**Abstract**

In criminal law, the age of the various parties in a trial is of paramount importance, and the age of an accused offender can play a decisive role in various ways. For example, an offender’s age can determine whether they are prosecuted or exempt from criminal responsibility, whether a judgment and sentence handed down to a convicted offender will be reflect a rehabilitative and therapeutic approach or a punitive, retributive one, and/or whether or not the court is obligated to include social and therapeutic factors in its deliberative process.

As of this writing, there are some 100,000 foreign citizens (migrant workers, asylum seekers, and unauthorized immigrants) residing in Israel, some of whose countries of origin do not have a formal population register. There are no clear and explicit rules enshrined in Israeli criminal law for determining the age of a defendant in a criminal case in the event that their exact date of birth is unknown. A review of Israeli civil legislation also shows that the solutions it provides are not compatible with the principles of criminal law.

In court rulings and legal literature, there are references methods for determining the age of an individual whose exact date of birth is unknown. However, these sources concern only civil law. Moreover, it is not possible to establish or derive clear rules from civil case law or jurisprudence, and certainly not any that can be applied to criminal law.

This article sets out for the first time a comprehensive and inclusive legal solution designed to provide criminal courts in Israel with the tools to deal with situations where a defendant’s exact age is ambiguous. Additionally, this article calls on the legislator to establish a legal presumption for determining a defendant’s age in criminal law. This article also focuses on the Legal Capacity and Guardianship Law, 5722-1962 (hereinafter: the Legal Capacity Law), which includes provisions for determining a person’s age in cases in cases of ambiguity. Furthermore, we examine international law and examine whether it is possible and appropriate to adopt provisions used therein into the Israeli legal system. We also examine the advantages and disadvantages of various medical methods for determining a person’s age. The article concludes with a proposal for regulating criminal law in situations where the exact age of the accused is not known.