

# Legal Response to the Destruction of Cultural, Religious and Historical

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## Abstract

Now, certainly, we know that since ancient times, humans experience their own personal and work them into forms that our cultural, religious, historical know have reflected and also know that it works, and plays an important role in human social life. Cultural, historic and religious monuments in the definition shooting, said: Construction works and objects that are placed on them due to the relatively long time interest in history has a nation belongs to them, cultural, religious, historical, say.

In this research, the legal response to the destruction of cultural, historic and religious studies, which have included the following cases: Part I: Defining cultural, religious, and historical examples of it, Part II: cultural, religious, and historical background, Part III: Cultural Heritage, Part IV: cultural, religious, historical association and dissociation with the heritage – religious, Part V: The ways of identifying cultural, religious, historical.

So, must be said that the cultural, religious and historical heritage of the people who understand the law and the media to inform the public and appropriate legislation should be prevented from destroying them.

**Keywords:** Destruction, cultural relics, religious, historical, legal reaction.

## Introduction

Cultural, religious, historical discoveries, including works by the great civilizations has been telling us about their lives makes. It works of and knowing their way back into the past and learn to live with their parents and ancestors of a land. "Cultural monuments, religious, historical are always available and there will be considered eternal and fundamental for human

well-being. The effects of human experiences that have shaped us are aware of the values look and enjoy (Vaziri, 1991).

Cultural monuments, religious, historical, and the spiritual message of the past will reflect on the life and speech of ancient traditions are alive today (Masumi, 2010). Humanity dignity and worth of every human being will understand more, it would work as a heritage of all people and knows the necessary steps required for restoring and maintaining the works and property, they leave to future generations the greatest originality.

### **Part I: Defining cultural monuments, religious. They Historical examples:**

Construction works and objects that are placed on them due to the relatively long time interest in history has a nation belong to them, cultural monuments, religious and historical say (Langeroudi, 2010).

This effect is ranging from movable and immovable, such as coins, porcelain, statues, inscriptions, streets, mosques, monuments such as Persepolis and others. "The effects are divided into national and religious groups with experimental methods (techniques) and research and scientific studies, the research will be identified." Technique "which involves the drilling operations and" research "also includes the study of cognition and culture and ancient civilizations (Ayrt, 2011). Cultural monuments, religious, historical buildings and objects refer to all that has been created for the interests of religion and belief and in the outside world, which have their own values. All effects of the industrial heritage, monuments and places of the country until the end of the Zandieh dynasty built ranging from movable and immovable, is defined as (the law concerning the preservation national effects of Act, 1931). By definition, national effects of, including buildings, structures, or objects that have been identified since the Qajar then, is not.

The definition of the national legislature actually authorized by the former Ministry of Culture had improved and record all the immovable effects of history and national dignity are important and regardless of the date of creation, with the approval of the Ministry of National Monuments are considered, the criteria is used (The single article effects of the National Registration Act, passed in 1974).

Other types of historic property that are popular are antiques; "A law enacted in 1980 about the unauthorized excavations of" is defined in Section 3 of the antiques property: "Property, according to international rules, a hundred years or more have passed from the date of creation or manufacture". The property against the amended law on the preservation of antiquities, movable and immovable is divided into two groups. Article 1 of the resolution, law and the preservation and restoration of cultural heritage ", approved on May 31, 1964, "Architectural monuments include not only made known, rather, urban space and landscape that saw the speech of a particular civilization, a marked change from a historical event, such as is known. This concept is not only a great architectural monument, rather in the case of small

buildings and an architectural effect of that has taken over the cultural meaning and is also used (set of rules, regulations and circulars, 1990).

## **Part II: cultural monuments, religious, and historical background**

Different nations and tribes that have lived in the history of human social life, works like inscriptions, utensils, tools, fixtures, places and ... Instead of themselves have that are valuable treasures and relics and documents as the cultural, religious, and historical and research scientists are studying the issue. Existence of this appears to be less valuable piece of pottery, a work written in stone, and so on, in terms of archaeological science can be of great importance. Therefore, this works can help maintaining a more accurate understanding of human life in the past.

In the religion of Islam, underscored the importance of works of the past and the future can be considered as a tool for learning. For example, the Quran says: "Do not go on a journey to the land of his ancestors while they last much longer and stronger and are more influential in the land, to see? And what has gained them (death and destruction) does not protect.

Imam Ali (AS) says:"pathway, remaining of ancestors, for you will learn to meet them" (Ali, 1993).

We also have a correct understanding of the important works of preserving the past legislature, in addition to the established organization order and the criminal provisions such as stealing, buying, and selling out the country, destruction, mutilation, and illegal possession ... Cultural, historical and religious prohibition on and prosecution punishment of the perpetrators knows. The former General Penal Code, Articles 127, prohibits the destruction of the historic, cultural was dedicated. Also in 1931, a law entitled "National Monuments Act" was enacted in this Act, and works of the remains of buildings that were built in the early Qajar period, the National Monument and their destruction crime was considered in 1933, "amended a directive for the law on the protection of antiquities," approved by the state board. In the years 1969 and 1974, legislation was passed in this regard. In the past law, former Ministry of Culture was allowed to work on those national and historical values regardless of their creation date, the number works of registered national reach which aim to prevent unauthorized drilling and exploration to acquire antiques and historical works. In 1985, the law 46 and 47, punished, suspended was devoted to this topic. Finally, in 1997, the legislature of Iran in chapter nine, twelve females and four amendments to the problem of historical, cultural and religious property was destroyed.

## **Part III: Cultural Heritage**

General Convention of the United Nations Scientific and Cultural Organization in Paris in November 1972 to protect the world's cultural and natural heritage state the following: Cultural heritage includes architecture, sculpture or painting of buildings and monuments and archaeological aspects are; Scrolls, caves and the factors of historical, artistic, scientific and religious world are exceptional values; Collection of individual buildings or complexes where

the unique architecture or historical, artistic and scientific value are the exceptions and human works or works, both created by man and nature, and also includes parts of the historical sites, and ethnic aesthetic with exceptional universal value, they are. Cultural labor is persistent and historically formed and they can identify and provide background knowledge and understanding of prehistoric peoples, and this way people can see what a land of their fathers and ancestors have dealt with it, introduced (Pirnia, 1996).

But the proposed definition of cultural heritage, which is defined by Article 1 of the charter of the Cultural Heritage Act of 1986, and it is agreed that: Cultural heritage includes works that represent the remains of past human movement in history, and identifies the possible areas of identity and the cultural movement, he is and thereby provide the grounds for human learning (set of Rules and Regulations, 1993).

In short, we can say that the cultural heritage is: All works of, property values and objects of historical, cultural and religious, and the remains of the past. Cultural Heritage Act 1986 which is made up of citations, that the law and the Constitution Act of 1986 tasked to identify, research, monitoring, conservation, restoration and presentation of works and property and is responsible for cultural objects.

#### **Part IV: cultural, religious, historical, association and dissociation with the heritage - religious, historical**

Cultural, religious, historical or cultural heritage in the cultural meaning are: All scientific achievements - religious, artistic and literary community ever since its formation. But cultural heritage refers to those cultural relics of ancient history that has its own value and the remains of the past. Cultural, religious, historical grandeur and old memories of a shared sense of community and a nation, therefore, public desire to protect and preserve its persistence and dedication does. But the sensitivity to that part of the cultural, religious, historical, heritage, including cultural, religious, historical, out there. Cultural works, religious, historical, in the outside world, but there are the probability that to not inherit if the cultural heritage, religious, historical and heritage aspects are inherited; But the two including a community property objects have value to the nation, culture and religion are.

Since the properties and objects of historical, cultural and religious laws have been destroyed, therefore, they commit a crime and punishable by statute. Moreover, these objects, representing a community's culture and religion in the history of the nations, are expressing their life. Understanding the recognition as a researcher for the past heritage and traditions dating and general culture, religion and history of past nations being provided.

#### **Part V: The ways works of identifying cultural, religious and historical**

Cultural works, religious, historical, two ways can be identified and placed them among the national values considered. The first is based on regulatory approvals. Article first, approved by the National Monuments Act 1931 in all industrial works of monuments and places of the

country, is located at the end of the dynasty, both movable and immovable with respect to Article 3 of this law can be considered part of national works under the protection and supervision of the state; also according to Article 2 of the law, the government is obligated to arrange a list of all national works of and later discovered the cause of this works of, and may attached the works of public regulation will post the list.

Secondly, based on the views of experts and the Cultural Heritage Commission:

Other ways and means to identify the Cultural works, religious, historical expert opinion by the Board, in this regard, Clause 2 of Article 6 of the Executive Regulations and Note 35 for funding the Law of 1990 provides that:

"Buildings and property items that a delegation, composed of experts, selected by the Ministry of Economic Affairs and Finance of the detection of an expert on Cultural Heritage Organization, the case of a person elected to the relevant experts, Unique cases of that particular value or at different times of national art shows and national values considered, according to the eighty-third Iran's constitution to maintain the delivery system is concerned."

But now, following the amendment of the Law of 561, which prescribes punishment:" Identify the nature of the historical and the cultural heritage of the country". Determine the nature of the works of this organization. And in this regard, paragraph 9 of Article 3 of the Statute, the Law of Cultural Heritage in 1990 with the mandate prescribes: "Identification and take possession of any property that cultural value, historical and the cultural heritage is one of the devices that have been recorded by, the organization is responsible."

## **Discussion**

1 - The definition of Cultural works, religious, historical, we can say: Construction of the works and objects that are placed on them due to the relatively long time interest in history has a nation belongs to them, Cultural works, religious, historical, say.

2 - In 1984, the law 46 and 47, punished, suspended was devoted to this topic. And ultimately in 1998, the legislature of Iran in chapter nine, twelve females and four amendments to the problem of religious, cultural and historical property has been destroyed.

3 - Recognition of the legacy of persistent background knowledge for the researcher to understand and explore the customs and general culture, religion and history of the nations is providing.

4 - Cultural works, religious, historical, two ways can be identified and considered them among the national works of.

Shah Allah's legal research and should be of interest to readers and lawyers.

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### Terms

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