

Criminal Protection from Constitutional Rights of Citizens in Iranian Legal Systems

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Abstract

The constitutional rights of Citizens are constituted from the right protected and recognized by Constitution In favor of citizens. When these rights are recognized by Constitution, the ordinary laws should take steps into applying and protecting them. One aspect of this protection is criminal protection and defense against violating by Government officials and other citizens. In this realm, Iranian legislature didn't take good path in criminal methods because there is no criminal guaranty to protect some of Constitutional rights. This article is to criticize present criminal laws approach and presents Favorable criminal protection solutions to protect Constitutional rights of citizens against violation. It seems Criminalization of violations against fundamental rights in general and intensification of penalties (If crimes are committed by the governmental officials) is the best solution and the most effective approach in this realm.

Keywords

Citizens, Constitutional rights, Constitution, Criminal protections, Government.

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The Impact of Emotional Challenges of Family on Children's Delinquency (Field Study of Children in the Correction and Rehabilitation Center of Kerman Province)

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Abstract

Family relationship is a determinant role in shaping behavior of the youth in their life path. the present study according to the children particular and sensitive situation, the impact their internalized culture on their behavior as adults and the point that the success in the eliminate or reduce of Amount of a problem associated with knowledge of its causing reasons, In view of the special position of Kerman province in terms of exposure in a drug transit route has been for the first time in Kerman correction center, Therefore, after explaining the concepts, the field study 56 boy clients at the center Using a depth interviews With all the children in the center, Primary data collected And then transfer it to the SPSS software the following results were obtained: 1. Except for tree individuals of the children the rest of various forms witness have been disputes and conflicts between parents. 2. Except for twenty seventh individuals of the children (about forty eighth percent) other states have that the parents as well as their emotional and mental status did not matter.

Keywords

Child, Delinquency, Emotional problems, Juvenile institution.

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Islamic Bases and Criteria for the Classification of Crimes

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Abstract

One of the shortcomings of our country's criminal law is the lack of perfect expression of Islamic criteria for classification of crimes which has resulted in some problems such as: disproportion of some discretionary punishments with the offences, inconsistency in penal code, and issuance of conflicting verdicts in courts. Since the majority of punishments in our criminal law are Ta`zir (discretionary), the importance and necessity of explaining these criteria more are felt. It seems, these shortcomings result from uncertainty about the necessity or the possibility of extracting such criteria from Islamic sources. This paper tries to prove that the extraction of such criteria from Islamic sources is both necessary and possible; because by scrutiny of criteria for grading the values that are supported by Islamic criminal system, and also by resorting to the juridical rule of relation between reasonable sentence and Islamic for emerging crimes, or by paying attention to the rule of Aham-mo Mohem ("What is more important is preferred on what's important" about self-defense and conflicting duties and rights), we can obtain the main criteria and principles for classification of crimes .

Keywords

Criteria for grading of crimes, Grading the values, Hodood, Proportionality of crime and punishment, Ta`zirat, Values and corruptions.

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Victim-offender Relationship on Forgiveness and Conciliation in Battery and Assault

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Abstract

The type of relationship between the offender and victim influences the different, measures and decisions made during the process. “The social structure of Case (lawsuit) theory” presented it scientifically. The present study, following this theory as well as research conducted on this field, has studied the effect of the Relational distance on forgiveness and compromise in the crimes of assault and battery. Accordingly, 80 cases were studied and 9 experts in this field were interviewed. The data of the research were collected and analyzed by the quantitative methods such as designing questionnaires and qualitative methods such as document analysis (judicial cases) and deep interviews. The findings of the research indicated that relationship between litigants, contrary to the research hypothesis, is ineffective on forgiveness and compromise in early steps of criminal handling but, in latest steps of process, some of the intimates achieving forgiveness and reconciliation in these cases.

Keywords

Assault, Battery, Compromise, Forgiveness, Relationship.

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Investigating the Content of Children and Teenagers' Personality Document at Iranian Law

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Abstract

In relation to personality accused, each accused person has special personality and the necessity to identify this personality is to form personality document for each accused person. Personality case contains civility, psychic information and other important cases including nature, clean record, bad record, physical state, family and social condition of children and teenagers and also statements of medical science specialists, psychologists, social workers, social research and specially criminality specialist about accused person. The present study tries to process and investigate children and teenagers' personality document and legal solutions predicted against it at Iranian law. It seems, by considering investigation that was done at Iranian penal law especially at some cases of Islamic penal law, penal procedure code 1378, cases of executive principle of prison organization and also penal procedure code 1392 refers clearly to forming personality identification document about children and teenagers. Field study of cases indicates lack of forming personality document at legal procedure phase and also non-completeness of this case at civility and regeneration institute. Research methodology of this paper is based on field, documentary study and content analysis.

Keywords

Children and teenagers, Iranian law, Personality document, Recompatibility, Supply actions.

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Study about Black Crime Number in Region 10 of Tehran (Survey Research)

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Abstract

This article, by study about reasons of black crime statistics, has affined a limited measurable research by using tools (ascertainable questionnaire) on 309 people of citizenship 18-50 years old in Tehran area 10, who either were criminal directly or their first grade relatives were criminal and reporters have heard events from themselves or during legal procedure, following them. The present study show that, criminal events has grown 25 percent rather than 1374 and 65.58 percent of criminal people never report their sacrifice to responsible. So, this news show 200 percent grow compare to 1374. Theft is the most common crime by more than 30 percent grows, that statistical society face it, and insult in passages and fraud are in the next stage. Also, the most important reason of non-report of crimes by sacrifices to judicial courts are lack of assure to them, aware of long-term process of legal procedure and protecting reputation and characteristics of sacrifices. 65.7 percent of people who aware police and judicial courts from previous crimes, believe that, if they knew this long-term process, they didn't represent their complains. More than go percent of sacrifices believe that police don't want to dispute by crimes and less than 10 percent believe that police don't able to dispute the crimes. The most terrible crime, which people fear it, is sexual crimes by 41.17 percent plenty and man-theft by 28-23 percent plenty.

Keywords

Black crime number, Crime report, Criminal statistic, Hidden crime.

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Criticism of Iran's Criminal Policy about Internet Fraud

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Abstract

Internet fraud is a new crime, and this is what has caused of a lot of problem for countries about the field of legislation and prevention and how to deal with this crime. The origin of the problem is in the different nature between the internet fraud than the traditional fraud, such issues like differences in the crime's place and differences in the crime's tools of these crimes, cause need for a separate law to combat online fraud that this problem almost solved with computer crime law's approval. Also, in prevention, we need different approaches to deal with this crime. Transnational aspect of this crime, cause, the Countries have more cooperation for better deal with this crime, this cooperation can using, other countries legal model and prevention programs and with this way, we can put the positive aspects of these topics into the criminal policy of our country.

Keywords

Cyberspace, Internet Fraud, Penal measures, Prevention program.

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