

EVALUATION OF ABORTION FROM THE PERSPECTIVE OF ISLAMIC LAW AND JURISPRUDENCE

FahimeKhonakiTakhti¹

DrAbas AliSalehi²

Abstract

The origin of human embryonic period legal personality, the holy legislator and the legislator's attention. Support for the fetus has long been in human societies, considered abortion to end the pregnancy before the twentieth week, refers. Many social problems such as unwanted pregnancies or illegitimate child, asymmetry in gender, having many children, pregnancies resulting from rape, has provided fertile ground for abortion. Legislator Islamic Republic of Iran with regard to the guidelines of Islamic law, even to the stage of conception and inspiration to the soul, gives a certain value to the extent that even the fetus has rights, including the right to live like other people he knows. In this study, the scholars of Islam, abortion at any stage of the move, if there for abortion, abortion is considered prohibited. According to Rule hardship, the prohibition of abortion in the circumstances was canceled because no denying fault of one of the rules of Islamic jurisprudence competent authority, so that if it is established that pregnancy and pregnancy entails hardship, abortion is permissible. Thus, the prohibition of abortion from the perspective of the majority of jurists, is not absolute and exceptions are a problem.

Keywords: abortion, rape, illegal carrying.

¹*Department of Law, Meymeh Branch, Islamic Azad University, Meymeh, Iran*

²*Faculty Member, Department of Law, Meymeh Branch, Islamic Azad University, Meymeh, Iran*

Introduction

In contemporary society, abortion as a social issue was brought to the health of family and society is in trouble. The unhealthy abortion one of the biggest health problems, especially in developing countries is considered. There are many social issues like having children, asymmetry in gender, pregnancy is unwanted or illegitimate child, has provided fertile ground for abortion. Although legal abortion among women is one of the safest invasive treatments, But it should be noted that one of the most common surgeries in women of childbearing age. Embryology believe that a fertilized egg as a human being, so it is unlikely to be given time to transform a person or a human fetus being poured. Some people believe, when all body organs appeared, perhaps the boundary between the fetus and determine the person or other person, some experts in embryology, the human person or the owner of the onset of the ability to understand and make sense, considering that the term man, once said that his understanding, there is. Some, like the heartbeat, which usually occurs on the sixteenth day after the beginning of the pregnancy or the yard man knows.

Hanafi believes that the spirit of abortion before 411 days, it was permitted and money on it is not obligatory. Malkyha, abortion at any stage of pregnancy, is considered unlawful. Shafeibelieve that abortion after conception, even the prohibited abortion after forty days of pregnancy, are not permitted. After beginning to be respected and all human rights, including the right to life must be respected for her Reflecting more verses can be seen that, God in different stages of embryonic development, people's word states everywhere, but the stage to inspire, this is the word essay. Changing the term, indicates the fact that the composition of the process is different. Islam due to the value for human fetus even at the stage of conception before the inspiration of soul, dignity is considered. Therefore, to maintain her public duty and in particular parents know. Literature on the subject, to be outlined and detailed in the legal books, articles, academic dissertations paid it, but so far independent effect that "abortion" have to be examined exhaustively to come is.

Research Methodology

A collection has been compiled, and the first concept from the perspective of legal abortion, legal, medical review and more types of abortion in our various markets. Then, if the record is

mentioned, thoughts have comments had been taken into consideration. 8 at the end of the author's views and perceptions, as well as the topics covered, expressed literally fetus from medical point of view

The formation of sex cells in the body and pair it up with other sex cells fertilization between them, creating a mass of blood cells, which is called fetus in medical science. When the pregnant mother, the number of embryos growing in your body that are grown in the fertile only one division and ultimately creates a full human embryo. In medicine human embryo from the time of fertilization until the eighth week of pregnancy called "embryo" and the eighth to 4 weeks delivery time, "fetus" is called. According to the Australian Senate Select Committee to review the "embryonic experiments since 4321" was established, meant embryo fertilized egg that can be known, during the successive stages of life to maturity 1 Complete genetically meant to be a new man independent and able to be counted.

Definition of medical abortion from medical point of view, abortion is "the result of fertility out of the womb, while being able to live outside the uterus is not developed 1" 9 or the "expulsion of non-premature baby Shack "refers. Thus, in the first and second periods of growth and in part of the time from the beginning of the second phase of growth, of 1 medical abortion can be achieved. German "livable" is used in cases where the fetus is able to survive is to get out of the uterus. The termination of pregnancy before 92 weeks), approximately nine months (that is, but then if the fetus is able to continue his life, the same is called preterm labor. But determining the age of the fetus at that time and it is not considered abortion Children are defined, it is difficult The success of fertilization, naturally meant to start life in a new person, and therefore it can be said that the fetus is a new person living in structure, with independent organism bodies and all the genetic information necessary for parents 1 lies in their physical growth and intellectual. Because the law forbids the transition from embryo to fetus and the purpose of providing a full field development of the fetus. But some, prevent the destruction of embryos, which they say is primarily targeted legislation on a target, the material takes on a special meaning abortion. Because if not these two conditions, abortion is inconceivable.

In medical terms, abortion is "the deliberate expulsion or synthetic or carrying out their own before the natural time" is. Another definition states: "abortion before the pregnancy before the fetus out of the uterus, which can live to the age of 4 stay pregnant." 1 in America abortion termination of pregnancy before 11 weeks is considered. The age of the fetus in the case of abortion and determined by measuring the length of the months of pregnancy, the uterus is estimated at large. For example, one-month-old fetus of about 1 mm, 1-month and 1-month low of about 91 mm to about 411 mm long. 9 different medical science birth abortion is wrong, wrong delivery, in addition to early dismissal before 1 carriers generally dismissed prematurely bond, also refers and grand.

Effective causes abortion

Miscarriage of complex social issues in the world today. Human societies have long been faced with this dilemma. In particular social type that in developed societies, is still expanding, the 4 side effect unrestrained Fit failure and sexual and mental disorders and on the other hand due to scientific advances and industrial civilization and is considered contemporary societies face material or moral conscience of the foundation and infrastructure that have not one, dark and suffer.

However, different countries have adopted different ways to deal with this social phenomenon: some of the countries affected by morality and religion with the freedom of the church generally oppose abortion. Others due to various causes abortion, including economic and social considerations and the problems caused by population growth with relative freedom they agree and allow it in certain circumstances. The other countries where the demand for abortions by women and 9 official permission, prohibition to apply it is not allowed. Now in most Western countries even though abortion is legal but the moral aspect of it is still hot.

Of course, as absolute freedom abortion because of complications such as family disintegration and moral system is absurd. Its absolute prohibition of discussion and reflection 1. Obviously, that followers of any theory to justify their views on the reasons express the roots and the reach of ideas, to solve the problem facing the human race and its correct and logical approach would be fruitful. Now there is a major debate about abortion and its legal status is essentially

influenced by the social and moral backlash against it due to various reasons and different theories of its.

Results

The conclusion of the results of this research can be concluded that the fetus is being respected and the right to human life to destroy it without giving any reasons, is illegal and illegitimate. In fact, a new start is that embryo as a human person or place. Therefore, it is observed that abortion is done depends on the inspiration of the soul or the spirit of inspiration will be different. That is the spirit of human embryonic life, both Shia and Sunni scholars consider him a man, and that if abortion is considered murder. But what about the fetus that is no soul, there is disagreement among scholars of Islam. A group of Sunni Muslims consider it permissible and some do not agree with it. Shiite scholars consider abortion is prohibited except in exceptional circumstances.

The contemporary Muslim scholars have ruled on this issue, Imam Ayatollah Khamenei, Ayatollah Sistani and FazelLankarani the fetus His views, so that abortion is forbidden religiously and in any case it is not permissible unless continuation of the pregnancy for life Mother dangerous, in which case abortion is permissible before insufflation of spirit. Therefore, comments and documentation of Shia scholars on the issue of abortion in different situations, these situations are: 1. abortion when pregnant woman's life is threatened, 1 threat to both the mother cell mouse embryos, fetuses 6. illegitimate, 0- rape Rape and reluctantly, 0- malformed fetus, and (3) hardship. In 1660 Majlis, to solve the problem of fetuses deformed and retarded and pregnant women due to illness, carry them hardship caused material units as therapeutic abortion law passed in which such abortions fetus, four months before the doctor and with the consent of the woman, is allowed. The legislator, in the adoption of this law, only the mother's distress and physical due to lack of legislative targets and psychological distress of pregnancies resulting from rape mothers, the law could only certain problems of mothers Pregnant with HF.

References

Quran

1. Khomeini, SayyidRuhollahMousavi, with direct Alsrat, Vol. 1, No 4119, 6 AH
2. Desire, Ramin, malformed fetuses and abortion, seminar series on Islamic perspectives in medicine, Mashhad, Mashhad University of Medical Sciences, China's first, 4921.
3. Ahmed Idris, instead, money, translated by Alireza grace, Tehran, published by the Ministry of Culture and Islamic Guidance, second left, 4911. 6. A.
4. Ardabil, MA, General Criminal Law, vol. 1, no 6, The, 4921
5. Islamic, Hassan, finding an ethical approach to abortion; abortion books of writers, Ch 1, turn and Avicenna Research Institute, Summer 4922- .
6. AQayynya, Hussein, crimes against people, the publishing, printing 4921.
7. Langroodi parsley, MJ: "detailed in the terminology of law", the first thing, a treasure of knowledge, Tehran, 4912. 11 Hakimian,
8. Zeraat, Abbas, as the IPC, the sanctions, vol. 1, no. 6, grace: the fall of 4913. 49
9. RazmsaS, Babak, the abortion rights jurisprudence, the publication of the third line, first edition, 4913 Saldr, T, embryology Alngmn translator Arabs, Teymoorzadh Publications, Tehran, 4912 edition. , 4-
10. Sanei, Pervez, General Criminal Law, vol. 1, Tehran: The Treasure of Knowledge, 4921. 12
- 11.Sadeghi, Mohammad Hadi, crimes against persons, publications amount, ninth edition, 4921. 11. Abbas, Mahmoud, abortion, no 1, Tehran, legal, Spring 4921.