

Crime making laws in Iran

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Abstract: Crime and punishment are two important legal issue that are presented with the criminal in two different methods, that is, one of them is committed by the criminal and one of them is imposed on him. for this reason the penal law with a tool named law and a creator named legislator determines the boundaries of crime and specifies the punishment bearable on the criminal. in a right and logical penal and legal cycle. at first crimes are defined by the legislator, then they are breached by a criminal and then is suppressed by a anchor it olive power, in this cycle, the legislator undoubtedly considers inhibitive and extensively of legal articles and because it is the sages part of the government whatever passes is considering all individual and social benefits of people of society, specially because our legislator has got the richness of Shiite jurisprudence, but also according to article 4 of constitution it should be based on religious verdicts, such that Guardian Council is responsible for this goal but there are some weak rules that not only aren't very strong but also intervene for committing crime, whether in crime logical subjects, the law itself can be considered as crime making isn't brought up in (rim logical cal book explicitly but from this point that law is born of society and social life, has this capability to be crime maker but what is clear is that the legislator should use all the capabilities to have the best and most use full laws.

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1. Introduction

Crime is a punishable or penal actions that law specifies (noor baha –reza, 2001, the basics of general penal law –vol.4 Tehran.p.49)undoubtedly crime has a precedence as long as creation, however because of being relative of crime and being social of human race that is inherent for him/her, crimes have developed as long as society evolution, so that in present time, crimes aren't limited to natural and simple crime like robbery and murder but there are some crimes which are called artificial crimes in the criminological view like defraud, corruption, cyber crimes, news crimes and political crimes that have roots in human's social life Different majors of law including public penal law.

Private penal law, international penal law, penology –criminology scientific police, coroner's office, penal sociology and some other majors, are organized with the aim of controlling and deleting abnormalities from the society, but perhaps the most obvious major that is related to crime and knowing the crime roots in society is the newborn major of criminology that isn't older than one century. being considered as the best major of human science in professor's ideas, is one of the magnificent emergence of curious philanthropic scientists which uses all science including psychology and psychiatry till sociology, consultancy. economy and statistics to

mention the roots and reasons of crime making in society and find a way to modify the society (kayvia, criminology basics, Tehran, p, 1) this major has considered some factors as crime maker including.

A) Individual factors (biologic): appearance, blood group, health state, sickness precedence, glands secretion, additional chromo some.

B) mental factors like skepticism, hatred, false reputation, insanity, deprivation, mental complexes, anxiety various perversion, hallucination, schizophrenia, fussiness personality instability, psychophysics, sex apathy,

C) Social factors like training disorders, new radio cinema, sexuality centers, cultural conflicts, immigration, injustice, lack of justice lack of legal investigation, successive punishment, prison in appropriate environment, some victims that facilitate the conditions for crime making, war and uprising (kaynia, IBID, p, 64) what worth's noting is that in all above mentioned subject there is no mention to crime maker law, may be since law is against the crime and it is a principle that legislator as the sagest and the most important criminologist of the society, knew the crime in advance and designs penal guarantee for that, them in every stage if he finds any conflict, immediately starts to modify or correct him /her self.

Even it is said that the term "crime maker law "is sophistry and wrongful because criminal actions are

defined by the legislator basically, then we can't consider any behavior which, the law doesn't consider it as a crime this paper wants to answer these questions:

- 1-does the law can be crime maker in the society?
- 2-do these laws exist in Iran's penal law?
- 3-for remedy or deleting these conflicts, does the legislator have any problem?

There are some hypothesizes about this issue including

- 1-every social factor and law can make crime
- 2-in Iran's law, there are some rules which are crime maker and breach the legislator intention
- 3-legislator has ignored to modify these mistakes because of religious reasons or time

In complete and unsuitable law is one of the evidences of social reasons that isn't bearable from the legal view and penal law basic principles at all and as a ineffective wrong doing in the society and society's penal policy is noticed by the law experts and sociologist as Montague, society is placed in the way of degradation in two ways first when people don't keep the law and second when law brings the people in to problem (mantes cure law spirit (Spirit of Laws) p, 390) this paper while analyzing principles of crime and legislature and telling some defects that has the potentiality for crime making pays attention to the roots of wrong doing and breaching the intention of legislator and they get this conclusion that there are some rules that defames the legislator chapter one.

Crime making laws

The objective is paying attention to some rules that are against the society's norms in spite of legislator being against undoubtedly the presented subjects are of being realistic the first chapter –murder in Scratch (article 856 of Islamic penal law) murder in Scratch is of subject of article 856 of Islamic penal laws is of matters that either have the legal verdict and also have the religious support. this punishment because of its social bad influences and also a conflict with the accepted legal principles specially with proving the crime and performing the punishment is always criticized by sociologist specially supporters of the women rights in this paper, because of importance we prioritize it's legal prescribing on other legal issues.

The first debate: crime making and article 856 being in complete this article is considered as crime maker because increases the murder in the society (katoozian, Islamic penal law) now, we mention some of the defects:

1-In this article, the wife's obedience has been mentioned and if the husband get sure that his wife had an obedience in adultery can kill her now how husband gets

Sure about woman obedience? Does he distinguish rightly?

2-How does husband wants to be sure that wife has been forced to? Does being forced determine just by interrogating from the wife? Is it a adultery it when wife was forced to? Can husband commit a murder? And if wife was forced to and was killed by her husband how we can prove it?

3-as we know according to Islamic penal law, the punishment of matured people is 100 strokes of whipping, but in Man and woman who are married (Ahassan) that the punishment is stone killing. on the other hand the adultery of (Man and woman who are married)woman with in matured one is just the punishment of Limit Whip, now we have this logical problem that if a woman adulterers with a foreign man or she adulteress with immature one, her husband can kill her?

4-According to the accepted rules, by any doubts all god's penal law including adultery is abolished how we can find a doubt in adultery because as we know that punishment of adultery is from god's rights and god's rights are punishments that their origin is just to protest against god's should and shouldn't and not to suppress people's right. for example about adultery or sodomy, although the oppressed one was imposed some scorns but the legislator has appointed 100strokes of whipping. and for proving the sodomy, the legislator has appointed hard conditions and because the legislator wants to make them repent can break this rule then performing article 856 is explicitly against the Islamic point of view second debate: article 856 conflict with the constitution when contemplating we can find some conflicts in Iran's constitution:

1-According to articles 19 and 20 of Iran's constitution all Iranian people have the same rights and all should be supported by the law, but the question is that why some adulterer men shouldn't be killed by their wifes?

2-According to articles 34, 36, 37 and part 4 of article 156 and 159, setting up any claim and following up the criminal punishment and basically people's investigation should be done by the qualified courts, a man can't kill his wife if any mistake, because according to article 856, the husband as a legal judge gets sure about arbitrary adultery of his wife and kills her (yazpi, macikeh, 2002, investigating the article 856 of Islamic penal law, p, 159).

3-Keeping the family dignity is the main concern of legislator in Iran and some rules should be passed to get this for example if a woman makes a mistake and commits adultery with another man, should be punished, but by the court and being approved for the judge (yazdi, melkyi, IBID, p, 164).

The next point cancelling the article 856 is that some mental problem can cause to kill some in no cent

women when they just smile to another man and her husband feels jealous.

Because it seems that killing people in no gently is against our beliefs and verdicts, then some rules should be passed to make a balance in a situation when husband sees his wife committing adultery with another man and in fact to make his emotions less and as sigh this big problem to the court if court finds any problem it will try to punish the woman.

Second debate: killing the child (article 301)

Clearly, human as the most respectful god's creature should continue living and enjoy the life in holy Quran, the capital punishment is considered as a source of new life and freshness (in retribution)And there is no escape way for any one in different verses the killing is rejected and the killer is damned (nessa, sura, 93) and to pacify the society and also for others example, it orders the capital punishment in this case killing the child is rejected and explicitly say "Accept as children...)" (osra, 31), tabatabaei in acmeizan says: not to kill child is recommended in Quran several times even in takvir sure, the girls killing is mentioned tabatabaei alemeizan, vol, 20, takvir sure)but unfortunately article 301 exempts the father or grandfather from capital punishment and just should pay the blood money to the heirs. and also if the father or grandfather makes any organ disability again he is free from capital punishment which is a problem for article 301.

1-This rule and law spiracle violence because if people know this rule exists maybe they encourage to do that. but some people say that no father can kill his child, but it is not a good justification because we see some cases about that, it show that in our society by this different cultural structure and ethnic traditions and occurrence of child killing and child abuse this killing is inevitable existence of article 301 not only has inhibiting capability but also can aggravate others emotions.

2-From the psychology and sociology view, mother has an important role as father, by all his emotions that a mother spends for her child and loves her 100 much. how can she ignore her child blood and not to ask court to retaliate killing for the husband. moreover some Islamic jurists don't accept not to have capital punishment for father or grandfather for example sanei says: in my idea if father because of paternal sympathy and emotion kills his child he is exempt from capital punishment and not in some cases that murder is because of personal revenge or greed in the wealth and not to reveal his betrayal because in these cases fatherhood doesn't contribute and father should be punished. we can say that killing should be punished because of non-father like intentions and there is no difference between father and mother punishment (Asriran, crim).

3-In rejecting supporters of not to punish father which believe that father is the keeper of the house we should say that this justification doesn't suffice, because for this reason father can kill everybody he wants (even some one out of his child) he should be exempted from punishment not to shake the family's base legislator should revise the article 301 to prevent occurrence of crime and establishing the security specially in to the families specially, by referring to secondary verdicts maybe different inter predations are made from Islamic rules, then the legislator can improve the religious barriers and replace another article for that, so that it has more correspondence with that. however in these days the all the world are making some world rules named child right convention that enforce governments to support children this article is out of reason and logic in our law third debate: usury (article 826) crime making and adequacy we don't care about legality or illegality of usury, because explicitly it is illegal but what we care about crime showing the usury if legislator wants to amplify any crime showing is a good deed because the proportion of crime and religious crime has a Order public and private. relationship logically. now this is legislator that can show some crime stronger and puts a punishment for that but this amplification should be done carefully. however according to the abovementioned points, crime showing the usury has some deficits.

First debate: emergency needs part 2 of article 826 legislator without any logical reason in part 2 of above article, just considers the usurer exempted from punishment while by, Accumulation of emergency in usurer, there is no reason for exempting him from punishment, can we imagine someone who needs money for medication don't borrow money as usury,

But legislator should keep the equality between all the people although courts can generalize the punishment to the usurer but we still haven't this generalization.

Second debate: necessity of inclusion the laws on all people a penal law should include all the people. as article 3 of Islamic penal law Says: the penal law are applied for all Iranian in every situation unless the law says something else as we can see this is important principle and should have less exceptions. if there are a lot of exceptions that rule loses its validity. in this case according to article 826 and part 3 of that, the usury contracts don't include contracts between father and child and wife and husband and Muslim and non-Muslim, then we have a big exception that is a shortage segregating his big number of people can't provide the society's benefits and some people, using religious and non-religious tricks, evade from usury rules and punishments for example someone wants to take interest from his brother in law, then to evade the

law, gives his money to his wife, his wife to her mother and mother to her another daughters and finally that daughter to her husband while the money owner gets his interest and no one can blame him or pursue him for that third debate: banking without usury (Islamic banking).

Another point is non- inclusion of this rule about banks, because Islamic banking started officially and practically in 1983 in Iran's banks, doesn't get an acceptable point yet, and some Islamic jurist believe that they are against the religion, but because of importance the banking system is criticized more. this rule was passed in 1983, in the primary articles of this rule objectives and duties of banking system has been considered, part 1 of article 1 considers establishing the monetary system and financial according to Islamic rules, justice and rights and part 3 considers establishing the necessary credits to expand general cooperation and interest free loan and part 8 of article 2 considers opening different kinds of interest free loans accounts and part 9 of article 2 to lending loan without interest (usury) according to the rules (banking system without usury (9, passed in 1983) in latter cases banks are allowed to invest in the format of Installment sales and Mzarbh. Msaqat and is presented and futures and Financial Contribution and in article 9 and 10 of Installment Sale - Mudaraba and Rental of acquisition condition are considered as the cases that the banks are allowed to invest on them and of course in all these articles are in the religious way in none of them banks are allowed to get more money from customers the most important shortage of this rule is that in the article 27 the ministry of economy and tax is obliged to provide the executive instruction, propose it, pass from the ministers assembly and per from it, while the executive instruction is more important than the law itself and without supervision it would be a bad rule. practically we see that it doesn't have the Islamic nature because these days we see just the usury by the banks and non-usury banking is a dream just now critically we can say that according to article 167 of constitution and other rules (every wrong doing should be punished if there is no legal law about it judge should refer to the religious texts and sources) this law requires getting interest and is evidently illegal and the committee should be punished Islam doesn't accept usury and banks and other people should be obliged to avoid it and there shouldn't be any discrimination between them. we have another, phenomenon called Reduction that is the same with usury by this difference that Reduction means lowering and usury means making more usury is in two cases in the first type, one gives money to someone else and says in due time you should give me something more that is increasing and is called usury in the second type the usurer doesn't require the

increasing but also asks deer casing from the person and says I'll give less and as the amount of contract (that is more than paid amount) I will get back. but in general it is out of religion and is illegal.

To make a long story short. we can say that paying attention to the intention of contracts appearance we can't destroy the main purpose of contract sides as necessitates that people's main objectives is placed in the format of contract. but it is the reality that the most contracts that are in pursuit of legal, exactly are those contracts that banks sigh with the people and sometimes some non government financial in situations like basijian fund, and Veterans Fund economic in situations get some loans by 30% to 40% monthly interest. while the loss of Payment delay that is considered illegal by the ideas of Jurisprudents Guardian Council is receive able by the banks and practically banks are exceptions like previous exceptions fourth discussion, bad effect on country's economic benefit's one of the important point of this legal defect is that the way of passing this rule has bad effect on country's economy and cause them to use any tricks to escape a way from punishments so that they can get their illegal aims while run away from legal punishment. so not only they commit the new crime but also they have bad effect on the country's economy for example when the usury trans actions doesn't include some trans action between a Muslim and an a theist and the investor likes to give capital to a non-Muslim, as a result by signing unfair contracts gets a lot of profit without working on one hard and on the other hand accumulates the big share of capital in the authority of minority of society that undoubtedly can't be a desire able result of an Islamic country.

Fifth discussions making legal problems

Another relating issue with this law is increasing the relating crime with usury, that seems if we remove the crime from this subject it is better if we suppose that as a crime for the people of society. because by passing this rule the most people that get benefit and pay the investment in the format of contracts, they get a long term cheque for getting rid of article 826 and at the same time to provide the capital and it's benefit. then it's Tali corrupt appears as a person who has the cheque complains before the due time and can make the claimant vindicated according to the characteristics of commercial documents.

Secondly, when the claimant is the real debtor, for evading the court session, brings up the imaginary complain of usury and wastes a lot of time in the process of legal investigation. as we can see the discussion of usury practically is about issuing a cheque and its related matters and makes the legal cases complicated.

Fourth discussion: bribery (subject of article 823 of

Islamic penal law)

Dehkhoda in his dictionary says: bribery is a kind of money to be paid for doing something from the legal cases that can be reviewed critically is the article 823 of Islamic penal law and specially it's sub article about considering the bribery as crime that recently is one of the important crimes and considerable for the legislator in Iran's current penal rules.

First discussion: protesting against general penal law principles

This sub article is explicitly against the article 43 of former Islamic penal law about partnership in committing crime. the above mentioned article that is about partnership in committing the crime says (following people are considered as a partner in committing a crime and according to conditions and facilities and times of crime occurrence they (Discipline and extend the degrees of punishment) and in sub article 1 adds everyone who stimulates, encourages, threatens or deceives someone also to commit a crime are cause to happen a crime by conspiracy or cheating while by matching with the former article 43 of Islamic penal law and the nature of bribery we can say that legislator ignored the Briber, that can be considered as partner in a crime because in bribery mostly Briber deceives Receiving bribes to get bribery and provides the prerequisites to commit a crime, on the other hand since Briber work was accompanied with the bribery getting by the Receiving bribes then there is a unity of purpose, partnership of Briber in establishing the bribery is evident, then legislator has ignored it.

Second debate: legal supporting of criminal

Prison not only decreases the spirit of committing the crime but also expends it and intensifies the mood for committing it (Abdul qador, reflected ideas. in an article about being prison because of deploying in capital punishment Demand, mofid quarterly, no (8).

With a deeper look one can believe that legislator is accused of increasing the bribery in the society because with non-sense supporting of partner in a crime makes an opportunity for Briber that in the sub article of 823 and it's similar verdicts in sub article 5 of article 3 of punishment in testifying rule, before finding the crimes in from the qualified police officers from that crime he is exempt from financial fine and punishment, more over because the gotten advantage from Receiving bribes, is a right for Briber, can remain the gotten advantage but maybe in response they say that the appointed exemption in sub article of article 823 and also sub article 5 of article 3, originating from special penal policy that legislator wanted, further more legislator wanted to make incentive in Briber encourage him to reveal the crime but it isn't

acceptable, since according to criminology, the provisions should be in a way that prevents crime making not does something after committing it tries to reveal it.

Fifth debate: articles 46 of Islamic penal law (pretending to do illegal act) crime making and some of its shortages**First debate: conflict with being legal principles crime and punishment**

By a little attention in contents of article 846 and given authority to the judge, it is clear that this article is in hetero gentry with article 166 of Iran's constitution and if we say that judges inference authority from religious sources and naturally considering the illegal actions is caused by prescribing the principle 167 of constitution it is a worse justification because this is a real word that article 167 of constitution is in real contrast with article 167, because article (67 gives this authority to the judge if he considers something to be Punishment(Ta'zir), makes a punishment by his knowledge and taste. then according to this part. the big part of big and original sins that are evident as, illegal act in religious books and sources, are to be Punishment(Ta'zir)

Second debate the extended interpretation of penal law by the judge

In this part, all the authority is giver to judge about in accreting the law, while extended (broad sense) in repartition doesn't have any place in the penal law secondly there is no rule appointed for him article 864 gives the power of crime considering to the judge while the crime considering in a format of a modern penal law is the duty of legislator, according to this article, judge can consider any committer of illegal act as criminal.

Third debate: conflict with the principle of reprimand and acquittal

Article 864 is against the principle of acquittal and specially is in discrepancy with Nastiness punishment without statement, because legislator orders judge that some affairs aren't illegal but can hurt general dignity, decide by themselves and punish because this way is in contrast with absolute and clear principles of law but there is this possibility that judges by their personal interpretation from common law, consider a big number of behaviors as a crime because of their conflict with general dignity and punish them.

Fourth debate: discrepancy with accepted common law in society

What is the prerequisite of hurting general dignity and how a judge should get sure that whether kissing wife or husband in the airport while seeing partner off or welcoming, hurts the general dignity, does the common law consider that as crime ?then judge can considers a lot of them as illegal and vice

versa.

Fifth debate: making ground for courts diversity of verdicts

By this supposition that judges can infer there legions verdicts from the sources and determine the evident of illegal act or not illegal act that can hurt general dignity, so, by having the difference of inference between jurists in our legal courts cause the diversity of verdicts between people, while a judge considers one thing as illegal and another not being clear of evident of some acts in which hurt people's feeling in the process of arresting and chasing the criminals by the ministry of justice agents absolutely brings up duality and conflict for example different way of behaving of these agents in different cities about music and illegal music to pas or dealing with, his covering in public places and universities is very let erogenous, to be frank the forces are police are in vague and duality of commands in different cities.

Having a just look we can say that auricle 864 is against the legal texts because of its ambiguity so that some of these actions can be considered as criminal. according to this article a judge can create some rules and punishment and can violate from the neles then legislator should write the rule in a way that is out of ambiguity and no judge can sue it as a self – manipulated

Sixth discussion – permission of parent Lunar in engaging virgin girl (civil law article 1043)

From the few rules in civil field that can be crime making is the rules and verdicts about engaging the virgin girl and the way of father permission or grandfather that we talk about it).

First debates civil law article 1043 crime making

According to what came in this rule, this article some people do some illegal work when they see their father or grandfather don't agree their marriages, that they can get their love although some of these rules are a potential spirit and maybe don't get to the stage of arresting and chasing, any way attaining their lover or he loved by any illegal way is the defect of legislator thinking, we have a lot of cases when a boy or girl can't attain their favorite partner, because the father or grandfather doesn't agree, they make their parents accept their marriage by any way, that these actions can destroy the family –some actions like: running away from home, illegal relationship and finally adultery because when both know that the only way of doing something against article 1043 is removing virginity, although this is against the law before marriage and one of its ways is adultery. although this removing the virginity is somehow (one by some way)except inter course, that is an illegal act, but in most of cases virginity is removed by the sexual inter course now how we can accept that Islamic legislator passes a legal rule, that is

inevitably misused and everybody can misuse it and actually there is a crime making by the law, then legislator should prevent law breaker from misusing and closes the way of villains. **Second debate: breaching the intent of legislator**

There is rule that no one has patron ship another one if we accept the patron ship on young and in sane people as rule, naturally we shouldn't extend that rule that can be exclusive, in today's life there is no difference between boys and girls from their profit point of view by the father, undoubtedly –the intention of writing these rules is to protect the girl and naturally the family, but in this case we can't have the desire able legislature today the dominant common law and it's cultural valves necessitates father permission for children marriage specially girls, and no need to edit such a bad rules. it is worth nothing that according to the rules the girls second marriage doesn't need father's permission (even if removing the virginity is because of illegal marriage)while there is question that why fathers permission is omitted in second marriage ?or what is the relationship between girl's virginity and her logical and social growth that in the first marriage needs patron ship and in the second one not –our legal system doesn't have answer for this question. so by a fair look can't we accept that father's permission is against the legislator intent and also super me court ?

Seventh debate: role of law in appearing not Arial laws

(Undoubtedly the legislator, while passing the law) tries to have a complete and exclusive rules so that not only not make the field of establishing the law but also it tries to be a barrio against it. This is a (way) impossible and we have some rules that sometimes are crime maker and we can find them in the domain of not Arial affairs.

First debate: defect of law in the operation of primary register

Naturally the operation of primary register is some acts that before registering that property in the estates office are done the first step is issuing an primary advertisement. this advertise men and it's necessity has been articulated in the article 10 of registering documents and estates law “before trying 10 general register, all these affairs are published in the news paper this advertisement is published 3 times during 30 day. it is clear that issuing advertisement, today, isn't a good way for in forming the people and new ways are needed, but if we can't in from the people in a suitable, we set up a foundation for next crimes. because some people may come and claim that they are owner, while the real owner don't know about that advertisement. legislator's precision and support is necessary in this stage that after issuing the primary advertisement, agents of endowments occupants and

people (article 27) and those people who apply for registering the state's property (article 32) they have 60-day deadline to apply for registering their property while they fill an statement on the criminological point of view, the crime of applying for someone else's property that has very big problems starts from here, the legislator should does his best to prevent this crimes in addition to these advertising rules about Extended approximately. there are some shortages and defects on it (Shahri, ch, 2000, property and document law, Tehran) that the most important part is about those people that according to article 14 only applicants of registration and neighbors of properties are called for the day of Extended approximately, while some laws are discussed in that day, don't belong to them. because in the day of Extended approximately two works are done: one is determining the borders of registration range and another one are the rights that people in that field (like passing right).

Second debate: incompleteness in qualification of referee's office or not

Since the process of registering is a complicated and multi-staged process and big share of works are done by agents and in not mechanized, naturally they aren't out of mistake on the other hand, getting a small share of land can have a big income for the people, we will get better results and consequences. so these factors, mingling with to get her so that inevitable conflicts and errors and naturally, the authorities are very important. totally speaking, investing the not Arial mistakes and conflicts has 2 degrees, in the first level investigation in the supervision crew and in second part high council of registration plus the manager of properties /document one of the qualifications of this authority is to investigate and realize the title -deeds with the supervising crew article 25 of registration rule says: investigating the conflict in ownership documents, generally or partially, relating to issue and it's Easement law, other authorities and cultic of supervising crew has been articulated in article 25 part 8 it is worth noting that just in articles 5, 1, 7, the verdicts are revise able and the rest is absolute but out of the superlative preference of this authority another considerable point from the legal point of view is that why Tehran's justice ministries aren't determined as the refer once of appealing from the supervision crew verdicts ? in response it is better to say that some necessities that make those councils necessary and essential, we say that on one hand being technical of these issues and increasing the courts authorities density on other hand are from the main reason of configuring and developing the qualification of semi-legal authorities but at the same time we shouldn't forget that principle is to investigate the justice references and the qualification of semi-legal authorities is for

exceptional necessity including that legal references and authorities are supplied from the knowledge of two sides in acclaim the credit of provident reasons, the opportunities of sides of claim for presenting the reason now, according to the qualifications of supervising crews and high council we can believe that investigating necessities to investigate the semi-legal authorities is about just supervising crew: because at first the errors of not Arial mistakes are a lot and referring to the court is a lot and secondly the mistakes aren't so important that there is legal investigation about them, but not accepting qualification for the courts isn't acceptable because at first the supervision verdicts of registration is in finite and unrevised able. second some affairs like disturbance and conflict in people's property are very important.

Second chapter: crime making punishments

Chapter one: some punishment resulted to prison

In the pen logical, sociological and criminological one of the most important subjects of crime making in society is not suitable of prison (Keynia, 2007, criminological basics -page 1 Tehran publication) the subject of de prison in penal policy is being considered in developed countries and in recent years this subject has been considered in Iran's legal system in our country because of at least 400 article's the criminals spend some of their lines in prison or part of that.

Second debate: crime making and consequences of personal breaching the intent of legislature

Total number of crime that is predicted in Quran and jurists verdicts doesn't get to 10 crimes. while in legal points we have 400 crime. more over under legal order prisoner shorter and middle term are the croup of penal population some propel that can't pay their debts.

Third debate: mismatching with human dignity

Prison defames people and considers the machine life in their life and gets the human authority in his life continuity of punishment will have bad effects on the people's personality.

Fourth debate: prison is the crime school

When someone goes to prison he will learn another crime that never find in the natural world and real world because when you are in prison because of financial debts they live next to very professional criminals and can learn very dangerous crimes: George pica the great judge of France considers this issue.

Fifth debate: prison the detrimental factor of prisoner spirit

We don't exaggerate if we say prison is a damaging factor on human spirit that can have very bad effect a prisoner life.

Sixth debate: damaging the prisoner sense of

responsibility

Because prisoner can get free food and room he gets used to that and doesn't try to be effective in the society. it is a psychological issue when you eat something free after that you can't effort to make money by yourself.

Seventh debate: damaging the identity of prisoner

Prison damages prisoner personality and makes an awkward persdontity in his life. in prison prisoner's earner educations and family precedence is being damaged and he is wandering afterward.

Eighth: making mental and behavioral disorders in prisons

Some psychologists believe that prison's is detrimental not only for prisoner but also for people who live there. the statistics show the mental disorders between prisoners. in Iran 3.5 times the prisoner have mental disorders more than usual people some disorders like paranoia and complex of revenge is from that: lost position and career can defame the family and him/herself.

Ninth debate: prisoner physical damages

Prison gives mental and physical damages to the prisoners.

Ten the debate: loss of prison of family

Prison more than prisoner, has more effects on the prisoner's families, the bad effects of this damage on the prisoner can affect their families and can put them trouble because their family are in direct expose of some accusation like sexual harassment because of financial needs.

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