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Review article

Check jurisprudence - legal war crime, and corruption on earth, about the rights of Iran

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ABSTRACT

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One of the offenses in the Iranian law and jurisprudence, of offenses against public peace and security, it is learned, is the enemy of God and corruption on earth, war, destruction and the means to achieve abstraction weapons to intimidate people and take away the security and They are comfortable, punish enemies of God, as much as religious, and as corruption on earth, according to the Penal Code, adopted in 2013, is independent and separable. Remarkably, duality and oneness, as the two issues are disputed by lawyers and jurists; documentary enemy, in verses 32 and 33 of Sura Maedeh, has been mentioned, as well as great scholars, in view of the provision stated in have.

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1. Introduction

The most important crimes that holy religion, and Islamic law, and especially the Imami jurisprudence is examined, discussed and corruption on earth is an enemy of the jurists concerning the delimitation of its titles and its range of differences seen is the Penal Code Act of 2013, as attention is the issue, in this legislation, unlike the former Act 1991, discussed in nine Chapter of war, and a discussion of corruption on earth, in the ninth season, has been separated, This indicates that the legislators, between

these two concepts and terminology, distinguish, and to some disagreements among jurists ended in the Jurisprudence texts, the discussion of war and corruption on earth has been given, and Amidst that, sometimes killing the penalties, as are some of the perpetrators of criminal corruption on earth. Being featured as corruption on earth, in the context of legal and design issues, in addition to other issues, has led to the suspicion that a crime principally as there is corruption on earth. Principle, reform society, throughout history, has been the mission of various religions, Islam as the perfect religion, in line with this objective, combating corruption, considers the various means that these tools are important, and the state Codes are crystallized, after the victory of Islamic Revolution, according to the laws of Islam, the fight against corruption was considered further. Great scholars often talk of war crime, and corruption on earth, after the theft have raised the issue, and because of this, it has to follow the Quran, accused of robbery and the subsequent time limit stated above. And the approximation is valid two Concepts objects, in some cases, and seen all kinds of them instead of each other fact, in Jurisprudence Quran Ravandi is said: " Tell and may God in this verse, by virtue of avowed Force, followed by an ex, than he gets in slippers, in the verse and the robber and thief. " Following discussion, the study of jurisprudence and legal war and corruption on earth, as a variant of the process.

A review of the jurisprudence of war and corruption on earth War, Section Enabled origin, and derived from a single triad, " war ", and the negation of the word " HP " and "peace" is the word war, does not necessarily mean war, as the Holy Quran about those who do not leave the magnet says, if you do not leave the magnet, and hostile to know God and His Messenger, you will be noticed, in fact, the " war " means absolute intransigence and struggle, not in the sense of war and armed conflict, and in fact the it is blatant. Battle of the so-called scholars, is the abstraction Stripping the weapon to scare people, O martyr weapon to scare people and warrior «inventory of weapons to scare people ", someone who is your weapon to scare people, reveals abstraction, meaning sword from the sheath evoke, and publishing is meant to reveal the weapon. After the War, the term- out and reveal a weapon, intending to scare people, and the enemy is one who, guns kill and intimidate people. According to this definition, the war, two things are necessary : 1) Demilitarization, means enemy weapon reveals 2) pulling arms People Scarier is going to have to explain that " People Scarier " could have originally or subsequently charged if the main intention is to scare people, but consequential intended to scare people, but yours or someone is taken into account, for example, where the enemy is looking for a property, or a person who has a conflict, but also it will disturb the security of people, and it scares people.

Here, to scare people, been subsequently charged, in the shadows, destroying property, or fighting with someone, Scarier shall make the incidental, and the enemy will be. But the question is, where war and corruption or fighting with someone Scarier shall make the incidental, and the enemy will be. But the question is, who are accused of crime and corruption in separate titles, one enemy and the other one is corrupt or not? What is certain, and the interpretation is that corruption is not a new crime, and "Mischief on earth " Battle of explanation, ie, they do have corruption, corrupt as they are not independent, but rather a general, and no one can be, for a concept to be punished.

But the documentation of war and corruption on earth are:

2. In the verses

2.1. Verses 32 and 33, Sura Maedeh

In this verse Allah Almighty has said: The decreed for the Children of Israel, one breath without retribution, or corruption on the earth without having to kill like that all the people are dead, according to the verse, killing every man, as in the case of murder, corruption on earth or not, is equivalent to killing all human beings, in verse 33 of Sura Maedeh also says: " Penalty but who are fighting Allah and His Messenger and spread mischief on earth to be killed or crucified or their hands and feet cut off from or otherwise deny them from the ground disgrace for them in this world and in the Hereafter a great punishment " the main verse that is invoked in discussions of war, in this verse, and in that hath the love of the Prophet, and the Muslims kill them Abjuration, and looted property belonging to Muslims, was revealed, and the means to fight the Muslims, and the manifestations of the sovereignty of God and the

Prophet (p), which is indeed the Islamic government, has been used. (Mir Mohammad Sadeghi, Hossein., offenses against public peace and security, 2004, pp. 44)

2.2. The narrative

Jurists, the topics discussed, and comments in this regard have stated. Including Shia and Sunni scholars are not consensus on the definition of war. Also, the jewelry, the definition of war, stipulates that the punishment is not an enemy of corruption establishes absolute circuit, so that the Pioneer Department is at war, and not an enemy of the penalty charge is not stewardship. (Go to. Javaherkalam, Allameh Najafi, Volume 41, page 57) Ayatollah Tabrizi, in order to complete the Saheb Jawaher, which argued that the meaning of «Who fight God and His Messenger and spread mischief on earth " certainly does not apply because the term for the unfaithful and rake is included, in order, before any kind of rebellion, waging war against God and His work, and corruption is corruption. (Go to. Asasalhodood, Altaezirat, pp. 385-384), should be added, in terms of the law, who is Read that is ambushed on the way to the bandit and warrior that 's coming from someone who is able to escape. This person, punishment is not the enemy. (Khavari, Yaghoob, a detailed glossary of Criminal Jurisprudence, p 202). War, the arms bare land, sea, day or night, to scare people, and that the city, whether it's male or female, whether the person is strong or weak, and whether other things; whether the intention is to scare people, or not. Therefore, a more accurate quote, the public, verse 33 of Sura Maedeh. The entire above are included. (Shahid Sani, Sharh Lomah, The limits of a book, pp. 234-233). Some scholar's poems have anyone to scare people, but a people, guns kill or arms move so that his work corruption on earth is said enemy is. (Najafi, Mohammad, Javaherkalam, page 9, 2011), but in Islamic law, waging war on the testimony of two just men, or to confess that, although it is a time to be fixed, because the general rule is valid confession Wise' of their losses from this rule, in some cases, such as confession fornication, is outside the specified reason and others, the rest of it is based upon the full, free and sovereign, and the enemy as well as kill, Hangings, or amputation of the right hand and left foot, the exile, the because verse 33 of Sura Maedeh, in which the word "he " was, and is evidence Given a choice. (Shahid Sani, ibid, pp. 237-236) Allama Najafi, the book of Javaherkalam, testify to this are stated. (Ibid, pg 31) continue to be, paid to the legal review of war and corruption on earth. In addition to Islamic law, the Penal Code, Article 277, adopted in 2013, has been referred to the discussion of war, and war, the arms pull the purpose of life, property or honor people or intimidate them, leading to uncertainty in the environment be self-motivated person, to take one or more special weapons, and his action is not a general aspect, and also the people who take arms, but fails to prevent loss of security, not a combatant, the contemporary legal perspective, there are going to disturb public security, the perpetrator of one hand and use the other weapons, the two basic conditions, the realization is a war crime, examples of which will be an enemy of one who is, with arms up and out of the town, the people protested, and obviously would usurp people's property. (Gorgi, Volume I, 1986, pp. 73) in a more comprehensive definition has been pointed out, one kill weapon, and attempted to intimidate people have, is the enemy. (Bojnoordi, pg 159, 2005). The Penal Code, Act 2013, as opposed to the previous law, fighting corruption on the earth, considered separately, and the difference is between them, so that Article 286 of the Penal Code, Act 2013, provides: Whoever widely commit crimes against physical integrity of persons, crimes against internal or external security of the country, spreading lies, disrupting the economy of the country, Burning, degradation, and microbial toxins and dangerous player, or set up brothels and prostitution, or vice in the, in a way that caused severe disruption, public disorder, insecurity or major damage to the physical integrity of individuals or public and private property, or causing or promoting corruption, prostitution, too wide, and the execution of corruption on earth. be condemned. Appears, Noting the new Penal Code, and the former law and specific laws, regulations enemy is twofold : objective and subjective criteria in terms of the objective, which is documented in Article 277 of the Penal Code 2013, accused of having has two elements, " Stripping a weapon to scare people ") the gun down and b) to create terror, fear, and freedom and security of the people, and also a crime to be bound, but subjective criteria, so that 's going to disrupt security scare is general enough to support the proposition that a certain number of rules, including Article 4 toughen sanctions law, perpetrators of fraud, corruption and fraud are the most jurists, War and corruption on earth, are regarded as synonymous, and it a crime are taken into account, because of his interpretations, protested war and corruption on earth, are not discussed independently, and the lack of

aggression on earth, and no commentary, it has created a negative reason, and common name left, and the lack of interpretation, because a monopoly on the concept of corruption have been leveled. (Shahroodi, Mahmood, inconsistent criminal law, pp. 248-247, 1999) (Imam Khomeini (RA), Syed Ruhollah Almoosavi, p 492) in the following discussion, the specific elements of the war crime of payment: A) regulatory element (Articles 279 and 282) in these materials, the reference element of waging war is legal.

2.3. The material elements

1) Criminal behavior, criminal behavior committed, positive material appeared in the form of the verb, and that the notion of resorting to military means meant to be. Obviously, the external manifestation of this concept, but with a positive verb material may not happen. So, crime fighting left with a negative verb, verb, verbs and positive spiritual, verbal speech is not Missouri.

2) A crime, as she lays rule, the customary meaning of the term weapons, including weapons, firearms are. Also, acid, fire and getting the force can not be a weapon.

3) The issue of crime, the crime that is applicable with respect to persons, and to objects and animals, by the absence of negative, is subject; however, to be minor, major, male and female are included.

2.4. The mental element

1) The degree of culpability, mental element, mind and powers of decision-making, and therefore its source is internal, and the way the act is intentional, the use and application of scientific and open arms, and of course, action although having criminal responsibility, the reaction can be imposed on him.

2) Intent to intimidate the public (specific intent)

Article 277 of the new Penal Code, the definition of war, the ratio between the former law doctrine, the absolute mass bound, completed, and is known to bind specifically to the crime, specific intent, in fact, Scarier People or create terror in the general population.

After the war, must also pay the constituent elements of corruption on earth:

A) The legal elements:

Article 284 of the Penal Code, Act 2013, and pillars law has stated.

B) The material:

1) commits an offense, anyone can be guilty of this crime, the proviso to Article 284 of the Spoken meant to be.

2) The act committed, to shed corruption on earth, to commit, committed widespread acts of his condition, and in one case, the offender can not be punished.

3) The issue of crime, the crime mentioned above was bound to result, and severe disruption of public order in the country, insecurity or major damage to the physical integrity of individuals or public and private property, or spreading corruption and prostitution, the vast extent of the condition realization is considered a misdemeanor.

2.5. The mental element

1) General ill will; include intentional physical crimes against people spreading lies and losses are other examples.

2) Specific intent, including severe disruption of public order in the country, and has delivered compensation and other issues.

But the proof of the crimes, especially war, is as follows:

- Confession: It proved to be once admitted, provided that the headquarters of the general conditions is homework.

- Testimony: The testimony of two men is fixed.

- Knowledge of the judge.

The level of war, Article 282 of the Penal Code, the death penalty, rigid, cut off the right hand and left foot, and is referred to banishment.

In turn, the subject of war crimes:

The former Penal Code, repentance was not involved in the fighting, but in the new Penal Code, according to repent renowned jurists, and according to the Quran, is accused of Muscat, a former

legislator, unfortunately this was not the case in law, the law New, filed under Food, repent of fall is allowed, and the article 113 of the Islamic Penal Code, it can be inferred that the enemy of repentance before arrest, limit down, and repented him after his arrest, does not limit the fall.

3. Conclusions

A) from about Jurisprudence issues :

1) The dominant language of earlier scholars and later, as corruption on earth, as an independent sentence has not been documented.

2) a small number of scholars, who have been sentenced as an independent documentary, first in a handful of cases, this has been attempted, and secondly, according to certain traditions, in such cases, the corruption on earth, cause of death have expressed Third, murder and sentenced to hang, in this case, citing corruption on earth, it lies on the one hand, the implementation of murder or discontinued due to lack of accumulation is possible, and on the other, thus leading to an abuse is corrupt.

3) Verse of the war, it implies that, since the enemy is corruption on earth, subject to the penalties, the verse is located. In fact, the verse refers to this as corruption on earth, has taken the concept of the enemy, and actually has some examples of corruption on earth.

B) The legal subject:

1) Duality, both as an enemy of God and corruption on earth, the other are on display in the new Penal Code.

2) The possibility of Repentance, the subject of war crimes around the door.

Earn while, the effect of forcing the juridical base of Repentance is examples, Islam likes of him, and love of repentance before...

3) Penalty Given a choice part of the war.

4) The possibility of Repentance, the crimes subject to corruption on earth, with qualifying set forth in the Penal Code, the corruption on earth, if the offender repents before proven guilty, is annulled, but in war, you have to repent before arrest, is annulled, the corruption on earth, it is the incriminating confession, the court can request his pardon by the government, may request the Supreme Leader. But the war, when the proof of guilt, repentance can not be annulled.

5) Lack of effect of an oath, subject to the limit in fighting crime and corruption on earth.

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