

Crime child abuse in penal laws Iran with approaches of criminologyMohamad mokhtaba ^{1*}, Mansour Atashhehneh ^{2**}^{*}Department of Law, Persian Gulf International Branch, Islamic Azad university, khorramshahr, iran^{**}Assistant Professor, Department of Law in Shahid Chamran university of Ahvaz, iran

Abstract: Child abuse is an issue of social and medical ills that today's world has been extremely busy. Many causes for the prevalence of child abuse and neglect as children have. Child abuse and neglect in the family and in society is very bad. Child abuse is part of the damage to children who have been banned almost forbidden and can be prevented and the man-made. Child abuse is a behavior where the child sexual and physical abuse by people placed psychological and emotional or neglect to meet the basic needs him. Child abuse is any intentional act or omission that would inflict bodily injury to a child moral spirit. Other offenses such as the crime of child abuse material and psychological elements is legal. Child abuse is a public crime. And it is the prosecutor in charge of the prosecution of one of the crimes that can be punished offenses of crimes punishable by up to both. Child abuse is not a new phenomenon in the world And as old as human history has long been considered And in every society according to the cultural conditions of society has enjoyed the intensity and diversity. Child abuse in our country spite of Islam and ancient civilization and culture are also And discussion is relatively new and exotic. The term child abuse legislation first enacted in 1381 to protect children and adolescents in our country's legal literature. According to Iranian culture and based on the teachings of Islam to children and their reverence and respect for the Iranian people will prevent any cases of child abuse. The mass of criminologists point of view of several factors, including factors related to child abuse is opened. This crime from the perspective of criminology has several factors, including factors related to child abuse and abused children and parents geographical and political factors related to social environment. Criminal and non-criminal offenses prevention of child abuse, child abuse by criminologists and government to tackle the crime is in progress.

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Introduction

Laws about protecting children's rights in Iran suffers from many defects, for example, in the current Iranian laws regarding to children smuggle, have not been conducted specific criminalization and there is no separate regulations to ban children trafficking. According to the Law on Protection of Children Act 2002, child abuse is considered a public offenses and need not to a relator; it means that anyone can report cases of child abuse as soon as possible and the prosecution as a prosecutor should pursue the matter. Although, this law considered as a big step in helping victim children but it has still quite a lot of defects. Meanwhile the important challenge is the murder of the son by the father. Child abuse is a behavior in which the child is abused by those around physically, sexually, psychologically and emotionally or ignored to meet his basic needs.

Research background

1. Naqavi, Azam, Fatahizadeh, Abedi, Mohammad Reza, 2004, the phenomenon of child abuse and its emotional and personality effects on adolescents, *Journal of Psychology and Educational Sciences*, Vol. 35, No. 2, pages 221 to 187.

2. Shahla, Reza, 2011, the phenomenon of child abuse, causes and factors, consulting growth, No. 25, p. 52.

3. Safari, Ali, Iravanian, Amir, 2009, the role of government policy making on the intensification of child abuse, No. 49, p. 21.

4. The results of the study can be expressed so that outlines the aspects of the child abuse is essential and important and with realize it, prevent the factors that spread it.

Research hypotheses

1- culture-building practices is the most important condition for the prevention of child abuse offense in Iran.

2- The social and cultural conditions, in Iran, changes the forms, intensity and weakness of the crime of child abuse.

3. Legislation of children's protecting laws has an important role in reducing child abuse crime in Iran's.

Methodology

The method in this study is descriptive and analytical method and was done by visiting the library sources. It means by referring to the original documents, a detailed study of resources, thesis and researches related to topic, websites, books, authentic

historical documents, the Geneva Conventions and its additional protocols relating to the rights of the child, extract letters and reports from international organizations supporting the international humanitarian law. The data collection tool has also been done by collecting jack.

Concept of child from Islam and jurists' point of view

Islam emphasizes on the importance of maintaining the dignity of children and set rules and behavior and Holy Quran noted about the purify nature of child at the time of birth and emptiness of any contamination. In Islamic law, the criterion for distinguishing childhood and adolescence and adulthood, according to various verses of the Quran, is to reach physical maturity and growth. In terms of law and jurisprudence, a person who has not reached maturity, is known as a child (pupil). In the prevailing legal norms, jurists have considered child who has not reached to the age of maturity.

The legal and lawful concept of child

Law is a tool to respect social rights and perform justice, so should not investigate its rules as a single and separate from the social. However, in many cases, compliance with legal techniques and the concept of discipline to hinder that a judge can consider justice so that feels in the claim.

Therefore, punishment of a child abuser is a natural rule and in favor of the rule. In criminal law, wrong things have penal and punisher figure.

The concept of criminology of child

The legislator to follow the Shi'a jurists regarding to puberty, consider the age of 15 lunar years for boys and 9 lunar years for girls as the age of criminal responsibility, but in cases where children are exposed to all forms of harassment, having regard to Article I of the Convention on the rights of the child, 18 solar years is considered.

From the criminological perspective, people conflict and anti-social action is called crime. Criminologists call crime not only every action that assign a punishment for it according to law, but they believe about actions that not forecast a penalty in criminal law for them but they are harmful to society, are a kind of crime and needs to be investigated.

The definition of child abuse

Child abuse is discussed as a social problem in psychological sciences, social sciences, child medicine and law. Hence, the child abuse in psychological science refers to a type of behavior that causes physical, mental, emotional and psychological harms of children and hurt her/his growth and health and base on these, child abuse was categorized in physical, psychological, sexual and neglect child abuse.

Medically child abuse is defined as any kinds of misconduct with children or people who are living in the age of puberty.

The execution of child abuse sentence

Children may again be at risk of crime. In this regard, can refer to Forensics and Welfare organization and Insurance etc. that provided certain services to victims.

If the perpetrator is a parent or a close relatives of the child, the court may seek to resolve the conflict arising between parents and children insofar as possible and abstain from the separation of children from household. Because this separation may impact on the child sees far more than child abuse.

If a court order is the separation of child from their family and taking care him in other institutions, to be conducted with adequate monitoring on the child's condition.

Criminological factors of child abuse

All people have desires and anti-tendencies. Criminal action may occur only when Person's resistance is not adequate and cannot withstand the pressure of the particular circumstance of criminal tendencies. In studying the causes of criminal behavior, causes offense and its impact on each other should be considered. As the case it is possible that the impact of a factor is more than other factors but never a single factor is the cause of all criminal behavior.

Explanation and review of crime is the fundamental issues in criminology. Because criminology can be summarized in understanding the factors of causing offense.

Child abuse as well as other crimes has causes and factors and that is the subject of various sciences studies such as psychology, medicine, social sciences and legal; experts in each field investigated causes and factors by using its achievements.

Conclusion

The crime of child abuse should not be viewed as a simple crime but it is a phenomenon that in terms of the specific situation of the victim, it should be considered particularly. In order to the protection of children against child abuse crime, lot of work to be done, including: Children's education, supervision and inspection of children who returned to the house where they were abused, passed a law to protect the rights of children, establishment of safe shelters for affected children and create judicial and legal assistance for children.

Legislator of our country should pass in line with international regulations and documents including the CRC and child rights advocate efforts and influence of some events in the country seek to protect children and adopted the law on Protection of Children and Adolescents in 9 articles in 2002 that considered an

innovation in Iranian criminal law and to grant public aspects of child abuse, some people and institutions are required to report child abuse and follow the view of some individuals and agencies to report about the view child abuse, adoption of a policy to deal with crimes against children is admirable.

Child is a creature who stepping into the world and society and has not any kind of knowledge about its functions and must adapt themselves to it and in order to meet this matter, require a legal protection to adults not abuse his vulnerability, inexperience and ignorance to achieve their desires.

Law in general and criminology in particular by using other sciences, seeks to find the causes of crime prevention and combating of crime and its repetition and in this respect, identifying the causes of child abuse including personal factors related to children and parents and its public causes in order to deal with child abuse is essential, because in terms of vulnerable of children as stipulated in international conventions, should be attention specially and care about them.

To eradicate child abuse and negligence in families, at first the media should get out the family from the neglect whirlpool and family know that the actions it do about children is a kind of child abuse and may it is a kind of neglect elsewhere.

Child abuse can be eradicated if the worst abuser will be punished with the worst penalty and without any connivance and most importantly family have oversight of this issue and this is only inform by the media that this important issue be institutionalized to the public.

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