

### The effect of intoxication on criminal responsibility in criminal law system

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**Abstract:** In this study, about drunkenness, criminal responsibility, the impact on the criminal liability may be drunk, drunk impact on the history of criminal responsibility in Iran's penal system and the effect of drunkenness on the types of offenses in the Iranian judicial system has spoken to. The definition of drunkenness, saying the case is unusual because of drunkenness, drug use intoxicant is generated so that a person can suffer from various degrees of will power and clean, consciousness and perception will take away or impair. Criminal responsibility, mental element, malice or criminal intent and its types and causes of criminal fault resolver criminal liability issues discussed in the first chapter of the second. In this study, the definition of criminal responsibility, the resolver set the conditions and circumstances which, if they have not done is the person in charge of criminal acts. The first topic of this chapter on the place of drunkenness among ablative agents investigating criminal responsibility means that one of the factors required to create drunk on the influence of criminal responsibility. Reason being drunk or under the influence of the will? Also check that the drunk what circumstances can impact on the mental element. Was clear that the decline is caused by psychological rather incomplete Tom drunk, drunk with the intention of committing a crime can affect the criminal responsibility of intoxicated involuntarily committed if Mslvbalarahd undoubtedly cause deterioration of mental element of criminal liability. The second topic of the second chapter of the reception history of drunkenness as a factor in the resolves criminal liability is reviewed.

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#### 1. Introduction

A phenomenon which is detrimental to commit a crime that would establish responsibility. This responsibility can he deserve punishment and compensation for losses that can be entered. Schools and penal systems in different conditions and factors can tolerate impunity that perpetrators of different topics, including: Rafe causes of criminal responsibility, confronting the causes of crime ... cause of the documents Can learn from them. The bun is also one of the factors and conditions. Drunkenness is a condition that is caused by smoking materials in person intoxicant. So that the force will be varying degrees of consciousness and perception and cleaning and stripping him or interfere.

Thread drunkenness and its effects in various fields such as cultural, social, medical, religious and legal discussion and analysis and investigation afterward is not unconnected with the other dimensions. According to the intoxicating effects usually associated with guilt. As stated in the definition Bun Bun could weaken or even decline, wit and determination to be a person. The bun could

shake the foundations of the criminal liability of the person's mental element.

At different periods in criminal law legislation on criminal liability has been spoken about the effects of drunkenness. Articles 37 and 38 of the General Penal Code Reform Act of 1352, Article 28 and Article 20 (Limits and Punishment) Law Concerning Penal Code Act of 1361, articles 53 and 224 of the Islamic Penal Code adopted in 1370.

How drunk impact on criminal Msnvvt different periods in Iranian penal legislation, what is? Given that the intoxicated person will power, knowledge and control is lost if the offense is cleared of criminal responsibility? Or the voluntary consumption of alcohol in normal situation rationally, religiously fault is to support the security and order of a drunk person should be responsible for their actions and learn from other people.

Changes in how the after effects of intoxication on criminal liability is justified, given that the public intoxication law amending the Penal Code due to intoxication of any material, not just the alcohol Knew, according to the Article 53 of the Penal Code bun should we simply due to drinking alcohol?

Mslvb Alaradgy order of the Penal Code is? Is it as Article 53 of the Penal Code and Article 224 of it because of all the crimes of murder as an exception to that principle? An Act to amend the Criminal Code Public drunkenness was voluntary and non-voluntary distinguish whether this distinction has been removed in the Penal Code? The purpose of committing a crime in the Penal Code is intended to be drunk? Also studied the effect of different types of punishment in drunk authorized the issues that we are interested in this study.

The importance and necessity of Drunken effect on higher centers of the brain and thereby interfere with powers of intellect and will of man co-factor that can influence the creation of committing criminal acts and the obstacles impact of criminal liability are drunk on the absence bluntly's legal punishment of types for questions and ambiguities regarding Iran's penal code, and in particular Articles 38 and 224 subject to the Penal Code and the lack of a comprehensive research about the importance and necessity of this research shows. .

### Materials and Methods

The study of methods for data collection and documentation of the library is required, which means that the information needed to research compiled from sources including the books of students' theses articles, Scientific publications Internet resources, is achieved.

### Background research

Rafe about the causes of criminal responsibility and criminal liability has been made in several papers and theses. Rafe also on other factors such as criminal responsibility: Madness and minor, before the revolution, Nasser M. Tehran University's doctoral thesis, 1356, as drunkenness and its impact on the criminal liability of And Mr. Abdul Karim Shah Rukh town his master's thesis in 1387 under the title of martyr Beheshti University, Comparative effects of intoxication on criminal liability of legal systems in Iran and the UK) has defensive.

#### First topic: drunk

#### First speech: definition of drunkenness

In the case of dictionaries drunk drunk drunk drunk and adjectives refer. So learn to know the meaning of stop drunk is drunk. Drunken Dehkhoda dictionary is defined as "intellect dominates the server to manage the tree comes Mvjbhy Skr that prevents the operation of reason, without reason, is lost," "drunk, drinking wine and other intoxicants in the case of a person appear".

Drunken term of jurisprudence and law, not far from what was mentioned but what is important it should be noted the definition drunk drunkenness

effect on the characteristics of the rational faculties It is literally the most important connection between the closure and prevent the closure of the dam as the water build-up. The bun is the state that will create a barrier between the person and the reason he declared.

Our legislature has not defined bun seems to recognize the custom has assigned to it. Legal scholars, legal practitioners and scholars from the perspective of each subject according to their definition bun. Drunken groups according to the origin of the state, creating a state of intoxication caused by drinking alcohol or smoking have any other chemicals may be caused by such drugs, and the like.

Groups with respect to complications and symptoms of drunkenness, drunkenness, drug use intoxicant in the case of intentional or unintentional causes and Tom disturbance is incomplete or branches will have been defined.

Drunken Sunni scholars have defined "intoxication include dementia caused by alcohol or eat the same way after being drunk Afaqh know what action he has moved. R. Nvrbha drunken doctor defined it as: "a person's state of intoxication caused by alcohol use (Skr Apr), with his passion for his willingness to weakening or destruction."

The doctor Ardabilis bun created a intoxicant drink of the wine, booze and ... Knows. In conclusion, the effects of drug use intoxicant bun anomaly that occurs in a manner that will, to varying degrees of force to disrupt clean and awareness and perception or deprive.

### Chapter Two: Bun in the Quran

Terms Skr (meaning drunk) and its derivatives is used seven times in the Qur'an, (Skary) three times (Skrthm) and (Skrh) (Skra) and (agony) which has been used once.

**A)** Verse 14 of Surah Hijr 15: The Lord has said about not bringing some stubborn and fanatical faith "enema Lqalva Secret Absarna Nhn people Mshvrn" likely "Secret" in the verse literally means closing and is used to cover the disbelievers they say the eyes are covered, we Globe And ascended to heaven if we see a series of imaginary problems and hallucinations. Ie those caused by the immersion of the passions, and stubbornly insisted in vain that they reached a point where even if they go to heaven and come back to join Ajazamyzy not to give up and say, puzzled eyes, drunk and lost the function the reason is that drunk loses its function.

**B)** Surah Nahl verse 67: "And I'm fruits Alnkhyh and Alanab Ttkhznv Skra and Rzqa Hosna" means the fruits of palm trees and grape alcohol (foul), and once you provide good and clean. "(Skr) here means mirage that comes from grapes and dates.

Versus them "good sustenance" and put a reference to it is forbidden that the first stage of the four stages of alcohol is banned.

C) Verse 72 of Surah Hijr "even Lfy Lmrk Skrthm Ymhvn" I Swear the oath in his bun bun bun purpose Srgrdand Some commentators have ignored that because they dive in prostitution and to deny that it that was created by alcohol consumption and drunkenness in a state of neglect and causes drowning provides passions, this verse is addressed to the fate of the people of Lot, and their punishment is revealed Pambr.

D) Verse 19 of Sura Q: 'And Still We Balhq Ja't Tskrh Alamut Kent Thyd me "was really in the throes of death, and this is what it Mygrykhty.

To have some of the agony and anxiety disorders during the earthly life of intense change and break the ties of material interests is And others say the severity of the intoxication of death will be conquered death that reason, wisdom and understanding will change as drunk and destroys intelligence.

E) The second verse of Surah Hajj "... And more intense Allah Al Naas Skry and we Bskry and doom but "the day you see drunk people while they are not intoxicated but the chastisement of Allah is severe. Addressed to the son Mas'ud said: Avoid the sin of drunkenness as a sin Mstyay like drunk on wine but it is more intense. God gave them bound, Lalani and Kvrnand so wrong can never return. In a narration from Imam Sadiq (as) said: "There is the house wine or other intoxicant, pray do not, because angels do not enter a house, and the clothing which is contaminated with alcohol or other Mstyavr before washing Stand prayers Ngzar.

But Sufism is a mystical drink One of the person and the meaning it has its own mystic Sufi is drunk "effect observed in Jamal friend Salek the witnesses amazement loses. Introduction to awareness will force the heart to be drunk, they discovered that the human life force to be drunk. "

#### **Third Speech: Characters drink**

Drunken undermine the operation of the nervous system that results in involuntary restraint which is a source of shame and prevent outrageous exercise in humans is destroyed and the state of psychological and moral transshape change him. And some can be short-tempered and quarrelsome drunk and critical thinking to go dark brings the drunk person usually is temporary, intoxicated person loses his intellect. As a result of committing obscene acts and crimes are inadmissible due to rot intellect. Abu Hanifa bun knows what makes a man drunk on power to detect earth from heaven and she does. Nevertheless drunken state at the slightest provocation that leads man to the crime committed.

#### **Part Four: The effect of drunkenness on higher centers of the brain**

Thus acts drunk person speaks in ordinary times is Nmydadh do so. Several factors in addition to drug drunk involved in creating such a character , physical strength, ... The petitioner being drunk after consuming alcohol or other intoxicant and make sure no drunkenness vary between individuals and will fluctuate . This differs depending on the consumption habits of consumers, the concentration and the type and amount of the drug substance, the age of the consumer, his tolerance and other factors change.

World Health Organization Overdose Any alcohol that is too traditional society is seen as an extreme debauchery. Rational thinking, reflective practice, and will effectively treat the person as a whole or partially disrupted drunk and actions that come from a person in this situation cannot be reasonable and consistent with the principles and rules

Alcohol is poison nerve cells and two forms of sleeping Zyfknndh impacting adversely on the nervous system. Continuous intake of alcohol gradually reduced precision and concentration and impaired memory.

#### **Second: the criminal liability First speech: definition of criminal responsibility**

Dehkhoda in the dictionary under the responsibility is his. Commitment, obligation, punishment, Responsibility, in terms of commitment to law enforcement personal or optional, at other times it is a financial or non-financial Amid a culture of responsibility "means that man should be in charge of and responsible for their actions and tasks etc." Is

The terminology liability law is defined as: "Personal responsibility is the legal obligation to meet another who has hurt him or caused him whether caused by the fault."

Has a variety of responsibilities such as moral responsibility, administrative, civil, criminal, and disciplinary ...

Civil liability is a responsibility which the rateable value which includes losses resulting from criminal liability arising out of the contract ... It is. But responsible person is guilty of criminal liability in the criminal law is concerned, this is the responsibility of our topic. In the terminology of the law defining the criminal responsibility "of the situation and the human condition with the knowledge and authority of the law to punish the perpetrators of criminal behavior by" he says.

Our criminal laws and regulations of the definition of criminal responsibility is taken. But according to legal scholars say: "Criminal responsibility is the obligation of the person obligated

to meet the personal and social consequences of harmful criminal act is done or left . " " The criminal liability creates a bridge between crime and punishment crossing the bridge as guilty as the perpetrator." "When someone is attempting to commit an act or omission crime law known as the action or a criminal intent criminal error occurs or is mixed in terms of criminal law, criminal cases punishable either case officer knows and he knows the steps of providing . »

### **Chapter Two: The Concept of Criminal Responsibility**

Criminal liability can be either true or concrete or abstract concept. Abstract concept of criminal responsibility before the offense is related to the potential state observer status at the individual attribute Whereby the capacity and capability finds that whenever he went into criminal behavior will suffer the consequences. The concept of criminal responsibility means the same as the level of qualification of the criminal offense is Independent of whether or not the offense was committed and potential of the individual in society's response to criminal behavior is considered tolerance.

But the real objective of criminal responsibility subject to the obligation to bear the consequences of criminal acts committed by the offender's criminal behavior is in particular true sense of the actual criminal responsibility of the perpetrator.

Potential criminal liability is subordinate aspect of its potential. The capacity and capability of the person to commit criminal behavior and its consequences is not tolerated. Could he be willing to tolerate and social reaction against Mjrmanhash behavior. However, the abstract or potential liability is not necessarily an actual liability.

### **Third speech: the requisite mental element of criminal responsibility**

To make someone criminally responsible for knowing violations and prohibit the legislator or legislative action has criminalized it Alone is not enough to be the result of a criminal act will be committed subject to identify the culprit. The crime of crimes, including misdemeanors, or otherwise does not realize and therefore the subject is not punishable under criminal law, unless the will or intelligence to be a common element of all crimes will or consciousness. You said it was thereby achieved whenever the subject and verb Amd is going and if the agent is going to act without criminal intent, which is obtained thereby. Thus, the act was committed, but the result is predictable, but the subject of the alleged infringer is Nprhyzd. Mental element of the crime of intentional "criminal intent" and the unintentional crime "criminal guilt or error" is called. Without any one of these two mental

element for the offense he has not committed and therefore responsible for the criminal act is done.

### **A) bad faith or malicious intent**

Criminal malice or criminal intent is that a will is deliberately oriented toward the purpose that is prohibited by law, such as intentionally killing or premeditated in the kidnapping of criminal intent clause of the classic Emile criminal is of legal scholars often waiter The knowledge or wisdom to commit the illegal act does Or knowing violation of the criminal law prohibitions, of course assumes knowledge of the world's people do not need laws to commit the criminal law is proved. It Just Will he commit an act which he attributed to prove. Professor Garv consists of going from a desire to perform an act that is subject to being banned from the world. Islamic criminal law, criminal intent or purpose prohibited act or omission intended to disobey the obligatory or forbidden knowledge is obligatory nature. In conclusion, the criminal intent to do a criminal act intended to achieve the intended result of a criminal, he is to be divided.

### **1 - general malice and specific intent**

General ill will to commit the current legislation prohibits it. This will not always suffice. Whenever there is a crime subject to the legislator clear and explicit intention that the agent has tried to achieve it. The specific intent to commit the fraud charges, say for example, general ill have specific intent to destroy the property is non-mental element of a crime or fraud, the formation will not happen. So said the specific intent to commit a desire to obtain clear result is against the law, such as kidnapping or killing one's own non specific.

### **2 - Definite and indefinite ill**

As mentioned, the purpose intentional ill will is a will is drawn against the law if we focus on the results of this determination, we can achieve a division of bad faith, which is a definite nor a given division. The determination of bad faith does not depend exclusively on the identification of the victim rather than the result of determination of the extent of crime is concerned.

When he is ill defined clearly committed a criminal offense and the achievement of results against a person's wishes. But when bad faith is not defined precisely in terms of being guilty of the offense or the identity of the victim and the achievement of results is not asked for deliberately blows the offender has been into the cause Khvnmrdgy blows, and the power or stripping be beaten to death.

### **3 - bad faith or potential determinant**

The complete classification of specified and non-specified offense can ill or likely to be divided into determinant. When someone with a specific goal

to achieve a certain result and Mnjzy offense and reach the same conclusion. The criminal will say ill Mnjz or determinant. The perpetrator in this case strongly urged to obtain the result of a criminal act has been committed, and also asked for a favorable outcome.

But not the abuse potential when it is asked to commit a crime without a result or consequence of another criminal, but simply to be able to predict the likelihood that the plead guilty, appears as a command Airlines flight by the Director of the as an aircraft is capable of flying. The agent calls the achievement of results and even harmful consequences of his actions but could subject it to predict and the probability of its occurrence is not likely to be so strong that the agent should refrain from committing the act.

Mainly semi-intentional crime, compared to the potential ill, the crime is committed by militias deliberately target and much stronger result produced in accordance with the wishes of her. . For instance when the intent to commit another discipline lays his blows, but blows that led to the death of the victim here, but the impact of bad faith Orafa combination of rationally a result it with first-degree-like crimes lethal the that is not a Realized While not the subject of a favorable result possible criminal with bad intentions at all and is not subject to any order. But the simple predictability of the result slightly by committing crimes like premeditated been asked. And that makes it approached crimes like premeditated intentional crimes. Our legislation dealing with crime is not the same grudging possible.

Article 689 of the Penal Code, whenever a fire or deliberate destruction of buildings with the general residential or per m for settlement leading to the killing or injury or injury and damage human In addition to the penalties provided the money and if you commit to being Amd will be sentenced in this matter which is supposed to have committed only to create fire, or destruction of This article is only going to make the assumption that the perpetrator must have burned or destroyed, although it can and should lead probability that the act he might What. But because the legislature has not Amd result of his study, Act like battering him with first-degree murder and sentenced to payment of compensation has been given. But the law concerning penalties disruptors in oil (16 Mehr 1336) and Penal industry disruptors (2 May 1353) legislator knowingly, intentionally and deliberately take the sentence authorized for the crime has predicted. But our legislators to less premeditated crimes like premeditated crimes are not actually crimes, and crimes like premeditated malice possible with the boundaries between intentional and error Mhsvrnd criminal.

#### **Part Four: ablative of criminal responsibility**

In cases where a trait or characteristic mode or the subject of crime, causes of criminal legislation did not charge him, such as insanity, infancy, coercion, duress, sleep, unconsciousness and drunkenness. The cause of the decline and criminal liability in these cases lies in the person who committed the crime.

Hence, these factors are not generalizable to partner and vice crime and the failure does not affect their responsibilities. So for any physical or mental condition, not a crime attributable to its agent and, therefore, his criminal responsibility is excluded and why these types of factors, "ablative of criminal responsibility," they say. After the resolves of criminal responsibility in the absence of the conditions and circumstances that they are a responsible person who has done criminal acts.

#### **4. Discussions**

Can be defined as a state of intoxication due to alcohol use, the materials in a manner that can be created with different degrees of judicial determination, clean awareness and perception of denied and impaired. Thread intoxication and its effects on criminal responsibility is one The system of criminal law as well as the assignment is not clear. This paper details the ambiguities concerning the rules after the Islamic Revolution in Iran's penal code are discussed. Furthermore, the deterioration of the mental element not drunk drunk Tom is caused by incomplete and involuntary intoxication as being committed Mslvb Alaradh cause deterioration of the mental element of criminal responsibility is. But what if intoxicated offense is intended to relieve criminal responsibility is not the case, and finally about the effects of intoxication on the types of crimes in the penal system, the following results were obtained

1 - The impact of capital crimes are drunk, intoxicated person can practice and apply the rule in question 'ceilings Tdr' Baalshbhat "is located.

2 - Bun in the crimes punishable by death or murder or other crimes is impressive.

3 - Unlike the first hypothesis is not intoxicated investigation revealed the crimes punishable by effective, the liability to pay compensation, because compensation is compensation, not punishment, but our criminal justice system can be said of Iran with the drunk of the conditions of involuntary (drunkenness of the obligation , coercion, false) rather than committing themselves to be wise for the money.

4 - drunkenness offenses punishable by imprisonment and dissuasive penalties, if any element of intent to commit the statutory elements of the crime, criminal liability may cause deterioration.

But any element of intent to commit the crimes they do not affect the criminal responsibility should not be drunk.

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