

Fines Collected in the Laws of the Islamic Republic of Iran

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Abstract

The fine collected in public and revolutionary courts in matters of criminal procedure article is not mentioned so; the first arrested in the investigation into the fine has been studied. In the second part of the fines into custody disadvantages of each separate issue that has been discussed and are followed by legal scholars. Collect fines and jail terms, and general finance discussion, I hope that the study of law suits and legal to do.

Keywords: Cash fine predicted, Collection, Terms, Detention, Financial Condemnation.

Introduction

No doubt the safety and security of society and individuals rights is the essential criteria. The lack standards and performance criteria, and guarantees the security the society and its violation of human rights of individuals.

Humanity today that is has all the rights and freedoms only when it finds a meaning that due to a enhanced criminal justice system, fair and impersonal, no person, authority or organization fails to comply with rules and regulations willingly and without legal persons, the right, freedoms and privileges denied to term.

Get to death, according to the legal provision of the sentencing act 1999 financial recovery fines to other solutions (even more) can be used, and the detention of the accused is impossible to pay fines (The law development of a property condemnation of Iran, 1999).

Part I: Arrests made from fine

Judgment enforcement or execution of sentence is the exploitation of the criminal proceedings. Lack of strict enforcement of the sentence is not even associated with a correct procedure. Well-advised destroy all efforts of the criminal actions authorities, and thus ruin the returns (Akhoundi, 1991).

The financial execution of the sentence passed on 1999 mature Parliament, one of the most important laws enacted after the Islamic Revolution.

Article 1 everyone is under a court order in a criminal case shall be sentenced to pay fines. Infusions of money from it and not lose his faith exceptions, judge orders issued warrants for every fifty thousand riyals, or fraction of a day is arrested. If the sentence is a sentence with, Into custody from the date of completion of the sentence starts fine and The maximum term of imprisonment provided by law for the offense shall not exceed any maximum period and a fine not to become shall not exceed five years.

Clause the amount of material in proportion to inflation every three years Approved the proposal of the Minister of Justice and Judiciary Adjustment of the warrants issued in the year, Will be binding (The law development of a property condemnation of Iran, 1999).

So how to use this rule are:

1. Conviction to a fine shall be punished in accordance with the court order. After a fine in the hundreds of municipal authorities or agencies non Justice suppose Commission or the Commission determines to be of such, Sentence is not convertible.
2. A fine or a fine to imprisonment, the Report of Enforcement, will be sentenced by the Tribunal, but the precedent has interpreted the court order issued.
3. Sentenced to pay a fine, no religion, no exceptions and no funding is unable to pay its, But the question seems to be, is that the judge issued the order can be refused or helpless, doomed against the exemption from payment of fines? (SerajRezaei,2006).

The judge issued the warrant or other authorities can't sentence shall be exempt from the payment of fines, Although Article 2 of the 1983 Act, the Justice Department had the authority to fine the convicts had a history of repeat offenses and fines were paid money for, Request of the prosecutor and executioner against the prison sentence imposed morality and behavior may become exempt from fines. But Posterior law is passed to Article 7 of Law, Law on the execution of sentences Financial Act 1983, has been abolished.

However, the new law has been enacted to regulate the particular sentence to be deductible against taxable. Even split is not expected fines (Nvrbha, 2001).

However, the exemption does not newly enacted legislation the law, but through the powers of the Judiciary and the former leader, the people can be eligible for amnesty.

However, in order to avoid being convicted of the arrest, fines, according to the circumstances of the crime and the defendant's income and expenditure is, is more reasonable. But the Supreme Court made the penalty of detention has the right to suspend the death penalty?

According to Article 25 of the Penal Code Act 1993 the court can sentence on all convictions and dissuasive penalties in accordance with the conditions of all or part of the suspension of two to five years and According to Article 27 of the Act, the penalty of suspension of sentence would be issued. So when the judge ordered the arrest by refusing to pay fines issued, the ability to suspend a ruling will not be, But the court held that the fines previously issued and it was not the penalty be suspended and Now the collection will not be suspended(Mansour, 2006).

Another question is whether the subject matter of a sentence of probation set forth in Article 38 of the Penal Code Amendment Act 1999 has?

Because the criminal law should be interpreted in favor of the accused and there is no prohibition of probation that can be used, after enduring the penalty becomes half the length of detention, in accordance with the terms of Article 38, there is possibility of parole.

Virtue of Clause of Article 1, Amount mentioned in this Article, according to of inflation every three years, as proposed by the Minister of Justice and approved by the Head of the Judiciary and the modification is issued sentences that year, will be enforceable.

But the former law (Former The law enacted in 1983) such data was not anticipated to increase every day detention. And 1999 years before the new law, if the amount of heavy fines would be condemned to remain in prison for years, because, 500 thousand Rials amount per day, according to recent inflation was modest. (Najafiabrandiabadi,& Hashmbygy 1999).

Noting that article 1 we see that the first sentence are allowed court or judge shall be taken against the fines Or will initially have access to research and work on his own place and If funding is not available, the penalty of imprisonment shall become.

Some legal scholars argue that the trial judge held that the matter of property research for education to provide or otherwise detained, fine condemned suggest that and because it represents the government's argument that the adoption of this article and According to a representative government, he said and emphasized that the court is authorized to implement this is derived that The judge issued the order to report to prison are allowed sentenced to fines or to attempt to access his property. Opponents believe the theory is given (Zandi, 1998);(Najafiabrandiabadi, & Hashmbygy,1999).

Section II: Arrests made Disadvantages of fines

Fines generally milder in comparison to other modes of punishment are the best means of reducing the deleterious effects of short-term imprisonment on offenders has happened. That have a history of crime and offenses against these laws have been milder reaction (Nvrbha, 2001);(SerajRezaei, 2006).

Islamic criminal law, criminal Noting the current divisions (about, retribution ,Dyat, Tzbrat and deterrent punishments) fine place in the last two categories (suspended and deterrent punishments) fine place in the last two categories) suspended and deterrent punishments and Primarily about punishment and retribution and Atonements (Dyat) nowhere to be found.

But it can be rightly said that the prison term, most legal scholars is that the benefits are far greater than its disadvantages. Then the penalties would have been compelled to issue the warrants are, In the alternative and more efficient than other measures that it hopes will feel, Of its implementation should be avoided(Zan, 1989).

In Iranian law, the legislator has tried the minds of the criminal justice and criminology from the penalty spot, rather than imprisonment, particularly to take advantage of short-term imprisonment. Formulation and adoption of these rules can be adopted in Article 22 of the Penal Code or Article 3 of Act 1993 the receipt of government income and consumption in certain cases approved in 73 points.

Prison system has basically become disadvantages of fines that can be implemented as follows:

1. The pressure on the affluent and the poor people are not the same, so it is not consistent with judicial fairness and justice.
2. Sometimes prison warden with his family member dependent manner with financial pressures, moral and social being.
3. Sometimes the fines are paid by the third party that the person original philosophy of punishment is to reform and punish offenders, are in conflict.
4. The implementation of such a method, not only the fine is not paid to the state treasurer, but against jail sentence, costs will double this nation. Sentenced to a prison term because of the inability to collect fines, jail costs may be imposed(Zandi, 1998);(SerajRezaei, 2006);(Ghorbani,1995);(Ghorbani, 1993).

Discussion

In the development of financial conviction, be noted that the legislature has ordered everyone to come and pay a fine or sentenced to jail funding fails, is arrested. The sentence was intended to avoid a fine. After the arrest of lawmakers could instead leverage other solutions possible , and turns in favor of the government against the death sentence to be crushed ,to use.

Resorting to incarceration, thereby impairing the dignity and pride is a human situation, because, the sentence fruition but shaken and humble personality of the person or the place does not; On the other hand, human dignity and self-esteem of Muslims and Islamic moral principles which it is stressed.

Therefore, in order to avoid arrest against the accused instead of fines, penal policy today has provided recommendations in this regard; Such as the fines according to the circumstances of the crime and the defendant's income and expenses to be determined. The Quran in Sura "Baqara "verse 280 it is determined and stated:

"If you're a creditor who is indigent, to give him time to be rich".

So it is fitting that the Islamic Republic of Iran is based on the individual freedom with responsibility, (Article II, constitution) and Islamic compassion ,preserve dignity and Muslim, who joins his conviction for failing to pay money does not arrested.(Constitution of the Islamic Republic of Iran).

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