

A View on the General Principles governing punishments in Iranian criminal law

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ABSTRACT: Criminal law has achieved general and common principles and foundations that form the basis of criminal justice over the years, as a result of changes influenced by various philosophical, legal, criminology, and especially human rights theories and issues that form the basis of criminal justice and today are considered strategic principles in the formulation of substantive laws and regulations and a criminal form. Among these principles such as the presumption of innocence, the principle of legality of crimes and punishments, the principle of moral responsibility, and the principle of criminal responsibility are among the most essential principles. Observing the above principles in the investigation of the complaint promises the realization of justice and obliviousness to them undermines the rights of the clients to the judicial system and causes injustice. Paying attention to individuals' human character and dignity, full observance of the accused's rights, and protecting people's lives, property, and honor from rape can be considered the real results of observing these principles. In this paper, while examining some of these basic principles, their general foundations are also explained.

Keywords: The principle of legality of crimes and punishments, the principle of the personalization of punishment, the principle of equality of punishments.

INTRODUCTION

Sociologists consider punishment a phenomenon beyond simple reaction to normalization and analyze a social institution in interaction with social status (Arjmand, 2010).

Laws and penalties apply to the welfare of citizens, increase social cohesion and repair the norms and values that have been violated, so citizens' views on the proportionality of punishment with crime, deterrence power, severity and form of implementation, and the capacity to the consistency of offenders should be considered in the legislature. Only then will the quality of the legal system seem fair and reasonable in terms of the majority of society. Moreover, frequent references to people's views and attitudes provide a suitable basis for testing legislators' and politicians' assumptions regarding the status of legal penalties and informing the extent of the legitimacy of the judicial system among the people (Puffli, 2007).

The principles governing punishments in the Constitution, which is derived from the Islamic legal system and which is approved by the intellectuals of the world today, are the result of many sacrifices and sacrifices throughout human history that have been carried out for the establishment of justice and equality in the justice system and in the way of judgment. However, it should be noted that there are principles in the field of criminal law that their observance will be a guarantee of justice (Goldozian, 1999).

The concept of crime and punishment

Crime and punishment are inherently distinct concepts with entirely different natures, which makes it impossible to simply compare the two with each other in terms of proportionality, so in the beginning, we need a different judgment about the value of these two categories, which can be followed by Graded theories of appropriateness on this basis.

By definition, crime is a point of conflict between the individual and society because crime is essentially a violation of the norms of conduct that include punishment, and it does not matter if it is found in the criminal law of an advanced country or simply in the labor laws of particular social groups. However, the nature of crime is very complex, and understanding it has taken many approaches; One is the economic approach, which often finds crime in general to be a producer of losses that can rarely be fully compensated, although this is a merely simple notion of crime that may not fit perfectly in every case. But the economic approach is general and is merely one of several approaches to understanding the nature of the crime, such as theft and loss of income.

And is a loss to one's property; Insult and defamation is the production of damage to a person's dignity and credibility; Rape is harmful to honor, and murder is harmful to life (White and Hepens, 2013).

Even in this simple definition of a crime as causing damage, it is impossible to compensate for the damage caused by all kinds of crimes, such as harm to honor, loss of physical activity, or loss of life. Also, even for offenses for which the offender may be compensated (for example, in the case of theft or fraud), granting minor offenses for which social services or compensatory orders may be prescribed is a guarantee of enforcement. The criminal usually does not seek compensation from the victim and at the civil request

A separate one is needed for this purpose. The purposes of punishment are varied and usually include other purposes such as deterrence, punishment, deprivation of power, and blame, which take precedence over retribution and compensation. Even where compensation is often sought, it is often not the only aspect of a criminal conviction. It is only a part of it and is usually accompanied by additional punishments (Walker & Hayashi, 2009).

The nature of punishment is fundamentally different from the nature of the crime; According to the British philosopher Richard Stanley Peters, law enforcement's punishment seems unpleasant to a person who has broken the law (Kleinig, 1972).

Durkheim sees all punishment types as virtually an emotional reaction to a violation of social norms but distinguishes between primitive and modern societies' punishments. According to him, punishment in societies with mechanical correlation is more punitive and corporal, while punishments in societies with organic correlation are restorative. Restorative law pays more attention to compensation and cooperation. As societies moved toward organic solidarity, punishments were reduced emotionally and vindictively, and punishments became more reasonable and orderly. Durkheim also traces the origins of guilt in traditional and modern societies. In traditional societies, collective conscience or shared feelings, which have penetrated deep into all members' consciences, play a central role in defining criminal acts and punishing them. Conversely, in advanced societies, the state performs this function as a protector of collective values beyond a social role as the embodiment of society as a whole. Because the government derives its power to define crime from the public conscience, people expect the legislature's performance to be commensurate with society's public values in the form of punishments (Durkheim, 2005).

Although the mere fact that an act is a crime alone is the basis for punishing the perpetrator of that behavior, how the punishment is applied requires its basis and logic. This means that merely criminalizing behavior in law can not tell us everything necessary for terms of punishment, and therefore the existence and presentation of a specific logic at the time of sentencing is necessary. Requiring the court to provide a rational justification for selective remedies and increasing the judge's diligence also determines the sentencing and optimizes public opinion about the criminal justice system's correct functioning. The importance of this requirement is that in the absence of such conditions, the field of abuse of legal authority has increased, the judiciary will be suspected of exerting an influence (Amade, 2011).

Types of punishments

Durkheim divides the punishments into punishments and remission. In Foucault's theory, the punishments of the traditional and new eras can also be separated. By applying the Islamic penal code in Iran's penal system, the punishments were divided into four main forms: hudud, qisas, diyat, and ta'zir, as well as deterrent and security punishments (Mansour, 2002).

Hadd is a punishment whose type and extent have been determined in Shari'a. Qisas is a punishment for which a soul is sentenced and should be equal to his crime. Diah is a finance designated by Shar'a for the crime. Ta'zir is a punishment whose type and amount have not been determined in Shari'a and have been assigned to the ruling body, such as imprisonment and cash penalties and flogging, which should be less than the amount of flogging (Islamic Penal Code, 2004). Punishments are divided into body bags, life seekers, freedom seekers,

restrictors of freedom (e.g., exile), deprivation of social rights, and cash bags in terms of their rights (Shakrini: 2002:40).

The concept of principle

The principle of the word means "beech." Ben. The root and origin of everything (Sayyid, 1303) and in the term "principle" is the unknown verdict for a skeptical person; there is no discovery for him because, for the ignorant, it is imposed if the discovery is not intrinsic and the subject matter is also a ruling of the rulings is called the principle, so the principle is like the ruling of the apparent judgment which is related to the state of ignorance (blackness).

The principle of legality of crime and punishment.

"The crime of an act depends on the law of criminality" (Jafari Langroudi, 1991). Article 2 of the Islamic Penal Code states Any behavior, whether acting or abandoning the verb for which the punishment is specified in the law, is a crime. Therefore, no one can be sentenced to a punishment not envisaged in the law. The legal element means to determine whether an act or a practical leave is a crime. We should immediately refer to the authority for the detection of crimes, i.e., the legislator, so the element of legality indicates that

No act, however obscene, can be considered a crime unless the legislator has criminalized it. (Chambiani, 2003).

Until the Renaissance and the Great French Revolution, individuals were punished by the will of the king, the ruler, the priest, and the priest, whether many innocent people who were punished by the vicious nature of the ruling power, whether it was the clean blood that was shed on the ground, what property, souls, lands, and honors of the people who were violated. The Great French Revolution and the renaissances were the age of awakening of the people and the landing of the state. Until this time, kings, priests, and clergy considered themselves shadows, representatives, and vice-masters of God. At this time, there was a fundamental change in people's thoughts; the rulings in every situation were only servants and servants of the people; no one had the right to outmaneuver others. Interrogations in the Middle Ages were catastrophic in Europe; on the orders of the investigating judge, the arrested person was tortured to death to confess; if he had confessed, his statements would have been made in the presence of the priest of the parliament and signed by the audience. According to these confessions, a severe sentence was issued for the prisoner. Usually, no one would survive these crypts; if they did not confess, the torture would continue until death. At this time, the principal was guilty; the defendant had to prove his innocence under torture.

1. The principle was innocence, it was an impartial judge who had to prove the charge with strong evidence, and in case of incapacity, his maintenance in prison or underwent any law (Article 37 of the Constitution and Article 11 of the Universal Declaration of Human Rights)

2- The principle of legality of crime and punishment, according to this principle, the act of strengthening the accused area must be a crime, and the legislator has determined the punishment for it (Article 36 of the Constitution and Article 2 of the Islamic Penal Code, paragraph 2 of Article 11 of the Universal Declaration of Human Rights) gradually became a global thought by changing the circumstances and circumstances of the medieval and Renaissance. In Iran, with the Constitutional Revolution, the rule of religion and the world searched for their legitimacy among the people, and the government came from heaven to earth. Although it was challenging for the privileged classes to come down from the deck of arrogance, and the order of Mashhadi Baqer Beghal, the representative of the people in the Shura Council, was not twisted. The result of these conflicts and struggles temporarily benefited the reactionary, and of all that, The differences between the leaders of the revolution, Reza Khan Mirpanj, with the hands of the people and the aliens and a part of the clergy came to the government. For 20 years, they brutally and brutally drove over the state's cemetery, but these failures. He stopped people's demands for a while, but the people's rightful demands were never in the crucible of oblivion. The beauty of the struggle was so great that the Iranian people continued to fight for freedom and the consolidation of their rights and to restrict the duties of the rulers, and now the Brahmins are pressing for the nahj and the method of the pie. The Renaissance and the beginning of the Constitutional Revolution have made their mark on people's lives and thoughts, and its expensive works will soon come to fruition. Part of the works of that great work in the general sense.

Beyond the principle of legality of crimes and punishments, there is rationality and logic. The principle of legality of crimes and punishments is also seen sporadically in the remnants of antiquity. From the laws of the Hittites and Hammurabi to the twelve tablets, it all indicates the concern of human society to determine the limits of people's rights and freedoms and their obligations. In most cases and until a few years ago, there was no legislature in today's form and many strategic principles of criminal law were not considered by criminal systems.

This principle was first established in Europe in the late 18th century and was introduced as a stronghold against despotic rulers and judges' oppression. It is natural that due to the extremism of the power holders at the time, this principle is raised uncompromisingly so that the possible flaws do not harm the rights and freedoms of individuals in society.

To investigate the principle of legality of crimes and punishments in a legal system, merely obtaining phrases to accept that principle in legal texts is not enough, and the most critical step is to examine the nature and structure of criminal policy governing society (Milani, 2008).

Jurisprudential Principles of the Principle of Legality of Crime and Punishment

One of the most indisputable rules in jurists' eyes and principles is the rule of "Oghab-e-Blabian," which is comparable to the "principle of legality of crime and punishment."

From a jurisprudential point of view, the dissemination of religious rulings and its promotion among Muslims is a judicial regulation on the knowledge and knowledge of individuals, as in our time, the legislator has put the passage of the law and its publication, after a while, the judicial authority has placed on science and awareness. It does not accept the excuse of ignorance of the law.

The general provisions of the rule are that as long as the act is not prohibited by shari'a and that prohibition has not been communicated to the obligation if the person commits, his punishment is rationally abhorrent and indecent. Of course, the realm of this rule is broader than the principle of legality of crime and punishment because of the principle of legality regarding the legislation and consequently the process of notification and publication of the law. However, jurisprudence has been ignorant in cases where Malikov was not because of his fault but in another way about the duty issued. It has also adhered to this rule, but in other words, the expression of "expression" in this rule is the expression of the filed statement, not the exported expression. Therefore, its circle of inclusion is broader than the principle of the legality of crime and punishment.

One of the jurists says, "It is permissible to consider a duty to a person who does not know of it, wanting an affair beyond the power and so-called obligation of the property, and such a duty is aobic" (Allameh Helli, 1404).

Another jurist says, "Punishing the perpetrator for opposing an obligation that has not been committed is one of the clearest instances of oppression" (Khoi, 1422).

The principle of legality of crime and punishment and legal trial

1- Equality of people's rights and the negation of any discrimination, regardless of color, race, language, religion, etc. (Article 19 of the Constitution, Article 1 and 2 of the Universal Declaration of Human Rights)

2- Protection of the law from all people and their enjoyment of all human, political, economic, social, and cultural rights (Article 20 of the Constitution, Article 7 and 12 of the Universal Declaration of Human Rights)

3- Preventing any attack on the life, inheritance, property, rights, housing and occupation, and religion of persons (Article 22 of the Constitution and Article 12 of the Universal Declaration of Human Rights)

4- Prohibition of searching opinions; no one can be molested or forced to disclose an opinion merely. (Article 23 of the Constitution and Article 12 of the Universal Declaration of Human Rights)

5- The sanctity of freedom of expression and belief is one of the people's inalienable rights, regardless of any thought, the right to freedom of expression and opinion. (Paragraph 7 and Article 3 and Article 20 of the Constitution and Article 11 of the Universal Declaration of Human Rights)

6. Prohibiting states from searching and disseminating letters, recording and disclosing telephone conversations and disclosing telegraphic and telex communications, censorship, non-transmission and dissemination of them, and eavesdropping and an investigation into people's affairs according to Article 25 of the Constitution and Article 12 of the Declaration of Human Rights.

7. The complete freedom of parties and any form of association is recognized following Article 26 of the Constitution and Article 20 of the Universal Declaration of Human Rights.

8. The right to march is an inalienable right of the people, recognized under Article 27 of the Constitution and paragraph 1 of Article 20 of the Universal Declaration of Human Rights. Of course, a march with a weapon is prohibited. In the event that the legal authorities have not been granted permission to march, the march is illegal and not illegal because the legitimacy of the march is recognized as the above principle; the law enforcement officers are committed to preventing any attack on the marchers.

9. Prohibition of the arrest of persons; Law enforcement officers must provide the defendant to the judicial authorities for a maximum of 24 hours, and the judicial authorities will charge him with a maximum of 24 hours of written charges, explain the reasons to the defendant, and make the case available to the competent court as soon as possible. The offender will be allowed to do so. (Article 32 of the Constitution and Article 9 of the Universal Declaration of Human Rights)

10. The right to use a lawyer; (Article 9 and 35 of the Constitution and Articles 10 and 11 of the Universal Declaration of Human Rights) therefore, the following note of Article 128 of the Criminal Procedure Code, which makes the presence of a lawyer in some cases subject to the court's permission, is contrary to the Constitution and is void in terms of restricting the inalienable rights of the accused following Article 9 of the Constitution. It adds that judges do not have the right to impose lawyers or prohibit the defendant's lawyer's use. The lawyer's contract is concluded only between the lawyer and the lawyer and does not have the prescient to the judicial authorities.

The principle of judiciality of punishments

The principle of judiciality of punishments is one of the fundamental principles of criminal law in such a way that even principles such as the presumption of innocence and the principle of legality of crime and punishment are meaningful under the principle above. Although this principle has been accepted in the

Constitution with the subject of confinement, we have always seen exceptions to this principle with different titles in ordinary criminal laws. In the newest version of the Islamic Penal Code in Article 12, the principle of judiciality of punishments states that "the sentence to punishment or security and educational measures and their implementation shall be through a competent court, following the law and following the conditions and qualities outlined in it."

Article 420 of the law is also another innovation in accepting the principle in question. Contrary to the Islamic Penal Code of 1991, it is prescribed in the new law and in article Maral-e-Azr. "If the owner of the right to qisas acts against the rules of qisas, he shall be sentenced to ta'zir prescribed in the fifth book of Ta'zir." Therefore, determining penalties for any private and non-existent acts of punishment, even by the owners of the right to qisas, is one of the new law's significant and verifiable innovations. It also appears that from the point of view of this law, there is no mahdoroldami person, whether the legislator deliberately did not use the term Mahdor al-Dam – or similar facts – and only mentioned in Article 302 that their murder does not require retribution, not that their murder is permissible. Nevertheless, it should be said that due to the existence of clear principles and reasons for the principle of judicial punishments in Islamic criminal law, more expectations are expected than what has happened in the new Islamic Penal Code because there are still cases in this law such as murder, injury, and discontinuation of the belief that mahdor al-Durdam is believed to be incorrect as exceptions to the principle of judiciality of the punishments, the main one is that there is even an acceptance of the punishments. The exception will lead to its destruction, which presents a disproportionate face of our criminal law written following jurisprudential sources (Zolfaghari, 2014).

Scope and inclusion of the principle of judiciality

Despite the vital position of this principle in criminal law, it should be noted that the principle of judiciality in its general and absolute sense is not solely devoted to criminal matters but also in legal matters and is of great importance. Of course, this principle is more important due to the nature of criminal law in this area. Unfortunately, despite the constitutional clarification in Article 36, which provides: The sentence to be punished and enforced shall be only through a competent court and by law, this principle has been less considered in ordinary criminal law. Contrary to the Asalmi Penal Code, the legislator in civil law has repeatedly and on various occasions raised the need to appeal to the ruler or the court, highlighting the authorization or permission of competent authorities in legal matters. It should be noted that much of the significant role that has been considered for the ruler in regulating the current jurisprudential and legal relations in the society can be analyzed in the form of the ruling duties and duties, and the other part can be examined within the framework of the mere powers of the ruler. In other words, in most cases, the role of the ruler is one of the duties he has and is not infallible in doing or not doing them, i.e., the authority of the ruler is exceptional, and the principle is based on the duties of this position (Masjid Sarai, 2007).

The principle of equality of punishments

The principle of equality of punishments is rooted in the principle of "equality of individuals before the law." Equality of individuals before the law is a matter that is accepted by the general public and is rooted in human nature and nature so that everyone within himself feels the right to equal rights compared to his fellow human beings and not to commit any oppression against him. This principle is also considered in the 1948 Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The principle of equality of all persons before the law and the criminal justice system is of serious interest to Islamic law, and many verses and hadiths imply this, including in verse 58 of Sura Al-Mubarakah al-Nisa' as follows: "... And my wisdom among the people of al-Naas, the consolidation of the heart... And if you judge between people, act with justice. Some of our constitutional principles have also emphasized this principle, including Article 20 of the Constitution (1979). Equality of punishments means that equal punishment should be imposed on offenders who have committed a similar crime under similar circumstances. This principle complements the principle of the legality of penalties. Therefore, all persons in every position are equal before the law, and the implementation of the punishment should be carried out regardless of the individual (Bahari, 2001, p. 396).

According to Jean Pradell among criminal law scholars, Beccaria, after Mantscu, emphasized this principle in Chapter 27 of the Treatise on Crimes and Punishments, saying, "Punishments must be the same for the first and last citizens." "The size of the punishment is not subject to the feelings of the delinquent. Rather, it is subject to public losses, so that the more privileges its agent has, the more significant it will be. The principle of equality of penalties is only a matter of credit. Because in practice, everyone has their perception of it." (Pradell, 2009).

However, modern criminal law is influenced by criminologists' ideas and holds the concept of "individualization of punishments." This term implies that the judge must determine the type and extent of the punishment or the security and educational action he considers to be dangerous in the case of the offender with the person in a dangerous state, according to the physical, psychological, social, and individual characteristics, for each person to sentence a punishment that is effective in intimidating or correcting him or her. On the other hand, considering that different people have different physical, mental, family, educational, occupational, sexual and different characteristics, different punishments are usually prescribed for them, and thus in modern criminal law, another general principle of criminal law, i.e. the principle of equality of punishments and security and educational

measures, is forgotten in such a way that, in the opinion of some jurists, given the transfer of broad powers to judges in order to proportionate the punishments, And in particular, hedging measures with the characteristics of individuals, both in the case of choosing the type of punishment and hedging action, and in terms of the extent to which the legislator has considered for penalties, as well as the judge's option in imposing commutation or aggravation of the punishment, and by granting parole and suspending the punishment, or enforcing the hedging action in the form of hedging action or supplementary and supplementary punishments, are all of these things. Now the principle of equality undermines penalties and security measures" (Fazel, 2017)

The principle of equality of punishment in ta'zir and deterrent crimes indicates that the punishment of any misdemeanor, whether male or female, should be determined following his or her entitlement. On this occasion, the legislator has not taken into account any social criteria as a commutation of the defendant. Instead, he has only considered cases such as the passage of a plaintiff or a private claimant, the motive for committing a crime, the defendant's guidance in the discovery of the crime, the circumstances of the specific circumstances of the crime, and so on. (Article 22 of the Islamic Republic of Iran) (Madani, 1995).

The scope of the principle of equality of penalties in the law

A- Hudud, Qisas and Diyat

Based on the many reasons mentioned above, all persons have equal rights and obligations, and the guarantee of the implementation of violations and violations of rights and non-fulfillment of assignments is uniform for everyone. In most hudud and qisas and diyat, this principle is not allocated even with principles such as individualization of punishment because these punishments shall be carried out for all offenders and following the amount and method specified.

(b) Ta'zir and deterrent punishments;

The situation is somewhat different in the case of ta'zir and deterrent punishments that prevail. In such punishments, which include most punishments, punishment's suffering can be changed depending on the character, social status, financial possibilities, and tolerance of the criminal. Because the principle of individualization of punishments refers to the principle of equality of punishments in some way, because observing the principle of legal equality in punishment is not incompatible with the compliance of the punishment with the delinquent character in order to purify his morals, reform, intimidate or remain determined to refrain from committing a re-offense. If Article 728 of the Islamic Republic of Iran explicitly refers to this issue (Golduzian, 1999).

The principle of equality in punishments is more theoretical than practical because, on the one hand, individuals have different situations. In particular, criminals' financial conditions in many cases can lead to their release and breaking this principle. On the other hand, each judge treats individuals separately because of their particular character. However, the principle of equality limits the perpetrator's various conditions and social status, the judge's temperament, public opinion, and many other issues (Norbha, 2009).

For example, a fine is a severe punishment for a person who cannot pay it, while it is a mild punishment for a wealthy criminal. The prison is also heavier and more unbearable for someone who has always lived in a blessing than a person who has always been in distress to provide life necessities. Therefore, without a doubt, different persons who commit a crime do not have the same personality and influence, and therefore the type of punishment must necessarily be subject to the character of the offender, not exclusively subject to the crime committed.

This is why the legislator, in some articles, has incorporated the characteristics of the criminal in determining the punishment. If Article 1 of the Q. Intensifies the punishment of fraud and... The punishment of the perpetrators varies depending on their position and occupation.

The principle of equality of punishment in ta'zir and deterrent crimes indicates that the punishment of any misdemeanor, whether male or female, should be determined following his or her entitlement. On this occasion, the legislator has not considered any social criteria as a commutation of the defendant. Instead, he has only considered cases such as the passage of a plaintiff or a private claimant, the motive for committing a crime, the defendant's guidance in the discovery of the crime, the circumstances of the specific circumstances of the crime, and so on. (Article 22 of the Islamic Republic of Iran) Of course, the commutation provisions, as stipulated in this article, include ta'zir and deterrent penalties (Madani, 1995).

Thus, ta'zir and deterrent punishments under Articles 16 and 17 of the Islamic Republic of Iran will require that in similar crimes and the same type committed by different persons, according to the perpetrators and the criminal's personality and his correction and the principle of individualization of the punishment, appropriate and different punishments should be determined (Golduzian, 1999).

The principle of the personality of punishments:

According to this principle, the punishment shall only be imposed on the offender, not on his family members and relatives; the punishment's effects should also be limited to the offender and should not be passed on to third parties. (Mohseni, 1997).

The punishment's personality means that the only person who has committed a crime directly or in cooperation with him should be punished, and his family, relatives, and friends should not be punished for the crime he committed. "This trait is a reaction expressed to the old tradition and the rule of the Great Tyranny of

France, and justice requires that the punishment be exclusively pervaded by the perpetrator and not spread to his relatives and relatives... "Among the jurists who had a scientific hypothesis, Joseph Domster was against the personality of the punishments, but in the public law of the contemporary period, the principle of the personality of the punishments was officially announced." (Aliabadi, 1988, p. 134) it should be noted that "although the principle of personality considers the mere imposition of punishments against criminals, it should not be ignored that any appreciation of the punishment of the perpetrator cannot be ineffective towards his family." (Norbha, Pishin, p. 420)

The reasons for the principle of the personality of punishments in Islamic penal jurisprudence:

In the Holy Quran

1- Whoever is guided is guided to himself, and whoever goes astray has strayed from his detriment, and no one carries another burden, nor shall we punish him unless We bring a Messenger (Muhammad SAW) to fulfill their duties. (Verse 15/ Esri)

On the contrary to what is known as the common people, the fire that caught burns dry and dry in the logic of reason and the teachings of the prophets, no sin will be punished for another sin, in all the cities of Lot, there was a faithful family, God saved that family when punishing that deviant and infected person. (Makarem, 2001).

2- Say: "Do I seek a Lord other than Allah, while He is the Lord of all things, and no one does anything but himself, nor does he suffer any other sin." Then it will be your return to your Lord, and he will inform you of what you have disputed about. (164 / Tip)

A group of short-minded polytheists came to the service of the Prophet (s) and said: "Atabna and Alina Uzrak n Kan error! Follow our religion; if it is wrong, then your sin is on us. 2. The Verse 13

3- No sinner carries another burden of sin, and if a person carries another burden to carry his sin, he will not bear anything of it; even if he is close to him, you should only warn those close to him. Do not fear their Lord in secret, perform the prayer, and whoever performs purity will return to himself, and the return (of all) will be to Allah. (Verse 18 / Fatir)

This sentence, which is one of the fundamental foundations of Islamic beliefs, is related to God's justice. On the one hand, which rewards anyone who depends on his work, rewards his efforts, and punishes his sins. On the other hand, it is firmly pointed out that no one is willing to carry another burden of sin; however, extraordinarily, he is interested in him. (Makarem, 1997).

[4: If you are ungrateful, Allah is of no need of you, and he does not like disbelievers for His servants,' and if you give thanks to Him, he will like it for you, and he will not carry any other sin, then it will be to your Lord and inform you of what you have done.

5- Verse 38 Of Surat Mubarakah Najm: "Ala Tazar Vazra Wazar Al-Akhari"

The rise of the

Human beings' stepping on the ground has been the result of his rebellion and disobedience. And by disobeying God's command and expelling Adam from paradise, he was revealed. The norm-breaking lies in every human being's essence; if he is not well trained if his environment is corrupt, his negative talents will appear and come from the power to act. Human societies have chosen different strategies in dealing with the phenomenon of misdemeanors in proportion to their understanding and indigence and have gradually chosen codified and advanced mechanisms to contain the misdemeanor, punishment, and punishment of the criminal. All legislative efforts in legislating the laws and the criminal justice system in pursuit, arrest, trial, and sentencing are manifested in the implementation phase of the sentences, so it is evident that the implementation of sentences is of particular importance to enforce better, knowing the principles that must be observed in the implementation phase. It is necessary that the principles and rules play a significant role in protecting the individual and society's rights and guarantee the freedom and protection of civil rights. Depending on the type of punishments imposed by the legislator and the sharia for crimes, the principles and rules governing the implementation also vary. Some of the principles governing the implementation of punishments are general and general and are applied in all punishments, such as the judicial principle of the implementation of the punishment and the principle of the urgency of the implementation of the punishment. Some principles, even though they are capable of carrying out all the punishments, according to the legislator's credibility, are in a smaller range of punishments, such as the principle of time-lapse and the principle of enforcing qisas punishments, the first being the validity of the legislator and the second to the validity of the sentence.

Conflict of interest

The authors declare no conflict of interest.

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