Punishment of wife by her husband (murdered in bed)

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ABSTRACT

Murder in the bed of the exemption is illegal and punishable under Article 630 of the Islamic Penal Code, says: "every man his wife of adultery with a stranger male and be aware of deference, he would kill them if the killing of the woman is Makrouh and just a man could kill, beating verdict in this case same as murder." In the tradition of Islamic jurists and scholars acknowledge this fact has been demonstrated in conditions such as achieving parity between the killer and the occurrence of female adultery, fornication, being strangers, to see the devotion of the woman and the murder of adultery, the wife not Makrouh, killings and beatings, the exemption applies. Several elements of contradiction with the principles of the Constitution and granted judgment on compliance and non-compliance in the diagnosis of wife's murder, including this are objection.

INTRODUCTION

Sanctions law enacted in 1362 with the deadline for pilot implementation of the judicial commission and the need to re-design and final approval in Parliament, after the delays the Islamic Penal Code (A Division Of term) the after the submitted to Parliament and the Assembly, after considering changing its title to "sanctions and deterrent punishments" in the two hundred and thirty-two and forty-four notes, May 1375, ratified and the Guardian Council in May of the same year, it is the sixth confirmed and signed and implemented the notification [1].

Because the term is part of the continuing criminal provisions of the Penal Code, enacted in 1370 which included an overview about retribution and blood money, and was brought while the Penal Code, especially the book directly from the law of retaliation Dyat was been written about the vast majority of the translation issues Alvsylh Imam Khomeini against the counts [2].

Suspending due to lack of experience or jurisprudential issues raised in terms of practical needs and finding solutions that fit the requirements of government called more commonly appears and more rational approach to the former General Penal Code has been developed one of the materials in this chapter are expressed in both the former and 630 of the Penal Code, which has been very controversial for the time being. Now we have to investigate this matter.

First topic: history and jurisprudence of Article 630 of the Islamic Penal Code Article 630 of the Penal Code provides: "Whenever a man sees his wife had committed adultery with strange men and women should be subservient to science, as it can kill them. And if the woman is just a man could kill, beating verdict in this case as murder" [1].

The following materials to the Penal Code, Article 625 states that the exemption authority for self-defense is murder and beating and can be considered a reference to the practice of honor to be considered. General Penal Code, adopted in January 1304, which was implemented in 1361 under Article 179 of the sentence thus stated: "If a man or woman with a male stranger in a bed while as there's a bed observed and kill or maim, or beating one of them or both, shall be exempt from punishment» [3].
MATERIALS AND METHODS

Speech I: Background Information:

The first legal text on the topic and article 630 the Iranian law laid down in Article 179 AS. It is approved in January 1304. According to the article, "When your husband with a male stranger in a bed or on a bed while as there is to see and kill or maim, or beating one of them, or both, shall be exempted punishment…". The material can be a translation of the latter part of Article 3249 of the French Penal Code, as enacted in 1810. (Act of 11 July 1975 adapting the Act is in manuscript). This law states that in this case "if common man his wife in the house to see purity in women and man and his wife is murdered and exemptions will be legal".

Previous legislation for the protection of the criminals who commit honor crimes had been murdered by their partners had used the French Penal Code and because this Article does not codified in law Iran history. Article 179 Former public in 1361 with the enactment of the Penal Code of 1370 relating to the cause of reviving it is not But the new sanctions law in Article 132 of this problem was predicted: "Whenever a man sees his wife had committed adultery with a male stranger and be aware of subservient women at the same time it can kill them. In this case, as in the beating death is murder". These material objections after the Guardian Council sanctions into law, he will restore it to Parliament to be adopted in Article 630. House proceedings stating that it is not any negotiation or discussion on strictly majority vote passed.

Murder of a woman in bed and give your wife betrayal and murder in a foreign bed of the topics that we discuss it even exists, is the oldest civilization. The Assyrians, killing woman in adultery by her husband because of his infidelity was the inalienable right of man. The Empire of Japan, a husband, his wife of infidelity and adultery are seeing a strange man, he would kill both of them promptly. Ancient Greece in the fifth century of direct retaliation was permitted in certain circumstances and so if a man can see that the wife or mother or sister or daughter with a strange man gravy relationship is established against them was killed. In ancient Rome, in addition to her father, was also given the right and If your wife or daughter when the gravy has established a relationship with a foreign man, he attempted to murder them. It is grounded in basic concepts of authority and domination old husband and father in relation to his wife and daughter live in dignity. Because of this decree by the decree of the oldest civilizations throughout the centuries in many countries have been predicted and including Article 37 and Article 428 of the Portuguese Penal Code Act 867 of the Belgian criminal punishment, Monaco and Article 413 and Article 587 Italian Criminal Act 1930 states have ruled on this issue.

The laws of some Arabic countries have in the sentences. According to Article 153 of Act 960 and Article 409 of the Iraqi Penal Kuwait Act 1969 punishable by up to three years imprisonment in a murder case has been determined. And actually committed is partially deductible. Act 1937 punishable under Article 237 of the Egyptian Penal imprisonment for the murder and imprisonment with hard labor into capital punishment laid down in Article 234 and Article 236 has been reduced. With regard to the criminal laws of other countries can be found in the French penal laws as to commit such a murder indictment extenuating circumstances are considered. And no warrant absolute immunity from punishment for committing the act had not committed. This is taken from penal policy by which considering the punishment for committing a major crime that can be prevented to some extent. For example, Article 413 of the Belgian criminal law adopted in 1876, was ordained in this regard.

"Other than a couple of murders and beatings and his partner at the moment when they will be caught in adultery will be commuting. » This is in addition to the commutation of the offender, in committing the murder of her husband and his partner are entitled to such a discount is considered adultery. Kuwait's penal code also to see if the murder is committed by a stranger intimacy with men is subject to a maximum of three years imprisonment. Public in accordance with the provisions of Article 179 expressly exempted commit murder had been predicted and innocent of committing any criminal liability was considered. According to Article 630 can be understood by considering that the law allowed the husband's murder after looking impunity commit self-murder is necessary. And according to the law in the case of the murder of his wife and a male stranger, however, from criminal liability will be safe.

Speech II: Assessment of legal issue and legal issue reasons:

Sentencing provisions of Article 630 is taken from the rich Islamic jurisprudence and scholars refer to it in its fatwa’s have seen in many religious books, though some have questioned the basis for the discussion. The dominant Emamiyeh and Sunni scholars in their religious books citing traditions against the express terms of the sentence imposed and the reasons why they have paid. Among the documents that have entered the traditions and jurists have ruled on its expression. The Sunni jurists of different opinions about it, but most of this is that if a man has intercourse with his wife to see her and kill her and be able to prove adultery is exempt from punishment, or retribution and some believe that if we see adultery and fornication or adultery or non-bound to kill a murderer is exempt from retaliation.
RESULTS AND DISCUSSION

1. Narratives:
The first martyr narratives in the book of the courses chosen the theme, “If a man sees his wife had committed adultery with a male stranger is allowed to kill them” are invoked. This means that if a man has intercourse with his wife he would kill them both. This version is the only version that sentence implies that Article. Based on the books written before the first martyr of course it becomes clear that the narrative is not legal in any of the books of the scholars quoted in this story have been after the first martyr. Source version of the book has. The Shia and Sunni traditions by scholars with different phrases quoted in this story about Sa'd ibn enadeh, one of the companions of the Prophet (SAW). This story has been narrated on the decline after the fourth verse of Sura Nur, which represents the Qzf that this verse discusses the Prophet's companions raised the companions of his addresses Su'd Ben Ebada said, "If you strange man What you will see your wife in bed? Sad said the strange man with the sword of my neck at the time of the Prophet (pbb) arrived and then transport them to Sa'd was asked by the Prophet (pbb) said: The Lord said Sad after the issue of four witnesses, What is it Sad said: is my view of God's knowledge of the occurrence of the act also requires four witnesses?

The Prophet said: Yes, because God so much for everything and for whom it does not exceed a given limit. Narrated Sa'd ibn Musayyib, to the effect that his wife had committed adultery with a man in a foreign country, you see, and attempting to kill a man and his wife, after the Al Abu Musa Ashari wrote that sentence, the subject of Ali (as) ask, he in replied: 'If four witnesses to authenticate your claim is not filed, will be killed'. Fath ibn Zayd Jurjani of Imam Musa Kazim (AS) is quoted: "I said to the Imam, who broke down the house of another with intent to steal or be killed, and her landlord, whether or not the murder punished? Imam Ali (AS) said: "Know that everyone else without the consent of the landlord entered the house, his blood is wasted on her killer pay nothing". The victim narrated from Imam Sadiq (AS) said: "Whoever calls home and the people he saw at the window of the house where he also hit his eyes and he kill the not responsible Blind".

Of Imam Ali (AS) narrated that he is about to kill another man who claimed that he had committed adultery with his wife, he saw that the murderer should be punished. Unless the claim is weakly presented. As was mentioned in the first version of the third, sixth shall be allowed only when a husband killed his wife and the stranger that his claim on a license to kill four of the husband was entitled not imply. No. 45 versions of the narratives that relates to the protection of life and property and Namvsnd where the murder had been prescribed for the defense and push forward, however, the defense should be the easiest way to pick defensive and aggressive if not disposed of his last acts accordingly disposed of the murder of the murderers and the attacker is not permissible to Ella tentative. If the paragraph "c" of Article 627 stipulates that the "appeal to the state constitution or any easier way to save is not possible".

2. Votes of Jurists:
The review and scrutiny in Imami religious books we find that the issue of a license to kill man and a woman committing adultery by the husband for the first time in the book of Shaykh Tusi Alnhayh raised. Among contemporary scholars it has to say about the decorations in the book he says after mentioning the different opinions of jurists who may prescribe an authentic expression of the murder of God between him and his sin although not Ghesas but in terms of appearance on killer (husband) is fixed unless he sees on his claim filed or tail, but he does acknowledge that the way to respond to Ali (AS) to Prophet Musa Ashari notes that only four witnesses brought by the husband Rafe have retribution. Second, the famous martyr companions understood the sentence and believes that there is no opposition in the sentence continues: If a strange man with his wife in adultery view can both kill and because he is not guilty of murder.

The late Ayatollah Khoi documentation mentioned in the accounts of some of the terms of this document is to and others oversee the defense know and conclude that none of the famous hadith does not imply. They argue that such narratives as well as the first martyr before someone has not mentioned this narrative cannot be invoked but the weakness was compensated however, due to certain gravity and credible evidence that clearly is not a license to kill: A narrative of the case and there are several situations Mainly in cases of self-defense and defense-related murder in connection with the adulterer nor female, and most of them entered the document is defective, Attempted to explain the meaning of the sentence of the narrative; Only the first martyr leader revered eighth century book your lessons a narrative that clearly conveys a license to kill. As his wife because the couple can be compared to the extent of saying that is quoted in this important issue fatwas in accordance with this narrative is not easy. The reason for that may be the issue or concern is legitimate to which a person in a state of legitimate defense of property, or someone who has been involved in and honor John matter of the, he are exempt from the punishment of killed . But the decree absolute obedience even if a license to kill women, does not conform with the rules of self-defense, or may be put on the implementation of the divine, so that the men and women, working women are deserving of divine level, the murder of her action both or one of them is actually filed a legal verdict is so divine. It cannot justify the decree absolute is a license to kill, because, first,
about the status of the implementation does not have to be proven guilty and his sentence as the ruling is implemented.

Secondly, is the murder capital adulterous adultery of fornication men and women at least should be fixed in order to kill them? Scholars seem to justify the effort involved in innovative research to justify it are wrong. As the word martyr Thani and the decorations have been to this resort. However, in this case, which allowed the husband is allowed to spend to prove adultery and the adulterous woman killed unlike the two would want a unique story for the first time and the first martyr in the course book cites and the concept of a narrative or the document is not valid or were enrolled in self-defense or their attention is on the supplier to prove murder. These two contrary principles are: Punishment other than allowing the law governing and a verdict of murder in the killing of adulterous punishment is the legal limit, even if proved, Imam and ruler cannot do much of this murder. Far from being wary of such a fatwa on the permissibility of murder and a killer with all the precautions that are exempt from the Islamic law and maintain human life there is no secret DMA’. Some contemporary scholars such as the late Ayatollah Khoi, as noted earlier, and Ayatollah Montazeri strongly related documentation and narratives into a license to kill and are trained to withhold judgment to permit the killing. Mr. Khoi oppose it say the famous quote: "If a person had committed adultery with a woman saw a man and killed him, and his words, he watches action. Saying that the opposite is apparently, not retribution? Then quotes the famous hadith citations (which we quoted earlier) and some terms from the document invalid and some concerns about the defense knows and allow the story to the killings of defense against invading knows and concludes in addition, insists that the story of Sa’d ibn ‘Abdā and negotiations between him and the Prophet (PBUH) has been exchanged, does not allow the killing of adulterous cannot be invoked in the case of a license to kill, he says, in all of this as well as the example traditions also have a license to kill. Merely observers were allowed to kill women and men do not imply a license to kill wife by the husband, and the first martyr narratives courses, like the one before him had not quoted in this story cannot be told the story of Documentary famous quote and weaknesses in terms of operation celebrity is compensated.

The second topic: how to apply the conditions for exemption in killing bed and one plausible reason for the crime was committed in relation to the current law allowing legislators that if not expressed by the legislature, the crime And was punishable by law, so it has lawful. It is not committing any crime to be committed to be prosecuted and punished. Article 630 also appears to be based on the rule of law and impunity to commit murder legislative husband is beating the legislative expressed by the phrase “they could kill ...” issue Venture license to kill or man and wife-beating husband has. First speech: the law of exemption under Article 630 of the Islamic Penal Code however legislators in the murder of a man and a woman married to a stranger is subject to conditions. In this situation, the community spouse is exempt from punishment. These conditions are:

A partner (parity):

The first word encountered the word “wife” is. We must see that the legislative purpose of using the word husband and wife in this matter, the concept of what is the weight? Wife literally: equal, equal in length and order as well as the means wife or husband. As to the meaning of the legislation means that the couple is indeed the purpose of this relationship as husband and wife being in a relationship that is established parity and we must see that marriage is between a man and woman marry, and some of it is caused by what? Book VII of the Civil Code relating to marriage and divorce and marriage as a permanent or temporary or intermittent duty is clear. So we must consider the matter of whether the wife is achieved through marriage Just because marriage is about the relationship of parity or, this could also be achieved with a temporary contract. For example, if a man is married to a woman temporarily and committed adultery during her marriage with a stranger man so that man might see if you commit murder or violence or mayhem, men can benefit from the exemptions mentioned in Article 630, the law is suspended. We know that the consequences of temporary contracts do not allow the husband to leave the house. Permanent or contract requirement is that a woman cannot have sex with her husband. However, this condition may be temporary marriage with a woman or a permanent contract can be terminated by divorce. However, donating time or temporary contract period is three months after the divorce ... but all of these differences are the differences of these two contracts and what about the words of Article 630 of the actuarial wife is because men and women are included in the parity relationship. Thus, Article 630 cannot be given to how to create parity relationship, whether the relationship created by the contract, permanent or temporary marriage, but also to comply with Article 630 can only be of interest. So in this respect no difference. The wife of the man, his wives, or his temporary wife because in the brightness of temporary marriage as a permanent marriage are eternal reverence towards her husband. So we can conclude that the legislature intended the term spouse includes both parity relationship and if a person sees his wife had committed adultery with a male stranger, having killed both conditions can or injured and assaulted the woman desired to be his wives and a temporary wife. Another question is whether a man who took his wife with male strangers, to see what is the punishment? Article 85 states that “Revocable divorce before revoking, male or female, but it does not disqualifies irrevocable divorce disqualifies them from the track”. Article 1143 has two types of divorce:
1. Irrevocable divorce:
2. Divorce revolving and irrevocable divorce under Section 1144 does not refer to the husband the right kinds of irrevocable divorce has expressed the following materials:
1. Be divorced before sex
2. Divorce postmenopausal
3. Divorce disarmament and essays, as long as the woman is referring to has changed.
4. The third divorce after three consecutive matches comes to see whether the result is a match. Or result in a new contract.

Revocable divorce under Article 1148 for some time the husband has recourse Edde according to Article 1150 of the Act: the time until the expiration of his marriage to a woman who had been dissolved cannot couple to the other. Because Revocable divorce causes exclusion from marriage-bound women and men is that women and men have access to material appearances in 1144 and 1148 of the Civil Code is understood and in some recourse or non-recourse is only to men and women has not the same right.

B. Occurrence of adultery:

Parsley Langroodi doctor's terminology adultery law stated that "Adultery is the unlawful sexual intercourse, the penis is either whether or not to fulfill the element of adultery, illegitimacy, the main requirement is that mature adulteress although the condition that he not be a mature adult women is although his side are not wise and also the condition of the penis is much less penetration, and also is said to be guilty of adultery is a crime to fulfill this condition». Whenever a man can commit adultery and fornication, adultery, the woman called Znyh and so is the following: close consciously mature man and woman acted without a doubt their marriage or close. Juridical concept of adultery: scholars, both Sunni and Shiite adultery, in many ways defined, Sheikh Tusi in the definition of adultery has said. Adultery is the limit "with close proximity to someone that God has forbidden him and the nearby contract must be especially vajinal and is committed adult». Allama Hilli says about adultery punishment for some sin entered the canon is limited, given the limits of what is adultery especially the entrance to the extent that the woman Baptism becomes obligatory. His argument about the cause or causes within the stated range of the vulva is a woman who knows prohibited. The first martyr of books about women says: Adultery is wise enough to the vulva, inside out... adult woman in nature, it is prohibited without a permanent or temporary marriage And adds the entry and penetration is achieved when the foreskin cannot be hidden and mystics who just enter the foreskin is true even if the foreskin is not enough and the obligatory precaution is to limit the amount of foreskin to be compiled to run and a lower limit to prevent its implementation. Sign extraneous did so if the penis is not adultery. As he says to Adultery in the second issue of "non-mainstream women entering the male penis does not realize». Ayatollah Khoi says: "Adultery is when a man with his penis in her vagina basically sex without marriage is unlawful for him to swallow In this case, the difference between the vagina and anus, she is not».

However, among the four schools of Sunni Maliki adultery human vaginal sex without individual owners have a duty to know Adultery in the Hanafi known as sex with men without property. Shafei and dipping his penis in the vagina, women sex is forbidden for women to know their pleasures. Hanbali lewdness and adultery, anal or vaginal woman knows. Among jurists of the Hanafi school of Sunni and Shiite adultery unique to women as vaginal sex and vaginal sex is not the Hanafi opinion has not been adultery. To clarify the argument based on Article 630 of the Islamic Penal Code Imami jurists anal or vaginal sex is a distinction between unlawful near post refers to. Adultery law in Article 630 of the Islamic Penal Code prescribes that the next material.

The purpose of the things that was said was that the concept of adultery, fornication, DRAM 630 of the Islamic Penal Code as well as we know able to detect instances of it and avoid mistakes for example, if a man bring his wife had anal sex with a male stranger would observe he can practice them adultery into account and the validity of Article 630 of the Islamic Penal Code was committed murder and beating exempt from punishment? The responses to this entry through the review of Article 630 of the Penal Code expressly revealed or acts like Tqbyl and Mzajh. On the subject may be said that because of his actions could be a prelude to committing adultery and observed the actions of her husband alone can cause irritation and loss of control of the husband. So if the husband committed murder and beating the relationship could be due to having other conditions of Article 630, the material should be exempted from punishment. However, the narrow interpretation of criminal law we are required to restrict the interpretation of the criminal law to be the law of logic because the practice was considered illegitimate relationship and view it irritates her momentary loss of control and they also considered adulterous woman and the scope of Article 630 should be suspended, and on the other hand, Article 673 of which states...

C. Adulterous stranger:

Strangers in a strange sense of the word rebellious alien and stranger Islam as incest in person to say one group is not religion. In this respect Allah says in verse 23 of Sura Nisa: Forbidden unto you are your mothers,
and your daughters, and your sisters, and your father's sisters, and your mother's sisters, and your brother's daughters and your sister's daughters, and your foster-mothers, and your foster-sisters, and your mothers-in-law, and your step-daughters who are under your protection (born) of your women unto whom ye have gone in - but if ye have not gone in unto them, then it is no sin for you (to marry their daughters) - and the wives of your sons who (spring) from your own loins. And (it is forbidden unto you) that ye should have two sisters together, except what hath already happened (of that nature) in the past. Lo! Allah is ever Forgiving, Merciful (23).

According to these text women as compared with men of high proportions of incest and the stranger that so you should see what is the purpose of Article 630 of the Stranger and the confusion is evident in how this can happen? For example, if the order of Article 630 of the Penal Code, other than the word stranger who is female incest In this case, a man his wife had committed adultery with one of her intimate look you can commit murder and be beaten And the validity of the exemption in Article 630 of the Penal Code is using it or not. It is clear that if the assumption is that the legislature intended to apply the word to a stranger with incest and non-incest debate is so that non-intimate strangers is considered to have In this case, it is undisputed that the above assumption incest his wife has committed adultery and incest cannot be considered strangers mentioned in Article 630 of the Islamic Penal Code and The husband of the woman who committed this murder and are beatings and the credibility of Article 630 of the Islamic Penal Code cannot be exempted from punishment.

But it does not seem rational and objective discussion of incest and non-incest legislation is to bring the word Stranger how might it affect law permit a man who committed adultery by her husband and stranger to kill her husband is injured and assaulted them about incest wife to foreclose. The result is that the main purpose of using the word strangers 'strange man' is a man who lacks any sort of relationship with women is parity. So any man other than her husband has become a stranger to the law. So it was that legislation to resolve this ambiguity is understandable if instead of using the word "strange man" can no longer use the word man in which case, if any man other than her husband of committing adultery with another woman explicitly included in article 630 of the Islamic Penal Code would be will remain ambiguous on this point. The premise of the text is as follows. "Whenever a man sees his wife in adultery with another man and science is subservient woman at the same time it can kill them."

And if the woman is Makrouh could just kill a man beating a warrant in this case as murder”.

Iv. See:

Article 630 of the Islamic Penal Code continues to investigate other words; we are faced with the phrase "see," observed Arabic origin and the source and meaning of the eye seeing view and see. The text of Article 630 of the Islamic Penal Code states that if his wife had committed adultery with a male stranger, "view" Having certain conditions can be murdered, beaten and punished and the means of observing seem to see the act of adultery by the husband of one of the main conditions for exemption if the husband is alleged crimes however, we must observe that if a person other than the type of act of treason and adultery with a male stranger is informed by her husband can beat them in this regard attempted murder and impunity or not? For example, if the person committing the act of adultery with a male stranger trusted by the other spouse to tell her what was the matter warrants. In the above example it is clear that the act of observing the breath explicit material is not realized in the context of Article 630 of the Islamic Penal Code violation. So for example, if the husband is not the case of offenses referred to in article 630 of the Islamic Penal Code, it cannot make use of the exemptions mentioned in the article. But in other cases it could be assumed the man, his wife of infidelity and adultery with a stranger man can see by the video or image in this way you can beat a murder committed by the husband to the validity of Article 630 of the Penal Code sanctions be exempt or not? The above example with two different approaches can be discussed and analyzed we can say that his wife had committed adultery with someone he sees strangers via video or image it is observed that the law itself has not been fully carried out. And if the man followed her husband's infidelity and adultery by her man, a stranger whose law it is stipulated. Beating would be murdered with impunity because a woman unfaithful to her husband and a stranger man has committed adultery and treachery he has documented by photos and videos viewed.

But let's look at the logical view we discover that the legislator in Article 630 of the Islamic Penal Code Exemption in case of murder, battered husband she has only one reason but a lot of terms is as one of the basic conditions of spatial and temporal coincidence between observed committing adultery and murder and beatings by her husband, and finally it is undisputed that the statutory exemption granted was because the husband is murdered and beaten because of the circumstances existing at the scene and observed a moment of oneself and cannot control their actions and be able to correct decisions and this can be readily received the following article: "He can kill them at the same time" so when her husband's infidelity as mentioned in Article 630 of the Penal Code in any way other than viewing the scene from a time and place for the men to turn and he can prove it in court his crime should be dealt with through the proper legal and chose unconventional path to personal action only in rare cases having accepted all the conditions required by the legislator.
H. Compliance and knowledge:

Giving in Arabic infinitive is the word means firm and give strength to one's ability to achieve something or something I agree and accept to accept someone's command. Doctor anchor Mohammad Jafar Langeroudi giving meaning to such "Scholars have said means that it is subservient to discharge (ie free will) between herself and her husband, wherever and however he can get his unless the law is considered to be concealed during menstruation and prevent diseases such as pilgrimage and devotion, the case is subject to customary family. But not obey the law, we refer to the words of this law it follows in 1085 and 1108. Comply with her duties to obey the law is known. Article 1085 states: "She could not give up his love of the husband refuses to fulfill the tasks provided that the seal he is now. In Article 1108 we also have: "Whenever the lawful discharge of duties unhindered woman refuses to comply will be entitled to alimony". So, as we were told to obey law obey the husband knows the guy and tasks. After considering the case and literally see and religious devotion in order to comply with Article 630 of the Penal Code to get word what he says' Person of deference to be the female »purpose What as above we find the meaning of Article 630 of the Islamic Penal Code compliance component of what "putting their share" cannot be but we must obey the word of men, how women might be achieved?

Science to obey the law as a rule must be achieved in two ways. Or else notice the man in the relationship with the spouse is or that his wife s adultery with his wife in the other and see who else has mentioned the meaning of devotion that. The first way is if the man's knowledge of the course material will be removed and the purpose of observation is to see if it abruptly killed by preparing and would await the Act does not apply, and if her husband could be committing murders and beatings as an exception to this law. In the view of the situation became apparent in a scene and circumstances of the case show a violation of Article 630 of the Islamic Penal Code, and the discussion will be out. So if a woman does not abide by the appearances will be revealing but it may be said that the reluctance of women as subservient and spiritual pressures and other threats of a spiritual obligation. He is forced to obey. It should be noted that, in response, said the woman's reluctance to discuss the matter further so that legislate the following article says, "If the woman is Mkroh». So the second part of the Mkroh women can be reluctant to cover compliance issues so with regard to the subject refers to the subservient wife and husband in Article 630 of the Islamic Penal Code as unnecessary. In the case of the woman or the man can design stranger and that does not comply or does not comply with the act of adultery and was with him the situation in specified circumstances and the discussion that precedes aggression and defense 629 Section B of the Islamic Penal Code, it is dedicated. The material has the say "following the murder will be punished if the defense is to stop the killing.

Kh. Murder in adultery:

Article 630 of the Islamic Penal Code stated "a husband could kill them at the same time". We must see that the goal of the legislator as the phrase "at the same time" is what legislators aim to follow in this regard. In this regard, it can be expressed in two ways. First, to say that the legislative purpose of the term "same" is that when a woman is unfaithful to her husband and commit adultery if she betrayed the scene to see if they can commit murder and was beaten and impunity that strange man and his wife in the midst of committing adultery to murder "At the same time," DRAM 630 of the Penal Code states that the law "could kill them at the same time" as we shall see that the phrase "at the same time," What is and lawmakers aim to follow in this direction. In this regard, both through the second project to be said that the legislature intended to apply the phrase "the same time the" pointed adultery not form. It shows that the act of murder and adultery by the husband of the time and place should be a man and a woman symmetry and generally when murders and beatings involving grant exemptions referred to in Article 630 of the Islamic Penal Code do. In the same situation happening default the percussive beat the first act of murder and adultery by the wife by the husband does only time can include exemptions referred to in Article 630 of the Islamic Penal Code that occur in the midst of committing adultery. If a man sees that his wife has committed adultery and a moment after his adultery to murder will not be covered by Article 630 of the Islamic Penal Code. And if betrayed woman working man and women are out of state. In the case of murder could not be beat others to use the exemption in Article 630 of the Islamic Penal Code. So it does not seem plausible that such a legislative purpose because in this case would be qualified as difficult or even impossible.

However, the second assumption seems somewhat logical because the legislative intent of the phrase "at the same time" to limit the husband's murder and beating the circumstances existing at the time and location of treason but in many cases the abuse of the legal material in this chapter aims to prevent revenge people can be. The result is that the legislative purpose of using the phrase "at the same time" refers to the inclusion of impunity for murder and adultery case was not just beating this phrase does not limit man only if he could have.
committed the murders and beatings and with the conditions in Article 630 of the Penal Code Act, grant an exemption to use the material in terms of time and place must be located in the same situation.

D. Women are not Mkroh:

In our criminal justice coercion as one of the causes is the total responsibility of the resolver and inducing psychological coercion abroad. The purpose of the external psychological coercion it is an external factor that undercuts the power of human will is attested obvious provocation and threats. Doctor Ali Abadi, in the second volume of the book tells of criminal law in this case, "the legal bases of the two types of stimulation is justified. Some of the internalized sense of what a person believes and believes the anger, the rage, and the power is lost and slaphappy. If you commit a crime due to lack power and breath and therefore is less dangerous to society. Some scholars criminal stimulation externally justify the exemption, and say opposition against two errors led to a collision between two dates and equity demands that a person motivated to work towards the penalty error generally exempt from punishment or reduced. The best explanation is that these two are together. It is said that the lack of a penalty or a reduced amount of the penalty shall also confusion irritated him, and stimulating the failure to be considered. So in general we can say that due to the excitation breaks the criminal law is a bad staff and one of the topics that might be thought to have committed murders and beatings legislation granting the exemption in Article 630 of the Islamic Penal Code in view and the wonders of Article 630 of the Penal Code is based on it. And legislation with regard to the general conditions of stimulation, which causes confusion crime and for a moment he could not control his actions ratified Article 630 of the Islamic Penal Code and Both husband and wife were impressed to commit such an act.

R. Killing and beating:

When you couple the above five conditions; science subservient wife Mkroh not having done the same moment his wife getting penetrated by male strangers see Legislative authority that they would kill him. When a license is a felony murder rule, which is the most severe beating has been exempted. Chapter Two: Plan Objections against Article 630 of the Islamic Penal Code Article 132 of the Islamic Penal Code adopted by Parliament and the Guardian Council prior to its design numerous comments and criticisms were raised by women lawyers in cases of these bugs have been announced. Run contrary to the principles of Article 37, 36, 61 and 56 of the Constitution. Article 36 says "Sentence and its execution is only by a competent court of law." Article 37: "The presumption of innocence and no one is guilty unless proven guilty in court>. Article 61 of the Constitution: "The judiciary exercised by the Courts of Justice that must be established in accordance with Islamic principles and to resolve problems and maintain public law and development and implementation of pay equity and bring about God's Hodoud> Article 56: "the judiciary is an independent branch that supports individual rights and social justice, and entrusted with the responsibility to fulfill the following tasks:

1. Maturity and judgment on grievances, violations, complaints, resolve and fix his prayer Trade discounts and decision-making and action on the part of the law that defines Hsbh.
2. Restoring public rights and promoting justice and legitimate freedoms
3. Supervising the implementation of laws
4. The discovery and punishment of crime and the prosecution and punishment of offenders and enforcement of the statutory provisions of the Islamic penal.
5. Appropriate action to prevent crime and reform criminals the judge's wife has since proven her devotion to science and their law enforcement. In such case, forest and animal life comes and fills the aggression and oppression. How to make science subservient wife to her husband? Do you recognize the couple can really be true?

How can determine the woman's husband was Mkroh or not? Be sure to ask and answer this question becomes clear. State whether the notification of the issue of adultery with sex relationship is not destroyed. How, then, was murdered at the same time? Secondly, if the woman and her husband were killed Mkroh it how it is provable? Psychiatric disorders such as obsessive doubts her nervous and paranoid suspicion that plagued a number of people are dangerous plays a role in this regard. Men skeptics and skeptical that even a woman laughing undue and unwarranted accusations are in. These women sometimes get trapped at home husbands are the groups most likely to disappear are: "The claim that a man and woman committed adultery has escaped," Surely this will be the death of countless women. Murder by the act of adultery, despite a lack of intelligence and maturity should be wrong or how to prove it? Pursuant to Articles 19 and 20 people from every nation and tribe to which they enjoy equal rights and all the people men and women have equal protection of the law? The question arises that do men and women who work as prostitutes, even in the presence of his wife and innocent children to bring home and shameless adultery are committed to continue their work.

Even their dirty tricks to be legal to do so and be punished conspiracies, then how Articles 19 and 20 names of men and women have equal protection of the law? The truth is that such permission be granted to women to be at least equal before the law. The Principles 34 and 36 and 37 and paragraph 4 of Article 156 and 159 deal with any complaints and prosecute and punish offender’s litigation, primarily in the People's Courts of Justice.
Therefore, in order to punish this man even if the diagnosis is correct, and despite his knowledge of the legal materials is not acceptable. This article appeared in the hands of the husband is left open, but it's actually murder people opened a community. Finally, all the lawyers have announced that according to Sharee law and the circumstances of time and place should not be a pretext for people they abuse it and create chaos in society are still too. Article 132 of the bill, thus eliminating the begging of the Guardian Council is respected. Some women lawyer’s comments on 24/10/74 were sent to the great Head of the Judiciary Ayatollah Yazdi to be expressed in terms of holiness about it. He is on 2/11/74, he wrote: "Reports indicate that the judgment and sentence over a man thought to have been made if not and it is true that the Court should prove and the judge should be granted. In the murder case with the consent of the woman it is true that no practical possibility, but other than the testimony of four witnesses, there are other ways to judge in any case, such a bill in Parliament's Justice Commission and the Guardian Council have posted their comments, right to have a judicial commission of Parliament. "Again on 8/12/74 concerning Article 132 of the suspended material was presented to the mentor Ayatollah Yazdi and his 29/2/75, he wrote:

It is normal for the purpose of this provision to create insecurity and chaos cannot be proved in court, Is not murder acquittal verdict issued and sometimes the evidence is leading the way to prove such conversations are recorded and the records of the parties which may be harmful to judge science although the judgment of his talk is all fine and good research”. Unfortunately, a few years men had gotten a good trick to this article and when you have reached an impasse between himself and his wife were resorted to this article and his wife dead and his wife in adultery claims that we have seen ... after a few years in the courts, when faced with a large number of cases it had to do more and more attention to hard. Unfortunately, the legislature has taken away the right of women expressed as the woman is a man's honor legislator has the same right as men and deserves the honorable legislators first must get closer to men's tricks do not matter and second, that the right to give to women. There are also considering self-judicial law (Article 38 of the Penal Code) and the possibility of having committed crimes discount on the matter seems to be the inclusion of article 630 of the Islamic Penal Code made in mitigation. In other words, there are factors such provocative actions and words despite the motivations of honor in the dory offense under certain circumstances that the defendant committed the crime affected them which is applicable to both men and women by husband's murder and in Article 38 of the Islamic Penal Code, it is stated it is possible for the judge to consider the object recognition committed to provide the commutation can enjoy.

It is therefore possible that the legislature extended the mandate of Article 38 of the Islamic Penal Code Islamic punishment given (approximately) provide in addition to jail time and deterrent punishments of Sharie the mandate of Article 630 of the Islamic Penal Code, it is a matter of Sentence of Article 38 of the Islamic Penal Code should be included in the similar cases without the approval of the statutory text, which may be exploited judge must review each case on discounts. In order to prevent abuse of the sentence can reconcile with Article 302 of the Islamic Penal Code the man (husband) in the case of women with occult blood prove to be exempted from punishment. However, article 630 of the Islamic Penal Code seems to be maintaining the status quo is not in the interest of society, with the aim of "judicial security violation".

**Conclusion:**

The results of this study have been described briefly as follows: 1) The provisions of article 630 of the Islamic Penal Code was taken from the rich Islamic Jurisprudence and the verdicts of grand jurists have given their verdict accordingly and despite the fact that the narratives in this category has been the weakness of the document, but the weakness of the document in accordance with the known action of these traditions have been compensated. 2) Murdered in bed with the legal conditions the cause of the Hungarian law is legal impunity, permitted by law and the exemption legislation that criminalizes the commission of legislative action and thereby committed a person is not prosecuted and punished. 3) Terms of acts of impunity for murder committed in the marriage bed is to prove the murderer and adulteress, the occurrence of adultery, adulterer being a barbarian, to see the devotion of the wife and the murder of women, not M Kroni wife murder and modifications, if any, and the sum of all these conditions acts committed by legal exemptions apply. 4) The categories of murders in bed have its problems: Including the exercise of the fundamental principles of this exemption, 36, 37, 61 and 56 of the constitution and entrusted to the discretion of the judge in respect of compliance and non-compliance couples wife (the killer) is such discrepancies. 5) According to the law on discounts (Article 38 of the Penal Code) and the possibility of having committed a crime discount the article seems to be based on article 630 of the Islamic penal code is off.

In other words, there are factors such provocative actions and words with honorable motives the offense under certain circumstances that the defendant committed the crime affected them applicable to the murder of women and men by couples and (Article 38 of the Penal Code) has pointed out, this provides the opportunity to address the issue of the recognition, subjecting the perpetrator makes commuting, so it's possible that the legislator extended the mandate of Article 38 of the Islamic Penal Code Islamic punishments given (approximately) in addition to the deterrent punishments of Sharie Islamic penal code article 630 of the cases it
is include a sentence of Article 38 of the Islamic Penal Code is to similar cases without the approval of the statutory text, which may be exploited Survey judge each case on a discount is possible and seems to retain article 630 of the Islamic Penal Code, the status quo is not in the interest of society. It is inconsistent with the purpose of maintaining the security of justice.

RESOURCES