

Majorité légale, étude comparative

Pays membres de l'Union européenne

L'âge de la majorité a été harmonisé dans l'ensemble des pays européens, il est de 18 ans révolus. La majorité civile et pénale est fixée à 18 ans sauf pour certains pays comme le Portugal.

Législation Française

L'âge de la majorité dans l'ensemble des pays de l'Union européenne est de 18 ans.

Article 144 du Code civil

L'homme et la femme ne peuvent contracter mariage avant dix-huit ans révolus

Titre XI : De la majorité et des majeurs protégés par la loi.

Article 414 : La majorité est fixée à dix-huit ans accomplis ; à cet âge, chacun est capable d'exercer les droits dont il a jouissance.

La majorité civile est fixée à 18 ans depuis le 5 juillet 1974

Article 415 : Les personnes majeures reçoivent la protection de leur personne et de leurs biens que leur état ou leur situation rend nécessaire selon les modalités prévues au présent titre.

Cette protection est instaurée et assurée dans le respect des libertés individuelles, des droits fondamentaux et de la dignité de la personne.

Elle a pour finalité l'intérêt de la personne protégée. Elle favorise, dans la mesure du possible, l'autonomie de celle-ci.

Elle est un devoir des familles et de la collectivité publique.

Code du commerce

Article L121-2 Le mineur, même émancipé, ne peut être commerçant.

Code électoral

Article L2 : Sont électeurs les Françaises et Français âgés de dix-huit ans accomplis, jouissant de leurs droits civils et politiques et n'étant dans aucun cas d'incapacité prévu par la loi.

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	<p>L'âge de la majorité pénale est fixé à 18 ans.</p> <p>L'âge de la majorité pénale, c'est-à-dire l'âge à partir duquel un délinquant relève du droit pénal commun, est fixé à dix-huit ans dans presque tous les pays européens. C'est en effet le cas en Allemagne, en Angleterre et au Pays de Galles, en Belgique, en France, en Italie, aux Pays-Bas et en Suisse. En Espagne, où il est de seize ans, le Parlement examine en ce moment un projet de loi visant notamment à le porter à dix-huit ans. Quant au Portugal, il prévoit que le code pénal n'est pas applicable aux jeunes âgés de seize à vingt-et-un ans.</p>
Législation Belge	<p>Code civil</p> <p>Article 488 : La majorité est fixée à dix-huit ans accomplis; à cet âge, on est capable de tous les actes de la vie civile</p> <p>Code électoral</p> <p>Article 1 (Loi 1993-07-16/31, art. 297, En vigueur : 30-07-1993) § 1. Pour être électeur pour la commune, il faut :</p> <ul style="list-style-type: none"> 1° être belge; 2° être âgé de dix-huit ans accomplis; 3° être inscrit au registre de population de la commune; 4° ne pas se trouver dans l'un des cas d'exclusion ou de suspension prévus par le Code électoral. <p>§ 2. Les conditions visées au § 1, 2° et 4°, doivent être réunies le jour de l'élection; celles visées au § 1, 1° et 3°, doivent l'être à la date à laquelle la liste des électeurs est arrêtée.</p> <p>La majorité pénale est fixée à 18 ans.</p>
Législation Luxembourgeoise	<p>Code civil</p> <p>Article 144 : (L. 10 août 1992) L'homme avant dix-huit ans révolus, la femme avant seize ans révolus, ne peuvent contracter mariage.</p> <p>Article 223 : La majorité est fixée à dix-huit ans accomplis; à cet âge, on est capable de tous les actes de la vie civile.</p> <p>Mais pour les mineurs de plus de 16 ans possibilité d'un renvoi devant les juridictions ordinaires si les mesures éducatives apparaissent « inadéquates »</p>
Législation Britannique	<p>Age of majority Act. 1969 Chapitre 28</p> <p>An Act to amend the law relating to the age of majority, to persons who have not attained that age and to the time when a</p>

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Depuis 1969 l'âge de la majorité a été ramené de 21 ans à 18 ans révolus. La loi harmonise ensuite les dispositions législatives liées à la majorité à l'instar du projet de loi tunisien.

particular age is attained; and for connected purposes.

[3rd December 1969]

1 Reduction of age of majority from 21 to 18

(1) As from the date **F1** on which this section comes into force a person shall attain full age on attaining the age of eighteen years instead of on attaining the age of twenty-one years; and a person shall attain full age on that date if he has then already attained the age of eighteen years but not the age of twenty-one years.

(2) Subject to subsection (4), subsection (1) applies for the purposes of any rule of law and, in the absence of a definition or of any indication of a contrary intention, for the construction of "full age", "infant", "infancy", "minor", "minority" and similar expressions in—

(a) any statutory provision, whether passed or made before, on or after the date on which this section comes into force; and

(b) any deed, will or other instrument of whatever nature (not being a statutory provision) made on or after that date.

(3) In the statutory provisions specified in Schedule 1, for any reference to the age of twenty-one years there shall be substituted a reference to the age of eighteen years; but the amendment by this subsection of the provisions specified in Part II of that Schedule shall be without prejudice to any power of amending or revoking those provisions.

(4) This section does not affect the construction of any such expression as is referred to in subsection (2) in any of the statutory provisions described in Schedule 2.

(5) Notwithstanding any rule of law, a will or codicil executed before the date on which this section comes into force shall not be treated for the purposes of this section as made on or after that date by reason only that the will or codicil is confirmed by a codicil executed on or after that date.

(6) The **F2** Department of Finance and Personnel may by order amend any statutory provision (not being a statutory provision described in Schedule 2), passed on or before the date on which this section comes into force, by substituting for any reference therein to the age of twenty-one years, a reference to the age of eighteen years; but **F2** that Department shall not make any such order unless a draft of the order has been laid before and approved by resolution of the Assembly.

(7) The transitional provisions and savings contained in Schedule 3 shall have effect in relation to this section.

Annotations:

2 Provisions relating to wills

(1) In the following statutory provisions, that is to say—

Para. (a) rep. by 1994 NI 13

(b) sections 1 and 3(1) of the Wills (Soldiers and Sailors) Act 1918 **M1** (validity of testamentary dispositions by soldiers etc., under 21);

in their application to wills made after the coming into force of this section, for the words "twenty-one years" there shall be substituted the words "eighteen years".

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(2) Any will which—

(a) has been made, whether before or after the coming into force of this section, by a person under the age of eighteen years; and

(b) is valid by virtue of section 11 of the said Act of 1837, and the said Act of 1918, may be revoked by that person notwithstanding that he is still under the age of eighteen years whether or not the circumstances are then such that he would be entitled to make a valid will under those provisions.

(3) In this section “will” has the same meaning as in the said Act of 1837.

Annotations:

4 Consent by persons over 16 to surgical, medical and dental treatment

(1) The consent of a minor who has attained the age of sixteen years to any surgical, medical or dental treatment which, in the absence of consent, would constitute a trespass to his person, shall be as effective as it would be if he were of full age; and where a minor has by virtue of this section given an effective consent to any treatment it shall not be necessary to obtain any consent for it from his parent or guardian.

(2) In this section “surgical, medical or dental treatment” includes any procedure undertaken for the purposes of diagnosis, and this section applies to any procedure (including, in particular, the administration of an anaesthetic) which is ancillary to any treatment as it applies to that treatment.

(3) Nothing in this section shall be construed as making ineffective any consent which would have been effective if this section had not been enacted.

5 Time at which a person attains a particular age

(1) The time at which a person attains a particular age expressed in years shall be the commencement of the relevant anniversary of the date of his birth.

(2) This section applies only where the relevant anniversary falls on a date after that on which this section comes into force, and, in relation to any statutory provision, deed, will, or other instrument, has effect subject to any provision therein.

S.6 repeals 1855 c.43; 1860 c.83; s.6(pt.) of 1875 c.90; s.2(3) of 1907 c.18

7 Persons under full age may be described as minors

A person who is not of full age may be described as a minor instead of as an infant, and accordingly in this Act “minor” means such a person as aforesaid.

8 Meaning of “statutory provision” in this Act

In this Act, the expression “statutory provision” has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

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	La majorité pénale est fixée à 18 ans
Irlande	18 years old age of majority
Italie	18 ans La majorité pénale est fixée à 18 ans
Danemark	Age of simple majority The full legal age is eighteen (18) years Age of consent for marriage A person can get married without permission of the parents when s/he has reached the age of eighteen
Bulgarie	18 ans
Allemagne	18 ans La majorité pénale est de 18 ans
Estonie	18 ans
Finlande	18 ans
Grèce	18 ans La majorité pénale est de 18 ans
Suède	18 ans
Pologne	18 ans
Portugal	18 ans La majorité pénale est de 16 ans
Espagne	18 ans La majorité pénale est fixée à 18 ans
Autriche	Age of simple majority The age of simple majority is 18 years. The law "minors" are the persons who have not attained 18 years. Persons who have not attained 14 years are under age. Age of consent for marriage Upon completion of the age of 18 years a person has full legal capacity and becomes marriageable.

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Autres pays européens	
Arménie	<p>Age de la majorité simple</p> <p>L'âge légal de la majorité s'élève à dix-huit (18 ans).</p> <p>Age du consentement au mariage</p> <p>L'âge légal du consentement au mariage est dix-huit (18) ans pour les garçons et dix-sept (17) ans pour les filles. Cependant, dans les circonstances exceptionnelles les filles peuvent se marier à l'âge de seize (16) ans.</p>
Turquie	18 ans
<p>Législation américaine</p> <p>Le texte fixe l'âge de la majorité à 18 ans. La majorité des Etats disposent d'une loi le confirmant sauf quelques exceptions. Pour exemple la législation de l'Etat de l'Alabama qui fixe l'âge de la majorité à 19 ans.</p>	<p>Minors – Age of Majority – Missouri</p> <hr/> <p>As used in sections 211.442 to 211.487, unless the context clearly indicates otherwise, the following terms mean:</p> <p>(1) "Child", an individual under eighteen years of age;</p> <p>(2) "Minor", any person who has not attained the age of eighteen years;</p> <p>(3) "Parent", a biological parent or parents of a child, as well as, the husband of a natural mother at the time the child was conceived, or a parent or parents of a child by adoption, including both the mother and the putative father of a child. The putative father of a child shall have no legal relationship unless he, prior to the entry of a decree under sections 211.442 to 211.487, has acknowledged the child as his own by affirmatively asserting his paternity.</p> <p>Title XII, Chap. 211, §211.442</p> <p>Age of Majority 18 (common law)</p>

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	<p>Emancipation If married, minor may convey or encumber real estate if spouse is of age</p> <p>Contracts May be ratified after 18 ; for real property, may be disaffirmed within 2 years (§442.080)</p> <p>Ability to Sue By guardian, next friend, or court appointed (CR §52.02)</p> <p>Consent to Medical Treatment Minor may consent if: married; treatment is for pregnancy, excluding abortion; venereal disease, drug or substance abuse</p> <p>Minors – Age of Majority – Alabama < 19 as designated majority of Age 26-1-1.></p> <p>(a) Any person in this state, at the arrival at the age of 19 years, shall be relieved of his disabilities of minority and thereafter shall have the same legal rights and abilities as persons over 21 years of age. No law of this state shall discriminate for or against any person between and including the ages of 19 and 21 years solely on the basis of age.</p> <p>(b) This section shall also apply to any person who arrived at the age of 19 and 20 years before July 22, 1975, but shall not abrogate any defense or abridge any remedy available to him prior to such date.</p> <p>(c) All laws or parts of laws which read “under the age of 21 years” hereafter shall read “under the age of 19 years.” Wherever the words “under the age of 21 years” appear in any law limiting the legal rights and abilities of persons under such age, such words shall be construed to mean under the age of 19 years.</p>
Pays américains	
Canada	The age of majority in Canada is the age at which a person is considered by law to be an adult. A person younger than

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<p>L'âge de la majorité est de 18 ans et de 19 ans selon la province</p>	<p>the age of majority is considered a "minor child."</p> <p>The age of majority in Canada is determined by each province and territory in Canada.</p> <p>The age of majority in the individual provinces and territories of Canada is</p> <ul style="list-style-type: none"> • Alberta - 18 • British Columbia - 19 • Manitoba - 18 • New Brunswick - 19 • Newfoundland and Labrador - 19 • Northwest Territories - 19 • Nova Scotia - 19 • Nunavut - 19 • Ontario - 18 • Prince Edward Island - 18 • Quebec - 18 • Saskatchewan - 18 • Yukon Territory - 19
<p>Pays de l'Océan Pacifique</p>	
<p>Nouvelle Zélande</p> <p>L'âge de la majorité est fixé à 20 ans</p>	<p>Age of Majority Act 1970</p> <p>Age of majority</p> <p>(1) For all the purposes of the law of New Zealand a person shall attain full age on attaining the age of 20 years.</p> <p>(2) In the absence of a definition or of any indication of a contrary intention, the expressions adult, full age, infant, infancy, minor, minority, full capacity, majority, and similar expressions in any enactment or instrument shall be construed in accordance with subsection (1) of this section.</p> <p>(3) This section shall not affect any reference in any enactment or instrument to an age expressed in years.</p>
<p>Pays arabes</p>	

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Egypte	21 ans
Bahrain	21 ans
Liban	18 ans