

Review Pastoral Reasons of Imami Jurisprudence and Legal Developments in the Iranian Penal

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Abstract: Systems evidence and criminal judicial system are in order to fight the three classes. The legal arguments are the reasons of conscience or moral reasoning and complex systems. In the Islamic Republic system of incriminating evidence with regard to the principles of Islamic Jurisprudence of the complex to justice corresponding to the truth and judge invites a special place, but on the interpretation and implications of the different instances of the bill and the expansion of the face. The truth is that you can only judge to provide legal evidence in most cases, due to the variety of techniques and tools of crime and criminal intelligence and new technologies are proven guilty. Tools and technologies prove the crime is actually a toy creation of the UAE that can judge judicial provide the means and check these tools are necessary comprehensive definition of the nature and cause of the judge and examples.

Keywords: The spiritual reasons, judge, proven technology crime, Islamic Jurisprudence, Law

1. Introduction

The need for social security and welfare of the citizens, especially those living in the era of crime and crime prevention work in the community and in the second stage of the event, and the criminal fair deal Karan misdemeanor. Functions of the judges and the officers' rights of the parties, especially the victim and community stability, security and general welfare depends on preventing and dealing appropriately with criminals and crime is conservative. Due to the increasing development of science and technology, criminals are committing crimes themselves are the product Human creative mind and the tools and techniques of new and emerging forms of crime to take place. The investigation of these crimes and criminals inevitably is proven tools and techniques necessary to appeal to the evidence that the judge in the attainment of truth contribute. Therefore, use of technology and tools, although not as explicitly religious language and the emerging evidence, however, we find that the rules of traditional rational study of jurisprudence, recognize its

validity. But the evidence (copyright arguments) can be regarded as proof of the account and the positive case or not, the subject of the research. The courts generally two approaches can be seen in the face of evidence to prove the case, of the courts to adhere to the reasons for traditional (main evidence) evidence and case examples, and considers the possibility of developing an authoritative interpreter of evidence (see, confession and oath) or that are instances of the widespread assumption of incriminating evidence, tools and methods of the evidence the instances of supplementary evidence (evidence and judicial Emirates) are considered notable, recent perspective view of knowledge about the intersection between law and jurisprudence that some of the subject's right clamping and to fight crime and distinguished and emerging evidence in the clamping proof of the truth of God knows invalid and thus the authority to judge the impact of the law count. The author also knows the right words, to boost the recent theories discussed, which hopes to quote close to the right hand.

Totalities and Conceptions

Reason Definition:

Because research is therefore appropriate that the moral arguments for and types of lawsuits and fines know.

It is used in many scientific disciplines have long existed in the definition of the concept first and then the literal definition of the term. It is used specifically between the scholars, which is a lot of benefits rights as well. These include the definition of the word in the definition is effective in most cases. Because according to the principle of "non-transport" the principles of is, when in doubt of the meaning of a term, the principle of Lack of transportation and the literal sense, because in the words of war craft discussion it is assumed that if the holy lawgiver or legislator, meaning other than the literal meaning can be considered, it was explicitly stated its intention, or at least based on the symmetry of the situation. (Katuzian, 2001) Another advantage of lexical definition, facilitate learning vocabulary through word meanings they would be at the beginning. So we first define the word addressed to the definition, then it follows.

The literal definition of reasons:

Triad single Arabic word for the verb "hearts matchmaker" and the weights derived means the subject is. So because of "evidence", and is meant to guide, lead binding, indicative of is leading. Sum due is evidence.¹

A variety of reasons:

This part of the discussion in the context of criminal law but pay less attention to the importance of the research discussed in more detail the author to be allocated to.

Evidence to prove the case can be divided into various credit agreements. Segmentation and recognition of the many

benefits a variety of reasons, some of them are also essential.

Evidence fighting systems:

The importance of the issue here is that, given the number of types of evidence, the court must approach these reasons, mainly because the courts are in place?

Fights reasoning systems are divided into three categories which include:

Legal reasoning system (adherence to legal reasons):

In the system evidence legal are reasons enumeration by and the exploring by are and the value the reason by the legislators specified by and the judge right violation of this matter of this system is role judge one role passive.

Free or evidence of moral (moral persuasion judge):

In the open or moral reasons enumeration by are not and the to the authority judge. Value the reason to judge specified and the each reason that judge to the contentment conscionable transparency is important and the authentic in this system hand judge for the study the reason open. Judge for the discovery fact research and the role judge in the array the reason and the office the reason to the fully active.

The complex arguments:

In a complex system in some cases there are legal arguments and in some other cases free reasons or because it is spiritual. The laws of the ruling system are almost the same about the legal arguments and moral in the crime persuasion systems judge ruling. (Golduzian, 1995 and Akhundi 1989)

Judge of the criminal law:

The researcher explained the main topic of research is necessary to prove the crime spiritual homeland of the main reasons the judge thought. Why the authority of the spiritual meaning of evidence will be of the judge leading, the judge's knowledge of the validity of the why the main focus of the research.

1 - Almonjedo Fi Loghat , The following words " Dalla», First derivative

In reviewing the evidence to prove guilt, which was studied in detail, knowledge of the judge is of particular importance in the law and regulations. As far as Article 211 of the penal code Act 2013 Judge is to ensure the necessary documentation that comes to him but since the main source of laws, jurisprudence. It is necessary to judge the quality and scope of the judgment cited, according to which the legal agreement to be investigated. Why judge with respect to the writer Traditional arguments to prove the case, as Binet sworn confession and public relations, and the absolute and traditional arguments are part of the judge and the knowledge of the case may be other means such as Emirates and evidence is also the result of research now.

Credit judge of the criminal law:

Since the Islamic Republic of all laws and regulations pursuant to the fourth constitution of civil, criminal, financial, economic, administrative, cultural, military, political, and other must be based on Islamic criteria to prepare legislation comply with the standards Islam, after the establishment of the Islamic Republic of Iran with the knowledge required to pass a law about and the execution of its provisions and the law amending the law on criminal procedure act of 1982 Fundamental changes in the law and subsequent fines and penalties based on Islamic principles of criminal law and criminal proceedings to provide Iran. The caused changes, on the judge Under Iranian law was predicted because of laws passed before the mention of the judge no. of article 260 of the code of criminal procedure amendment act, legislation that despite the subsequent proceedings are including the public and revolutionary courts in criminal procedure code act 1999 and the reform of public law and courts 2002 has to remain, provides: "in general, criminal and crime, report writing, court officers and persons

who have been appointed to investigate criminal matters as well as the statements of witnesses and experts are valid as long as officers and experts and witnesses at least two people are righteous unless the contrary is of absolute justice."

Penal code enacted in 13 of 92 in the fifth chapter entitled judge in articles 211 to 213, judge as well as general and in specific cases to prove the crime, is considered valid. Law Islamic penal code article 105 of the ex- 1991 said the judge "can act against God and his knowledge of the divine right of the current clamping and be sure to mention the science documentary. Implementation of the right of Allah stopped to ask someone, but the clamping run limit stop is at the request of the copyright owner") represents the scientific validity of the judge to prove all crimes, including crimes involving about, retaliation, sanctions and deterrent penalties. In addition to proving the crime of sodomy, lesbianism, theft and murder in Articles 120, 128, 199 and 231 of that law judge as evidence of a crime is considered valid. However, the act 2013 In chapter five, which was referred to judge other than Allah, and the right of clamping valid and preferred over other evidence.

Principles and examples of moral reasoning

This chapter of the study, the cost If the issue is controversial because according to what was mentioned in earlier chapters, the need for spiritual principles and examples of evidence are examined.

Spiritual reasons Penal Code Act 2013:

Article 160 of the penal code Act 1392 registration as evidence of the crime is the judge in the next confession, testimony oath spoken. Since the legislator in this matter at the registration office for criminal matters, the question the reasons for such restraining Justice report, expert opinion, examination and research community, what position in

the system of criminal evidence? The answer lies in article 211 of the legislator of the above analogy to cases such as expert opinion, local examination local research, informed statements, reports and other agents do contexts and the UAE, as well as documentary judge has noted.

A new addition to the legislator in article 211 of the concept of "persuasion conscience" judge "certainty" and judge the judge changed the "certainty" of the documentation of the matter is that the judge asks , such as the "documentary" of science as it is an integral described in article 212 of the best and strongest reason why declare that no conflict with science documentary twists and if the judge does not judge the conflict with other reasons still remain documented, are the other reasons are doomed to absurdity. So because of the judge, in the sense that it has no legal relevance is even reason, should not be inconsistent with science documentary judge In case of conflict with science documentary judge, sentenced to nullity. Article 161, the last part of article 171 and article 187 also demonstrated it. In this way the relevance of the document cannot conflict with the judge's knowledge and such there is no reason to keep the conflict with science documentary judge is still valid. But for some reason need not conflict with scientific evidence, the judge does not judge the necessity of education for. In other words not contradict the need for the judge, as required creator of There is every reason to judge the validity of any reason it is not subject to the rise of science and there may be a reason to not make the knowledge to judge the validity of evidence is vote. The judge in the event that science does not explain grounds the legal and regulatory matters and eligible voting issue. The reasons for the quality of its relationship with the judge on three categories: the first category of documentary evidence that the

judge conflict. For this reason, in any circumstances, even if the relevant they are subject to invalidation.

The second set of reasons is envisaged in article 160 and if the relevant legal and regulatory requirements, are documented to vote, whether or not they are a source of knowledge. The validity of these reasons, it is subject to the creator of the science though originating is usually judge. This article 161, article 171 tops, article 175, 187, the last part of article 211, the last part of article 212 is inferred. The third category is the reasons for their validity depend on the source of their knowledge. The reasons for the judge and the judge in cases where the evidence to his knowledge is as citations use reasons of their authority to makes.

So for these reasons and documentation is not in itself evidence of their great knowledge of the subject. The reasons are exploring in this category are not the reason as allegorically legislature by the note of those of the 211th Most of us are more commonly referred to. Articles 162, 176 and Article 212 are documented in this article.

Emerging evidence incriminating:

In this line of research has noted a number of instances of the target should be noted that all these tools are valid when the courts of that the experts approved passed already.

Coroner:

Forensic medicine in ancient Persian in Arabic "religious medicine" and the West medicine legal That said, the blood testing and fingerprinting operations specialists, focusing on people and burned their clothes in order to recognize the relevant factors and ammunition and to understand the origin of the guns rock to the Test also etc. which may be charged to clear footprints are doing. Today forensic laboratories in different countries and schools built. (Biazar Shirazi, 2008 49)

Article 136 BC A D. An approved 1993 Iran provides:

"Examination of the bodies and injuries and signs of loss and damage to physical and psychological injuries and other medical examinations and tests, Judge of the coroner trusted invites"

The Article 132, If the judge does not reveal the identity of dead bodies and symptoms and characteristics of his fingerprint clearly stated in the assembly and, if possible, the order of the photo. Then it considers suitable for the identification of the deceased by any means will act.

Therefore, coroner necessary for specific cases and should be invited to perform technical accuracy issues have been asked to comment.

The primary issues for the coroner about the people affected and the victims of crime is they are alive or dead. If you are alive, measures to help save lives, and if he's dead, they are to examine and evaluate the various bodies (Gudarzi, 1998).

Finger Prints:

Fingerprints at crime scenes access to a variety of reasons, one of the most valuable material is a crime, and recording the follow certain technical principles of an important task of the police there. Fingerprints are to prevent fading of covert and overt finger to identify and to assess the technical specifications of the record. Uncovering latent fingerprints at different levels, and thus help to identify they are important actions of the police (Nejabati 1999).

Conclusion:

Jurisprudence and legal issues in the study of complex and interrelated series of arguments to prove the offenses mentioned became clear that only in the traditional reasoning is not a lot of cases evidence of the legislature considering the known emerging although on due to having their names are not mentioned in the legislative period. What about the judge and the

subsequent discussion it was mentioned, the order of the judge, in certain philosophical epistemology, not common knowledge of the arguments and statistics that some of the prevailing suspicion, suspicion science, certain normal and interpret. But what about the position of judge must say: quote authority to judge the validity clamping and closer to the truth is the truth. Finally, the law fine Islam arguments proof quarrel of the position assimilation have not (according to the distinction between right and right clamping God) in law divine with the attention to the current normative like principle covering and the crime blind rule and arguments proof of "relevance" there, the meaning that occurrence crime it should of the way arguments of the ago determination by the lawyer holy to the proof reached. However, in the law clamping to reason importance it; arguments proof fight "credo" there and the judge can whole way as in the study mentioned for rights usage.

Reference

1. Katuzian, 2001
2. Golduzian, 1995
3. Akhundi 1989
4. Gudarzi, 1998
5. Nejabati 1999