Review of prisons and its and penal policy approach in Iran Law

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ABSTRACT: Imprisonment is one of Islamic punishments that Four branches of Islam are accepted it and elicit it as instances of excessive punishment. Since respect for human rights and changes to the criminal code are important, therefore it is necessary to examine prison from the perspective of criminal Law and criminology and criminal policy. This study attempts to survey prison in criminal Law and criminology approach of Iran. Section one explained general text. Chapter two presented theoretical foundations. Chapter three showed criminology approach of subject and chapter four investigated criminal policy in Iran. Finds show that prison is ancient act to preventing crimes. It developed and changed in conditions and situations in periods of history. Today researcher and lawyer of criminology and societies say that prison is not objective instrument for Reform and rehabilitation of offenders to come back to society as a common man. They attempt to decreasing negative implications of prison and appalling alternative penalties for it.

Keywords: jail, prison, penal policy, criminology, criminal law, criminal policy

INTRODUCTION

Prison is one of the most challenging issues in Islamic law. It is not considered as a major punishment in Islam and prison conditions is very low in the Islamic penal system. Evaluation views of Islamic scholars shows that Prison has a negative aspect to them. Todays, prison is known as the learning University of the criminal offense (Akbari, 2012). Not that protecting civil rights and social security is one of the main concerns of judicial justice system which is considered Imprisonment as a response denial of liberty in many countries. The prison was to amend offenders and prevented to redoes of criminal acts. Theorists assume that it is a scary situation for offenders who avoid the potential criminal acts. This would explain why the prisons are in the world. However, prisons have more social problems. It has negative consequences for the individual and his society (Abbasi, 2012). Prison has created conflicts with the rights of citizenship which has to be questioned its effectiveness in reforming offenders. It has been expected in various aspects and theorists are seeking alternatives for it because rights of citizens are as guaranteed basic human dignity (Meftah, 2008). Penal policy is faced with Criminal inflation crisis in the Third Millennium. It is arises from two phenomena: First, the increased criminalization of extreme physical punishment and prisons. Secondly, prisons could not receive to set goals and lost its correction functions (ISNA, 2013). Some lawyers say prison is the main punishment and it is a major penalty in recently age. Therefore, the legislative policy of the Islamic Republic is seeking to reduce prisoners and its social negative effects. It makes use of alternative punishments to prison and requires all executive agencies to reduce crime. Parliament passed a new law to reduce crime punishable of imprisonment (ISNA, 2013).

Prison in Iranian Law

Law of Iran has used the Law in France and Europe fatherly also; fiqh also plays a key role in the Iranian Law especially after the Islamic Revolution. In accordance with Article 94 of the constitution all laws should be based on Islamic criteria. Communication Law in Iran and France plays an important role in determining the Prison status as a punishment tool. But the question is whether Prison is the best option? (Poor Hashemi, 2001). Many sociologists have expressed Prison has negative effects and social pathology so it’s not the right tool for punishment because many prisoners are confined in narrow space. In this conditions they associated with professional criminals, which makes them learn the higher levels of the criminal acts. Therefore prison is a place to learning Armature offenders. Although Prison break up by age and sex that helps to decreasing crime but it is an inappropriate tool for punishment in the penal system in Iran. Iranian penal code is based on a lot of rules based on Islamic law. The question is whether prison is the right tool for reducing crime. Legislation said that decriminalize the Community is necessary because statistics show that there were nine
hundred civil and criminal law as a crime in Iran that show it is weak penal system in fighting crime. Adoption of authoritative rules instead guided provides criminal space community. If the law is guided then, community moves towards a system and reduced crime areas. It provides perfect conditions for human perfection. The judiciary can reduce legislation that will result in increased prison because is 300 offense for a Prison in current rules. These statistics could increase the country's penal population (Poorhashemi, 2003). In Islam prisons means a place without persecution that limited freedom. It would mean a ban in place capturing free and it's one of the penalties of deprivation of liberty so that the sentence be kept away from society to reclaim. Prison may be due to factors other than crime as a prisoner of war. Some do not know place as prison main axis. In other words, no matter where the person is detained but freedom is denied. Prisons Regulations defines prison as a place where convicts are kept In order to reform and tolerance for certain offenses.

Penology interaction with the criminal law

Criminal law is a matter of interpretation of the law in connection with the constituent elements of the offense and the penalties (Noorbaha, 2012). Penology reviews Punishment and way it operates. Penology and criminal justice are common issues about penalties except that in criminal law Penalties are examined from the perspective law but penology reviews their philosophical approach. Some of these changes may cause improvements in the legal system. The changes the field of penology provides for criminal law reform therefore, the use of alternative punishments Prison could reduce crime. Article 64 of the Penal Code states that if complainant forgives offenders then Act confirm that's pardon Based on crime, age, and type of offenders. To this should be not done in determining the sentence extremes. Article 65 states that if the perpetrator has intentional crimes punishment is Prison for three months then the judge can determine alternative sentences to imprisonment Article 66 states that they have 91 days to 6 months imprisonment for an intentional crime can be replaced without the penalty Prison. Article 70 states that the court can determine sentence length. Article 73 states that intentional crimes with more than a year in prison if less than a year off the court; it can make use of alternative sentences to imprisonment. Sentence is stated in Article 22 of the Penal Code and the court cannot convert it to that appropriate punishment. The text of Article 22 states that "the court can". It means that court does not obligate to convert the penalty. In cases where sentence is discretionary punishment the court can then make use of alternative sentences. In Article of 25 to 36 legislators has been suspended with certain conditions. Note that the only deterrent penalties be suspended. The legislature stated that there "may suspend all or part of the punishment." Looks suspended sentence is the best (Justice Law Journal, Volume 38, p 136). Alternative penalties are appropriate under Iranian law. It can applied for prison depending on the type and circumstances of the offense so age, family conditions, living conditions consider alternative sentences to prison and it was should be last resort punishment.

CONCLUSION

The prison does not seem efficient, and the deleterious effects outweigh the benefits and resources for its implementation therefor it is predicted suitable alternatives to prison. Until these alternatives could eliminate the deleterious effects of punishment of imprisonment (Poolak, 2001). Punishment is imprisonment of Islamic jurisprudence, which is expressed in Islamic Fiqh. It is as discretionary punishment. If the law is based on Islamic Law then there will be not a large number of prisons and prisoners in Iran and those who would commit a mistake the first time we are pardoned according to Islamic compassion. Islam has ordered prison should be a place for reformed convict. Sentence does not have the breadth of current systems of the world Prison has a negative impact on the world of crime.

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