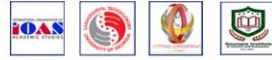


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Criminal Policy concerning Custody of Child in Iran's Legal System

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Abstract

Family has been considered as the primary and most influential pillar in each society from the past to the present. With regard to its effects on different aspects of the social life, the legislator has always intended to manage relations among family members, support people at risk, and help this institution to promote. The present research aims to study Iran's criminal policy with respect to strengthen family pillars subject to the Family Protection Law, especially custody of child. Findings revealed that the criminal law have a right to interfere in the family issues, providing that separation points, including dissociation in purpose, nature and sanction are observed. Refraining to fulfill duties concerning custody of child refers to as a conduct crime. The reason behind toleration of the legislator for commission of this crime is due to the importance of custody and support of child. Application of criminal sanctions, which have a coercive and oppressive nature, for families should be done with caution, because family is a good example of privacy and any intervention needs to be made by considering three main factors, including necessity of intervention, minimum intervention, and the principle of suitability of intervention to the nature of privacy.

Keywords: “criminal policy, family law, Family Protection Law, custody of child”.

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