



AENSI Journals

Advances in Environmental Biology

ISSN-1995-0756 EISSN-1998-1066

Journal home page: <http://www.aensiweb.com/AEB/>

Investigating the Death Penalty from the Perspective of Jurisprudence and Law

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ARTICLE INFO

Article history:

Received 26 September 2014

Received in revised form 20 November 2014

Accepted 25 December 2014

Available online 2 January 2015

Keywords:

Capital punishment, Qisas.

ABSTRACT

Essay "death penalty" in the history of Roman law and the death of Hammurabi and the countries of Europe and Japan and the heavenly, and the death penalty as a punishment deals with the definition of Islam and opposing opinions it is cruel and improper mass and irrecoverable, check. Advocates believe death to justice, criminal intimidation, social security, public relief, respect for human life, and effectively is essential. Foreword: Offenses and punishment in cases where Islamic Sharia Islamic law to regulate and secure society, much emphasis is And whatever is punishable by heavy Offenses accordingly will be heavier. One of the penalties for Islam to follow it as far as God's special attention, for cases where the death penalty is punishment, Even today this decision has been criticized by many countries. We decided to do a study on this subject In order to answer the following questions based on the main sources of jurisprudence and law are:

1. Is the death penalty in the pre-Islamic religions and nations, or warrant the establishment of Islam?
2. Mjartha philosophy, especially philosophy in Islam is death?
3. In Islam, this is what the death penalty?
4. What is the vision of pros and cons of the death penalty?
5. The implementation of this provision in the present era of time and place, what is the religion of Islam?

Hope that we can achieve this objective .

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To Cite This Article: Yahya Haghpanah, Seyed Mehdi Ahmadi, Abbas Arab Khazayly, Investigating the Death Penalty from the perspective of jurisprudence and law. *Adv. Environ. Biol.*, 8(25), 561-570, 2014

INTRODUCTION

Among the issues that need to be careful in this paper is that the ability to adapt to specific authorized punishment Depending on the circumstances of time and place of death in Islam and providing punishment background, interest shifted to implementation It does not become a prosecutor or other matter deemed Tzahn not find the second season to this point in Philosophy penalties to be paid. To account for different perspectives to explore their reasons views Pros and cons and the opinions of experts are listed.

According to this study, an overview on the subject of death and its implementation in modern societies is the same accordingly, the joint execution of pay (which is not in the capacity of an article) and just retribution Speaking to is gone.

Execution of lexical and terms:

Death, is an Arabic word which means to destroy and eliminate [1] (not made up Alarb {} {moderator Al-Atteba}, kill certain) {Persian culture. Wield not Almsadr Zozan} {{crown -Almsadr Bayhaqi: Adamh Adama God, is not God made him Nazim al-Atteba}} {{leading Alarb, a rare thing to avert {Almsadr Zozan} }} [2], taking away a person's life by the state [3]. The intentional killing by governments or religious leaders and Ritual against civilians under various titles. Historically dominant groups or governments, or individuals with Power to intimidate opponents or those who have committed acts against the law to do it Jsthand profit. Execution of an order may be issued by the judicial system or directly by Armed forces and military issue comes into force [4]. In terms of philosophy and theology, meaning it is possible to eliminate The world, behind God is not a being of pure or scattered components and how On it [5].

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The History of Execution:

1. Babylon: Article 3: "A person of perjury he have executed, should be killed." [6] Article 14: "Kidnapping is punishable by death."

Article 33: "taking bribes from civilians, is punishable by death."

2. Assyria, Assyrian basic rules, and the world in general less than the laws of Hammurabi, although the When was the first state law.

Qisas as a matter of execution in different periods of history have been implemented in various ways, including:

Ancient times, in the Roman Dvazdganhy tablets that promise, the statute is written Qisas penalty for some crimes against people like cutting member of the human body, breaking bones and manslaughter case Accepted [7]. In all the laws of Hammurabi's famous principle of "an eye for an eye and a tooth rather than teeth" emphasize [8]! The law provided that the murderer and the victim's deliberate killing of class Our social and rank equal or lower social class and the murder of the victim's cause of death was considered a higher social class, in other words, both the sides of the death Kfv Became members of such injuries and damage in relation to breaking under the conditions specified in the law was punishable by death [9]. Article 200 Code of Hammurabi: "If someone else's teeth and rank equal with him, breaking his teeth to break the judges should be the same. [10] " Pars: A -Dvrhy Achaemenid: Rise of the people, by the political rule of the Achaemenid king began a method of capital punishment at the time of the Achaemenids, the head has been convicted of the rock and grind it [11]. King Cambyses a judge issued a warrant for bribery had been killed by skinning [12]. (B) the Sassanids, before the execution, blind, detention and beating was common, especially in the case of offenses against the king or the government would like espionage or treason. Death penalty associated with severe physical torture, such as mutilation, buried alive, and were followed up. C - the Safavids, the Safavids were the harshest and most severe punishment. D Qajar: Live at throwing boiling water, cut the ears and nose buried alive through walls, etc. [13].

4. Japan: lick and sometimes death ... Shvmr Emperor (756-724) abolished the death penalty, compassion institution building and procedure but then again things began Coniine Emperor (770-781) Kiefer death penalty re-established again. [14]

5. Europe after the Renaissance, Bkarya with normal attack penalties that time, the need for proportionality between penalties and criminal harm done to society (not intended to cause offense) insisted. Bkarya said: "The brutality of the punishment causes the brutality of moral character, even in non-criminal, and finally the death penalty should be abolished. [15]"

6 - Zoroastrianism: The third part of the Avesta (called Vandidad) containing sharia Zoroaster, of the punishment prescribed for the punishment of "whip" and such imprisonment and the death penalty is ineffective shall be punished by a whip to suffering

7. Judaism, the Torah, retribution and retaliation off - as a matter of execution - as has been emphasized by the penal system mode. Penalty for willful murder in the faith, be punished. 16]. In Exodus, chapter 21, verse 23 and Deuteronomy, chapter 99, verse 21 states: "If it bothers others to give life to change lives and eye for an eye and tooth for tooth, hand for hand instead Hot legs and feet instead instead of hot and sore wounds and hurts instead Hurt "punishment beating, battery, and intentional mutilation Qisas in Judaism and many other verses that indicate the need for execution of an intentional physical injury.

8. Christianity:

In Christianity, the Bible does not impose the death penalty for heresy is not brought about the Qisas - as a matter of execution - in this religion (Christianity), unlike Judaism, a member of forgiveness and tolerance is recommended. Many verses in the Bible, implying forgiveness and not respond to evil with evil [17]. physical integrity, such as willful killing, only forgiveness and the victim or the victim's family were determined in relation to the above-mentioned crimes have the right to retaliate or get money. The interpretation of the mystery in this case states that: "People of the law of retribution and atonement and forgiveness and atonement and forgiveness gospel, and who did not Qvd [18]".

At the beginning of intentional murder, Qisas pursuant to the provisions of the legislation has yet verses and hadiths, the forgiveness of Qisas and urged upon selection blood [19]. Given the above, it can be said that the prescriptions of death sentences and the lack of money in Christianity is rational, because first of all Christianity is not abrogating Knndhydyn Moses, so the mere absence of Retaliation in the Bible, the illegitimacy the religion of Christ. Second, encourage forgiveness and not to respond to evil with evil, there is no contradiction in the penal system is not Christianity. Because in spite of Islam's penal system, especially retaliation, emphasized and encouraged to amnesty and pardon and patience is better than retribution introduced. Third, money is not in the Bible as the designated successor and is unlikely to retaliate against an official religion of God and one of the main problems of human societies that crime entities, subject only to offer forgiveness. Fourthly, the governments and nations who believe in Christianity as the religion of Christ's atonement does not confirm the death sentences versions. [20]

Punishment in the Islam philosophy (philosophy of law and punishment of Islamic legislation)

"The Islamic Sharia is a set of sentences imposed That the set of forbidden acts, Akkub and penalties for perpetrators of acts intended to set the rules and regulations of the Islamic Penal Code said, Or crime and Mmnvaty legal limits and sanctions imposed by God to punish them known. [21] " Philosophy of punishment from God for the canonization of the great harm that comes to the individual and society "because some of these crimes, religion and other hands-esteem and sense of property and others Finally, some people are guilty of violating the dignity of the individual and social interests of the losses is something that endangers le the five materials, including religion, soul, mind, wealth, and thus the width of the body is hurt On the other hand, in the general interest of society, crime, what is important is not just a victim. [22] "

In fact Vzfyhy Act, which aims to create a social order that is given to the interests and freedoms of individuals and a healthy lifestyle, with safety and comfort to provide them. And this is something that happens all the schools and human thought [23]. The law must respect the individual rights as part of a complex that is independent and has its own compliance And social rights of the people living in it and on it should be considered, Not like a person-oriented schools that only look at individual rights and social rights have been ignored And not like public schools or social interests of the community are willing to ignore privacy. So the law could regulate social relations, security and comfort to the people and community donations, the law that the two (individual and social) will be collected. Due to social rights such as the rights of the individual without that individual's ribs like a small wheel in a big engine Without any reason and a will move around and pay attention to the individual, regardless of social rights, The forest is converted to that of the first letter to his physique. The law should take him to the validity of an individual's rights and needs such support Individual freedoms and the nature and intrinsic properties and provide him And yet the law requires it to consider the public interest. [24] So this is about Islamic law (penalties prescribed by the legislator is limited) The aim of defending the safety and welfare of the community And avoid being drawn into the corruption of society by giving them the right to call God And the law also specified for individual people who say it right Clamping. Holy lawgiver without permission intervention and occupation in determining penalties to give JUDGE Penalties are paid directly to determine, due to the severe injury such offenses and aims to honor the leading Shari'ah is the safeguarding and protection needs Khamse In fact, the wisdom of legislation and even more importantly, the purpose of creation is the same requirements [25]. The imposition of these sanctions and impose penalties on such a high importance Ajd Before realizing that acts to prevent crime And it also prevents its recurrence after committing the crime or the other. So just try and precision of jurists will prove to be accurate and conditions and quality of specific crimes So maybe it is not the oppression and interest will not Mfsdt. But given that the main objective of the sharia legislation to protect and keep society safe from assault and public order Aggression and defend society against the risks of dangerous criminals. Sometimes the rules and regulations of the murder cases we do encounter this problem in mind that the purpose of the founder of applying the penalties Performance is not necessarily decisive (the examples mentioned later), but to emphasize the folly of operation and characteristics of the individual and general deterrence them.

Philosophy canonization Qisas:

We know that in Islam, like some other ancient religions and systems of thought of Qisas or retaliation has been accepted as the verses of the Quran, the main objective, the humans and the stability of the social life of the Tjat. God in the Quran target of retaliation community life and thereby seek to create and maintain a community of Vsavs demonic evil that causes corruption [26].

(Vlkm fi Alqas Hyah or former Alalbab Llkm Ttqvn) [27] Rashid Rida in interpreting this verse says: holy verse has determined that the pleasures of good life and death is one of the means to obtain it because who knows if the soul be deterred from murder to kill himself killed. And worked to life than the one who was going to kill him or her to keep it. [28] Perhaps the importance of canonization retaliation in the above verse makes life community, according to verse 32 of Sura M. clearly more to gain (I killed Nfsa other sh corruption) someone else, without the right Qisas or no corruption in the commit the murders, it is like taking away the life of all human beings, and if anyone gives life (save him from death), as it has given life to all people. the same rule will also prove holy founder of social life, such as the deliberate killing of revenge and retribution is the best way to diagnose because the revenge of the killer would have respected the principle of indivisibility of punishment. [29] Although there was a murder in a community with anxiety and fear and insecurity, but the fact is that the harm to the victim and her family is Much larger and more serious harm to the community. Therefore the root of the issue of compensation for damages to the victim's family (the victim) has declared Islamic law to Qisas private right And the domination of the victim's parents that if they want to claim Qisas against them if they want that money to obtain pardon and life. The death penalty for murder is not bad Vmnfvr revenge to restore justice and the rights of the oppressed from the oppressor, is acceptable. And the deterrence of crime as well. the victim's parents for revenge, someone from the other side and they killed the same as would have been the result of fear of the community [30]. Execution in Islamic law [31] Death is divided into three types: retaliatory death, so death and sentenced to death.

1. Retaliatory execution of the death penalty in cases of intentional murder and that a specific situation. The presence of the private complainant, highlighting the extent that it is outside the scope of jus cogens.

2. The extent of death: the death penalty is prescribed by the holy lawgiver and can not be reduced to less than death. Partially executed according to a classification of this species has been divided

A) Sexual offenses involving zina (adultery or incest or rape or incest non-Muslim women Muslim) and is sodomy.

B) Offenses against religion and social security, including waging war (Bghah) and apostasy Vhrabh (road sector) is.

C) Criminal recidivism, such as the implementation of the three non-marriage fornication for the fourth time in the fourth repetition and Execution....

3. The mandatory Execution penalty is death given by the ruling. Most scholars believe that the Shia in chastising the infrared range. But to deviate from this principle and the implementation of the above penalties may be referred to one of the following reasons. Imprisonment and Execution of appropriate Shmrdayn include the interest of the individual in society, rebellion against corruption on earth, forbidding the evil. There are also differences among the Sunni scholars. But in some cases, Execution sentence is accepted.

Of Execution in Islam: the Qur'an as the first source of canonization punishing those who deserve death are states [32] (verse 33 of Sura M.). Hadith of the Prophet says things that he says Layhl tail Yshhd certain health authority that La ilaha and Annie prophet except Bahdy Salas: "Alsyb Alzany Valnfs Balnfs and Altark Ldyndh (Almqarq Lljmah)" [33] and in general, the Execution include: Retribution, category, incest marriage, Hrabh, Albghy sodomy.

1. The category of the word, see the thing to something else. In terms: Back of Islam called heresy [34]. Apostate is someone who comes back after Muslim infidels. [35] One type is blasphemy to one of the following is considered a heretic.

A) an order denying religion of Islam and the consensus is that the necessities, such as prayer, fasting, pilgrimage, charity, respect, wine, prohibition of usury, denying the Koran and ...

B) an act of infidelity is like bowing to idols, the rites of infidels, rip and deliberate insult to the Quran and Hadith.

C) Issuance of blasphemy and blasphemous words, insults religion, God or one of the prophets.

Apostasy is punishable sequences Asttabh (seeking forgiveness) and scare the consequences of acquiring the right to abortion and the abolition of all contracts Verde ultimately murder and possession of heritage and parity [36].

2. Incest marriage, the husband of a married woman or a man, married or marriage is said to accept charity are:

1. Maturity

2. Reason

3. Freedom

4. Chastity

5. Coupling causes a dip in marriage and proper penetration. Adultery by men and women with this condition, the punishment of stoning for adultery is the canonization and legislation.

3. Sodomy: Another subject Vmfvl murder cases that it has been proven by many different traditions. And ruled that such a sentence is adultery. "Inasmuch Future Man Man Fhma zines" means marriage, people being killed and the murder of these traditions is the "I am delighted Tmvh works Lot Faqtlva Alfal and Almfvvl to practice" [37].

4. Hrabh, road sector: any current intention to take the property of others so that he is free from any kind of help Astany. How is that if a) the person to take property b) the person to kill and remove the property c) only one to kill d) in the case of B and C only scare people murdered. And the quality of the killing and explain things beyond the scope of this article. [38]

5. Bghah, aggregate demand Bghy Concentration which literally means "After all, she Nbghy us." [39] or oppression, the term also means the person or people refused to obey the Imam of Muslims in other words, he who rebels against the Imam of the Muslims out of obedience he stays out. [40] and the decision of the group after Asttabt (seeking forgiveness) and killed them.

6. Qisas: The Persian word meaning punishment, punishment, reward, compensation, retaliation behavior by acting like what he did, or reciprocity, to come. [41] In Almnjd of "Qisas, Aljza' Ali Alznb, the Yfl Balfal as we act, namely Qisas, punishment for sin, say, or has committed a crime, it is the other. "[42]

Tryhy Albhryn Assembly in connection with the Qisas of the word "shit Aljnayh Alqsas Balksrasm Lastyfa' Valmjazah before killing him and wounding trees cut him beat the sh Antfa' Fkan Almqtys Ytb effect Aljany Fyfl acting like a workman [43]" the right to punish criminals for murder or cutting or maim, Qisas say. Trace and track the origin of the word, such as the Qisas penalty of criminal prosecution, and he brings his work. In legal terms, the pursuit and Qisas for the crime is caused by the same act in such a way that Qisas of his life to do [44]. In other words, Qisas action, such action is to subject it has done. [45] The legislative year 61 of Article 9 of the Law of the IPC and the topic of intentional murder in the definition of Qisas: "Qisas,

criminal, the criminal is sentenced and should he be equal to the crime. [46] The legislative definition of Qisas because of non-compliance with its legal concept is flawed. [47] because, first sentence of Qisas, and the parts of the crime, if it is not itself it. The object is later. Secondly, the famous religious jurists, next of kin, without reference to its ruling under the conditions of life and Qisas to the definition provided in the law is not the case. Thirdly, the use of the word "must" indicates the speaker will emphasize the aspect of composition, in the common law and the immediate problem, but by definition, the way news is not common. Fourthly, the word "the" word is insufficient to pay. [48] However, the legal definition of Qisas literally can say: Retribution is "Astyfa' effects of crime." [49] To be clear, Qisas delivered killing or injury of Johnny is applied to crime. "Or Alqsas (blood investigation Balqvd), fireproof (Vlkm fi Alqsas Hyvh) II, 179- (Valjrvh Qisas) M., 45. [50] Explore different views on the death penalty

(A- views of opponents of capital punishment)

The study of religions and perspective views of the famous schools of the execution of the criminal law is clear that as far as the Renaissance was more, negative views about the death penalty, and schools instead of the death penalty, their deportation, prison, and deterrent punishments, offer the modifying efforts made by international organizations worldwide [51].

The government organized a death penalty is fair or not really? The nature of the right of the people to give themselves up to kill your sex, what could it be? Surely that is not what the laws are founded on the rule of law are nothing more than the sum of the components at each individual freedom. General indications are that they will be the sum of all individual wills of others who wanted to delegate the ability to make decisions about his own death? How to preserve the blessings of liberty of others, at least one person (living) can be sacrificed. [53] And if so, how would that man has the right to kill not your main home can be synchronized? For a man to be able to give you the right to kill others or the community itself should have that right. The death penalty is not the right approach to society with one of the residents. and this is the second reason of the death penalty is a just and necessary. [55].

? Because only humans are emotional. have. and to dissuade people from killing themselves in order to give a formal murder.

(B) the views of others:

1 breath taking lives and blood of intrinsically evil act that offends the human emotions.

2 living trust that God has given to man, and he can only withdraw what you have and society, has the right to (Hayat) get anthropophilic.

3 death penalty is cruel and weak intensity measured by the act committed is not a crime.

4. The death penalty, the penalty is irreversible and that the judges may judge wrong Vltmhay judicial mistake on the community is not compensated in any way.

Reasons for opposition [57]

1 of philosophical belief: Whenever those who commit multiple murders and crimes against innocent person committing such atrocities are to be seen what the cause is, because no one lives from the mother to the world does not. So if it is proved that he has a mental illness, the denial of life of a patient who has the disease that society imposes on him and verbs have been committed, it can be fair? [58]

2 of the Criminal Law: Bkarya the denial of Execution due to intimidation, says the experience of all ages, indicate that Execution penalty will deter people who have been determined to cause harm to society.

3 of the Criminal Policy: Opponents argue that the Execution the new doctrines of criminal law emergence of new schools and other criminal purpose of punishment and repression Vtrd not completely remove the offender from society, In other words, today the center of gravity of the offense of criminal activity does not show but he is committed criminal acts and to examine the conditions Vkyfyat Which has become important in the present world the main purpose of criminal law, is guilty of eighteen.

4 of emotions and social effects of the actions of another vicious punishment has a devastating effect on society. That the spirit of people and destroyed the spirit of friendship and respect for the dignity and worth of human beings in society. Because when people see that the community with enthusiasm and the plea for justice, one of its members, bound hand and foot and hangs in there thousands to watch, Some people have a sense of community violence and bloody murder and murder is stimulated them thirsty. Which pet as soon as you see the blood on your hands become wild again. To promote a sense of altruism and respect for the dignity of humanity among community members is essential that such a horrible punishment is wiped from the scene. I think the opponents of the death of another financial cost that the community and the members of the working group is created Opponents citing statistics costs in capital cases have established that the cost of maintaining a person in prison is much less than the cost of his Execution.

Pros: [59] 1. The administration of justice:

another has taken. So they punish heartless people who are violently murdered, according to the concept of justice. Because of the importance of the crime, the offender Vasthqaq he corresponded to the crime. According to the doctor City [60] honor and dignity of every human being, to be respected as a human status does not

degrade. Who refused to go to another life and freedom and the right to life has put him deny himself not worthy of love.

2. Intimidate criminals:

Mvntn said that Execution of someone they do not reform but others will work with his death. Are compounded daily murders and murderers who are trying to do better account for their crimes. Yet the fear of offenders, especially Hitman punishment, especially the death penalty. "[61] The reformers who boldly assert landscape gallows or the electric chair, or the guillotine, in any way the views of those who are determined to commit crimes, no expression, in fact, claim that the killers are aware of the Al-Dumayr and Maffei. On the death penalty has always been one of the most effective deterrents to crime, no doubt. If the employee is subject to the death penalty, death penalty personally. Everyone who exactly was on everyone's mind is, perhaps, no it's not murder. However, this assumption should be accepted by the fear of an untimely death, many of the jobs that are undoubtedly correct legal, not voluntary, as yet, no one will attach to the army or police force or fire department. As should be discontinued suddenly racing car, someone climbing, acrobatics, aerial view, paragliding, hunting or not jump or in buildings or other jobs that risk is, Njvyd company. However, although the number of people who take risks, either because of livelihood or boldness or courage and pride, pride or faith belief relish show Is increasing, however, obviously a lot of people who participate in such activities, avoid, because they bear the risks are not compatible with their taste. Commission in 1953 in England was formed, so that the effect of the death penalty in crime prevention research, said: "We can often ineffective define, but not any that are effective, counting them "[62] It is said that while in some cases, the death penalty was carried out every day, crime is common and widespread, despite the harsh penalty that was imposed Again road safety than the road sector was does not provide the is. It should be noted, Always those who gamble with their lives, they have existed, but we do not have a vehicle, so that we can have, among those who fear death are those who do not Kūfī own way, we distinguish in terms of the number of those who fear the refusal of the offense, we define ""[63] Also, for those who have commented on the absurdity of life, depriving punishments are not based on reliable statistics. It is true among those who have been sentenced to death who were present at the scene, another penalty, But the number of people who have been intimidated and lessons learned in implementing these statistics were not punished. Criminals are also getting increased in countries where the punishment depriving of life, because it is declared obsolete In these societies, before the formal abolition of the punishment, crimes punishable by death has actually declined. [64].

3. Self-defense:

And defense, negating the negation, then run right. [65] Therefore, a society of criminals and offenders who are ignoring the rules that have been attacked by one can resort to punishments like death to defend itself the. Although the conditions prescribed by the necessity to defend against imminent attack at the moment of invasion

It is, however, given that it is possible for society, such as control and monitor the behavior of its members, which occurs immediately after committing the act, only if the trial to establish a fair hearing, registered.

4. Security of supply:

Living ECK Master offender and because life is dangerous and likely Heron new crimes against the population, even if in prison. The execution of such offenses mind at ease about it is that it certainly guilty of other crimes is not new. St. Thomas professor of theology says:

[66] "If the community is essential to human life. Have all rights necessary to preserve and protect it from harm individuals possess. Death penalty opponents argue not seem right to cancel all penalties and thereby depriving liberty, because society does not grant freedom to man, but man was created essentially free Vfrtra. The enjoyment of the right to life and liberty is a gift from God, but these two rights, the right to life and liberty of others is limited, if not exceed, stripped of their abusers should be punished.

5. Soothe public opinion:

Among the factors that could cause waves that only abate the anger of the public. Replacing the death penalty and other penalties such as jail, especially because they are paranoid that prison than it sometimes "multi-star hotel State" Do not call to have that effect. "In his article in the doctor M. Khazayi says the alleged successor of life imprisonment to be executed, it must be said that life imprisonment is possible, but it is effective in preventing a general prevention Vbvt not affect other plus of social psychology, fear horror death penalty in humans the punishment for such an effect leaving negative freedom "[67]

Janet Ballantyne head, prominent criminal defense lawyer, in the late nineteenth century, when it was still in prison at that stage not to lose your wonderful work of repentance, believed that "prison for dangerous criminals, though long to avoid crime is not enough, let alone punished for the crime of murder, the death penalty does not take place. I do not doubt that there will be a case of a death, the joy of all, is not punishable by

any other punishment that the law is replace "68" In the opinion of punishment for some one thing, the The death penalty because of the fear that the spirit of creating a profound psychological impact on society. That even if they do not perform will be guaranteed to calm public opinion and the opinion of the penal policy will have extraordinary significance. [69]

6. *Respect for human life:*

If you believe that life is fleeting and unstable man has an absolute value, common sense rule does not apply this principle to the first victim of the killer, so how can we accept that a person that is the absolute worth of only one denied sentenced to several years, this means accepting the statement that "I'm a man and I accepted on the basis of the principles according to accepted principles of your life you want." [70]

They have allowed to forget. Therefore, if an observer of all criminal acts that are done, the moment would be in agreement with the retention of the death did not hesitate. But the answer to this question that nobody lives of the unborn and those affected by social or psychological problems of crime, they have said that in some cases this statement is true and Islam, in such cases, it is for or the like; maniacal, retaliation is not. Being sick is not a killer but as a rule and stating the reason. The corrupting nature of this proposal will be obvious and flagrant criminals. Vmtjavzan abuses instead of prison and punishment sent to mental hospitals. [71] And the judicial error for different reasons, including: documentation of perjury or false, inaccurate or false expert, negligence or fault Zabtán judiciary, trial and error is the wrong decision, especially if you run over people the judiciary has a bad attitude, the proper application of justice is at stake. In response to this problem, it can be viewed in several ways: [72]

1. This bug does not generalize, including all kinds of the death penalty, because some death sentences with constant confession and confess judgment that has been proven, no risk of confusion. Hence, in this case, the opposition can not be executed, because they rely on. Killer who confessed guilt stems from the conviction of its own, without any doubt, is punishable.

2. executions in response to this problem, the error in all cases where the non-confessed criminal trials are being fixed, the mention of it. All errors are the factors that are contributing to the death penalty, there are other punishments. And yet, no judicial system in the world because of the execution of punishment has not declined. The judicial systems around the world to solve this problem Andyshydhhand option include:

a) multi-stage the proceedings as a result of the various bodies of ordinary judges and judges with experience working with the provisions Vkhnh handle this task with minimal risk of confusion magistrate, as if in the initial stage, the wrong place, at the stage revision and higher, the error is corrected.

B) creation of advanced technologies in crime detection: In addition to fingerprints and other Danshhay that already exists, advances in forensic obtained the possibility of judicial error, almost disappearing. Through progressive and leading medical devices that provide knowledge and brings to the study of crime, how to detect it happening. The relation of chemistry with laboratory analysis and knowledge of the atom, can ensure that the accused is guilty or innocent.

C) "the witnesses detailed provisions could also reduce the possibility of a judicial error. Art questioned by experts with experience in this technique is done with skill, Gvahhay false testimony is ineffective and corrupt than before. Of public opinion, with a vigilant press, whenever in the course of the proceedings, see Introduction emergence of error. Alarm to sound at that. "[73] proved the death penalty, with such sensitivity, the judge compels advanced tools to help crime detection, prevention and control of perjury find honest to trust the testimony of witnesses. On the other hand, if justice is to witness, the judge makes his testimony before the Trust, carefully examine his character.

3. "probable error in the execution of the sentence is not unique, but there is a punishment at all. Hence the difficulty to understand all punishments. ... because the people who are contributing to create arguably the risks to life, will not protest. Courts have issued orders to justice, the people that are harmful to our fellow humans, not punishment. Probably never will be subject to the same mistakes. , although the dialogue and tragic, but the wrong approach if conflict arises not so important. Than what has been said about the possibility of executing the innocent, always exaggerating used, but instead the result of a false Tbryhhay it has been another murder, is not mention.

there. It stays true to say that the interests of society have power, renounces, it is possible for someone to take power, or the means of transportation for the Shvar sometimes cause people to perish, should be prohibited. It is ridiculous to say that, when a known murderer is free, no harm to innocent people who are unknown and may fall prey to him, not a "[74]

4. About a death penalty is irreversible, it must be said that this is a significant drawback when compared to alternative punishments, death is not considered, if the punishment depriving liberty also suffer from this problem. "Innocent prisoners are sometimes long stay he jeopardizes the physical and mental health may not be compensated in any way. "[75].

The death penalty in the current era:

As part of the system of criminal punishment in Islamic legislation in Islam This system consists of a set of rules and regulations that any other components of the complement. The Islamic system initially starts with education and cultivate those areas fall short sentences and education programs provide an explanation And then adapted to the spatial and temporal context imposes its rules. Ibn Jarir Tabari's commentary on verse 25 of Sura Al-Hadid, who said: We have sent Our messengers with clear proofs and evidences views After that he gave them the Book and the rules and laws and the third said that they would have to measure the scale of justice on the order book and the fourth stage says: "And Anzlna Hadid" And We sent down iron, which indicates the strength and force that many benefits can be gained from this process. [76], or to the famous "last Aldva' spurious artifacts." [77] Accordingly, the sharia not willing to run around and implementation of punishment and understood what the Qur'an and hadith, and problem solving is the last penalty. Of course, this statement requires that all attempts to take on Sharia Corruption in a society that has abolished the penalty does not work. "For example, trying to firstly, the life of the converter to the environment and solve society's needs and legal requirements And energy and talents in the right way and in all aspects of society underway And definitely good and forbidding the evil, to the resurrection, believers Vanzar and threats of anger and punishment of God, pure and incorruptible society to society and vice leads. [78] (run around in Islamic society is possible and feasible And the implementation of these provisions depends on the circumstances of time and place and circumstances of the offender's life and mental states] The sample frequency of the companions and Khlfa Guided confirm it is [Therefore criminal law is not applicable in any setting unconditionally But also in environmental offenders sentenced to divine that the environment was absolutely divine and Islamic As evidence of this truth comes forth more or less [79]. Wehbe Alzhyly doctor in his book "al Alfqhy and Adlth" for the expression of conditions that include:

1. The law and the Muslim faith.
2. Implementation of the provisions of the Law of God in all political, economic and social.
3. rational and empirical understanding of the benefits of running around.
4. preferred social interest on the interest. [80]

As a matter of execution of the judgment of the Qur'an says, "or Forex Books Alzyn Mnv Alaikum Fmn Alqtly Alqsas Fi Fy Lehman Akhyh artifacts Tba Balmrvf Fa ... [81] holy verse addressed to believers beginning. [82] that is explicitly addressed to a pious society. And even the killer Vmqtvl the term "Akhyh" the brother says. Based on the principle that "enema Almvmnvn Khvhy" The problem of determining the punishment of life in a holy verse La Ytghyr [83] but in Islam, but the victim or the victim's death with Johnny Mkhyr said that the amnesty and others encourage that instead of execution, a certain amount of financial penalties for crimes committed or her parents accept.

and tooth for tooth, and any injury will be punished then whenever someone to charity rather than retribution and atonement for sin, he will be satisfied with the goodness of anyone contrary to what is sentence GOD such anyone row wicked. ". "Valkazmyn Alghyz Valafyn shit Clamping Yhb Almhsyn God." [86] "and that Tfv Qrb Ltqvyy" [87].

In the Muslim religion, repent and return the offender to the community is an opportunity for reform. So that, according to the Hanbali jurists headed Imam Ahmad ibn Hanbal, repentance Muscat knows all about Vqvbat because the Prophet said, "I Altayb Alznb Kmn La Znb crush" repentance from sin is like one who did not sin. (narrated by Ibn Majah, Ibn Mas'ud Tbrayy Vbyhqy) and hadith "Altvbh Tjb our hearts." [88] given that the complainant was estimated based on the discount of any doubt [89] (verb doubt, the subject, the Muscat see or admit to put a death sentence after confessing, as well as denying the hadd (in some cases). Accordingly, the realization of capital Vasbat dogma in the current era is very rare and if proved, too, because of some the qualities of the capital Muscat, in many cases the death sentence quashed.

Conclusions:

Considering the history of the death penalty in different periods of history, we can say that there is a divine religions, including Islam and the imposition of certain conditions [90] And limit circle to a series of crimes, it has been written and approved and should be implemented whenever possible conditions for its implementation.

By examining the evidence and strong proponent of the death penalty to justice and intimidation, criminal and security of society and respect for human life, as well as a deterrent Agree with the spirit of the Islamic Sharia implementation in the interest of human society is LIFE. The execution of punishments in Islam, with respect to the circumstances of time and place and its implementation, is the last resort. For example, crimes punishable by death in the Holy Quran emphasizes that although many ugly and it is folly As God is likened kill kill all the people [91] and to maintain public order and protect the community, the death penalty has been decreed. But on the other hand seems to view as noted lawyer is not merely its implementation As retaliation to the victim's family and has the exclusive right beside the forgiveness invites [92]. Also encouraged to repent of sins, [93] the offender to correct and return to the community and to implement any fear of retribution to Muscat knows sentence. [94]

Given the set of these points, however, confirmed the death sentences of Islam, but the realization of a crime punishable by death and prove that the land is rare.

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