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**Journal of Applied Science and Agriculture**Journal home page: [www.aensiweb.com/jasa/index.html](http://www.aensiweb.com/jasa/index.html)

## Jurisprudence and Legal Abortion in Iran and Western Countries

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### ARTICLE INFO

*Article history:*

Received 13 October 2013

Received in revised form 17

November

2013

Accepted 22 November 2013

Available online 20 December 2013

*Key words:*

Abortion/ Rights in Iran/ West

### ABSTRACT

Specific crimes, abortion among women all over the world is facing today, especially in populous countries is Reflection of this social problem affecting the attitudes of lawyers and criminologists. Because other laws relating to abortion However, new problems ranging from medical and social and economic problems and so are not in accordance with the laws and morals of society These lawyers drew up a set of rules , To consider the problems Today we are witnessing the transformation rules About abortion, especially in European countries are. The punishment cannot be said to prevent or reduce this kind of acting effectively did, because this practice, often with the consent of the legal parent embryos by a physician or other people as well is done secretly, cannot be found they never. This paper studies library the issue of abortion in Islam and Iran's Islamic rights legislation and last and we also look into the issue of abortion, Christianity and West.

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**To Cite This Article:** Mohammad Sadegh Amir Khanloo., Jurisprudence and Legal Abortion in Iran and Western Countries. *J. Appl. Sci. & Agric.*, 8(5): 506-509, 2013

## INTRODUCTION

Different religions have banned abortion exceptions. These laws and regulations affect the religious beliefs and because legislators in different countries ban abortion and the death penalty for those who. Christianity was first defined to include abortion in the way that has not been blown yet the spirit of the embryo was not In the early stages of embryo abortion rights in Iran is punishable Articles 487 to 493 of the Islamic Penal Code Articles 623 and 624 They are anticipated.

### *Definitions:*

Abortion is the expulsion intentional and normal and abnormal early embryo outside the mother's womb, so that delivery can not be alive or not living.

carry the baby in the mother's abdomen and into an era of medicine after seven months before the baby is born.

### *Status of abortion in different countries:*

Globally, 75 million unintended pregnancies each year in the world arises out of the 45 million people who decide not to take the mother to have an abortion. According to the statistics, every year about 585 thousand women around the world lose their lives due to pregnancy complications, of which 20% is due to illegal abortion . In the nineteenth and early twentieth century, abortion was illegal in most countries and outcasts in the early 1950s, the liberalization of abortion in many European countries were considered .During both 1960 and 1970 and all the developed countries permit abortion was. In several European countries currently including Finland, Sweden, Portugal and Spain, under certain conditions, such as poor economic conditions and the inability to pay for a new member of the family, young or too female for pregnancy, the woman's virginity .Among European countries, only Ireland that abortion under any circumstances in any form is forbidden. Along with the limitations on abortion Irishwoman there, they have the privilege to travel to England for abortions. In Poland, Iraq, Lebanon, Yemen and Syria threatened abortion unless the mother's life do not allow. Turkey is the only allowed abortion in all cases. In 1999 the United Nations in various countries of the world, a global study of abortion administration .And it investigates the causes, the reasons for abortion were considered, it was Preserve the woman's life, her physical health, the mental health of women, the fetus resulting from rape And incest, incomplete abortion, social and economic reasons and his wife wishes. According to the study, among 193 countries, 189 countries have permitted abortion to preserve the mother's life. Abortion due to health

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maintenance and the treatment of women in 122 countries are legal and illegal in 71 countries Permitted abortion to preserve the mental health of women in 120 countries and is illegal in 73 countries Conformity assessment procedures allow abortion has caused at least a 25 percent reduction in deaths from illegal abortion is.

#### *Abortion in Islam:*

Islamic view of human life in embryonic form, even before the embryo is considered. And deprived of his life by abortion is a crime. They committed a crime punishable because of the existence of two cell transplant starts early sexual. Destroy it at any stage, the Holy Quran and the traditions of humanity is destroyed.( The Holy Quran /maedeh/ 32)

#### *2- Status of abortion in Iran:*

Due to the illegality of abortion in the country can not provide detailed statistics. Unofficial estimates - a few years ago there was a scientific study - it indicates the number of 80 thousand abortions a year According to statistics, more women turn to abortion that are 23 years old Because of these relationships before marriage should be banned during the run time of cholera have been found. Abortion is banned in Iran, and only when the agreement is the remaining embryo in the womb of the mother is threatened with losing her Illegal abortion issue has become a matter of black and groundwater. Of abortion most of which occur in health facilities or locations without the high cost and non-specialists will be Of illegal abortions every year hundreds of women are killed However, in many countries ban abortion after fetal death rates declined for women.

#### *2-1- Criminal Abortion in Iran:*

Sometimes used as a credibility issue of abortion punishable by physical trauma can cause abortion Legislation specific penalties for each offense is considered serious punishment for abortion was the most severe type of injury has been predicted. Prescribed in Article 622 ((beat by anyone intentionally or harassed woman, by virtue of his Abortion is, in addition to the money or retaliation shall be sentenced to imprisonment from one year to three years)) Assault and harassment of women is Multiply any purpose whether or not combined with other injuries, and to apply the tools article 623 of the Act apply. This material is provided ((Everyone by other means to be a woman to cause abortion sentence of six months to one year)) If the equipment is used to indicate a willful woman who aborted her fetus may be sentenced to imprisonment from three to six months Unless it is proved to preserve the life of the mother is and in each case in accordance with the provisions of the decree of the money will be the devices may be physical, such as using surgical instruments or other instruments that are opening or openings for uterine curettage. What is striking in the above article refers to the application of the personal belongings of the pregnant woman and the person 'stewardship is not Committed an act of general legislation on Article 43 of the Penal Code and punishable as independent outside assistance is allowed for it.

#### *2-2-Punishment for lay people:*

In accordance with Article 623 ((by anyone other means to cause abortion drugs to women to be imprisoned for six months to a year If equipment is used to indicate a willful woman who aborted her fetus shall be sentenced to imprisonment from three to six months Unless it is proved to preserve the life of the mother is and in each case in accordance with the provisions of the decree of the money will be))

#### *2-3-Criminal Specialist:*

If the physician or midwife or pharmacist pursuant to Article 624 and as medicine or nursing or surgical or pharmacist who can act Stewardship to provide abortions or abortion instruments may be sentenced to imprisonment from two to five years and a money judgment shall be in accordance with the provisions of. Legislator in the above article to your doctor, midwife, and ... In terms of the job and give them punishment has intensified and is highly specific action.( General criminal law of Iran/p76)

The doctor, obstetrician, surgeon ... Whereby they have sworn to protect the breed and not the killer they and refer people to Caused them to have confidence that their medical information as well as information and also facilitates crime. Even in the case of persons mentioned in the above article providing adequate equipment in general is known for crime Whether in person or interact with others, so the doctor and ... Drugs or devices, the provision of abortion available to women who wants to make abortion illegal would be enough to fulfill and act as the department is not independent but is a crime.(Specific criminal law/p79)

#### *2-4-Abortion punished by mother:*

In accordance with Article 489 ((a woman to abort her fetus at any stage of the blood that can not pay their share of insurance)) Criminal abortion by the mother, is the money that has law as a form of punishment But the point here seems to have an abortion before the soul is in the fetus.

*2-5-Punishment miscarriage:*

If abortion is the result of intentional assault, but it is not the intent to commit and In case your battery is unintentional offender can not be punished for intentional abortion the only punishment is imposed on him the penalty for intentional assaults to pay insurance premiums to insurance regulations is But this objection by the physical damage caused by the fault of the driver if the miscarriage vehicles, marine and aircraft materials, 714, and 715 and 716 is guilty will be punished in accordance with Law. The legislative materials for each of the two prior vaginal birth abortion where the baby survives and is determined separately punished. What is remarkable is that this material legislator for the first time since the revolution has given birth prematurely.

*2-6-Juristic opinion about abortion:*

Grand Shia jurists, the embryos can be divided into two periods of time as

- 1 - baby four months ago, the spirit of inspiration.
- 2 - After a four month old baby, the spirit of inspiration.( Specific criminal law/p47)

Therefore the majority Shia jurists believe that abortion is forbidden by the spirit of inspiration, whether that is safe for the mother, Or psychological problems caused or ... He is harmless or not. Or risk to the fetus before an abortion, but if the spirit of inspiration that can be life-threatening for the mother, it is permissible.

*2-7-License and legal abortion in Iran:*

In order to regulate the issue of abortion in 1381, abortion plan was submitted with the signature of the representatives of forty. The first meeting of the Assembly Health Committee approved the sixth and seventh parliament to start again this was the agenda of Parliament. Day and Tuesday 30/4/1383 General Assembly, it was approved.

According to this legislation on therapeutic abortions with diagnosis confirmed by three doctors and forensic experts After the birth of the baby's illness, parent or child is sin Or life threatening maternal disease that is a combination of mother before the soul is authorized, with the consent of the couple and the physician responsible steward of punishment and will not be.( Specific criminal law/p418)

*Abortion in Christianity:*

Christian scholars of the first century AD, the issue of abortion have. Abortion has always been a controversial topic of discussion and debate of Christian ethics has been removed. Catholics believe that the fetus is fully human from the moment of conception has the right to life and the beginning of human life is respected. The teachings of the Roman Catholic Church, under the penalty of a great sin of abortion leads to the exclusion of religious. The punishments forcibly and automatically without the need to order, subject to the conditions prescribed in religious law applies.

*3-Abortion in the West:*

In Western countries, mainly from three points of view to deal with the issue of abortion.: The first category - countries that are generally opposite to release abortion and his church are still affected by morality and religion. For example in France, Belgium, Spain and Greece mention. Second - are countries with economic and social considerations and problems caused by population growth, in agreement with the relative freedom abortion. And allow people to act in certain circumstances, such as abortion to Switzerland, the UK, Finland, Sweden and Denmark. The third category - countries that allow a pregnant woman seeking an abortion after getting permission from the authorities and they attempted abortion. Obviously, the authorities agreed to their request, they will often, as in Russia, Hungary, Romania and Bulgaria. In this paper, we discuss some of the Western countries in terms of pay.

*3-1 Canada:*

Canada states that they disagreed with the release of his Abortion Parliament passed. Children are not born in Canada and can be inherited in the womb of a third party's right to sue.

But not only that right is the right not to be killed because the mother has the right to kill the child. Nowadays, despite widespread opposition Mrdmyv the world's monotheistic religions are against abortion. And a lot of countries and ethical standards always easy to talk to any woman, Canadian, American or European public hospital can be entered. And apply legal abortions with the tax even if the baby is a few minutes!

*3-2- United States of America:*

Abortion in the United States of America January 22, 1973 by the supreme court, was banned. Many people in America who believe in the legitimacy it needs to be revised. And yet these people that are protesting the legality of abortion critics say it outside of Conduct. Free abortions in America people are divided into two categories, with a mother's right to know, and some people believe that abortion. A man has been born into the

fetus's right to life and abortion is a murder. (Michael Mayor/Stephen Bullon/Michael Murphy. «A». *Dictionary of English Language and Culture*. Della Summers)

### 3-3-France:

Abortion is legal in France, for everyone. French lawmakers passed a bill preventing pregnancy minors have agreed. Many designs for all the French are against abortion. France is the only country in Europe that allows people to have abortions without their parents consent in 1988, abortion is not a crime in this country.

### Conclusions:

By choosing a specific criminal legislation "abortion" in the absolute, whether before or after the Spirit is blowing, the mass of the public is killed off.

There is an important element of first-degree murder of the fetus as a living person is not inanimate, but a living person who is considered to be born alive and then put to death. These criteria are consistent with the rights of other countries with legal standards.

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