

Research about Kinds of Attempt to Commit Crime (Reviewing the Circumstance Criminal's Conduct)

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Abstract

Attempt to commit a crime is a new crime in two ways. First, as a main criminal offense that has three states: starting criminal conduct, starting to commit the crime operations and being hidden start implementing or start to implement crime and start crime operations appear and other conditions, is the existence of obstacle out of the will that with by indicating levitating of intention, attempt will appear. The second mode of behavior is known as the sentence of crime start that in addition to start to implementation of the crime and completion of the execution path only in mode of inadequacy of the means because of carelessness of committed is in the sentence crime starting that should be the other two conditions that's mean inability of nature device that shows action permissible And inadequate and low-effect of means that start to executive operations of crime and as a result show real attempt, be specified.

Keywords

Act and omission, Attempt, Criminal conduct, Insufficient fitment, Purpose be abeyance.

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A Review of the Persian Translation of the Leviathan at the Criminal Law View

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Abstract

Legal expressions and concepts are abundant in many fundamental texts of the modern political thought. The language of law has been one of the main means within which discussion about political thought has taken place. Therefore, when these texts are translated or transmitted into other languages, the meaning and the content of the legal expressions and concepts in terms of their scope and connotations should be considered. Only in this situation one can rely on these translations and they deserve to be cited. So the revision and reconsideration of these texts from the legal concepts point of view might be very useful and necessary. In this paper for demonstrating my argument I focusing on the legal expressions and concepts of the Persian translation of the Leviathan and their precision and accuracy will be evaluated.

Keywords

Arbitrary Punishment, Crime, Excuses, Sin.

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The Training Styles and Crime Prevention

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Abstract

Family as the first and most important social institution has negative or positive significant influence on diversity growing of children, development of their characters and behavior by using the common or religious style training. Accordingly, the parenting styles can be divided into two general categories: one secular styles that are based on human vision and other religious style that is based on religious teachings. But the important is the outcomes of each style especially in the prevention of delinquency arising from the education of children. Hence, the result of this comparison shows that the religious responsibility parenting style based on the Quranic verses anecdotes is the best parenting method that can be effective in the prevention of minor's delinquency. Meanwhile the authoritative parenting style from the secular styles has more closeness to the religious responsibility parenting style but the other secular parenting styles (permissive, authoritarian and negligent) are considered as unhealthy styles. They not only don't prevent the children's anomaly and delinquency, but also are hurtful and cause law-breaking.

Keywords

Delinquency, Family, Secular parenting styles, Religious parenting style, Parenting, Prevention.

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Research on Definite Punishments (Hodood in the Islamic Jurisprudence) That Not Mentioned in the Iranian Laws (Article 220 from Islamic Penal Act 2014) with a Glance at Contemporary Jurisprudence

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Abstract

The legislature in Islamic criminal act "article 220" has predicted authority for judges to refer to jurisprudence resources. Since some crimes are definite (Hodood) in jurisprudence and exactly mentioned in the Iranian laws so the question is that if there are other Jurisprudence definite crimes except those in existing laws. Therefore, this article is a new research on jurisprudence and narrated sources and an attempt to make a division between authorized Ta'ziri crimes and authorized Hodood crimes. First, this study shows that the definition of the tradition jurist about punishment only as definite punishment is not a correct definition and it refers to definite punishments that mentioned as Hodood. Second, what the jurists have defined under the word Hodood or definite punishments, lots of them are definite Ta'zir (definite punishment but not Hodood). Third, apart from Hodood crimes, there is no need for judges to refer to jurisprudence sources since all of them can be criminalized in the new acts.

Keywords

Article 220 of Islamic punishment, Constitution "Principle number 167", Definite punishment, Non definite punishment, Punishment.

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Victim and Penal Populism

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Abstract

The victim causes penal populism in the different ways. The crime fear and public concern about it, somehow increase the criminal popular crackdown. Crimes against special victims (in terms of age and sex) attract the more attention of media and public opinion. So, these crimes stimulate public sentiment and consequently have more effects on penal policy. The victims participate directly and indirectly in the criminal process by the expression of their demands from the criminal justice system. So, victims can cause the diversion of penal policy towards populism. The victims can do this by reporting the crime in unreal victimization and exaggeration; cause the attention of media on criminal subjects. In these circumstances, criminal policy moves towards popular approaches. These approaches make criminal policy to ignore the accused rights. Thus in this paper we will discuss about the effects of victims on popular criminal policy.

Keywords

Penal policy, Popular criminal policy, Popular penal policy, Populism, Victim.

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Pathology of Official's Civil Liability in the Iranian Islamic Criminal

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Abstract

Official's civil liability because of executing the illegal order of the competent authorities is one of the most important issues in our legal systems; that has always preoccupied the minds of legal scholars. The Civil Act and Civil Liability Act (1960) are silent about this subject but the Islamic Criminal Act in second section of the Article 159 provides Official's civil liability from the illegal orders of the competent authorities- to cause mistake to think that the law is acceptable- is executed, about wergild and civil liability subject to general rules responsibility. Of course, by considering the recent Act, it is well known that Articles 473, 495 and 496 links with the second section of Article 159 of the mentioned law and by analyzing them should be deduced to general rule relating to official's civil liability from executing the illegal order of the Competent Authorities. However, it seems that there are various objections to mentioned Articles can be entitled objections structure codification, including not raised the subject in a subset of civil law, and substantive and technical objections, such as failure of the prediction different statements executing the illegal order of the competent authorities and their impact on the official's civil liability and failure of the justification of the acceptable mistake criterion of the official to execute such orders by legislator that should be studied and finally, there are some proposes to legislature for amendments.

Keywords

Acceptable mistake criterion, Islamic criminal act, Substantial objections.

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Analysis the Mental Element of Deliberate Homicide Caused by Conscious Recklessness in Islamic Criminal Act

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Abstract

One of the innovations of the legislator in Islamic Criminal Act 2014 “article 292” is predicting the murder with the conscious recklessness instead means *rea*. In this homicide, the initial voluntary conduct of the accused caused death, with his awareness and attention that his action typically is causes death, although he or she doesn't have any intention to kill someone. In this type of deliberate homicide, there isn't intention in the action occurred against victim and awareness and attention isn't supposed, unlike the second criterion of deliberate homicide. However, in both measured, accused's awareness and attention, by subjective criteria, and action accused typically killing another, with common criteria, with this difference that deliberate homicide due conscious recklessness, common criteria for the diagnosis of a typical act of killing on another is common human, unlike the second criterion deliberate homicide that common criteria is on the field of medical science because of Profession reality. So, it is expected that the legislator consider the Ta'zir punishment for deliberate homicide with conscious recklessness because there is no explicit intention in this kind of homicide and the retaliation should to be limited to the actual murder.

Keywords

Conscious recklessness, Deliberate homicide, Mental element.

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