

## The Criminal Policies of Supporting Veil

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**Abstract:** One of the most important issues in Islamic society is veil. Since the religious government must provide, endeavor and strategize for improving Execution Divine Commandment therefore our lawmakers have adjusted and confirmed some rules to save the people in the society. (Some of the rules include the Veil issue) in order to deal with criminals in inclusive way. One of those solutions is controlling, preventing combating against the crimes, which is discussed on the system of the criminal justice. The outcome of these solutions is creating the safety and security of the society.

**Key words:** Criminal solutions • Veil • Discipline of the association

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### INTRODUCTION

The security is one of the most essential issues which is highlighted very remarkably in all the dimensions of the peoples life and since the old days until now, there have been a lot of efforts to create the security in humans life which cause many kinds of evolutions. Today, it is already approved and specified that the significance of security is one of the vital motivation of social life and civilized humanity. The topic of security is classified into different segments, such as individual security, group security, national and international security and also some other various segments inclusive of legal, political and social and etc. On the other hand, Islam laws are legalized on the basis of popular expediency human being. You can't find any rule in Islam which is not dependant on it. As if regarding rule forger is unseen for a lot of people, but there is no doubt in their existence. One of those cases can point to human factors which can fulfill the human requirement in virtual and spiritual like human life and body [1].

The law is very important in religious instructions. In Quran "The Law" and "to rise" related to the significance of the law of pure man and women. Because pure men and women pay attention to this issue as much as they pay to their properties and bodies. Since the law is considered as part of the character territory.

Therefore, since law is part of our characters and must be put on top priority and we need to be very careful in keeping veil. Because Islamic veil gives peacefulness and serenity and security to the Muslim woman and is a

shield against all the attacks violates to the privacy honor of the Muslim. Imam Ali writes a letter to Imam Hussein regarding the importance of veil he says: veil has been truly and significantly advised to the women and her security. The law of Islamic penalties, article 638, lack of attention to veil is a crime and if anybody will do, must be punished.

The synopsis of this note is the same note in article 102, the law of suspense approved in 1362, which is significantly to the change of the penalties form whip to the imprisonment and the cash penalty. We are going to discuss it as bellow:

**Legal Material:** The note of article 638 approved in 1375 which is discussed on note 18, regarding lack of attention to veil by women specified that "The women without veil showed up on street will be sentenced from 50,000 Rial to 500,000 Rial as a cash penalty or imprisonment from 10 days to 2 month. The lawmaker in this clause used the term of "women", means that these ladies are qualified as matured ladies by age or those ladies are Iranian or foreigners. It is expressed that those criminal regulations of inclusive of all those people, whether permanent residence or temporary residence according to article 3. The Attention to Veil for the Iranian resident is necessary and must acknowledge that lack of attention must happen in general eyes, otherwise if it happen in hidden way, will not include the clause 5.

The term of The Place is the square, streets, roads, highways. Dr. Langaroudi, regarding the general pedestrians "writes that if the general pedestrians do the

crime in the public places, it means that people will be witnessed and the measurement of judgment of general is inclusive and the number of people is a lot [2, 3].

**Material Factor:** Lack of attention to Veil is quitting of doing this legal duty which is done by woman in public places such as showing part of your hair, showing the neck, because of wearing scarf or using clothes or Mantoo. Due to the relation of Veil to Shari description, no definition in any rule or other the law we can find, therefore only we can refer to Emammimye Book. Article 167 constitution and the clause of 214 the law of the custom of Judgment of the General Court has advised this refer. But regarding veil must express that all the lawmakers agree that women must cover up her body and her hair. Needless to mention, the material factor of this crime is absolute, in the sense that conclusion of absolute crime will bring into justice. Meanwhile, using the popular expression of inappropriately dressed from the women is not to be thorough and correct meaning. Therefore we have 2 concepts:

- Shari Veil
- Lack of Shari Veil,

Then we do not have the expression of unveiled.

From the view of the law, being naked of all or part of hair or any part of the body will be considered as unveiled and then we do not have the expression of as inappropriately veiled [4].

**Spiritual Factor:** The crime of not paying attention to veil is considered as a powerful crime and the sentences must be punished. Ill Will means that the committer knows and is aware of not covering up part of the body and showing in that dress up in public place is banned.

Although some people believe that "this crime is material crime which doesn't require purpose of criminal and doing this crime is considered the purposefulness of action.

If the committer doesn't have criminal motivation such as advertisement or propaganda against the country which is true, the one who does this crime must be sentenced.

Punishments according to bylaw the punishment of the lack of attention to Veil Shari in this clause is imprisonment from 10 days to 2 month and from 50,000 Rial to 500,000 as main penalties. It is mentioned above that the penalties of not attention to Veil Shari in clause

102 is specified as 75 whip. It seems that obtaining cash penalties have been specified because of following reasons:

- The behavior of police officers with the unveiled women in streets and sentencing them for whip from the courts has always been one of the fact of human rights committee and physical punishment such as whipping which is considered as main suspended penalties will be totally cancelled.
- The second reason for cancelling the physical punishment is that based on this penalty the number of women committing this crime has increased in years and not decreased. Also have been more crucial ways and physical punishment has not affected on the prevention of unveiled.

#### **The Rule of the Justice to Deal with the Lack of Attention to Shari Veil:**

In the beginning, the competent authority must be appointed for investigating the crime of not paying attention to the Shari Veil the qualification as follow: Capability and duty which is granted to the judicial authorities to investigate the case by the law. The regulation of qualification is related to the general discipline and the related regulations is adjusted due to genuine adulate judicial. Therefore the agreement against it is not accepted by the parties. Meanwhile, all the criminal authorities before starting pursuit must have research and investigation. According to the clause 2 section A, article 7 The law, article 189 ,the law of article 2 dealing with the penalties ,whose legal penalties maximally up to 5 million Rial by cash or total penalties including imprisonment and cash penalties reach to 5million Rial will be determined by the ratification of the dispute council [5].

And also due to clause 3, according to the mentioned law , dealing with the penalties whose their legal penalties less that 91 days imprisonment (by considering article 3) some of the government income instead of imprisonment, will be from 71,000 to 1million cash penalties.

According to the mentioned issue, because, the maximum penalties which are specified to lack of attention to Shari Veil after necessary application of article 3, releasing some of governmental income and its consumption in specific cases is less than 5million. Dealing with this penalty is happened in the dispute council, although some of those cases have been referred to the general courts. But on the other hand, due to the

local qualifications, dealing with the crime, we must claim that due to the clause 6 article 8, to the mentioned the bylaw enforcement it is only in the case of happening in the territory of the council it will be qualified to investigate it.

Therefore, legal affairs in the criminal affairs, the element of the parties' residence is not considered in shielding of the council what composes the main factor of qualification is the location which must occur in the territory of Scope of the rule of the council.

Now, this area or zone, geographically, might be zone of village or the specific area of extended area for instance, any of the big cities which might be compose of some geographical zone or therefore, it doesn't seem accurate that we generalize the local qualification to the criminal affairs to the home address or job place. We must aware that one of the parties must reside or work in the scope of the council.

Therefore if a council will encounter with a case which is dealing with other council it must issue non qualification to that criminal affair. The crime of the failure to comply with Shari Veil is considered from blatant crime. Because we must consider it as a duty, otherwise it is a crime. Therefore justice officers are bound to whether the crime is happened in front of his eyes or has been reported to him by 2 witnesses. Those 2 witnesses introduce that man / woman as a sinner, all the arrangement and regulation must be applied in order to arrest the accused and stop him from flee.

Police force, according to the clause j, article 8 of police force republic of Islamic Iran, 1369 has the responsibility of combating with these kinds of crimes. Therefore the police force is responsible to investigate, identify and ban those women who does not pay attention to veil in public places and deliver to judicial competent position. On the other hand the law of supporting 1370 has allowed to mobilization of Iranian Revolutionary Guards to all the required arrangement and regulations for providing the reports and for dealing with the blatant. Therefore, since lack of attention to veil is considered as a blatant crime Basij. According to the above mentioned law they can apply as a Judicial Officers Of course, due to the mentioned article, the resistance of Basij force delivers all the reports to the police station and police must send the accused reports to the Jurisdictions [6].

Therefore, the lack of attention to veil which is considered in the dispute council must send all the reports of accused to the dispute council.

The rules and the process of the dealing with it in the council is like that the boss of the council command to register the file in secretariat of the council. Then the council investigates the process in the presence of three people of the dispute council [7].

At the beginning of set to article 129 will make understand the accused. After rationalization of accusation, the investigation will be started and will be continued until the end of the defense.

Regarding to issue, temporary imprisonment by the dispute resolution council, the committee of headquarter of the dispute council has responded:

Firstly, the mentioned crimes in b clause, 7<sup>th</sup> article of the enforcement bylaw basically and apparently, there is no issue of the temporary imprisonment. Secondly, in all the cases which is dealt with by the council, there is no issue in imprisonment or temporary imprisonment after completing all the researched and interrogation, due to 16 article will be decided by the utmost numbers of the jury and the vote will be issued. In general courts the vote could be reviewed again.

Needless to mention, the maximum member of council must agree with the objection and if there is no confirmation of expressing an idea, the council vote will be determined, in the case of acceptance of reconfirmation of right by the member of the council will be sent to the general courts, the vote of this court is firm.

Finally, we must assure that, the purpose of these punishments is the prevention. On the other hand, if we don't make the law practical, that law will not be preventive and in conclusion, they don't stop the crime. It appears that this note because of the crime is already outdated. It is too outdated that has been totally forgotten and surely there is no necessary prevention.

And now, there is a question here, can we replace the moral behavior to criminal act and will this change the criminals performance to the beliefs.

As a matter of fact, we must acknowledge that behavioral rules which are supported and protected by the society could be highly performed. Because these rules which have social performance guarantee sound and keeping from these sound is very unsound and out of order, the organization and association which try to identify and adjust individual with the society. We must point out that we can overlook the government interference.

Because the law maker, by issuing the regulations will pay to the society ideology, therefore the government interference both criminal and tending to control and supervision is truly genuine and approved.

But, all in all, we must consider that by creating cultural background at the same time, criminal performance must be corrected. Because by changing and developing the culture and beliefs of people we can create the necessary guarantee which we can consider unveiled as an immoral activity and will be attached to the lawmaker purpose [8].

Needless to mention, in the first step of this note, like some other laws, before applying cash punishment of judge, must be classified and performed in two categories. First they should advise and secondly reprimand and finally they should apply punishment [9].

### CONCLUSION

The order of veil has been considered by Quran, since the significance of the veil has been acknowledged, although the word of the veil has not been used. Therefore the element of hijab has been one of the main factors of the Islam. And the limitation of the women veil for the Muslim is to cover up all part of their body but their face. Without this rule the society and individuals will be out of security. The command of veil by the law maker is because of the individual and society security and also because of the prevention of the society from corruption.

By studying the laws of the veil we understand that there is no legal vacuum, but failure to comply with veil appears that a sort of violating the law. At the present, the note of the article 638 G.M.A is the legal article against unveiled.

This note requires some revision for the performance since a large number of women do not cover up themselves and they must be punished according to the note. In a nutshell, from one hand performing the laws related to the veil and from the other hand rationalizing the veil issue requires some policies and techniques for instance cultural, social and economical ones, however there have been made some arrangement by supreme leader and need the cooperation of all the governmental organization.

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