

Criminalization of Child Abandonment by Parents under Iranian Law

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Abstract

The family plays a fundamental role in ensuring social well-being, and children—whose full personal development relies on proper parental care—are expected to grow within the protective framework of the family. From this foundation arises the principle of preserving the child's continuous connection with his or her family. Yet adherence to this principle is not always beneficial; when parents abandon their children in uninhabited or unsafe places, the best interest of the child requires that such conduct be independently criminalized. The legal consequences must vary according to the severity of the situation, ranging from mitigated penalties in less harmful cases to harsher punishments and even deprivation of custody in severe instances.

This article employs a library-based method and, given the qualitative nature of the research, adopts a descriptive–analytical approach. It explains core concepts related to parental rights and responsibilities—including custody (*ḥaḍānah*) and guardianship (*wilāyah*)—and examines their legal nature from the perspective of jurists and Islamic scholars. The study further explores the rationale behind criminalizing child abandonment, the harms suffered by children, the underlying motives driving parents to engage in such behavior, and proposes practical strategies for reducing the occurrence of this troubling phenomenon.

Keywords: criminalization, abandonment, child, parents, custody, guardianship

Extended Abstract

The family plays a central role in the social well-being of a society, with children relying on the care and protection of their parents for healthy personal development. The principle of preserving a child's connection to their family is paramount for ensuring their welfare. However, this ideal is sometimes compromised when parents abandon their children, particularly in unsafe or uninhabited areas. This paper argues for the criminalization of such behavior, considering the potential harm it poses to children. It suggests that legal responses should vary depending on the severity of the case, with milder penalties for less harmful situations and stricter penalties, including the removal of parental custody, in more extreme cases.

The research, conducted through a library-based, descriptive-analytical methodology, explores the legal and jurisprudential context surrounding parental responsibilities and the rights of children, with a focus on custody (*ḥaḍānah*) and guardianship (*wilāyah*). These rights and duties are examined from both legal and Islamic jurisprudential perspectives. The paper also delves into the reasons parents may abandon their children, which include economic hardship, substance abuse, and the presence of unwanted children. Additionally, it examines the psychological and physical harm to children resulting from abandonment and offers strategies to mitigate this issue.

The Iranian legal framework is analyzed, particularly in the context of child abandonment. The study provides a comprehensive overview of relevant legal provisions, such as those in the Islamic Penal Code and the Civil Code, and considers how these laws address the issue of child

abandonment. Furthermore, the paper addresses the limitations of current laws and proposes amendments to ensure more comprehensive protection for children, including the potential for stricter penalties for parents who abandon their children.

This study concludes that the criminalization of child abandonment is essential to safeguard children's rights and ensure their well-being. The paper advocates for the creation of specific legal frameworks to protect children from abandonment and proposes practical measures for reducing this phenomenon, such as promoting awareness and offering support for vulnerable families. Additionally, it calls for the judicial system to adopt a more child-centered approach, ensuring that the best interests of the child are prioritized in legal proceedings.

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