

The New Methodologies on Criminology Scientific Seminar for Scholars of the Judicial Law

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Abstract

Criminology investigation, needs to expressing crime and its properties, nature and limitation. In other words, inherently and primarily crime is suspended in incorporation of public and private criminal laws requirements. It is clear that any act or it's quitting or behavior that result in legislator's considering punishment and applying criminal sanction, is explained as crime and is the criminology result. **(1)** This definition is the result of a specific thought in Tradition and Divine laws¹. Along with any title, criminology, recalls specific explanation, however in general, to legislator's opinion, inference is affected by attention to special principles in considering an act as crime and in Iran's criminal law, and this assumption is according to Islamic generalization **(2)** and its resultant Islamic Law. Criminology is known as a process according to which legislator prohibits an act or its quitting and applies criminal sanction on it by considering basic social norms and values and based on his accepted theoretical bases which are affected by a specific doctrinal system. **(3)**

Keywords: Crimes, Criminal policy, Criminal law, Principles, Crime and Punishment

Introduction

In researcher and author's opinion, criminology science is a subsequent affair and is based on infrastructure sciences such as philosophy of law, Political Philosophy and social sciences. Therefore, criminology is based on concepts like morality, rights, justice, and power and finally liberty and its resulted aims superintend government's perception of behaviors contrary to certain social norms.

Bases of Criminology description Theories, according to its various effective views, In Contrast with the idea and theory of criminal policy, is challenged and typically reprimanded, since contrary to popular thoughts, in criminology, the criteria is for criminal policy and Punishment requirement and is not affected by primary components of criminal policy which have specific preliminaries, posteriori ties and results**(4)**. Thus, in this article we explain the ideas of criminology and its result (Punishment); in addition, we consider the possibility of Criminology conflict or interaction with criminal policy and present accepted criminal policy effective to criminology (Although some believe vice versa), since our belief is that wide area of reasonable

¹, Islamic Jurisprudence

criminal policy which is consistent with the position and structure of a society, can change Prescribed discipline, view and The criterion of legislators in criminology.

Hypotheses

1. Iranian legislator adhering to the constitution, stabilizes criminology hypotheses on the Islamic theoretical basis and doctrine and Islamic Law **(5)**.
2. Criminology is a function of the Ideology type, which on which government is based and manages the society, thus its theories can fluctuate from religious ideology and liberal to Communist.
3. Criminology is based on absolute punishment and should be considered equivalent to criminal policy, therefore explaining methods from criminal policy “**e.g. civil, juridical, mercantile, and violating**” does not inherence with criminology.

Objectives of the Article

What is the Iranian legislator's perception of causing a punishable **(5)** behavior and in other word of criminology? What are the theories and systems governing criminology? Finally, does criminology have conflict or interaction with criminal policy? **(6)**

In this regard, I mention the following cases

* Rob White and Fiona Hins write about criminology: criminology or juridical crime consideration of an act or its quitting, is a process in which new behaviors are included in criminal law because of penal codes” conversely, is decriminalization that is removing criminal label from an act or behavior**(7)**”. However the question is that who legislates and why and whose benefits are reflected in it? **(8)**

Raymond Kesner believes that the question why criminal behavior occurs has long been considered. He also believes that all human societies and groups have their specific norms **(9)** which have been created with certain continuity in a long time, laws which disobeying them is punishable**(10)**.

Keyt Still believe that crime was the result of labeling, and labeling theory evolutions were certainly effective in criminology assumption **(10)** and criminal justice institutions like the police who has the ability to label different types of behaviors and certain groups of people. **(11)**

In opinion, crime, gaffe and subsequently punishment, was created from the appearance of human beings and this first crime is mentioned in Codex’s for byword. In his opinion, God has explained ways for humanity reformation by prophets, and the last treatment of crime is legal treatment of crimes and their punishment that is for eradicating crime and finally reforming the criminal. Thus, legislation is exclusively God's right and in this way, in Islamic criminal laws, divine regulations and consequently Islamic Law affect criminology and the result is justice and divine mercy. **(12)** in addition to explaining school of social reaction writes, in Anglo-Saxon countries in which the police have many authorities , abusing this condition can cause labeling and crime repetition. **(13)**

That crime is not an inherent and natural concept to be same in all societies, therefore in different communities and eras, different actions might be considered as crime. In this way, the significant social problem is that in a specific society which positions, with which qualification and for maintaining which benefits and how criminate some acts and punish. According to "Becker", crime is referred to the actions that have label and in every society, it should be investigated that which factor or factors have the qualification of labeling these actions. **(14)** Jamie S. Martin **(15)** believes criminal policy consists of set of methods by which society commission organizes the answers to the criminal phenomenon. **(16)** That defining, expressing, executing and applying criminal sanction is from the authorities and inherent rights of the government and public powers support the social interests and criminal values by resourcing to this hypothesis. He considers punishment and its different forms and the way to apply it, an indication of nature and criminal policies strategies of a government.

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