

Contents lists available at Sjournals



Journal homepage: www.Sjournals.com



Original article

Investigate the mental element for murder unintentional, due to driving violations

S. Darougari*, M. Hariri

Department of Law, Kermanshah Science and Research branch, Islamic Azad University, Kermanshah, Iran.

*Corresponding author; Department of Law, Kermanshah Science and Research branch, Islamic Azad University, Kermanshah, Iran.

ARTICLE INFO

ABSTRACT

Article history:

Received 25 May 2014

Accepted 22 June 2014

Available online 30 June 2014

Keywords:

Mental element of crime

Criminal error

Carelessness

Carelessness

A lack of skill

Not abiding state

For the realization of a criminal phenomenon, or the act or omission that order, tranquility and personal interests and social prejudices, and because the offending individual sentences and making appropriate sanctions, either reactive, and either supplies and training, to deal with it arose, the addition of an external behavior consistent with what is specified (body mass, material), to determine the mental state of the perpetrator (mental body mass) during the criminal process, the is very important. Understanding the psychological pillar of unintentional homicide, due to driving violations, examples of which are mentioned in the law, is very important because the causes of this type of murder, other types, namely murder and absolute error, be distinguished, the distinction of the burden of criminal responsibility, and the amount and type of punishment is very important, in this paper, has been attempted, errors criminal cases stipulated by law, must be explained. Well as they are capable or allegorical, be investigated.

© 2014 Sjournals. All rights reserved.

1. Introduction

Mental element, constituting an element of the crime, the lawyers, in both broad and narrow, goes to work, the mental element of the crime of intentional, in the narrow sense, including the willingness and intent to commit a crime, and the non-intentional crimes, including the criminal will commit errors, but the mental element, in a broad sense, in addition to limited means, including conditions of criminal responsibility also. In Iranian law, murder, based on a psychological element to all kinds of murder and manslaughter were divided on the basis of the ability of fault and blame for the murder of all kinds, different penalties are anticipated. Codes adopted after the revolution, as a new murder pure error, added the titles before, and although, in some instances, this type of murder, the subject lacks the mental element of the crime, but the criminal legislator to protect the victim against, has provided insurance. Killing of traffic accidents, the key issues are unintentional homicide. In this type of murder, sentenced person is not to blame, but the money aspect of individual rights, is condemned by the heirs of the deceased, as well as general aspects of crime, failing to do, the judge can, penalties such as jail, or be fined. In addition to the increase in traffic accidents resulting in death, mutilation, in what concerns the public, and especially experts, lawyers, and criminologist's ads, was a deliberate policy, and good in traffic violations, especially in the second half has been a revolution. As to June 1996, all traffic offenses (in the proper sense), control becomes mandatory detention, fines, regardless of its negative consequences were. At the same time, the legislature rather than the logical remedy is thought to generate financial revenues, and is thought to dampen the country's prison crisis, and as we shall see, from the beginning of 1996, attempted to reinstate the sentence, for unintentional killing resulting from traffic violations to be. However, the main topic of this paper is to investigate the mental body mass manslaughter, due to traffic violations, it is, in this context, it is hoped that by revealing shortcomings, it is appropriate strategies to solve the problem of how to prove it in court and diagnosis of mental elements, this type of crime compared to other types of crimes presented.

We've all experienced, committed some acts such as murder, theft, and affect the public conscience, and committed with the specific reaction, the author has encountered. Despite the stability and long criminal phenomenon, meaning the phenomenon, however, has a relative property, that is, criminal phenomenon, as an objective reality, independent, foreign, and place time the property is not a crime, but the type of acts committed, and the occurrence of conditions which could produce different responses, to be held that these reactions can be very severe, or depending on the type of surgery performed, are mild., even when practical, everywhere and in all eras, crime be punished not the same, some countries, for murder, the death penalty have predicted, while others have to rely on long-term imprisonment. (Mohseni, 2003). These stories show the relative effect of the crime. Crime due to the relative nature of this property, Emile Durkheim, argued that no action themselves, and himself not a crime, but in practice, it is because, community, it is a crime, is a crime (Pasha Saleh, 1968). But attention to the fact that they are crimes whether mild or severe, they all have one common characteristic is that this feature is to interrupt the social order, it is for this reason that the occurrence of such actions, react, and for which penalties are determined, it should be noted that the relationship between crime and other social maladjustments, and distortions, distinguish, and the conflicts and distortions, though morally, an Detestable obscene, and yet, because, in contrast to the reaction type does not impose the death penalty is not a crime, as noted above, the description of a criminal act, against public order, but public order, not defined by legislation, but scholars have different definitions of it, which of these definitions may be public order, general concept applicable to the security and protection of life and personal liberty, and property and preserving the symptoms described (katoozian, 2002).Crimes against persons, including important issues of criminal law is specific, the two offenses against physical integrity, and crimes against the moral character, is divided. However, crimes against physical integrity (eg, murder, mutilation, mayhem, assault, abortion) than offenses against the moral character (such as insults, defamation, ridda, spreading lies), is more important. Among the crimes against physical integrity, the murder is most important, because by definition, murder is the taking away of life, thus killing the zombie, the most valuable gift of God to man, the same object and kills him, takes him. The third type is the law of homicide: deliberate, intentional and quasi- absolute error. Degree murder when it is realized that someone is doing something to kill someone, or thing done, typically fatal, and though she does not

typically fatal, but considering the condition of the victim, such as aging or disease, or children, than he could well be fatal. Then murder is murder, the victim of an act that is done consciously, and its aim is to kill him. (Article 290 Penal Code).

Quasi- intentional murder: the murder, the act committed is not typically fatal, and does not intend to take away life, but in practice, it led to his death (paragraph B of Article 291 of the Penal Code). No matter, this action is allowed or denied. This action was done intentionally, but there is no intent to murder, and the killer has never been done, and is actually killing Upon killing error in this type of murder committed on the body of the victim is not willing to work, and is not intended to take away life, but doing the work, or going on an object or a person, or the desire, which incidentally led to he is killed (Derived the paragraph, and Article 292 of the Penal Code) as the person killed in error, not even the killer, the killer is not going to kill the victim, and do not intend to act, the victim is, in Indeed, the victim, incidentally, is the target, and thus killed. Most legal experts believe there is a material element of the crime that the law is not sufficient to establish his guilt and punishment of offenders, and offenders must be psychological, criminal intent on committing crimes done, and be intentional (deliberate crime) or the enforcement of the act of doing so, and without any intention to commit the offense of him, he does wrong, he deserves to be able to recognize the criminal liability (criminal or unintentional). (Goldoozian, 2000). Now the mental element, two categories of general malice and specific intent (In Crime intentional) error penal (criminal or unintentional) is divided. Ill to the public, the offender's criminal act intended to have, and to the specific intent of the perpetrator's criminal intent has been to achieve an outcome. For example, intentional and bad faith, the offense is in use, and general malice intent, and the intent to kill a person becomes ill, specific intent. The religion of Islam was punishable by someone who is qualified public duty, it also has four sections. First, they commit adult. Second, be wise, be free thirdly, the four acts committed by the sanctity of the universe, and thus the principle of free will and choice, enter the criminal law (Mir Saeedi, 2004)

2. Mental element of the offense

Mental element, the mental state of the offender's criminal act when they know that the mental state of the crime, intentional, criminal intent and unintentional crimes, called penal error, so if criminal intent or criminal error there is no one who can not be prosecuted, and could be punished. (Noorbaha, 2000). For example, to defend the dignity of the person, or their lives, observing the conditions foreseen in the law, shall be guilty of assault or even murder. Not be prosecuted and punished as if guilty of acts which the law is to criminalize them. But because these actions in order to defend himself without intent, the criminal has done. Therefore, in view of the criminal charge is not. Likewise, even if the occurrence of unexpected events, or coercion, or the risk of dementia, their offense is not punishable by law. Also, with the intent to commit the act, or intentionally done, and the action due to recklessness, there are many differences occurred. The first type of perpetrator, prominently hostility and opposition to, the rules and social order, and his attempt is raised, they will provide for criminal violations. While the latter is not seen as public opposition. And perhaps it may be that, as a law-abiding person to commit, and yet due to imprudence and recklessness all their facilities to prevent the occurrence of an outcome is not used.

In all offenses, whether intentionally or unintentionally, to commit an act of the will is there, and legislation only voluntary action is punishing. Thus, even the physical damage caused by the accident, the driver will meet, and the same will of the driver, the car is running. In fact, it will drive the car, and asked for the driver, and the only result of the physical injuries, and that she was not looking. On the other hand, committing an act of will, too, must be criminal intent or criminal error (imprudence, recklessness, etc.), combined, and otherwise lack the mental element, the act does not constitute a crime.

2.1. unintentional offense mental elements

Unlike intentional crimes, the mental element, malice or criminal intent, unintentional offenses, which are offenses, mental body, fault or error, is criminal. (Goldoozian, 2000). In other words, unintentional offenses, those offenses which, spiritual element, is composed of criminal error, not intentional, and malice. In the meantime, the offense of driving violations can be named.

2.2. The philosophy of punishment for unintentional crimes

Due to that, in case of necessity resolve criminal and criminal responsibility are proposed. Perhaps for some, it is an illusion that, because of the unintentional offense, the offender does not intend to conclude, therefore, logically, should not be criminally responsible, but rather the responsibility, should be limited to compensation, because it is based primarily responsible criminal is the intention of hurting someone, and as in this case, there is no such intention, therefore, there is no criminal responsibility, or that, in some cases occur, the perpetrator of the perfection of goodwill, perform an action, but in spite of his criminal outcome is achieved. But if you have a base view, these words may be correct from the point of view of feeling, but maintain order and protect the interests of society are not correct. One who lives in the community, not only should the criminal law, it is required that intentionally does not malfunction, careful to hold the notice will not ever harm his actions. Moreover, it is true that the appearance of such person as a result, did not herald Aforethought, but their primary function, which led to the emergence of adverse outcome, was a messenger, as well as fans express assumption of risk, and those who by their actions, the population at risk may lead, it must be serious consequences, to bear. Because the new law, what is called absolute liability. The result is a responsibility, not a verb, and philosophically, in various ways, been justified. Furthermore, we know that one of the purposes of punishment, the "benefit and social benefit "is. Proponents of this theory argue that the expected punishment for some acts, causes, potential criminals, for fear of punishment, not crime. We know that the goal of legal rules, the regulation of social relations. Human marvelous progress in material sciences, some social scientists so intrigued, in his explorations, nature of man, to have, but the view, by no means precludes the imposition of a set of rules, and inconsistent legally binding, not for the interests of individual and social (Katoozian, 2000).

3. Assess the mental body parts manslaughter in traffic offenses

3.1. errors in criminal

With a little research and see the books of jurisprudence is clear that one of the foundations of responsibility in Islamic law, is to blame. This means that, in cases where the offender is located, has a slightly hesitant, the damaging consequences of their actions, realizes. Books and legal treatises, to express the sense of the words, such as assault, going and guilt are used. (Qiasi, 1996).

However, the question is, given the excessive regulatory authorities, to confront and deal with a variety of fault, and is short, and this notice today, gone somewhere, consistent with what has passed, to enhance the inhibitory properties, content court judgment, in addition to civil damages, criminal fines too.

3.2. The concept of criminal guilt or error of

Fault or error of Literally, it means something is wrong, and anti- reward is used. In criminal law, before the error was intentional, and it is simply, to describe the action, its agent, with judgment, but due to negligence or ignorance or mistake, or carelessness, and the lack of current precautionary measure, as opposed to moral standards or law, be committed (Jafari Langroodi, 2003). This is called social context, to distinguish between unintentional and intentional crimes. In other words, taking the blame, from unintentional crimes, a means of maintaining social order, and regulations governing the life of common people in the society. Parallel to this definition, in a social sense, guilt is a phenomenon of the aberration of human behavior, the governing system of marriage in society is achieved, and the basis for criminal responsibility for crimes unintentional makes up about the fault, including fixing any responsibility principles, interpretations and definitions stated that such is:

Whether it is the fault of the violence going, what exceeds the limits of the permission or fair than property or other right, or leave the action under contract, or other property necessary for maintaining normal. (Sadeghi Janali, 2001). Regardless of all definitions, criminal lawyers, the issue of liability based on fault, a further explanation of the fault, or the fault of criminal guilt evidences presented as objective and have a social affair, the way that, say the fault to do, or leave it is wrong that predict the occurrence of adverse results in the same situation occurs for any reasonable and prudent person is likely. (Validi, 1999). But perhaps the most completed and yet the definition most Concise, fault or error in criminal cases, in order to give the amendment? Islamic Penal Code, whether the fault of carelessness, lack of skills, lack of

respect, the system of government known whether that, in all these cases, the subject of the study concluded the act was committed, not herald any means, but the resulting sequence the verb, so it is likely that doing the act, or in some cases avoid it. In brief, the fault is in the word or phrase, the higher its operations, the ability to do that, the nature of neglect, abandonment practical sense; it is the inability to perform.

4. The basis of criminal fault diagnosis of malice

Time to obtain a result of criminal act is committed certainty, and to study it, is committing a criminal act, obviously, such a person with malicious intent, but sometimes, it's a result of the operation, the do, they certainly do not anticipate, however, likely results, gives, or should give it a chance, and the results of current crime has been committed, refuses, or attempts to do any act his desire would be blamed, and she is criminal responsibility. The basis of malice clean " criminal error, "or intentional act by the criterion of non-intentional, and the probability is determined by means of an intentional crime, crime is the result of certain acquisitions, and non- intentional crimes, the possibility of studying the 's. According to the definition of criminal fault, and the fault in criminal law we offer, it is evident that, given the social object being to fulfill a criminal error, there is an age requirement.

4.1. the occurrence of harmful behavior

No doubt, for someone to blame, not the behavior of foreign material tangible and intangible, unlike the social system, he issued, and the head is struck, this behavior may, as a positive action (doing nothing) such as driving, excessive speed, or a negative verb (refusal to perform a duty or task) is. (Amoozegar, 2006). Taking this into account, we never spent intention to perform or quit, error behavior as a criterion for the realization of criminal guilt of knowing, in Islamic law, no doubt, be a punishment for every action, there is a material element, and single intent:, to emerge and has not been updated, it can not be used in criminal prosecutions. (Gorji, 1993).

4.2. according to objective and external aspects of behavior

The purpose and objective aspects of social behavior is that, in assessing the guilt resulting from carelessness or negligence which caused the injury or loss is wrong to commit crime, as we described above, the behavior of an average and normally, the representative and symbol of ethics and social principles, compare, and evaluate, to determine if such a normal human, the conditions governing the crime took place, showed how self - evident that if the behavior of the index, which corresponds, or her delinquency in applying capabilities, and their skill and knowledge, is a constant, not necessarily as a criminal act or omission, his guilt is proven.

5. Gross error in the islamic penal code

As previously stated, we blame the criminal legislation, the following specific topics and terms carelessness, lack of skills and lack of respect for state, has cited. (See Articles 714-715 - 716 - and 717 of the Penal Code and the amendment of Article 145 of the Constitution). It seems that the goal of the legislator considers, given the method of reasoning, and denying the courts the votes of any conflict and discord, so that in every case, the courts and quasi- intentional crimes, or unintentionally, encountered, which required fault the defendant, in the form of words and phrases that encapsulate the law recognized qualification shall, if the context should be carefully written law, it is considered fault types ranging from the meaning of the word, the absence of a single concept, this is gross. The main question is, instances expressed or allegorical aspects are capable, that is, the courts in each case must be evaluated as to whether the defendant's alleged errors, the errors contained in the Act, shall apply, or could he have other reasons, Will be held accountable?

5.1. apable of being or allegorical meanings of error

Priority in the debate on the aforementioned types of cases, and their explanations is that, if we consider the allegorical nature of these cases, we lie on your description, provide a basis for identifying

ways to detect other instances, too, find it if all examples of the legislator, capable indeed, the case is different. If the legal context, the term and the need to look at the situation, will not doubt that all of these errors, the law is capable, in other words, legal errors, we can not know what we will refer to exceed Therefore, courts in any case, should be examined as to whether the defendant's alleged errors, the errors contained in the law which would be applied and, if implemented, may issue a warrant to charge, and if there are no comparative trials choice but to acquit not charged, on the argument that the traditional rational reasons could be:

- First - know that unexplainable criminal laws, limit the powers of the judge, and he obliges, that the criminal law, the executor can, and to avoid any interpretation, so when a for example, in a single clause of article 145 of the Islamic Penal Code, it is stated that, whether it is the fault of carelessness, and carelessness or lack of skill, and lack of respect for the system of government, these rights will not reach the courts, the authority to interpret the term " fault " other instances, for its pedigree. (Samii, 2003).

Second - regardless of the interpretation of the discussion when the act committed by the defendant's sentence, the Spoken criminal law, is not explicitly predicted, the judge is required to ensure that the accused is exonerated (Sanei, 1997). The reason for this rule is necessary legality of crime and punishment, according to this rule, it could lead to criminal responsibility, and sentencing is to punish someone, there are only " rule " is, as we know, support the rule law, one of the richest and most buildings are heavy, so that not only one hundred and sixty- ninth article of the Constitution of the Islamic Republic of Iran, he says that " any act or omission, according to the law, then the situation is not a crime, but in the pursuit of this principle, Article 2 of the Penal Code also states that any act or omission that is punishable in law to be determined, is a crime " in other words, for it may be that, as a practical understanding of the crime and its perpetrator to be prosecuted and punished as criminal, it is essential that, before the law is passed, and the meaning of the act as a crime, and the punishment determined be.

Third - this is another reason we limitative examples, forbids courts from developing equivalent in some cases to the detriment of the accused, is, know that usually, to protect the legitimate freedoms of a citizen, and to limit the scope of criminal acts, at all items that will be practical to implement the provisions of the law, ordering the restricted interpretation of the regulations we put forth, close interpreted in favor of the defendant, and restricted interpretation to the extent that some of the narrow interpretation, an interpretation in favor of the accused has defined are, however, based on both principles, the principle of legality of crime and punishment, which is rooted in the presumption of innocence. (Qiasi, 1996). Therefore, in view of all these arguments, it is seen as capable of such cases, and only to explain why cases stipulated in the law to pay, but it is worth noting that all the above criteria, the diagnosis in cases of " criminal guilt," in about each of these cases, it is carried on a series of specific behaviors, and is now, therefore, for instance, the criminalization in a particular case, rare and unusual, alloy due to carelessness, it is to be avoided.

5.2. Types of errors stated in the motion to prove it

Carelessness: caution, Literally, the meaning is far-sighted and long-sighted, therefore, who has carelessly, without regard to the consequences, the perpetrator may be feasible, adverse outcomes are the result of the operation. Cautious person, so the person who, according to the circumstances, the results of actions that are usually predictable, considered, and observing their actions will make the same predictions, unlike Adam indiscretions as one who, without provisions, and to apply the standard action, the disastrous consequences of the result is, in other words, a man who has so carelessly, in a pure vacuum state of mind, and in a world of ignorance, and ignorance is voluntary harmful action (Pad, 1968). For example, if a nurse without knowledge of the content and effects of the drug is injected, carelessness, or the physician of the patient's leg to tie it so tightly that blood flow is interrupted, leading to the amputation. Is committed to carelessness. In these cases, nurses and physicians are committed to do that, they should not have done it. (Amoozegar, 2006). According to these examples, and the definition of carelessness Obviously we, those matters that are unpredictable, and nor should it ever be, are outside the scope of this definition, in other words we can say, precision is a comprehensive definition of the term is, in this respect, that all things foreseeable doing, they may lead to the occurrence of this incident is traceable, not doing it is the carelessness Thus, the Supreme Court decision No. 1031 dated 31.03.1941, the criminal division has commented that " carelessness and carelessness of the year 177 of the Criminal

Code, is something that is practiced by and habits, the title refers to them, to be effective if it is responsible for causing the accident... " (Bazgir, 2007). In pursuing this idea, vote No. 959, dated 29.04.1938, while in other cases, it has been commented that, if the student is lying under the car driver, and the driver many times he calls and does not respond, then the notion that who is on the machine, the machine puts into motion, and consequently dies in crash with car wheel layer contribution, as usual in terms of looking at the driver, then move the car, the less likely it is that maybe someone lying under a car if precautions are not to drive, unless, chauffeur who sleep under it is preceded, therefore, in such case, the driver can not be found guilty carelessness, and his action with the 177 criminal law in general, be consistent. (Matin, 2000). For more applicable to the diagnosis, which should be reasonable and abstract patterns of human behavior, of attitudes and expectations of the community, be inferred, it can be said that Patterns behavioral lifestyles, the cultural capital of the case are, therefore, any human, in certain circumstances, must be fully prepared for potential reactions, and indeed every community expects that, in certain circumstances, the reaction is a verb. (Ardebili, 2010). Carelessness, regardless of the legal and sociological meanings frequently as a reason for abortion jurisprudence and sometimes bear the financial liability has been punished. The theoretical reason for this liability, assault and rape of non- admissibility of the executor has the right to be the subject of any kind of liability would cause the transgressor. (Ardebili, 2010) Carelessness: the ignorance, carelessness, lack of care and negligence in the operation. Many experts' carelessness, the same carelessness as they do and omissions (Ardebili, 2010). And some to forget, or leave the necessary precautions have been carelessness (Pad, 1968). Therefore, a driver at night, the bright lights of your car will decrease, thereby causing to be killed due to carelessness is responsible. carelessness, negligence and carelessness and negligence, and negligence are synonymous in terms of meaning.

Lack of skills, lack of skills, one physical and intellectual ability, or no education necessary to carry out the work that it is doing damage to the other. So if someone with no skill in driving, attempting to drive, and the effect of this action, accident, and murder occur undoubtedly unskilled driver, because they lack the necessary training, driving was to blame and should be punished. In this regard, the theory 2698/7 - 31/ 4/1998 states that, whenever anyone certificate, do not drive a motor vehicle, shall apply to drivers and cause accidents that lead to killing or injuring someone or as individuals, not just certificates, indicating the realization of carelessness or lack of skill, or lack of respect does not state, as well as a certificate, does not imply the non-realization of these cases, and certified specialist in the fact that, after investigation, to be the driver, whether the driver's license, official, or No certification drivers, indiscretion committed by state or non-compliance with, or is inexperienced or not, and if the experts did not endorse these cases, and the court realized it was not obvious, the driver of the crimes in the penal code is faultless, and it has nothing to do with no license, although it may lack one of the be regarded as evidence. In addition, recognizing the validity or non- validity of expert opinion, the reference that has to be addressed, and the judge, considering expert opinion and reasons, and other evidence, voted on, and decision making track. As can be inferred from the advisory opinion, the mere absence of a certificate does not constitute a lack of skill, but of hearing the judge, the expert opinion and the circumstances and causes of the accident, the attention can not be, as not a single license, faulty judgment or lack of it, can export.

Not following state: In addition to that, the noted legislator due to the widespread deployment communities, and its pathology, in order to maintain order and safety of society has decreed that a violation of the state system, that cause damage for another, some kind of error, which exposes the perpetrator accountable, and will be punished.

Non-compliance state, no direct correlation between lack of skill, carelessness, and carelessness or not, so it may have the best skills faulty, and accuracy is most admirable. For example, imagine a person who had the driving skills while trying to catch a butterfly, or that it was not over, his license was suspended for cause, but at the same time, attempting to drive devices, require a license shall be specific. However, if the same person due to unwanted accidents and death are one, he can not be due to lack of skills, prosecuted, but rather due to a violation of state, is responsible. We should note that the rules and system of government, has different forms. Some of them had a general nature and is binding to all, including regulations relating to environmental protection. Others are specific to a particular group, such as provisions relating to pedestrians, motorists and pedestrians that are unique, and the owners of

vehicles. However, compliance with these regulations, including the public, for the public, and in particular for floor must, and when one of these rules shall not exceed, in effect, be harm to anyone, is responsible. For example, for this reason, the 5881 Supreme Court judgment dated 05.11.1950 insisted, boarding, unlike the state of knowledge at the time, and it is voted, boarding on time, according Penal law Article 1 implies resonance drivers, as opposed to the state, and because the accused without a license, attempting to drive a truck, and some even ride it on time, which resulted in the murder was unintentional, that all In contrast to this state of affairs, so the causality relation between the incident and the alleged practice existed (Matin, 2000.)

6. Conclude

Mental pillar to pillar Title an important constituent of the offense, that support this principle, according to which one is the internal mental and must be confirmed by the court. But the court could not directly prove it, but the reasons and circumstances, it will detect it. Legislation for the punishment of persons, in addition to the capacity of criminal and criminal malice, any carelessness, carelessness or lack of skill, and compliance regime that, for better management of social affairs, has been appointed to replace criminal intent or bad faith of the people, and consequently, commit it, namely unintentional crimes, has been questioned. Since the judge in fault diagnosis, the criteria of the custom base, so unlike clean malice, which is essential matters, ruling issues of fault diagnosis, and is performed under the supervision of the court, and the reference competence, control diagnosis, has. But the court's duty is only to establish the error occurred, and its origin is not harmful. It may be between the errors and damages, there is no deep relationship, or toys and other factors, which are partners. Therefore, the Court should, in the first place, to fulfill a certain crime committed, and to establish its relationship to crime, the error could have been done. Thus, in addition to that, the court must be located in relation misdemeanor, and failure to prove criminal, criminal error must have been made, that the law Statistically were also strong reasons to explain these cases Statistically in -law, as mentioned, capable, and not the courts, but they add other items to the senses., and if the practice is located, by the defendant, with any of the error Statistically, in law, in agreement is not obliged to issue acquitted in court, and not mentioned in the Act to extend. Obviously, the proof of any of the errors listed in the criminal law, and subject to certain conventions, by experts in the field, is demonstrated. Because if certain conventions, there is no sense that this place is located associated with a particular class or course not, but they should be referred to common sense, because the judge is considered a commoner, without referring to the fact experts, according to the circumstances of individual criminal defendants to prove fault or her will be found not guilty.

7. Suggestions

1) Given that, at present, the system of criminal law, law enforcement in detecting errors, the mental element manslaughter due to car accidents, use of a standard, using this criterion, on the basis of public order is given. However, it seems that, in order to achieve justice, as legislators, to consider one's own criteria, the philosophy of law, which is the cause of justice, is in agreement, and it would be helpful to establish.

2) As mentioned, none of the cases of unintentional homicide resulting from driving accidents, mental body, not the subject, and all the implications The state and mental vehicle accident has the ability to predict, so it is better to place the legislative Statistically' Instances error that none of them also did not explain, describe the attempts error, and it is also the kind of criteria, and the criteria to become personal.

References

- Amoozegar, M., 2006. Criminal prosecution and police blame the doctor, Tehran, Majd Press.
Ardebili, M.A., 2010. General criminal law, Volume 2-1, Fourth Edition, Tehran. publicat. Mizan.
Bazgir, Y., 2007. Criminal law, the Supreme Court decisions, quasi -intentional murder and pure error, Tehran. Qoqn. Publish.

- Goldoozian, I., 2000. general criminal law, Volume 1, Tehran, publication of Mizan.
- Gorji, A., 1993. Legal Proceedings, Volume 1, Tehran. Tehran Univ. Press.
- Jafari Langroodi, M.J., 2003. terminology Rights, Tehran, Press of Ganj Danesh.
- Katoozian, N., 2000. beyond the requirement of the contract, Volume 1 civil liability, Tehran, Tehran Univ. Press.
- Katoozian, N., 2002. General Law, Volume 1, Tehran, Tehran University Press.
- Matin, A., 2000. Collection of jurisprudence, Tehran. Dad publ.
- Mir Saeedi, S.M., 2004. Criminal responsibility, Volume 1, Tehran. publicat. Mizan.
- Mohseni, M., 2003. the general criminal law, criminal phenomena, Volume 2, Tehran, Press of Ganj Danesh.
- Noorbaha, R., 2000. field of criminal law, Tehran. publish. Ganj Danesh.
- Pad, E., 1968. Specific criminal law, Volume 1, Tehran. Tehran Univ. Press.
- Pasha Saleh, A., 1968. Issues of legal history perspective, since late today, Tehran, Tehran Univ. Press.
- Qiasi, J., 1996. Reason in criminal law, Qom, madin Press.
- Sadeghi Jan'ali, M., 2001. culture, commercial insurance, Tehran, Qoqnoos Publish.
- Samii, H., 2003. general criminal law, Volume 1, Tehran, Seda Publish.
- Sanei, P., 1997. General criminal law, Volume 1, Tehran, Press of Ganj Danesh.
- Validi M.S., 1999. Specific criminal law, Volume 2-1, Amir Kabir Publicat.

Note) rules and regulations

- An Act to amend certain laws of Justice Act 1977
- Civil Code of the Islamic Republic of Iran
- Civil Liability Act, passed in 1960
- Constitution of the Islamic Republic of Iran
- Islamic Criminal Law - Diat, adopted in 1982
- Islamic Criminal Law - suspended, and dissuasive sanctions, adopted in 1996
- Islamic Penal Code adopted in 1991
- Islamic Penal Code adopted in 2013
- Islamic Penal Code, suspended 1983
- Law and limits of retribution and regulations, adopted in 1982
- State regulations contrary, adopted in 1945