

**Laws of criminal insulting in religious leader legal system as well as in Iran**

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**Abstract:** Because the illegal acts and crimes against human beings causing somatic situation or offended party reaction against the offenders in the society are also, offenses against the individual and respect of persons as well; due to the fact that these offenses are so much deterioration psychological trying very hard and hard to behave, and treatment of physical harms and financial losses can be expressed as offensive, assume: An illegal act in which the individual using conversation, writing, movement and gesture of mortification and humiliation caused another prestigious on. As diagnostic criteria of common insulting against crimes such as counterfeiting and accidents, etc that are expert as diagnostic criteria of. In this research, we have investigated the jurisprudential perspectives of the insulting, insulting and then we have talked from the perspective of criminal law which is insulting to the law of the examples we have cited. That comprise the following: First theme: simple insulting, Second: irritated insulting, and the third topic: insulting the Press. And should in summary said that these diagnostic criteria of that it custom and custom insulting the judge will rule according to the law.

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**Introduction**

“Vahn” is equal to insult in Persian language. And the word means to say or get out insults and the Rival’s personality, dignity and humiliate and emasculate be used (givenin2001).Opinion based on law: insult means any act or omission of including statement, deeds, and the book that somehow affected the ways of insulting the dignity and uprightness exerted (Jaafari langroudi et al., 2003). Insulting the proper sense is: Than any abusive matter ranging from right or lie to by any means that is giving way or perform any act which causes damage to the tradition and habits of the person's the dignity or bastardize. Of course is also an insult to the general contains calumny .So that means certain that the crime of insulting the documents.

**1) Jurisprudence perspectives**

Of what the holy lawgiver of etiquette in human society, and is considered emphasized by the use of the word is Nick and pure and mutual respect. And disobey of this rule will cause offense to another and sin is forbidden and is punishable commit it. Allah in Surah Nesa verse 148 says: "God does not like ugly flaw that someone's statement with a loud voice, tell, unless cruelty is to come to him ..." And of Tradition is also been quoted.

Imam Sadiq (AS) was asked: What should I do if someone profanity a person; the noble reply said: It is a punishment. That person asked if you tell you are lecher, what is the punishment it? Again the Imam said in reply: 'Does not flogging, but it is a punishment "(MousaviKhomeini, 2002).And the shahide(martyr) Sani also lomee brightness as saying:"In cases like when someone another to tell prohibited reproduction, that person another has not

than Gnostics adultery. Or another thing that he is upset as though tell inferior or a dog or a pig, or saying you're lecher, or tell you're drinking wine, etc., that punishment will be committed. (Al-amoly, 1987).

**2) perspective of criminal law**

Insult to the general credit of the crime or the character of the offense, is divided into the following types: "Simple insulting" and "aggravated insulting" and insulting by the "press". (Pad, 1969); (Goldouzian, 2005).

In Articles 81, 162, 164 and 272 of the Penal Code general, and the wrong regulations, adopted in 1946, center for Independence Act and Article 20 lawyer and 17 to 31, 1956 draft press law and Article 31 of the Penal Code Act, passed in 1953 carrying knives and weapons and Article 334 of the Criminal Procedure Act the army was referring to a insulting and obscenities.

Currently, in Chapter XV, entitled, "disrespect of persons" and "political assassination" foreign Articles in 608,609, 517 and 514 as simple and aggravated insulting and obscenities are discussed. It is anticipated that the flogging sentence and punishment for desecration by the press and has also been considered. (Keshavarz, 1998); (Hojjati Ashrafi, 1993); (Goldouzian, 2005).

**1: simple insulting**

According to Article 608 the Islamic Penal Code (the term);Insulting the people, including profanity and use cause the slanderous words as "Qzf" hit no punishment to 74 lashes and fined fifty thousand to one million rials will be. "(Keshavarz, 1998); (Hojjati Ashrafi, GH, 1993).

Law element has insulting word in something has multiple concepts and broad themes and comments; Because It may be something of an insult is group or others. However for others it may not be insulted, so this reason should criminal matters, the topic sentence and its specification is clear and rational. Therefore condemnation for the insulting, without stating its characteristics or examples would be invalid.

The word "cuss" in the text, the word is: Skip to beaten and moderation and common phrase, any word ugly and vulgar and obscene, especially the desecration and humiliation to be called cuss. Material element of the manufacturer elements and simple insulting are:

#### **A) The act of insulting material**

The verb of the material that may be insulting verbal or written, or by drawing shapes and images, or perform certain gestures or actions that place the custom may be considered insulting.

Therefore, whether or not a cuss word, a concept that is valid for time and social status and class parties, it is subject to change. Thus, the penalty shall be based insulting literal or deed, must be clearly and accurately described in the court ruling because a violation of the sentence may be vague and brief.

#### **B) Determine whether the insulting**

By mentioning the word "insulting people" in Article 608 the Islamic penal code, in order that the particular person is an insult so if someone insulting or offended him, he is not guilty and the other side, shouting insults and staff of legal persons and groups, however no criminal. (according to the word people in the article). (Keshavarz, 1998); (Hojjatiashrafi, GH, 1993); (Goldouzian, 2005).

#### **C) The spiritual element of insulting**

Insulting of a public offense and the intention is always assumed and hidden on shouting insults and only of the material is a crime In other words, consciously committing insulting of the material behavior in any way possible, and there is no longer need to prove intent by the court.

#### **D) The penalty for insulting**

To the above article, the simple commit to 74 lashes or a fine penalty from 50 thousand to a million riyals and leading to discounts plaintiff was subject to private.

#### **2: aggravated insulting**

During the approval of the Islamic penal code, Articles 517 and 609 of lawmakers escalated the penalty for insulting the personal credit is noted as follows:

1. Insult to of country and the state governors and other officials three branches of government.

2. Political representatives of the foreign country or foreign countries.

3. Insulting through the press (Goldouzian, 2005).

Of course, the standard penalty for aggravated insulting, two cases are summarized:

1) The character and position of the offending.

2) How to committing or attempt to commit certain; the explanation is as follows:

A) Insulting the leaders three branches of government, vice president, ministers and other public officials; Legal elements of Article 609 the Islamic penal code, which states: "Everyone considering the one of the heads of the three branches of government officials or ministers or vice president or the parliament or members of the Guardian Council or the Assembly of Experts, or judges or tribunal members or staff calculations ministries and agencies and public enterprises and municipalities, while on duty, or to cause it may insulting. Into three up to six months in jail or up to seventy four whip lashes or a fine of fifty thousand to one million Rials will be condemned. "

Material element of the insulting to vulgar word spoken or written or official position of the government therefore legislator wants to maintain the action and restoration of the dignity of the country and the state holders and owners that are being on duty or to cause they are insulted.

Spiritual element of the crime, the crime is intentional. The term for the offense committed under this article must know and understand the character of the insulting and his position, and he is action otherwise insulting the person will be considered ordinary. If the person is insulting

to those contained in these article, not included in the above article will not insult him, it will be the scope of Article 608.

Punishment for insulting of those in public positions on article 608 tasks they perform and maintain public order and the reason for the Administrative Policy is incorporated.

B) Insulting a foreign head of state or foreign country political representatives: article 517 the Islamic penal code provides: "Whoever publicly or representative of the foreign policy of Iran has entered the realm of the insulting shall be sentenced to imprisonment for three months; Provided that the country of Iran about the reciprocal being traded."

Clause: the material in this chapter is subject to a claim or demand of the state government or its political representatives or she is aggrieved party and if the request for extradition, criminal prosecution will be suspended. Material element of the act is insulting to the public and shall also be guilty of abuse in other countries. Above mentioned the

spiritual element of the crime is intentional and committed to knowledge of the character of the offense is punishable by imprisonment for one to three months. But the mass privatization of public aspect predominates. (Goldouzian, 2005).

### 3: debate: offense through the press

To Article 1 of the Press Law passed in 1986, the of the press, publications that regularly with a fixed date, serial number and variety of news, criticism, social, political, economic, agricultural, cultural, religious, scientific military, artistic, athletic, and so are released. And Article 27 of the press law adopted in 1986 provides: "Every once in a Journal insult the Leader or authority undisputed to emulate the, licenses revocation and director author of the journal article referred to the competent courts and will be punished."

In accordance with Article (514) the Islamic Penal Code: "Everyone to Imam Khomeini, the founder of and leader of the Islamic Republic (Salutations upon him) offensive in any manner shall be sentenced to imprisonment from six months to two years."

After any kind, personal outrage through a newspaper or magazine, or preparing papers for spreading lies or slander and insulting content punish of the committed to and the Director of newspapers and magazines will be exacerbated.

### Conclusios

It should be noted in the arbitration customs, time and place of insult, insult personality and insult personality self greatly effective. For example, it may be insult words or behavior at the time and other time will not be insult. Or motion of thumb does not constitute insult but insult in the West. Also, if the teacher tells the students lazy or stupid to tell the father of her child or youth protest in front of parents, it is not considered insult. Therefore it's not rude to any criminal insult, even if the intent is humiliation.

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