

Studying the Effect of Pregnancy Condition on Criminal Sentences of Pregnant mothers in Islamic Law and Jurisprudence

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Abstract

Pregnancy is a condition in which a woman has a fetus in her womb that lasts for 9 months and ends with childbirth. This period has effects on the mood and psyche of the pregnant woman that has been investigated in the field of obstetrics and gynecology as well as Psychology and can be effective in her criminal and penal sentences. This research, entitled the "studying the effect of pregnancy condition on the criminal sentences of pregnant women in Islamic law and jurisprudence, which has been done by descriptive-analytical method, examined the views of jurists and relevant laws on this scope and concluded If a woman is pregnant, in Islamic jurisprudence and law, the implementation of hudud and Qeṣās is delayed due to the fear and destruction of the fetus, citing verses 33 of Surah Esra and 164 of Surah An'am, narrations and consensus and reason. Pregnancy always causes mood and mental disorders for a woman and causes depression, severe anxiety and impaired concentration, although these matters have no effect in issuance of rules and regulations for her. Due to the reasons for eliminating of criminal responsibility and mitigating factors of crime, pregnancy can reduce criminal responsibility and mitigate punishment for pregnant women.

Keywords: Pregnancy, Mental Disorder, Punishment, Jurisprudence, Islamic Law

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