

# **An examination in the elements of Intentional Murder in the Law of England; and it's Comparative account with Iran's Law, under the Penal Code of 1392(S,H)**

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**Abstract** The most important crime leading to the punishment of death is deliberated homicide. In the Common Law, when homicide is premeditated, or as so called "co-decided", it will be named as intentional homicide (murder). Formerly in the United Kingdom, this type of murder was punished by hanging; until the Law of 1965, which abolished the death penalty and replaced it with life imprisonment. But when the murderer is less than 18 years of age, he won't be sentenced to life imprisonment; instead, he will be kept in prison until being confirmed as a morally corrected person and then receive remission. In our Law, that the murder happen intentionally and with enmity, will suffice for "Ghisas" punishment (retaliation); whether the murderer pre-planned his murder, or committed it without any plan at the moment. There is no definition for murder in the Penal Code; and since murder is an unwritten law, it needs to be referred by common-law for substantiation. In the definition of murder, it is said: the extirpation of life, or the expulsion of the spirit the body, or Izhaq-il-Nafs; which is indeed a literal definition. Deliberated Homicide is the kind in which the doer intends to murder, and commit the murder according to what he had designed; according to this definition, the constituent elements of the murder is of two things: First, the spiritual element(intention); Second, the material element (criminal purpose). Thus, homicide is premeditated when there is an intention, and also the purpose is fulfilled.

**Keywords :** an intention, and also the purpose is fulfilled.

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