

Analysis of the Aggravation Conditions of Blood Money in Shiite Jurisprudence and Iranian Law

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Abstract

One of the very important concerns in the aspect of blood money is occurrence of crime in one of the forbidden Islamic (Hijri) months (Rajab, Moharam, Zi-Qadeh, Zi-Hajjeh). According to Article 555 of Islamic Punishment Law (ratified 2013), the offender is condemned to pay one third of blood money, as aggravation, in addition to paying the full rate of blood money. Since the sentence for reverence of forbidden months is expressed in Koran, but there is nothing stated about the aggravation of blood money, this sentence and condemnation is confirmed by most of the Shiite jurists. The reasons of Shiite jurists mainly refer to the narratives in this regard, consensus and sometimes prudence. It can be concluded, by going through the narratives, that some reasons are explicitly and some others implicitly are controversial. What is used in reliable narratives is the necessity of aggravation for murders and intentional crimes. However, referring it to unintentional or absolute offences is difficult. It can be stated that aggravation of blood money is principally considered for unintentional homicides and offences.

Keywords: Intentional Homicide; Manslaughter; Unintentional Homicide; Blood Money; Aggravation of Blood Money.

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