

## Evaluation of Criminal Responsibility Carriers of AIDS through Sexual Relations in Iran's Penal System

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### ABSTRACT

*According to the results of researches which had been done in Iran we can say that the number of patient given AIDS or HIV is increasing. There are different factors related to this problem, but one of the most important factors is cohabit and sex. Specially in the case of criminology, which has specific rules. The transition of this virus directly affect on many majors. People with having sex and cohabit has Security obligation that must be clear from every kind of sickness. so if the reason found, We must act like some agents to increase this responsibility, age of maturity and in some cases death is not far from mind.*

**Keywords:** HIV/AIDS, Iran's Penal System, security obligation. sex and cohabit, Sexual Relations

### INTRODUCTION

HIV/AIDS incurable disease, detected in 1981 for first time in USA, and characterized by a deterioration of the immune system and susceptibility to a number of infections and cancers (caused by the HIV virus). AIDS virus (acquired immune deficiency syndrome) incurable immune-deficiency disease which is transferred via the sperm and bloodstream, AIDS carrier person who carries the deadly HIV virus. The social, economical and sanitary effect reported. And after while this sickness become global across the world. Also in Iran some specific instruction have been used in medicine matters. AIDS in Iran is not only a medical problem but also is a social – cultural problem.

According to the last statistical results from hygiene secretary in Iran in 1391 in global day of AIDS announced that women mostly given this virus and is due to sex, liaison and intimacy with 2 double growth .the value of some criminal matters also can be effective in this process. This study and project is done according to the descriptive – analytical method and by pay attention to libraries and some resources discuss about incurable immune-deficiency disease which is transferred via the sperm and bloodstream. We try to answer the following question:

Is transmittal both intentional and non intentional of AIDS in crime system of Iran has responsibility for person who given this?

In this study assumed that there are responsibilities about AIDS. This article has two part: at the first part. The nature and principles of whole crime responsibilities of affected persons is discussed, and at the second part nature of criminal due to sex is discussed.

1 – The whole nature and principles of crime matters (sex), this is essential to understand the criminology and study the rules and analysis the details. 1 – 1 “the nature responsibility in criminology: being responsible is obligation in the word. (Moien, 1362.417). In crime law we have: obligation and accept the effect of actions, which it means we should blame them ( Ardebili 1382.74). On the contrary some people believe that the main meaning is: the same crimes from people in law and persons will be punishments. As you saw there are dispute about these problems. We have some specific definitions:

Some actions have response of crime to persons due to intends, brains, obligations and adults according to this rules. About people home suffer from AIDS and transmit it to others we can say that if this is intentional, we should punish this and sue these kind of criminals and the rules must be formal.

So sex is very important (Ardebily 1382). So we should study this.

1-2.- responsibilities of criminal about persons of AIDS (sex): in the study the relationship with other people from sex we should demonstrate the responsibilities of guilty persons. On the other word, at the first step we must say that ruler in Iran according the law should act. Some risk is zymotic according the article of 11/3/1320 of national council we can survey the factors in 1392. According the first chapter of fourth part of law and Islamic book, subject a material 140, to 145 about crime of affected people about AIDS. we have: 1- wisdom and sagacity. 2 – understand and discrimination. 3 - option.4 – intend and results.

The purpose of wisdom and brain in crime matters has two different meaning: one of them is natural activity about discrimination so its important to say that persons during sex has different and natural activities so obligation is not mentioned, so being free with intention, and otherwise lack of interest has punishment, 1357, in Iran: lack of intention in murder is not reason for killing, so if someone third person has HIV to kill other persons should discussed, lack of interest in murder is not acceptable, so the last responsibility of this matter about AIDS is a subject related to programs, on the other word at first we must know that persons such these are given this sickness, and secondly his / her partner in sexual relationship is alive and good and however by knowing this miss intention is probable and notable. Given in the whole definition interest is forbidden. In result and finally we can consider this matter.

### **The Nature Of Crimes Related To AIDS**

Persons that have sexual relationships know the consequence and security obligation and they should take away from every kinds of pollution so if found that this persons must act and behave according to the specific rules. In crime and murder book of Iran. Islamic punishments, 1392. ruler in article 289.

Crime and murder on self, member and interest in three major, intentional and by relationships, )so crimes from sex also can be criminological matters.

### **Crimes Come From Sex ( / AIDS)**

As we discussed earlier pledge to have sex and sexual relationships is important and persons who norm and act like this, they are responsible for do this, penalty and punishment also is considerable, this question is discussed that crimes come from these sickness is intentional or not? if yes, when and why?.

According to the rules in article 290 about Islamic rules an punishment we must pay much more attention to these:

These are intentional .a “– when they want to make crime ...and in practical matters it is obvious..Mentioned crimes a first article is intentional and on the other hand we can say that

His .her act is from crimes such murders (Goloozian 1383.171). So if our intention is to make somebody sick by sex and transmit this to another person, this is a murder and crime. Whether he or she know about this or not. (Chatr dansh.1392.). also in the case of litigant about sex with another persons but no intention to the AIDS, and awareness of this by intentional the reason is result to another matters. Ruler also in the article of 290 mention that:(when do these kind of actions intentionally this is crime and lead to punishments,. But if this is out of control is similar to this.

### **Crimes Like Intentional Come From Sex (AIDS)**

Ruler in the article of 291 has specific criteria about similar to crimes .according to p 291 .: when crime is done related to murders and similar to this is not an intentional crime.: “ the rest of this In waver 145 is the fault such careless and forgotten matters, lack of skills and government rules ore from careless matters.so according to the article of 291 and waver 145 if someone has sex with another persons, resulted to sickness is similar to intentional.it has civil punishment, course the most important problem in wrong matters don't need to demonstrate the actions. Because specific definitions are discussed. ( Nia.1378).

### **CONCLUSION**

Development and progress of a country is due and related to the health of human force and have perfect security in different aspects is a responcebility of government. We use specific tools to reach the goals. Unfortunately bad and unhealthy relationships reported is a reason for increase the AIDS sickness and on the other side bad and junky sexes beside the cultural matters is important. We may concept this that it is need of the day to solve the problem. And by formal reporters and it is recognize that it may prevent this tragedy, although ruler didn't pay attention to the matter directly. But it's a factor of punishments.

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