that Article 91 of the Islamic Penal Code does not adopt this meaning of maturity. First, its determination does not necessarily require a forensic medical opinion. The note appended to that provision states: “To determine maturity and intellectual development, the court may request an opinion from the forensic medical authority or use any other method it considers appropriate.” The word “may” indicates that the judicial authority has discretion to refer the matter to forensic medicine for the determination of immaturity. Second, the absence of maturity is confined to persons under the full age of 18. Although the legislature did not specify the type of year intended in Article 91, an inference drawn from Note 2 of Article 88, its consistency with Article 147 of the Islamic Penal Code, and its adherence to Imami jurisprudence indicate that a lunar year is intended. Conversely, interpretation in favor of the accused and the fact that the country’s official calendar is the Solar Hijri calendar suggest that a solar year was intended. It therefore appears that individuals who are 17 years, 5 months, and 22 days old under the Gregorian-equivalent solar calculation are treated as adults for the purposes of Article 91 and fall outside the provision’s scope (Ghiasi & Sarikhani, 2016). Third, Article 91 does not appear among the provisions governing insanity; rather, it appears in the chapter addressing punishments and protective and educational measures applicable to children and adolescents. For these reasons, some scholars have advanced another conception of criminal maturity, which is discussed below.

3. Maturity as Adulthood

The most prevalent meaning of criminal maturity is adulthood. According to this view, criminal maturity relates to the progressive development of reason. The term refers to a stage in an individual’s physical and intellectual development after which that person is capable of recognizing the social rightness or wrongness of conduct and comprehending its consequences. This

perspective has two principal implications. First, determining maturity does not necessarily require an expert opinion. Second, maturity is confined to a particular developmental period. From the beginning of modern legislation in Iran, the legislature has consistently adopted this meaning of maturity. The central question, however, concerns the appropriate criterion for criminal maturity. An examination of different legislative periods reveals two possible criteria. First, puberty may constitute the criterion of criminal maturity. Linguistically, puberty means “arrival” or “attainment” (Ibn Manzur, 1994). Technically, it refers to reaching a level of physical development at which an individual becomes capable of reproduction. Following Qur’anic verses and narrations concerning puberty, and relying on the *hadith al-raf’* and the general and unrestricted scope of the rules prescribing punishments, most jurists regard physical puberty as the criterion of criminal maturity (al-Hilli, 1988; al-Khoei, 2007; Rahami, 2002). There are generally two criteria for determining physical puberty. The first is an objective criterion, namely age. Various opinions exist concerning the age of puberty and whether age constitutes a criterion independent of sexual maturation or merely a presumption of its occurrence (Bayati, 2015). The second is an individualized criterion based on physical signs, such as nocturnal emission in males, the growth of coarse hair above the genital area, and the completion of sexual maturation through menstruation in females and nocturnal emission in males. Law is intended to be applied throughout society; although individualized criteria may correspond more closely to biological reality, determining them can disrupt public order and be difficult and time-consuming. Consequently, age must necessarily take precedence over physiological signs. Article 147 of the Islamic Penal Code establishes the age of puberty as nine complete lunar years for girls and 15 complete lunar years for boys. Age is not intrinsically decisive; rather, it constitutes a rebuttable presumption of puberty (Nobahar, 2012). Evidence to the contrary may therefore be presented. Under post-revolutionary legislation, the Iranian legislature consistently applied this criterion until 2013. At present, Article 92 of the Islamic Penal Code also treats puberty alone as the criterion of criminal maturity in matters of *diyah*, assuming that *diyah* is classified as a criminal-law matter.

Second, age may constitute the criterion of criminal maturity. Some legal scholars argue that puberty is unrelated to criminal maturity and that physical puberty alone is insufficient to establish it. Criminal maturity concerns discernment and understanding and is therefore associated with mental and intellectual faculties, whereas physical puberty concerns the development of bodily faculties. The fact that these developments may occur simultaneously does not establish a necessary relationship between them; they must therefore be distinguished. Accordingly, other criteria must be considered. Age is the most readily ascertainable, the most consistent with reality, and the most commonly employed criterion (Mirsaeidi, 2004; Rahami, 2002). Following French law, the Iranian legislature consistently adopted this criterion in pre-revolutionary legislation. At present, the Islamic Penal Code independently recognizes age—irrespective of puberty and sex—as the criterion of criminal maturity for offenses punishable by *ta’zir*.

For offenses punishable by *hadd* or *qisās*, the criteria for criminal maturity are both puberty and age. Under Note 2 of Article 88 and Article 91 of the Islamic Penal Code, an offender who has not attained puberty cannot be sentenced to *hadd* or *qisās*. Nevertheless, under the rules governing *ta’zir* offenses, such an offender may bear criminal responsibility and receive a *ta’zir* punishment. Puberty is therefore a necessary but insufficient condition of criminal responsibility for offenses punishable by *hadd* or *qisās*. Accordingly, an offender who has attained puberty but is under 18 complete lunar years of age may receive a *hadd* punishment if the offender is not affected by a mistake of law or fact and possesses maturity and intellectual development. Otherwise, the offender will receive one of the *ta’zir* punishments prescribed by Article 89 of the same Code. The analysis of Article 91 of the Islamic Penal Code raises the question of why the age of 18 was selected as the end of the period of criminal development. Several explanations may be offered. First, certain narrations address adolescents’ lack of maturity and intellectual development. Imam Ali states: “The ignorance of adolescents is excusable, and their knowledge [experience] is limited” (al-Amidi, 2013). This statement suggests that adolescents, owing to insufficient experience and limited knowledge of life’s complexities, may make uninformed mistakes without reflecting on

the social consequences of their conduct. Second, the age of 18 was selected to ensure conformity with international instruments such as the Convention on the Rights of the Child, to which Iran acceded in 1993. Third, developmental psychology provides a rational explanation. According to its findings, the production of neural cells in the fetus begins at the end of the first month of pregnancy and is completed approximately one month before birth. The differentiation of neural cells—including their enlargement and the formation of connections between each neuron and other neurons—begins during puberty and continues until the end of adolescence and possibly into adulthood. The cells of nervous tissue are called neurons. Depending on their functions, neurons have three principal components: the cell body, which contains the nucleus and cellular organelles; the axon, an elongated projection extending from the neuronal cell body that transmits neural signals to other neurons or organs; and dendrites, smaller projections that transmit neural signals to the cell body (Lotfabadi, 2014). Although new neural cells are not produced during adolescence, the brain undergoes substantial development during this period. Neural networks are reorganized, and the weight and overall dimensions of the brain generally increase. New synaptic connections—a synapse being the junction through which one neuron communicates with another—develop as the brain grows. The number of neuronal dendrites increases, and a specialized protein covering forms around neural structures, facilitating and accelerating the transmission of electrical impulses through the nervous system. These developments result in more effective functioning of brain cells and systems. Part of this process occurs independently of external stimulation. It is therefore only after adolescence that brain systems may be regarded as having developed sufficiently to support mature functioning. Furthermore, personal experience plays an important role in selecting, preserving, and strengthening particular connections among neurons. Experience is thus essential to many aspects of neural development. During sensitive and critical periods of brain development, certain environmental experiences are necessary for the brain's functional maturation. Consequently, individuals generally have not acquired sufficient experience for the complete development of brain systems before the end of adolescence. In addition, hormonal secretions and

their effects on physical development remain highly pronounced until late adolescence and may contribute to emotional reactions and disturbances, such as aggression, as well as behavioral problems, including delinquency (Lotfabadi, 2014). Fourth, the beginning, end, and duration of adolescence vary between girls and boys, across societies, and among different social classes. Nevertheless, contemporary psychological literature generally defines adolescence as extending from approximately 11–13 years to 18–20 years of age (Lotfabadi, 2014). Selecting the age of 18 as the end of adolescence is therefore reasonable. From the perspective of developmental psychology, the assertion that “puberty has no relationship whatsoever with criminal maturity” (Mirsaedi, 2004) must accordingly be rejected. Puberty is a necessary but insufficient condition because the development of the brain and nervous system begins at puberty and continues until the end of adolescence.

Another question concerns how maturity and intellectual development should be determined under Article 91 of the Islamic Penal Code. Considering brain development, the acquisition of experience, and hormonal changes during adolescence, the court should generally obtain a forensic medical opinion. In some cases, the adolescent's appearance and conduct may clearly indicate the degree of neurological maturity; this explains why the note to Article 91 leaves the referral of the matter to forensic medicine to the court's discretion. Nevertheless, even in such cases, a forensic medical assessment would strengthen the judgment. The final determination remains the court's responsibility. Forensic medicine should assess the physiological development of the adolescent's brain cells and the extent of hormonal activity to determine, first, whether the offender possessed a fully developed brain system at the time of the offense and whether neurological development had been completed; and second, whether the offender's hormonal activity was capable of producing aggressive conduct or emotional disturbances. If forensic medicine answers the first question negatively, the offender lacked maturity and intellectual development at the time of the offense because the brain structure had not yet fully developed and could not function completely. If the answer is affirmative, the court must then evaluate whether the offender had acquired sufficient experience for maturity

and intellectual development. This evaluation should involve appropriate questions and inquiries into the offender's family circumstances, living environment, educational situation, the nature of the offense, whether the offender acted under intense emotion or after careful deliberation, and whether the offender was influenced by others. These matters should be assessed through the preparation of a personality dossier. For example, if a court asks an adolescent whether they would choose to kill their father or their mother, selecting either parent would constitute an irrational response indicative of insufficient maturity and intellectual development. A rational response demonstrating mature cognition would be: "I would not do such a thing, and I respect both equally." Similarly, if an adolescent has committed rape and forensic medicine determines that androgen levels were substantially above normal, the emotional dimensions of the conduct may be considered when determining whether maturity and intellectual development were present at the time of the offense. Offenses motivated by revenge are also particularly common during adolescence because adolescents may be highly obstinate, and reproach can intensify that obstinacy (Lotfabadi, 2014).

Judges serving in juvenile courts must therefore possess comprehensive knowledge of child and adolescent developmental psychology. In its opinions, forensic medicine must explain the development of the brain system and analyze the adolescent's neurological condition. The current practice of forensic medicine, whereby a certificate merely states whether an offender possessed maturity and intellectual development at the time of the offense, is therefore open to criticism. Even more problematic is the court's unquestioning acceptance of forensic medical opinions—particularly those finding maturity and intellectual development—combined with judges' insufficient knowledge of developmental psychology.

Although the legislature's recognition of diminished criminal responsibility for adolescents is consistent with rational and transmitted authorities and represents a commendable step, it remains inadequate. Some individuals, despite having passed adolescence, cannot distinguish the social rightness or wrongness of conduct even though they do not suffer from cognitive impairments. Should such individuals be held criminally responsible? If the answer is negative, how should their

lack of responsibility be justified? In other words, does the completion of adolescence constitute an irrebuttable presumption of criminal maturity, or may evidence to the contrary be presented? Addressing this issue leads to a further conception of maturity, discussed below.

4. Maturity as the Development of Reason

Under this conception, maturity means the development of the faculty of reason to a degree that enables the individual to understand the social wrongfulness of criminal conduct. A person is considered mature only when they are capable of understanding the encroachment upon or threat to an interest or right protected by law that results from the criminal conduct (Naguib Hosni, 1974). Moreover, the person must actually and genuinely understand the nature of the conduct and its consequences. In simple terms, maturity signifies the absence of criminal prodigality or deficient criminal judgment. In analyzing maturity as the development of rational faculties, it must be recognized that just as an adult may lack sound judgment in financial matters, that person may also lack it in other domains. Human reason performs various functions, each of which may exist at different levels of development. Consequently, because of hereditary or genetic factors or external factors such as illness or insufficient experience, reason may be deficient in certain functions, leaving the person unable to comprehend the consequences of their conduct. These functions may relate to legal or criminal matters and to financial or nonfinancial affairs.

Maturity as the development of reason differs from maturity as the mere possession of reason. Under the former, the offender is mature because the development of their rational faculties enables them to understand the social rightness or wrongness of conduct. Under the latter, the offender possesses such understanding merely because no cognitive impairment affects those faculties. Maturity as adulthood also differs from maturity as the development of reason. Under the former, the completion of adolescence creates an irrebuttable presumption that the person is mature; under the latter, it creates only a rebuttable presumption. Criminal maturity also differs from civil maturity. Civil maturity is unitary, whereas criminal maturity is composite. In civil matters, a person lacking sound financial judgment is regarded as incapable in all financial affairs. In criminal matters, however, an offender may lack sound judgment

in relation to one offense while possessing it in relation to another. For example, an offender may lack criminal maturity concerning adultery but possess it concerning fraud. Accordingly, issuing a general order of incapacity may be appropriate in civil matters, whereas in criminal proceedings incapacity must be determined in light of the circumstances of each case. A general declaration of incapacity cannot be issued for all criminal matters.

Opponents of understanding maturity as the absence of deficient criminal judgment or as the development of reason rely on two categories of arguments. First, in verse 282 of Surah al-Baqarah, the Qur'an addresses only financial incapacity: "O you who believe ... if the person upon whom the obligation rests is of unsound judgment, intellectually weak, or unable to dictate, then let their guardian dictate with justice." This verse addresses only unsound judgment in financial matters and does not mention such incapacity in nonfinancial or criminal affairs. Second, no authority establishes the validity of this conception in opposition to the unrestricted scope of the rules prescribing punishment. Accordingly, intellectual development is said merely to mean puberty and reason, which al-Muhaqqiq al-Hilli expressed as a single condition under the designation "perfection of reason" (Fazel Lankarani, 2009).

It appears, however, that justifying maturity as the absence of deficient criminal judgment requires moving beyond the literal appearance of the authorities and adopting a logical interpretation to identify the true meaning of maturity. Both transmitted and rational arguments may be invoked in support of this conception.

Transmitted arguments: Several responses may be offered to those who oppose understanding maturity as the absence of deficient criminal judgment. First, in the aforementioned verse, God employs this conception of maturity because of the relationship between the rule and its subject matter. This does not mean, however, that maturity possesses an exclusively religious or technical meaning. Its determination is entrusted to customary understanding, which employs the term in its ordinary linguistic sense. Moreover, in this verse, the term "weak," meaning intellectually deficient, appears alongside "of unsound judgment," meaning a person of limited or deficient judgment. Intellectual weakness represents a more severe degree of cognitive deficiency; otherwise, the verse's reference to a person of unsound judgment would have been sufficient (Bayati, 2015). More simply,

intellectual weakness represents the lowest level of cognitive incapacity, whereas unsound judgment represents the lowest level at which some cognitive capacity remains. Second, reliable traditions emphasize the necessity of freedom from deficient criminal judgment. In an authenticated narration, Abdullah ibn Sinan reports that Imam al-Sadiq stated: "When a child reaches the stage of capability—that is, completes the age of thirteen and enters the fourteenth year—whatever is obligatory for Muslims becomes obligatory for that child ... unless the child is of unsound judgment or intellectually weak" (al-Hurr al-Amili, 1984). In this narration, "weak" signifies intellectual deficiency, whereas "of unsound judgment" denotes limited or deficient reason. Furthermore, such deficient judgment is not confined to a particular age. Third, many jurists discuss the absence of unsound judgment in nonfinancial matters, including marriage. By removing the subject-specific limitation attached to unsound judgment in financial affairs, its legal effects may be extended to nonfinancial matters. Such an extension appears rational, consistent with customary understanding, and applicable to all domains of life (Shobeiri Zanjani, 2011).

Rational arguments: The concept of deficient criminal judgment can be established through logic and psychology. From a logical perspective, three points may be advanced. First, if maturity must be established before civil incapacity is removed in financial matters, intellectual development must *a fortiori* be required before criminal punishment is imposed. Second, the principle of precaution—one of the foundations of the rule of avoidance of prescribed punishment in cases of doubt—requires maturity, understood as intellectual development, to constitute a condition for punishing an offender. Third, the imposition of punishment presupposes intellectual maturity. Punishing a person who lacks a complete capacity for discernment and judgment is rationally objectionable and contrary to justice (Rahami, 2002).

From the perspective of psychology, persons with significant intellectual deficiencies traditionally have intelligence quotient scores below 70 and may be diagnosed with intellectual developmental disorders. Individuals with IQ scores between approximately 70 and 75 may fall outside the conventional scope of such diagnoses despite possessing substantially limited intellectual functioning. Exclusive reliance on IQ in

diagnosing developmental disorders may deprive many individuals—particularly those whose IQ scores are slightly above 70—of the social, educational, and other support they require. Such individuals correspond to persons described in jurisprudential terminology as having deficient judgment. For this reason, contemporary approaches have moved away from exclusive reliance on IQ and place greater emphasis on life skills and adaptive functioning. Under modern diagnostic criteria, intellectual disability must also originate during the developmental period, generally before the age of 18.

Intellectual developmental disorders vary in severity and across different dimensions but are generally divided into four categories. Individuals with mild intellectual developmental disorder ordinarily acquire adequate social and communicative skills and, in adulthood, may develop sufficient social and occupational abilities to attain at least a minimal degree of independence. Individuals with moderate intellectual developmental disorder may perform simple occupations with appropriate support and can learn uncomplicated tasks. Individuals with severe intellectual developmental disorder may not fully acquire language, require extensive supervision, and nevertheless may learn simple tasks. Individuals with profound intellectual developmental disorder may be unable to acquire functional language, respond only to simple instructions, and require care in specialized institutions. Possible causes include chromosomal abnormalities, prenatal factors such as an inadequate maternal diet or maternal malnutrition, and postnatal factors such as physical injury, infectious diseases, and deprivation (Newmark et al., 2012). A person with deficient judgment may fall within the mild or moderate categories, whereas individuals with severe or profound intellectual developmental disorders are more appropriately characterized as lacking meaningful intellectual capacity. In addition, some persons regarded as possessing deficient judgment under criminal law may suffer from a specific learning disorder in psychological terms. A specific learning disorder affects particular areas of an individual's cognitive functioning. Affected individuals perform considerably below the level expected for their age and general intellectual ability. Persons with learning disorders may have impairments in organizing information, visual and auditory perception, memory,

and attention. Without assistance, they may be unable to function effectively in a particular area and therefore require specialized support. Friends and family members may perceive them as incapable in that specific domain, often contributing to low self-esteem. School dropout during childhood is also comparatively common among such individuals (Newmark et al., 2012).

From a criminal-law perspective, persons with specific learning disorders may lack sufficient discernment, judgment, and understanding of the social consequences of particular offenses, such as financial or political crimes, while possessing intellectual maturity in relation to other offenses. Psychology therefore recognizes conditions corresponding to deficient criminal judgment. Criminal law should likewise acknowledge these conditions and develop legislation consistent with advances in human knowledge. Because of deficiencies in existing criminal legislation, forensic medical practice may classify persons with mild or moderate intellectual developmental disorders or specific learning disorders as legally insane to exempt them from punishment. Although this approach accords with rational practice and is defensible in protective terms, it is problematic insofar as it treats such persons as entirely exempt from punishment. Individuals with deficient judgment retain a relative capacity for discernment and judgment and should therefore bear a correspondingly diminished degree of criminal responsibility.

The legislature should consequently recognize maturity—understood as the capacity to comprehend the social wrongfulness of conduct—as a condition of responsibility for all offenses. Until the age of 18, the absence of maturity and intellectual development should be treated as an irrebuttable presumption. After that age, individuals should be presumed intellectually mature unless a forensic medical assessment and personality dossier establish that, in relation to the particular offense, the person possessed deficient judgment and lacked a complete capacity for discernment. In such circumstances, diminished criminal responsibility should be prescribed in proportion to the individual's degree of discernment and judgment.

5. Conclusion

Despite the apparent clarity of maturity and intellectual development, their meaning remains the subject of legal controversy and disagreement. Some legal scholars

understand maturity and intellectual development as the absence of insanity. In this conception, insanity encompasses cognitive impairments that deprive individuals of the capacity for discernment and judgment. Although this meaning has supporters within Imami jurisprudence, it has not been operationally adopted in Iranian criminal law or psychology.

The most common meaning of maturity is adulthood. From this perspective, a mature person is one who, after reaching a particular developmental stage, can distinguish the social rightness or wrongness of conduct and comprehend its consequences. Criminal maturity may accordingly be determined by either puberty or age. In pre-revolutionary legislation, age was consistently adopted as the criterion. In post-revolutionary legislation, however, puberty generally served as the criterion of criminal maturity. In the most recent legislative development, the Islamic Penal Code of 2013 adopted age as the criterion of criminal maturity for *ta'zir* offenses and puberty as the corresponding criterion for offenses involving *diyah*. For offenses punishable by *hadd* or *qisās*, the two criteria are applied in combination. Individuals bear no criminal responsibility before puberty; after attaining puberty and until reaching 18 lunar years of age, they bear criminal responsibility only if they possess maturity and intellectual development. Although this conception is more appropriate than equating maturity with the absence of insanity, it remains incomplete. Some individuals, even after reaching the age of 18, lack sufficient criminal discernment and judgment despite having no cognitive disorder. These are persons with deficient judgment.

Persons with deficient judgment are those who, because of developmental limitations affecting the faculty of reason or specific learning impairments arising from biological factors, insufficient postnatal experience, or physical injury, possess a relatively diminished capacity to distinguish the social rightness or wrongness of criminal conduct. Just as an adult may lack sound judgment in financial matters, that person may also lack it in other domains because human reason performs various functions, each with multiple degrees of development. Hereditary or genetic factors and external factors such as illness or insufficient experience may weaken particular intellectual functions and prevent an individual from understanding the consequences of

conduct, including conduct relevant to criminal law. Criminal maturity is therefore composite. An offender may, for example, lack maturity in relation to adultery but possess it in relation to fraud. Consequently, an offender's incapacity must be established in light of the circumstances of each case, and no absolute declaration of incapacity can properly apply to all criminal matters. Contrary to the approach embodied in Article 91 of the Islamic Penal Code, which treats the completion of adolescence as an irrebuttable indication of maturity, legal logic requires it to be regarded as a rebuttable presumption. Criminal responsibility should then be determined in accordance with the degree to which persons with deficient judgment can distinguish the social rightness or wrongness of their conduct.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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