New Aspects of Criminal Law, Regard to Family Support

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ABSTRACT

Family plays an important role in the structure of society because the legal systems of different countries have been supported by the legislator. Legislature's attention to this fundamental element of society and neglected despite sanctions set for some action in the field of family law, the criminalization of them. The Family Support Act of 2012, some of the measures used in various laws were criminalized Re-criminalization of some of the actions that are not criminal record were criminalized by legislators. Legislator in Chapter VII of the new measures to support the families of some of the criminalization of that can be grouped under the headings Event of dissolution of marriage or its related offenses, offenses relating to the rights and obligations of spouses and doctors and notary’s offenses in relation to marriage and divorce marriage split. Each of these categories contains several crimes Including failing to log divorce, annulment of marriage, see, dissolution, nullity of marriage or divorce, crime, marriage, contrary to the provisions of Article 1041 of the Civil Code, an offense contrary to law foreigner married to an Iranian woman, denied the charge parity, stop crime char

INTRODUCTION

Various communities in the fight against all kinds of social disorder preventive and proactive policies work together by taking action against the norms of their acceptance react. In this regard, through the mechanism and consequently determine the criminalization of Security and Training punishment or to prevent the commission of such behavior will follow the rules. One of the areas that are of interest to regulators in many countries have been punished, family. Governments are trying to but in some cases and in some families anti-punishment solutions can be hosted order Instead criminal law can create minimum order. However, it is important to note that criminal sanctions should be used as a last resort except in cases of necessity demands that they do not use. Perhaps this policy has been mentioned that the number of crimes that fall under the heading of crimes against family is much lower than in other areas, except in certain limited situations, the law of any criminal case to be avoided. [7] Due to this, the legislator has attempted criminalization of certain behaviors to support his family. Accordingly legislator in the nineteenth chapter of the Penal Code Act of 1996 attempted criminalization was of certain behaviors as "crimes against family rights and duties". But after several years dated 12.01.2012 passed a bill to protect the rights of the family. In this law, the legislator has criminalized some new behaviors change in them. Hence, in this study will try Criminalization of principles and elements of the crime of criminal offenses relating to an individual and in the event of dissolution of the marriage or, Couples and criminal offenses are analyzed relating to the rights and duties of doctors and notaries in relation to marriage and divorce cases.

1. Crimes related to marriage or dissolution event:

In this part of the research to be criminalized principles and elements of criminal offenses relating to the event of dissolution of marriage or examine it. This section examines offenses include failing to record events as
marriage, divorce, annulment of marriage, see, dissolution, nullity of marriage or divorce, crime, marriage, contrary to the provisions of Article 1041 of the Civil Code, an offense contrary to the law of a foreigner married to a woman Iranian.

1.1 Check the log for failing marriage, divorce, annulment of marriage, see, and dissolution, nullity of marriage or divorce:

Registration of marriage would be important in the life of the spouses, children and even shared with third parties, is considered by all countries. Iranian lawmakers have taken steps in this direction and the imposition of criminal sanctions for the conclusion of marriage without registration, the family has been in the field of criminal law. Marriage registration rules before the Islamic Revolution, a different approach to the legislation after the revolution, by comparing the time, it turns out after the legislation has been further challenged MetroIncluding registration purposes marriage married briefly to ensure the accuracy and prevention of different parity proof or proof of parentage.

The foundations of criminalization of this behavior should be stated that marriage legally registered and recorded regularly with the aim of marriage is a marriage and reduce disputes. Section 645 civil law approved in 1996 with the expression "to preserve the honor of the family ..." Legislator is known in order to maintain the criminalization of the behavior and structure of family honor. But after the Islamic Revolution, according to the Guardian Council without registering the marriage penalty and subsequently declared unlawful in Article 645 civil law Enacted in 1996 solely for the criminalization of non-registration of permanent marriage and temporary marriage registration not required. But to reduce the damage and the consequences of marriage, and also works with legislators on the importance of marriage in the family assumes the new law, marriage is also required to be registered and the criminalization of their recording. Annulment of marriage, dissolution and nullity of marriage or divorce has been criminalized. And failure to register temporary marriage, especially in cases where the wife is pregnant because such a difference in the relative claims, determine the alimony and child from the marriage is broken. Log legal basis for failing marriage, divorce, annulment of marriage, see, dissolution, nullity of marriage or divorce, Article 49 of the Family Support Act of 2012. Refuse registration, the requirement to record the event to pay a fine or imprisonment up to five of the seven condemned. The punishment for the man who filed the nullity of marriage or dissolution of marriage and divorce, refusing to be prescribed. “The material element of the crime should be stated that the mass of the physical material of the same behavior occurs who shall commit any of these crimes, ad hoc manner to achieve a sufficient mass. These behaviors include persistent refusal of registration of marriage, divorce, annulment of marriage or see the official, refusing to sign a temporary contract in the authoritative interpreter (1) pregnant wife 2) Arrangements 3) Stipulation), refusal of registration of marriage dissolution and declare the nullity of marriage or divorce. Since the constraints mentioned in Article 49 of the Family Support Act of 2012 is a limitative Therefore, only those that are not registered and not registered in this Article shall be guilty of an offense apply outside of these actions are present here. The continuous nature of the offense or immediate discussion should be acknowledged when considering the various comments made by the Legal Department of the Judiciary [6] and with respect to the physical behavior of the crime, should be stated that the offense is a crime of continuous nature Sign cited. Thus, failing to register marriages realized that marriage is legitimate, legal and official record books. So if one of the barriers to marriage because marriage is unstable and non-registration, No registration will be subject to the penalties prescribed in the aforementioned article. [9] The "official", the official marriage and divorce. So the man of the contract documents in offices and estate duty is not warranted.

Another condition for this crime is not registered at the time the action is prescribed by law. Article 645 of the Penal Code, adopted in 1995 when the couple is responsible for the registration of marriage is to talk to are not included. Although initially it may seem that a one-month period mentioned in the article referred to is not registered But considering the topic "bring one specialist after getting a polynomial expression" the great fundamental principles of jurisprudence that looks like Mirza Naini, all statements already allocated It can be stated that when the phrase " refuse up to one month of registration..." After a few acting like a permanent marriage, divorce, annulment of marriage and see, it takes all the measures to allocate all these actions must be registered within a month. Also in favor of the defendant's interpretation of such contingency has more time to consider the defendant Mental element of the offense is being committed general ill should know that the action is forbidden and intentionally do it In other words, even knowingly failing to record events as marriage, divorce, annulment of marriage, see, dissolution, nullity of marriage or divorce act. The subject should be expressed crime committed this crime, according to the former marriage, Parties and even while under the Penal Code Act 1996 and the Family Support Act of 2012 is just a couple. Mental element of the offense, the offender must understand general I’ll do the prohibited act In other words, they do it deliberately and knowingly even than no record of marriage, divorce, annulment of marriage, see, dissolution, nullity of marriage or divorce act. It is worth noting that the purpose of the legislature of the state of preservation of the family retain But it is not necessary that the perpetrator when committing the crime, retain family is now going to disintegrate. Punishment for the crime in addition to the obligation to pay a fine of five pairs of registered events or
imprisonment has set up seven. According to Article 19 of the Penal Code Act of 2013 can be said that the purpose of a fine of up to five (fine of more than eighty million (000/000/80) to one hundred and eighty million dollars (000/000/180) dollars) and imprisonment of seven (imprisonment of ninety days to six months). Punishment for the crime in addition to the obligation to pay a fine of five pairs of registered events or imprisonment has set up seven) and imprisonment of seven (imprisonment of ninety days to six months).

1.2 Contrary to the provisions of Article 1041 of the Civil Code of the crime marriage:

Marriage is one of the most important events in human life and human societies is the most important legal institutions. Should be expressed at low marriage difficulties and problems with several of them proposed that can be used include: Married at an early age, due to pregnancy and pregnancy, the baby and the mother brought losses. Such that the child is likely to increase in stillbirths, abortions, given the lack of development of the child; The mother also abnormal increase in labor and delivery, due to the insufficient development of the hip, which could be harmful to the mother's body. [3] The task of securing the support of all members of society. And such rules should be foreseen to prevent damage to society. Prediction of Article 1041 of the Civil Code with the marriage of minors under 12 and 15 years with the permission of the court's finding of minor interest and respect for the law.

Should be expressed at low marriage difficulties and problems with several of them proposed that can be used include: Married at an early age, due to pregnancy and pregnancy, the baby and the mother brought losses. Such that the child is likely to increase in stillbirths, abortions, given the lack of development of the child; The mother also abnormal increase in labor and delivery, due to the insufficient development of the hip, which could be harmful to the mother's body. [3] The tendency of many countries to increase the minimum age for marriage. Thus, since the marriage with a minor can have dangerous consequences for the legislator to the criminalization of this behavior.

Coupled with the issue of underage marriage, especially among the young girls of the past issues that have been raised among the jurists. Jurists known as the qualification criteria for marriage, maturity and lack of knowledge and according to some traditions puberty 9 lunar years for girls and 15 for boys know [8]. But the argument is that we consider the coupling jurists child before reaching the age of majority in the guardian, be accepted.

Legal elements of marriage with a minor offense contrary to law, Article 50 of the Family Support Act of 1391, which states: "If a man contrary to the provisions of Article (1041) civil law marriage, is sentenced to imprisonment of six. If the marriage leading to permanent disability or disease female lead, In addition to imprisonment for up to five pairs of compensation payments if leading to the death of a female , Sentenced to imprisonment for up to four pairs in addition to the payment of blood money. "Note that the article also states that "if a guardian, parent, legal guardian, or responsible for the care and education of the wife of the offense mentioned in this article have a direct impact Sentenced to imprisonment of six. The order also required the Party. “Furthermore, Article 1041 of the Civil Code was amended in such a dated 01/04/1381 that "marriage girls before the age of 13 to the age of 15 years is subject to the permission of interest with respect to the condition diagnosed by a competent court. »

Physical material behavior of the material according to the results of the test consists of three behavior that each of these behaviors is a separate punishment. These actions are contrary to the provisions of Article spend Marriage (1041), civil law, marriage is contrary to the provisions of Article (1041) of the Civil Code lead to permanent injury or disease of the female lead, Marriage contrary to the provisions of Article (1041) of the Civil Code, which led to the death of a female So if a man wants to marry a girl who has not attained the age of 13,In addition to the consent and permission of the girl, deemed to comply with the court's decision in this regard will be taken good Otherwise offense Article 50 of the Family Protection Act was enacted in 2012.

It should be noted as marriage before maturity without permission, but futile, intercourse before maturity is prohibited. What is important at this stage; Sexual act with an immature person is also prohibited. According to the jurists if a sexual relationship with a minor girl establish, if he knows it is a prohibition act, sin is the work of the whip [2].

Another of the legislator to Article 50 of the Family Support Act of 2012 is considered This is the man who, contrary to the provisions of Article (1041) law to marry the young girl The young girl near the corner leading to permanent injury or disease is immature girl Or other criminal behavior legislator considered The man who, despite the provisions of Article (1041) law to marry the young girl The young girl near the corner leading to the death of the young girl.

If you marry a young girl is done in accordance with Article 1041 of the Civil Code of the marriage, the proximity effect with a minor girl, she suffered injury, illness or death so what should we do? In this regard, Article 660 of the Penal Code Act 2012 should be invoked. The article states that "liability is triggered connection wife as follows: A) If a spouse, adult and non-causal connection to intercourse, the woman should be paid full compensation.
Note: This article is also expressed in "connection the Bull and one of the two channels and Ghayt Menstruation or not." Have stated that the legislator in Article 660 of the Penal Code Act 2012 refers to the immature connection, mutilation wife but the death of the young wife did not say anything nearby. In this regard will be subject to the general rules of liability cited murder. Since so religiously unlawful intercourse with a minor is And medical terms it is prohibited from acting so immature man who with his wife near the And female relative who has married to a woman has the right not to be subject to punishment regardless of the result. According to Article 1060 of the Interior Ministry to implement Article 1060 of the Civil Code and Article 17 of the Law of Marriage Act 07.06.1966 and subsequent amendments mentioned. Dated 07.06.1966 on the Cabin Committee meeting on the proposal of the Interior Ministry to implement Article 1060 of the Civil Code and Article 17 of the Law of Marriage Act of 1937 regulations were approved non-marital female Iranian foreign nationals who are not copies of the by any law, is now obsolete. According to Article 1 of the Regulations of the Interior Ministry is authorized to

Commit the crime, according to the Penal Code Act 1996 and the Family Support Act of 2012 is only a couple. It should be mentioned that according to Article 50 of the Family Support Act of 2012 if the guardian, parent, legal guardian, or responsible for the care and education of the wife of the offense referred to in Article 50 of the Family Support Act of 2012 (marriage contrary to the provisions of Article 1041 of the Civil Code) have a direct impact sentenced to imprisonment of six. In addition, the ruling of the Parties that, contrary to the provisions of Article 1041 of the Civil Code of the current temporary marriage has been prescribed. However, in Article 1041 of the Civil Code of words, but also the assumptions above, the legislator considers that there may be a guardian And other female relatives of the mother and child, legal guardian, or responsible for the care and upbringing of children, contrary to the provisions of Article 1041 of the Civil Code provides grounds for marriage.

Consequently, contrary to the provisions of Article 1041 of the Civil Code for the offense regardless of marriage, only to conclude that the provisions of Article 1041 of the Civil Code is no marriage. Consequently, contrary to the provisions of Article 1041 of the Civil Code for the mass marriage to Mvaqh lead to permanent injury or disease of the female lead, Contrary to the provisions of Article 1041 of the Civil Code of marriage that has been concluded by the closeness that has been leading to permanent injury or illness is minor daughter. Finally, contrary to the provisions of Article 1041 of the Civil Code, the result for the mass marriage that ended in death of female. Marriage is contrary to the provisions of Article 1041 of the Civil Code has been concluded that due to the proximity that have taken place leading to the death of a minor girl. Mental element of the offense, the offender must understand general I’ll do the prohibited act In other words, they do it deliberately and knowingly couple to marry contrary provisions of Article 1041 of the Civil Code shall apply. Even if the couple proceeded to close and know that this is fatal to minor daughter murder is considered as a wilful murder.

The punishment is different with regard to the gaining results. Legislator punishment of imprisonment of six (imprisonment of six months to two years) for an offense contrary to the provisions of Article 1041 of the Civil Code, marriage, money and pay a penalty of imprisonment of five (imprisonment of two to five years) for the mass marriage contrary to regulations feet female lead is considered. Moreover, even punishment, imprisonment of six legislator’s punishment (imprisonment of six months to two years) for a guardian, parent, legal guardian, or responsible for the care and upbringing wife and Parties that the offense referred to in Article 50 of the Family Support Act it is considered a direct impact.

1-3- The crime contrary to law marriage with foreign men Woman:

Iranian women married to foreigners, has several works, including the conversion of their nationality to nationality government partner, the restrictions on their ownership rights over immovable property and citizenship education, and his wife is Legislator in the Family Support Act of 1391 attempted criminalization of it. Legislator due to various problems in society today has brought this action sentenced to imprisonment of five. "Physical material of this crime only marry a foreign man and a woman has no authorization referred to in Article (1060), unlike other provisions of the Civil Code or legal. So the offer and acceptance signed by the parties to the contract and complete the contract without authorization referred to in Article (1060) of the Civil Code or other law to the contrary, lead to the realization of the crime. However, this contract may be made purely on the basis of religious orders and have no legal forms But the legislator for such a legal marriage without the authorization referred to in Article (1060), contrary to law or other legal provisions have been made to determine the punishment. However, if a foreign man married to a woman has the right not to be subject to this provision shall be legislated. External expression of the law of any other person who has the Iranian citizenship refers to whether the person is Muslim or non-Muslim. The purpose of "any foreign person" in Article 51 of the Family Protection Act, every man is a citizen of Iran. Thus, if a male non-citizen under the laws of the country subject to obtain a "foreign person" is not and therefore need a permit to marry a woman has not mentioned in Article 1060 of the Civil Code. It is expressed as the ratio of these marriages should be legal regulations are obeyed. Other provisions of Article 51 of the Family Support Act of 2012 realization of a crime, the provisions of Article 1060 of the Civil Code and other relevant legal regulations. Among the most important legal regulations in this area should marriage laws Iranian women with non-Iranian Foreign Nationals Act of 07.06.1966 and subsequent amendments mentioned. Dated 07.06.1966 on the Cabinet meeting on the proposal of the Interior Ministry to implement Article 1060 of the Civil Code and Article 17 of the Law of Marriage Act of 1937 regulations were approved non-marital female Iranian foreign nationals who are not copies of the by any law, is now obsolete. According to Article 1 of the Regulations of the Interior Ministry is authorized to
permit marriage of Iranian women to foreign nationals in compliance with these regulations export. According to the regulations, to permit the applicant must prepare and submit the following documents to the competent authorities:

1) Application for men and women upon request marriage licenses to sample the Interior Ministry.
2) A certificate from the country of origin man's body being permitted to marry a woman and recognition of marriage in their country. However, if the applicant is prepared to license the above documents is not possible without the consent Interior Ministry may issue marriage licenses.
3) If a non-Muslim man and a Muslim woman is a man's initiation into Islam certificate or affidavit is required.

The Interior Ministry at her request the following documents in addition to the documents mentioned above, a man claiming to be an alien:
1) Certification to the effect that he is single or married a local official or diplomatic and consular authorities of the country of origin man.
2) a certificate of no criminal conviction records bad guy from local officials or political and consular officers man the sovereign state criminal clearance certificate authority resided in a foreign country if the man. In case of abuse or abandonment and divorce pay. The charges for non-fulfillment of Article 51 of the Family Support Act of 2012. Comply with all the rules listed in the Code of Iranian women marriage with non-Iranian Foreign Nationals Act and its subsequent amendments will be required 06/07/1966 And if even one of the rules prescribed in the regulations are not respected and Iranian women married to foreign men, He is liable to the penalty prescribed in Article 51 of the Family Protection Act 2012 be approved.

Be expressed committed this crime, only the outer man. Although marriage with the consent of both men and women is achieved and the woman did not consent to marriage cannot be achieved However, the legislator only foreign men are considered to bear the punishment for criminal responsibility is not attested by an Iranian woman And the principle of legality of crime and punishment cannot marry a woman has to do is guilty. Mental element of the offense is a foreign man knowingly general ill toward marriage with a woman has no respect for legal practices act.

In regard to size and amount of alimony diverse views among scholars there As a whole, it can be stated that Because the man who shall be able to do what it does not correct God and mankind except that they have a duty not only to the limit of their ability, So, what would be the criteria, financial man. Finally, if the level of financial wealth, man, what will be decisive, the dignity of women

Iranian lawmakers keen to preserve the family and meet the needs of his wife and family life, his alimony obligation placed upon them. You do not have a legal obligation to crime and clearly, supporter refusal to pay alimony is a crime. Article 53 of the Family Support Act of 2012 stated that "everyone could afford, alimony his wife if she does not obey or the payment of alimony obligation spending money other parties refuses to condemn the imprisonment of six. Private plaintiffs is subject to criminal prosecution if he passed the complaint at any time suspend the criminal prosecution or punishment. " Note that the article also states that "the refusal to pay alimony to the wife who is authorized by law to non-compliance Alimony and child or children under the supervision of artificial insemination subject to the provisions of this Article. "

Physical material of this crime according to Article 53 of the Family Support Act of 2012 non-payment of alimony to the wife with some other people accept or refuse to pay alimony is obligatory to spending money. In other words, after fulfillment of the requirements for the payment of alimony, the omission apex alimony, charges will be approved. To achieve mass leaving the charity in addition to the physical behavior of the material, there are some necessary conditions. Provisions for the payment of alimony to the wife has determined that the legislator there are permanent marriage between husband and wife, subservient wife and the couple's finances. Provisions as well as the legislator to pay alimony to the other members shall be appointed spending money the relationship between the families and are entitled to alimony supporter, lack of money of person who is entitled to alimony.

2. The rights and obligations related crimes Couples:

Given the importance of the rights and obligations of family members towards each other, Legislature to leave some of these tasks leads to disorderly conduct in their community and criminalized and punished for their assigned Some of these crimes can be left to give offense, guilty of failing to carry out duties related to custody and denied the charge parity cited.

2.1 Leaving the crime charity

Civil Code states the rights and duties of both spouses, they are committed to the principles of family and children's education is known Construction and to cooperate in Article 1106 of the Act, providing support woman's husband is established. Article 1196 of the Civil Code, the sentence expresses charity relatives and friends of the vertical line to the upside or downside, is bound to give to each other. Thus, the importance of family, charity, as the rights and duties within the institution is considered And legislation to ensure the right
and duty to give leave, however pardoned criminal and non-payment of alimony to the wife and relatives of known criminal penalties.

2.2 refrain from performing duties relating to the custody of the crime:

Legislators on both the right and duty to raise their child care and in case of disconnection and separation of the spouses of each task is determined for it. It is the right of parents in the care of the child, therefore, if the divorce or any other child's parents are not living in a house, each of them under the custody of the child, he is not allowed to meet their children. Unfortunately, the rising divorce rate is one of the most important issues faced by couples after divorce, child custody issue. With regard to the question of custody may cause problems the legislator has described in detail the issue. In particular child custody dispute among scholars and jurists of Islam there, The amendment was approved in 82 approved by the Council, for the custody and care of children who have been separated from her parents, mother to 7 years old (male or female does not matter) has priority

Under Article 1172 of the Civil Code, parents have custody of the child while they undertake. No right to refuse to keep him. According to Article 1174 of the Civil Code also raise a child who is under his custody, Right to visit their child. The child is entitled to be considered guilty. Legal basis of Article 54 of the Family Protection Act 1391 it is an offense. The article stated that "if the homework assigned is responsible for custody of the child to avoid or prevent the appointment of persons to be rightful. For the first time to pay a fine of up to eight, if the sentence is repeated, the maximum punishment. "Physical material of the mass with respect to the matter in two distinct steps which lead to the realization of the offense shall be committed by any of them. These behaviors include failing to carry out duties prescribed by the persons responsible for child custody and visitation prevents the rightful. The first treatment (refusal to perform duties assigned by the Head of Custody) have stated that the legislator's custody has given various assignments Such that they can keep and care for the physical, emotional, physical and spiritual education of their children and so on. Among the tasks that the legislature has provided for the maintenance of the child is a minor and cannot insane without the consent of the parent, guardian, or person the mother custody of maintenance is to assign Agreed between the parties or of residence to another location before the divorce or sent abroad, Unless the court deems it expedient to minors and insane considering the appointment of persons entitled to allow it. Visitation rights with the child. Therefore, if the parent who has custody, On the other hand, the meeting (in accordance with court ordered visitation rights) is prevented, for implementing the sanctions mentioned in Article 54 of the law can be used to support the family. Based on the previous legislation, were only allowed to raise and Article 1174 of the Civil Code applicable to the child is not meeting non fathers [1]. But it should be noted that according to the law of the Family Support Act of 2012 to increase the scope of the relevant persons. The reason is that in Article 29 of this law states that incurred by the parties are to meet the child's interest. Also, since the above-mentioned law is Madh45 "respect and protect the best interests of children and adolescents in all decisions of courts and administrative authorities is required. “Therefore, if the child meets one or more of relatives (other than raise) to protect the best interests of the child and the person is the rightful person. The first result of the crime is required to forgo the legal custody of homework is Another result of this crime, it is necessary to fulfill the rightful parties from meeting the child is. So the conclusion is that the only obstacle to the realization of this behavior rightful persons meeting the child is no excuse. Since the material element of the offense or offenses from meeting statutory obligations not responsible for custody of the child with the relevant parties, must be omitted crime of the voluntarily. It should be noted that the mental element of the offense, general ill so that the child or have the knowledge and the will to prevent the assignment led him to be the offense crime.10) IRR) and, if repeated, the maximum punishment is determined. The maximum penalty is ten million (000/000/10) rails for the payment of fine.

2.3 Evaluation of mass denial of parity:

The family of the charity noted. Given the significant impact that parity is seeking to prove, contrary to the legislator to deny or confirm that, to the criminalization of the behavior And in Article 52 of the Family Support Act of 2012 attempted criminalization of denial of parity, and stated that “Whoever denies parity in court and has been proven to be unfounded denial Unlike a criminal complaint or a lawsuit or other claim parity with imprisonment up to six or six and sentenced to a fine degree. Physical material of this crime according to Article 52 of the Family Support Act of 2012, contrary to the claim of denial of parity and parity with others. It is necessary for the fulfillment of this crime to deny parity with another person in court and proved to be unfounded or deny the claim despite the fact that one parity with the other. Parity may be denied or speech act that is unequivocally confirmed the denial of parity. As is evident from the appearance of the legislator to deny a certain type of parity is not considered and every act and speak at any stage of the proceedings, which confirms the denial of parity is sufficient for this crime. The criminal complaint or lawsuit as a plaintiff or applicant, contrary to the claim parity with regard to criminal or civil case is different. If someone has a criminal complaint and a criminal complaint was also contrary to the claim parity with the other, since the legislator in Clause 2 of Article 69 of the Code of Criminal Procedure states that "If the width is incomplete or oral, shall be reflected in
the agenda set by the court and the signature or fingerprint of complainant. “Therefore, it can be stated that, contrary to the claim parity with the criminal complaint in writing and verbally and literally realized. But on the other hand, since the basis of Article 48 of the Civil Procedure Code, the law requires the court a petition is submitted And on the other hand, according to Article 51 of this Law shall be filed in the Persian leaves printed on special paper, the Therefore be stated that, contrary to the claim parity with legal complaint in writing and will only be realized in the form of a petition. In addition to the physical behavior of the listed crimes, the first condition for the realization of an offense listed in Article 52 of the Family Support Act of 1391 denial of parity is necessary to prove unfounded,. When the legislator denies parity condition, the Court has upheld the denial stating the need for the court to be proved when the court ruled that denying unfounded and baseless deny the parity issue. Person can be charged with criminal courts denial of parity in the pursuit. Another condition for the realization of the crime, despite claims to the contrary is proved be parity is being claimed. According to the criminal complaint or lawsuit only if everyone does that, contrary to the claim for judicial review of a fixed parity and then the Claims in the lawsuit or criminal case, despite the fact that it is sufficient to fulfill the offense. Not be liable to the plaintiff or defendant (Article 52 of the Family Protection Act was enacted in 2012 because it was not meant courtroom proceedings And because it has not been entered in nature and therefore cannot handle the constant assertion is contrary to fact, he commented. Another requirement that the legislator has to realize this is a crime to deny parity states Denial of parity should be in court, and therefore can be explicitly invoked Article, the denial of marriage that the court or other administrative authorities carried out the provisions of this Article, he said. It can be stated that the legislator offense contrary to the claim in court has accepted parity. The absolute or bound mass parity or deny the claim despite the fact that parity must be expressed in writing, although the word "then proved that this denial was unfounded." It is unrealistic to assume that the mind is a crime to deny or claim resulting parity indeed, it should be noted that the above provision by taking offense because of unsubstantiated denial until parity is not met, the object is achieved. Mental element of the offense is the general ill person who is denied parity relationship Or contrary to the claim parity relationship is a relationship of parity (a crime to deny parity)And with the knowledge of having parity (unlike the parity of the offense alleged) crimes ) has been determined are listed in Article 52 of the Family Support Act of 1391.Offense punishable by imprisonment of six lawmakers deny parity (imprisonment of six months to two years)Or a fine of up to six (a fine of more than twenty million (000/000/20) to eighty million dollars (000/000/80) RLS.

3. The crime of doctors and notaries in relation to marriage and divorce:
In this section we intend to investigate crimes, due to doctors and notaries marriage and divorce separately. Although it may seem that these crimes are not directly in the family but since this crime is closely associated with the family and legislator in the Family Protection Act, passed in 2012, it is named will pay them. Among the crimes in this area is to examine them would be acting contrary to the provisions of the Official exordium in matters of marriage and divorce and acting contrary to the doctor mentioned in the certificate of marriage.

3.1 Evaluation of acting contrary to the physician's certificate of marriage:
Given that the issue is important to the health of the spouses in marriage It is effective on public health and the future of children So legislator for married couples and official documents assignments to obtain a health certificate from doctors who have special license from the Ministry of Justice has set At the time of the marriage certificate to be provided for the doctor. According to the legislator to provide the required health certificate is required, which the legislator aims to ensure the health of marriage and the family in society and therefore there is conflict legislator has criminalized the act of a doctor. Legislator with the criminalization of false medical certificates in the field to maintain the health of the family as the fundamental unit of society and the future of the children. Due to serious and sometimes irreversible effects that some false certificates on the basis of family physicians in the field of marriage and family and community health, Therefore, the legislator in Article 55 of the Family Support Act of 1391 decreed that “any doctor who deliberately contrary to the testimony of the material (23) and (31) the law of the certificate shall not be issued or bad faith, the first denial of employment to practice six of the Penal Code and sentenced to the maximum penalty for a second and higher. ” These actions are contrary to the certification of the material (23) and (31) of the Family Support Act of 1391 and the refusal of a certificate. Therefore, it is necessary for the fulfillment of this crime practitioners accredited by the Ministry of Health and Education, contrary to Articles 23 and 31 of the certificates in support of the family is mentioned issue III, or that the certificate mentioned in Articles 23 and 31 of the Family Protection Act refrain. The first criminal behavior and criminal behavior in the second verb is an omission. According to Article 23 of the Family Protection Act, doctors of the law should be compared to the pre-marriage certificate. Drug addiction is the first evidence of absence. Second, the parties before the marriage certificate of vaccination, patients need to be vaccinated against them. Third party certification of non-communicable diseases and dangerous risk for spouses and children of the marriage. . The perpetrators of this crime should have stated that any physician to issue the certificate authority And only doctors can issue the certificates mentioned in
Articles 23 and 31 provide for the issuance of these certificates are accredited by the Ministry of Health and training. Conclusion that it is necessary to realize that it is a crime to commit a crime (doctor approved by the Ministry of Health and Education) this provision is contrary to the certificate or certificates shall refrain with all the terms of this matter. Therefore, it was necessary to achieve a result which is contrary to the certificate or certificates need not be mentioned in articles and make specific provision for this crime is not mentioned. Since the material element acting contrary to the doctor's certificate, marriage is both a verb and an omission to state that both actions have voluntarily committed the act or omission and maliciously and intentionally committed criminal behavior to be mentioned.

3-2. Study acting contrary to the provisions of the Official exordium in matters of marriage and divorce:

Regarding the issue of registration of marriages and events such as divorce, it is important therefore to official documents of marriage and divorce legislator has certain duties when registering for the event, weddings and events take some measures and procedures, Otherwise legislator for notaries who refuses to perform the duties of the penalties specified. With regard to the duties imposed by various laws were expressed in scattered, Legislator in the Family Support Act of 1391 as an expression of all the duties of notaries and lawyers to prevent confusion and disorganization of the vote. Therefore, the legislator in Article 56 of the Family Support Act of 1391 attempted criminalization of acts contrary to the provisions of exordium marriage in matters of marriage and divorce, and stated that "Every official exordium without certification Articles (23) and (31) of the Act, without obtaining a permit referred to in Article (1060) prescribed by law or decree issued on remarriage or contrary to the provisions of Article (1041) registered civil law marriage act The denial of employment to notaries sentenced four of the Penal Code. " These include registration of marriages without certification Articles (23) and (31) of the Act, registration of marriage without first obtaining a permit referred to in Article (1060) of the Civil Code, marriage records without a warrant issued by the administration of a second marriage, marriage registration, unlike Article (1041) also recorded for each of the grounds for dissolution of marriage or civil law and the nullity of marriage or divorce without a court order, without proof of the impossibility of reconciliation, without the certificate referred to in Article (40) of the enforcement decree of the Family Support Act of 2012 without foreign judgments. Therefore, it is necessary to realize these notaries offenses without formal marriage and divorce certificates, permits and provisions required by the court or other competent authority or contrary to the provisions of Article 1041 of the Civil Code apply to the marriage registration Or official notaries marriage and divorce certificates without the permission of a court or other competent authorities and the provisions required to effect the dissolution of marriage or declaration of nullity of marriage records or divorce, each of the criminal behavior of the material they are doing so is a verb. Have stated that if a person is lacking office of the notary (marriage and divorce) Without a warrant issued by a court in the administration of remarrying another attempt to implement this temporary marriage, According to Article 17 of the Family Support Act of 1974 to prosecute because according to Article 58 of the Family Support Act of 2012, the Family Support Act of 1974 has not been abrogated Therefore, to express the offense mentioned in Article 17 of this Law has been abrogated. Of crime and punishment, acts shall not be considered a crime for committing these acts expressly approved by the Family Protection Act 2012 should be made by official exordium. Is required. "Parties shall be sentenced to imprisonment of six. The perpetrator of the crime must be stated that although the legislator has stated in Article 56 of the Family Protection Act, "the official exordium" And official documents are not subject to the registration of events related to marriage and divorce is not their inherent jurisdiction. Conclusion that it is necessary to realize that it is a crime to commit a crime (exordium of marriage and divorce) This article without certificates, permits and provisions required by the court or other competent authority or contrary to the provisions of Article 1041 of the Civil Code apply to the marriage registration Or without obtaining certificates, permits and provisions required by the court or other competent authorities to effect the dissolution of marriage or declaration of nullity of marriage or the registration of any of the divorce. So the conclusion that it was necessary for the fulfillment of the conditions of dissolution of marriage or declaration of nullity of marriage or marriage records or divorce without legal licenses and achieve a certain result for this crime is not mentioned. Mental element of the offense is the exordium to the general ill will and the knowledge to lack of evidence listed in the law, attempt to register The crimes listed in Article 56 of the Family Support Act of 1391 becomes law. And then attempt to record the action does not complete his mental element and cannot be blamed for this neglect him guilty.

Conclusion:

First, it is necessary to express the family environment because of its special status in the first place are the ethical rules governing and these rules are effectively governed the relationship between family members. Perhaps that is why the rules governing criminal family is very low compared to other areas. Although the family is a private environment basically non-criminal rules governing these institutions but in some cases and in some families non-criminal solutions can be hosted order Instead criminal law can create minimum order. Family nature requires some homework to be done in the areas of family and criminal law criminalized enter the
field of family law. Due to various reasons in support of the criminal family, Legislators to the criminalization of certain behaviors to support his family. Accordingly, different laws and the legislator in the nineteenth chapter of the Penal Code Act of 1996 attempted criminalization of certain behaviors as "crimes against family rights and duties" was. Divorce, marriage, contrary to the provisions of Article 1041 of the Civil Code Closed Registration of marriage would be important in the life of the spouses, children and even shared with third parties, the attention of all countries, including Iran's legislature. Due to the numerous difficulties and problems with legal, medical and psychological married at the bottom of the legislator is seeking criminalization of offenses contrary to the provisions of Article 1041 of the Civil Code of the marriage. The legislator for the guardian, parent, legal guardian, or responsible for the care and upbringing wife have a direct impact on crime and punishment has set. Given that many of the problems of Iranian women married to foreign nationals seeking to have their Legislator in addition to legal sanctions, the criminalization of acts of this type of marriage was. Since the couple with marriage, the rights and duties towards each other are different. Legislator to leave some of these tasks leads to disturbing community and to the criminalization of the most important tasks will be to give the job to his wife and other relatives noted. Lawmakers keen to preserve the family and meet the needs of his wife and family life, his alimony obligation placed upon them In addition to legal sanctions specified in Article 53 of the Family Support Act of 2012 and the action to be criminalized And to commit the apex of alimony to his wife and other people spending money necessary to fulfill the requirements mentioned in the law has set, punishable by imprisonment of six.

Legislators in both the right and duty of parents in child care and in the case of the couple's separation and separation from each other with regard to the consequences that may Training and maintenance of couples deciding to have children arise. Given the importance of this issue, the legislator to determine the legal sanctions, in Article 54 of the Family Support Act of 2012 attempted criminalization of failing to carry out duties relating to the custody of the And to be responsible for custody of the child to meet the obligations imposed by the parties refuses or prevents the rightful punishment, fines determined. Given that many of the financial and non-financial parity relationship several plays despite the fact that parity relationship to deny or confirm legislator, to determine punished some people in the community, by the authority of the law, they are placed Marriage and divorce with a direct connection to the quartiles may be due in respect of the offenses committed. Although this is not a crime directly to the family But since this crime is closely associated with the family and legislator in the Family Support Act of 2012 have been named Marriage exordium action in matters of marriage and divorce, acting contrary to the doctor's certificate, which have been in marriage-criminalized and due to changes and developments occurred in today's society, according to the circumstances of the penalties for these crimes has been revised But in contrast to some of the actions that previously were not criminalized in the laws, Due to the numerous problems and behaviors are created in the community, Legislator has attempted to determine the punishment for the actions and behaviors The most important measures for failing to sign a temporary contract is considered because their registration should be required by law.

Suggestions:
Considering the importance of the issue and the courts of justice are frequently dealing with offenses relating to the scope of their families, it is necessary to avoid the issuance of the final decisions of the courts, one for all offenses relating to the field of family law is passed. It explained that since the legislator in Article 58 of the Family Support Act of 2012 to abolish the Family Support Act of 1974 does not apply And some of the crimes that have occurred in the drives, The current legislation does not contain. This may be dispersed vote because some courts are assumed all offenses listed In the area of family law is limited to crimes listed in the Family Support Act of 2012 and has abrogated the rest.

REFERENCES