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Mutual Testimony of Minors in Islamic Law and Jordanian Civil Law

*Mohammad Abu Lail and Atallah Ma'aytah**

ABSTRACT

It is well known that giving testimony is one of the most important proofs of rights and penalties in Islam. The witness person is the most important pillar in testimony; therefore, scholars pay a great deal of attention to the mentioning of the conditions which should be met in witnesses. Uprightness is one of these conditions. Maturity is of the requirements of uprightnes. Maturity is the reason of uprightnes and piousness; it is the sign and reason for holding responsibility of deeds. With an incomplete mental faculty the person's deeds are not counted.

However, there are some exceptions in which the testimony of minors is considered as a proof on legal rulings. This is for the preservation of people's rights and for achieving some of the objectives of Shari'ah. This can be clearly seen in the case of mutual testimony between minors. The question here is shall we consider the testimony of minors when no one witnessed the incident but a minor. This can also preserve the blood of a murdered person, his and his relatives' rights. This is what we have discussed in this paper by presenting investigating the scholars' views in order to reach a preferred view about this issue.

Keywords: Law, Islamic Legal Policy, Islam, Sharia, Certificate.

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