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Practical capacity of restorative justice in Imamieh jurisprudence

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Abstract

Restorative justice is the result of one of the developments in the attitude towards criminal justice and crime-mindedness. The purpose of this study is to describe the functional capacity of restorative justice available in Imamieh jurisprudence through descriptive-analytical method. With the introduction of the Imams and the description of the traditions, practical traditions and practices in the tradition of the Prophet and the Imams, there are significant capacities of restorative justice in Imamieh jurisprudence, which include amnesty, peace, tolerance, and Compassion, intercession, repentance, reformation of nature, and so on, that one can use all of them in settling disputes.

Key words: Applied Capacities, Recovery Justice, Imamieh Jurisprudence.

Capacidad práctica de la justicia restaurativa en la jurisprudencia Imamieh

Resumen

La justicia restaurativa es el resultado de uno de los desarrollos en la actitud hacia la justicia penal y la mentalidad criminal. El propósito de este estudio es describir la capacidad funcional de la justicia restaurativa disponible en la jurisprudencia Imamieh a través del método descriptivo-analítico. Con la introducción de los imanes y la descripción de las tradiciones, tradiciones prácticas y prácticas en la tradición del Profeta y los Imames, hay capacidades significativas de justicia restaurativa en la jurisprudencia Imamieh, que incluyen amnistía, paz, tolerancia y compasión, intercesión, arrepentimiento, reforma de la naturaleza, etc., que uno puede usarlos a todos para resolver disputas.

Palabras clave: Capacidades Aplicadas, Justicia de Recuperación, Jurisprudencia Imamieh.

1. INTRODUCTION

The issue of justice has long been one of the most important concerns of mankind and divine religions, so that the fulfillment of justice and justice can be regarded as one of the greatest goals of the prophets of the prophets and the establishment of the divine religions. From the jurisprudential point of view, justice plays a major role in various aspects of human life: from the imam to the

imitation of Islam and the imitation of the great Islamic society, all are subject to justice; the Islamic judicial system revolves around the justice of judges and witnesses, and in general, in many cases jurisprudence, worship and transactions, and justice play a pivotal role. Therefore, the jurists of the Imam Khomeini have recognized the concept of justice and clarity of their definition and have complained abundantly; however, they have not yielded a single result and presented different opinions; some considered justice as a queen of the senses; some said justice was not queen, rather, it is self-extermination, the fulfillment of obligations and the abandonment of secrets, without being a documentary to the queen. Others have considered justice as Islam without the emergence of deviation; that is, if one is a Muslim and does not appear to be extrinsic from abroad. He will be judged by his justice; the collective has considered justice as well. Some scholars of science use the word justice as equivalence and equality, and it means endurance, that is, right and right. There are different types of justice in this regard, which is considered by the Imamieh jurisprudents as remedial justice. In the present situation due to the lack of use and practical application of Imamieh jurisprudential sources in law and even occasionally the use of the misleading teachings of others has led to a deepening of claims. In order to solve these claims, referrals to jurisprudential sources can largely cover these claims. To solve justice and to establish justice in society, thus not only the offender will be punished for his actions, but the victim also deserves his rights due to the implementation of restorative justice. The result is

that the jurists should work with lawyers and use practicing the jurisprudential doctrines in expanding the restoration of claims to think about the solution. Regarding the background of the research, it should be noted that although over the past few years attention has been paid to the issues of restorative justice and its processes, both scholars and jurisprudents have come to the fore, but it can be argued that it may be for the first time that restorative justice in Imamieh jurisprudence will be examined.

2. CONCEPTS, GOALS AND OBJECTIVES OF THE SOURCE OF RESTORATIVE JUSTICE

2.1. Restorative justice

Justice in the word means moderation, the middle ground between the two extremes, Equality and Balance, putting anything in its place, the middle ground among the extremes, there is equality and equality. Some jurisprudents believe that justice in jurisprudence does not have an independent meaning; it is used in the same literal sense; for example, the late hoei (1982) says: "For the sake of justice, neither the truth of the law has been proved, nor the truth of the law, but justice (In the Shari'a) in the same literal meaning, that is, the correctness and lack of alignment and deviation" (P. 18). In contrast, some jurisprudents such as Sheikh Tusi and Ebne-Edriss state:

“Justice in the Shari'a has a religious truth and in Sharia, it is everyone who has been just in his religion, just in his life; just in his judgments” (hoei, 1982: 17). The owner of jawaher also said: "Even if we do not believe in the truth of the law about the term justice, it is undoubtedly realized in the permitted law and this amount is sufficient to prove the religious meaning contrary to the lexical meaning”(Najafi, 1998: 10). Although from the beginning, it seems that there is a balance between the legal and the legal meaning of the word justice, but reflection in this case shows that justice in jurisprudence has a specific meaning and contradiction with meaning Lexical It is noteworthy that this term is used in many cases with constraints such as "social", "criminal", "restorative", and so on.

Restorative justice is a process by which all persons involved in a criminal incident are gathered to reflect on the effects and consequences of the criminal and prosperous actions of the victim and the community after the crime is committed. Providing a comprehensive definition of restorative justice is not easy (Abbasi, 1979, 88). Because restorative justice has a fluid and flexible nature and includes plans, plans and ideas the commonality of all these definitions is the consideration of the three elements (victim, offender, and society) in coping with the crime and its effects and consequences, relying on the needs and capabilities of the society, the victim, the criminal. Bismur and Walligrou write: Recovery justice is: Any action that is first and foremost aimed at justice by compensating and repairing the damage and injury by committing a

crime (Najafi, 1998, 11). Tony Marshall says that restorative justice is a response and reaction to the crime that focuses on the restoration and compensation of the victim's losses, as well as the criminal responsibility of the injured party and the damage that it has caused, and reconciliation creates among groups. Zahr writes: "Restoration justice is a process for involving those who share a particular crime in a collective way toward determining and paying attention to injuries and losses to heal, and to improve and rigor matters to the extent that it is possible to take action" (2004: 14). Gholami writes: "Reconciliation justice is justice that tries to balance and protect the interests of the victim, society and the need for social delinquency, and also strives to restore and improve the situation of the victim as much as possible" (Zahr, 2006: 23). In this way, all individuals who have somehow benefited from a criminal incident have called for active and constructive participation in such a balance. Through the recovery process, victims are given the opportunity to express their emotions and feelings and injuries and ask their questions from the perpetrator. The most important function of restorative procedures is to restore the status quo for the victim and reconstruct the confused relations between them in the crime. Samavatipirouz Restorative justice is a process that is based on inclusive partnership and its results are from agreement, not an imposition, and also an epidemic with collaboration, and the outcome of the consensus around the criminal case is preferable. The trend of restorative justice is to focus on a small community of victim's place of residence and a kinship that is directly affected by crime. The goal of restorative justice is to

reform matters by creating a sense of responsibility for the offender to take steps to compensate for the damage sustained. In restorative justice, paying attention to everyone around the criminal case is a balanced approach. It should be acknowledged that in restorative justice seeking to achieve its goals, elements such as voluntary, truth and non-public, and its confidentiality are considered. According to the above, it can be said that although there is no comprehensive definition of restorative justice in Imamieh jurisprudence, but the existence of arguments and debates on the perpetrating of delinquent and delinquent persons, such as those in the retaliation of a person's retribution and self, indicates the implementation of justice. The restoration is in the Imamieh jurisprudence.

2.2. The goals of restorative justice

Restorative justice pursues many different goals in various fields, but the main objectives are those that are brought together in a creative and efficient role during a dynamic process of restorative justice, victimization, society and criminals. As a result of that victim's status and position, he should be strengthened by active role in the process of criminal justice and in society and should pay attention to the needs and concerns of the victim, including his material, spiritual and social needs, and, as far as possible, the damages. And damages, restoration and reconstruction and compensation (Abbasi, 1979, 45). Concentration on the victim,

compensation of damages from the crime to the victim (Zahr, 2006, 25). The restraint of the offender and strengthening the relationship between the offender and the community and creating a feeling of embarrassment in the delinquent, the sense of responsibility and accountability for the offender, creating a sense of sympathy and a cause for victim and offender, and creating a sense of regret at the perpetrator (Gholami, 2006, 125) is another goal of restorative justice.

2.3. The origin and history of restorative justice

They also said that reconciliation justice, compromise justice, or reconciliation justice or soft justice (extradition, local or horizontal), have also focused on avoiding the formal judicial process, and in the next stage, the participation of civil society and the shareholders of crime (victim, offender and society) This trend was also in the old days, which involved conflicts and conflicts with the intervention of the tribe and the people concerned, and tried to eliminate the harmful effects of the crime and hostility resulting from it, and in fact, this kind of Justice is considered to be community-based and collaborative models that, instead of interfering with official authorities, interfere with local communities in the form of hieroglyphs and traditions. The native background is a very long and ancient restorative justice that is still native to countries such as Canada, Australia, New Zealand and the United States, and they are

more or less used in many parts of the world in terms of their religious, indigenous and cultural beliefs. Therefore, this can be considered as a principle in the direction of restorative justice and the reduction of the harmful effects of the revenge of indiscretion (Zahr, 2004, 26).

Restorative justice was commonplace in North America, Australia, and New Zealand experimentally-scientifically in its various forms, such as mediation, family group meetings, family rehabilitation, restoration, etc., followed by doctrine and legislators. In fact, the civil and judicial authorities and police agencies tried to resolve disputes in the light of the judicial process without resorting to or continuing the judicial process in the form of group and local initiatives and within the framework of the judiciary (Delmas, 2006, 88). Local-People-Competing Thoughts Reconciliation of Criminal Justice was gradually transferred from North America to continental European countries with a Roman-German legal system. After that, the rest of the countries, for the most important reasons, including traditional and cultural features, the tremendous cost of traditional criminal justice and its ineffectiveness, the models and methods of restorative and participatory in solving and Season of disputes came from a criminal phenomenon.

3. IMAMIEH JURISPRUDENTIAL CAPACITIES IN JURISPRUDENTIAL RULES

The introduction of the Imams, and the description of the traditions and narratives and practical practices in the tradition of the Prophet and the Imams for use in the legislative path with the assistance of lawyers and, finally, the practical implementation of it, it was possible to hope for the chapters through the use of restorative capacities. In Imamieh jurisprudence, the issue of punishment is more focused on punishments in a few special cases, which are the limit. The evidence and evidence of extreme crimes in Imamieh jurisprudence are extremely hard and costly in any respect, because the principle is not proven and should be hidden. Because it only has the right to God, except when there is a victim who should enter the vicious circle master. It seems that the legal formulation based on jurisprudential sources can be a significant contribution to the correct implementation of this justice, since before the reformist justice theory was introduced in recent decades, it was practiced in practice by the Imams for centuries before the courts. The rules of jurisprudence form the basis of jurisprudence and Islamic law. By learning the rules of jurisprudence, the inference and understanding of jurisprudential issues rise and one of the most important rules of jurisprudence in Imamieh jurisprudence is the rule of Tal, which is based on this rule «Do not invalidate the blood of a Muslim». The blood of the Muslims will not be wasted. The protectionist's view of the victims is clear. Basically, when we look at the basis of the

Imamieh jurisprudential rules, we will find that in all respects there is a supporter of the oppressed and the victim, whether in criminal or civil terms. The view of the Imams and its jurisprudential jurisprudence is an in-depth, consistent, and coherent look in a comprehensive, documented and documented system the rule of prevention, the rule of deprived of the righteousness of evil, the rule of Tal, the rule of the dam, the division, the damage and the necessity (necessities of all seductions) causing, destruction, and ... All of them represent the protection of the oppressed and the victims. For the restoration and recuperation of the various methods they are considered, the leading Imamieh jurisprudence, in accordance with the requirements of time and place, and the rules of wisdom and wisdom, with its profound and deep look for solving the problems And in particular, it is best suited to protect the victim. The prosecution and punishment of a significant proportion of crimes, such as crimes against physical integrity, psychological and anti-crime, and the victims of crime and their persuasion, compromise and encouragement of persecution and restraint of other sanctions with punishment and punishment proof of them and the way of repentance are open to the offender, and such are the restorative capacities that are emphasized and ordered in Imamieh jurisprudence.

3.1 Repent

Repeat Meaning Covering sin and repentance God of excellence in the abundant commands of the infallibles, and encouragement and encouragement for repentance from sins and forbidding divine mercy and divination, emphasizes the purification effect of good deeds that covers evil, to forgive the punishment (self-punishment) for doing some from the confessions, it shows the restorative capacities that have been introduced in the Islamic Imams in particular and in the holy law of Islam in general. Avoiding the high degree of complicity causes minor minorities to be cleansed and not punished by them. Repentance means returning and returning when the person of the world suffers from the harm of his own sin, the state of repentance and regret comes to him that he will repent and, in the meantime, betrays no determination to return to this sin. In the Hadith of the Immaculate Movement, he says: «Repentance must be preceded by infidelity and sins and sins», based on which the Jeb rule was founded. Repentance is internal and it is with the judge that some of the jurists do not consider the lack of repentance to be sufficient to enforce it, but the ruling must be discontinued. It should be noted that repentance does not have any effect on the collapse of private rights, and this precisely defends the rights of the victim and therefore one of the conditions for accepting repentance is the right to claim. Denial after confession, encouragement and encouragement of witnesses to refuse to testify and even Threat to One of the methods used is Islamic jurisprudence

and Islamic holy rule, and it has been used in the direction of diversion in the course of proving crimes, which, as a result, will result in a lack of punishment.

One of the proofs that have been widely debated and in the jurisprudence of Imamieh there is evidence of a criminal case according to the jurisprudence of the judge, considering that, in principle, the defendant is not seeking to prove the existence of a criminal offense and deal with neglect and persecution. In the future, one cannot allow the judge to issue a verdict for the issuance of a verdict in this type of offense on the basis of his own knowledge because it is not merely science. Science must be documented and obtained by conventional means by reason of reasons. At the same time, duty is not required to act in his own science and can only act according to his own knowledge (Khamenei, 2006, 33). Knowledge of fines such as adultery is not enough for punishment and judgment, and there must be regularity in the definitive science of three witnesses of another man. Basically, the trust in the judge's knowledge is not a proof that it does not always lead us to reality, and not always with the expediency. The judge's duty is to observe the rights of the parties and provide a rigorous assessment of the evidence, not the discovery of the soul in the Quran: "And if you judge among men that you judge justice..." (Elahighomshei, 2009, 88). Besides, the observance of the hostility is related to the impartiality of the judge, and the application of science is in the judgment of departure from impartiality. And all of these issues

indicate that the judge's knowledge cannot be relied on as a proof of evidence in a limited criminal case. In Imamieh Jurisprudence, a punishment is prescribed by a lawyer for special punishment with a punishment whose type, amount and quality are specified explicitly and precisely. It is argued that if the imam or ruler appointed by him, in the prosecution of the offender, and in the stage of proof of the crime, at the stage of issuing the sentence and its execution, given the very high precaution in pursuing and rigor in the authority of the ruler at the stage of issuing and executing the sentence, one should see what restorative capacities exist in the Imamieh jurisprudence in criminal cases. In extreme cases of pure religious right, such as adultery and sodomy, the Imam may forgive or absolutely forgive, release or punish the punishment in cases where the evidence is not established or admitted or not. If he becomes a more suitable one, the ruler may also have the amnesty and pardon the offender in favor of the victim and to do something to compensate for the damage done to him or to do public affairs. In any case, the ruler, as he wants to make the rules of the Shari'a in order to preserve the law and the goodness of the Islamic society, must have the authority to use the principles of Islam and Islamic rule. It is the name of the ruler or infallible Imam, or an infallible Taliban, and in the absence of the Absolute Mojtahidin absolute Almighty, who is able and able to recognize the interests of Islam and Muslims. Now, if such a ruler recognizes, by executing one of the divine limits, such as a rhymes, the principle of Islam and the Islamic state may be questioned, it cannot stop the enforcement of this limit in favor of the interests of

Islam and the Islamic society in this conflict. Considering the key role of the Imam and the legitimate ruler in implying the Islamic Imam's provisions, Baqir says: «Islam built on five things on.... and the mandate». Here, Zarara asks the Prophet what is one of the five finest. Which the Prophet answers: the province (Kelini, 2001, 261). In principle, the amnesty is for the ruler, not the judge, in the jurisprudence of the Imamate, the time and place both in the implementation and in the quality, both in the formulation, communication and in the actuality of the divine rules. Islamic ruler can be neglected, due to the negative consequences of punishment, and in order to provide expediency, it is less important than expedient. In principle, the punishments in the Imamiyah jurisprudence have a moderating aspect. If the amnesty of the convicts of the execution of divine limits by the ruler or his representative leads to unfathomable and harmful consequences for protecting the rights of those who have suffered damage as they did in the case of the Supreme Leader in the letter number $\frac{1/80/8813}{80/5/13}$ The deputy head of the judiciary has responded:

"It seems to him that the definition of a person who has been pardoned in some cases is considered to be in the ruling of the law, so that the person who determines the person is better and better It is the determination of the amount of the determinate, in conjunction with the rule and the norm, and this meaning will be given to the high priest". However, while the severity and severity of punitive penalties cannot be denied in terms of the importance of the values

against which they are protected, we must not only penalize and punish them, but also have the conditions for the abolition, suspension and analyze the collapse of these issues thoroughly.

3.2. Encouragement of mass murder and tampering over their proofs

In the criminal law of Islam, especially in the Islamic jurisprudence and in the practice of the Imams, and in the followings of the dynamic and progressive jurisprudence, criminal responses are not considered solely as a means of combating crime and delinquency, and punishing the perpetrator is an appropriate and efficient way of detecting. For this reason, various forms have been foreseen to avoid the execution of criminal proceedings, and this is where the strong restorative capacities come to the fore and appear in different stages of the trial and even before entering the criminal process to prevent entry into it and the lack of a layout of the file have been a lot of predictions (Payandeh, 2003, 45). It is equally true that the secret issue of crime detection is one of these ways in Imamieh jurisprudence. Imamieh jurisprudence with a clear organization while maintaining repressive reactions in its legal texts, by complying with rational and reasonable rules, has been able to establish various obstacles to the execution and proof of crimes and in fact, to achieve a real and reasonable de-deduction. In dismissal,

the discount starts and until the removal is made (Horamoli, 2003, 30).

When a criminal offense is abandoned, and on the other hand, the ugliness of the crime can be the worst phenomenon that causes the effort of security and the system of society. Hence, the propagation of ugliness and the revelation of sins with the intention and knowledge of its harmful effects is strongly blamed on behalf of God and is considered to be punishable by the punishment of the world and the hereafter: «Those who love to spread profanity in those who believe them have a painful punishment in this world and in the Hereafter. Allah knows and you do not know»(Elahighomshei, 2009, 194).The prevalence and reputation of wickedness will not only result in the viciousness of the crime of mischief, but also the frequent execution of punishment, as well as the normalization of punishment and punishment. Finally, the role of intimidating and threatening punishment will be weakened and ineffective. Not be Delinquency, especially by the perpetrator and encouragement, preserves the dignity and pride of the human condition, which is one of the first fundamental human rights that has been widely emphasized and emphasized by the Imams in the jurisprudence of the preservation of the dignity and empowerment of the human condition has taken. It is self-sanctioned because it is the cause of illumination, insult and insult that this is a self-styled act against human self-esteem and its dignity is nothing useful unless it is for the victory of the victim. God says: «And a bad and bad part is like

it»(Elahighomshei, 2009, 31). The crime and punishment are considered a penalty. It is for these reasons that the disclosure or the appearance of the ugliness of individuals that results in the failure of the dignity and innocence of the offender is unfavorable and contrary to the maintenance of human dignity. Imam Ali in his will to Imam Hasan Mojtaba in Nahj al-Balaghah: «Honor yourself for all his religion» (Al-Sharif al-Razi, 2008, 92). A person who is unjustly punished by means of punishment will not blame himself for committing the ugliness. He will resort to the punishment of a shaky and destitute personality of mischief and will make him a dangerous and evil personality. The philosophy of steer is to prevent the spread and spread of crimes and, of course, to prosecute those who are advised to commit themselves to crimes and maintain their human condition and dignity. Of course, victimization is exclusively in the laws of Allah, but in Alnah's law, in defense of the rights of the victim, and that it is oppressed in this way, there is nothing to be ordered in the Imams in the Islamic jurisprudence and there is no jurisprudence of the jurists, he did not comment on the hidden crime, when he caused the oppression and other oppression. Therefore, the Prophet and Mola Ali set up the judge and the governor in order to eliminate the oppression of the oppressed and to confront the intruders and prevent the violation of the rights of the people to show. Of course, in cases where it is possible to execute a victim with the preservation of the rights of the victim, it will be applied to both desirable and non-conflicting issues. Victimization should be more of a quality that does not harm the rights of the victims

(whether primary or secondary). In general, the abandonment of the prosecution and the permissibility of the investigation and disclosure of offenses is a criterion of prevailing interest, which can vary in different circumstances and for different individuals. Of course, victimization is not permissible in cases where the interests of the victims and the deviation from the right direction of the community and the like are violated, and, on the contrary, official agents are obliged to discover the crime and punishment of the offender and, on the other hand, the people must accompany them and help.

3.3. Retaliation and restorative justice

The retribution follows and pursues the effect of the crime so that the retribution performs the same act of action against him (Najafi, 1998, 15). In Imamieh view, two important principles of justice and mercy have been considered in response to these crimes. Both the victim and the offender must both be brought to the conclusion that the holy shrine has been told in repairing and compensating for the injuries suffered by the victim on the one hand and accepting and accepting the results into action from the perpetrator. Retaliation is a right, and no judgment is therefore abandoned and transmitted. (Mirhosseini, 2004, 11) is one of the characteristics and characteristics of Islamic law, which has been specifically and specifically emphasized in the Imāmīeh jurisprudence. Because each of them has its own peculiarities and

consequences the amnesty and the passage of retardation in retribution is one of the most important capacity for restorative justice in this field. Recommendation for amnesty is another remedial remedy for restorative justice. This way is one of the criminal policies of Islam. Allah Almighty says in this verse: "Pay, which is the best of bad, we know what they say" (Elahighomshei, 2009, 80). Allowing good repentance in the field of social relations, and in particular in the application of criminal reprisals, along with the verses relating to the acceptance of repentance, pardon and recommendation for forgiveness in the field of human rights, suggests that, from the point of view of Islam, though the culprit deserves to be punished according to his own actions, this is merely a right from the victim and delinquent. Wherever important goals cannot be achieved, the directions will be different. Therefore, the most important purpose of punishment in the criminal law of Islam is to perform justice and justice. Of course, this justice is relative justice, not just justice, because in its execution, punishment is viewed as a right, not a task, as in sometimes, one can ignore its implementation and meet the supreme goals.

In Imamieh jurisprudence, although the principle of retaliation in crimes against the physical integrity of individuals is in acceptable condition, but according to the verses of the Qur'anic verses and hadiths and traditions, the emphasis has always been on forgiveness and forgiveness towards retribution, and with the promise of future rewards for amnesty supreme and they are more virtuous than

execution of retribution. One of the important issues of the fall of punishment is the reparation of the owner or owners of the right. Given that the principle of retaliation and as a result of retaliation has been accepted, but has never been ordered or emphasized on the use of the right of retribution, it is the principle that punishment is better than forgiveness and forgiveness instead of revenge. In verse 126 of Surah Naml and verse 178 of Surah Baqara in the (Elahighomshei, 2009, 77), on the other hand, patience and the guidance of Tamara's parents as the brother of Johnny, introduces them to forgiveness and the invitation to compromise. Since the right to pardon is limited and punitive under the circumstances, but it is a matter, but in the punishment of retribution and blood money, and the part of the punishment which is a legal aspect, the amnesty is granted to the rightful owners and the ruler Not entitled to amnesty: "And that you shall be made to be closer to piety" (Elahighomshei, 2009, 89). "And a bad pen is as bad as it is, and it is better and better, and reward it for Allah" (Elahighomshei, 2009, 90). The Prophet of Islam says: "I do not tell you the best of the creatures of the world and the Hereafter amnesty for those who wronged you ..." Do not give you the best morals of the world and the hereafter? Amnesty and forgiveness from someone who has wronged you. And he also says: "You have to grant pardon, but the pardon does not increase the slave except to give up and rest. May Allaah reward you" (Ibid) Forgive you for forgiveness, except for the dignity of your servant. Pass each other so that God will please you. In the amnesty, the rights

of the two elements must be considered: one is a criminal law and the other is the victim's rights.

3.3.1 Offenders

In the retribution of the members (inflated) to the victim and in the retribution of the soul to the parents of the tail (the second victim) in this regard, they have demanded the punishment of retribution or pardon, precisely in the same way compromise on the blood to some extent in Imamieh jurisprudence is accepted between the victim and the offender and this is one of the important restorative capacities in the killing in retaliation debate. It is true that along with that invitation to peace, pardon and passage also advised some of the jurists such as Shahid Sani have suggested that if the victim has passed after the crime came to blood money from the perpetrator, then the other parents have the right to demand retaliation do not have. In any case, the victim in all crimes, whether deliberate or unintentional, because of its privileged nature, has the right to seek a criminal prosecution. Essentially, the amnesty relates to the stage after the commission of the crime that a person is actually victimized. If the amnesty is announced, it will result in the blood money penalty for the crime. In the case of peace, retaliation, which is considered an agreement, is, of course, in vain. In order to prevent the victimization of the amnesty in Imamieh jurisprudence,

the amnesty should be rescinded and allowed to be pardoned. As mentioned in the section on restorative capacities, in every case, either in the right to demand retaliation or in the order and emphasis on pardon and forgiveness, the scholar has especially considered the victim in Imam's jurisprudence, and put the compromise question exactly in the same vein, it should mean that in a reconciliation process with different methods of victimization, he will be able to compensate for the damage and repair them from the perpetrator, in order to declare amnesty instead, because it is a private right. "Whoever believes in him is an expiation for him" (Elahighomshei, 2009, 92).

3.3.2. Victims Orbital

The religion of Islam, whose main goals are to eliminate oppression and human rights violations, is never indifferent to crime and crimes, and has offered a kind of relationship and process to reform the criminals, while protecting the victims, in the verses, traditions and rules of jurisprudence frequency have been entered in Imamieh jurisprudence. With the involvement of the offender, members of the local community and the Islamic government have taken steps to repair the damage to the victim and to compensate for the injuries sustained by him, including the provision of indemnities, payment of money from the House of Lords, the collection scheme for paying money through the cooperation of all persons. However,

if the tail is small, insane or absent, according to some of the Imams' jurists, it is necessary to wait until the situation is determined, but it is possible to find out in the expectation that there are many restorative capacities, such as those who have multiple parents and who have the right for retaliation. Suppose that the dissolution of some of the Imāmīeh jurists who are in favor of the idea of the dissolution of the right and the retribution of the soul are related to the retribution of the member, if the victim died before the retribution of the retina, believes in the unity of the right to retaliation, and as a result, the parents of the tail, the abandonment of the right of the killing in retaliation of the member, have been considered by one of their descendants to fall to the rest of the killing in retaliation (Khoei, 1982, 362).

3.4.Blood money and restoration justice

One of the controversial issues of the Iranian legal and juridical system is the blood money institution. However, in general, they are referred to as "blood donations" of any kind of finances that are paid off or extinguished in the event of a self-inflicted injury. The legislator sometimes gave it the criminal nature to be punished and applied as a punishment to the perpetrator for the punishment of his pain and suffering, and sometimes gave this entity a civil nature that was intended to compensate for the losses and losses caused by the

commission of the act. It is paid to the victim or his or her parents (Mohagheghdamad, 2008, 753), as well as in some cases, the amount of the damages are in accordance with the damages against the victim and, in some cases, there are no damages to the injured party and no damnation of the Shari'ah, and the damage and damage to the victim may be multiplied by the amount of the damned damages. It has been determined by him. If it is mandatory to give a penalty and the punishment for murder, it can be combined with the damages for material and moral damages, the offender sees the payment of a penalty and the civil action will eliminate his aggression with the requirement of compensation (Makareme Shirazi, 2015, 78). However, when the tribunal has been compensated for the additional loss, it is difficult for the court to pay compensation for its suffering and the cost of its treatment. In the Islamic Penal Code of October 21, 1981, the blood money was the only criminal figure, and Article 7, along with the limits of killing in retaliation and sanctions in the number of punishments, was included in Article 7. Article 10 of the Act was also in the definition of the blood money penalty: It was determined by the party for the crime. "But subsequent experiments with the authors of the law showed that they should be extrapolated from this. Therefore, in the Islamic Penal Code, adopted in 1992 (Article 15), it is stated as follows: The crime has been determined. In cases where, supposedly, someone is sentenced to retaliation, one of the best ways to satisfy the injured person is that the two parties agree to convert retaliation to blood money, that is where the criminal and civilian character of the blood is fully evidenced or In

cases where there is no possibility of retaliation, Mala becomes a blood donation, especially in the intentional cases of the agreement, even exceeding the amount of the allowance in the legal area, and the important agreement of the injured (victim) is in this agreement. Blood money can be considered a type of blood due to a deliberate and unpardonable crime that can only be committed by a human being and the victim can only be human, and the money is paid to the victim or his or her parents. As there is a difference in the punishment or compensation of a dam between the jurists of the Imam, there is also a difference in the number of victims other than the amount of blood money, in the sense that some people believe that surpluses on the money can be lifted for other causes Condemned too. Discussion of the implementation of the blood money sentence is in cases where the injured person suffered physical damage as a result of the injury, and the person must pay for it. On the other hand, as the blood money is a retaliation as a right, it can be compromised; that is, the parties, in any case, or any process in its implementation, can reach a degree of understanding and compromise with each other. On the other hand, according to the rule of adjudicating it, it can be made in the form of splitting in such a way that both the victim and the offender have some kind of payment and obtaining that aspect of the restoration; for example, from a direction like the date of payment, from any kind that the offender. He must pay the price after splitting the day of the day, which has been in favor of the victim, and on the other hand, since the divorce has been taken into account, the offender's status is also

to be considered, thus, in the issuance of a ruling. The witness or his or her parent, blood money, is requested and, until such a request is made, the court has no right to issue a ruling in this regard, and this, itself, creates capacity. There are a lot of restorations to unlock the body with some kind of the restorative process. The entry of Garir's guarantee in the discussion of the payment of dues is another indication of the repair capacities in the blood and payment and repair of the losses to the victims. The discussion of the concentration of blood in the month of the Haram and Mecca is due to the fact that people have a place and time in which to feel safe and seek refuge, although this ruling is not established by the laws and is a signing order, is a sanctity that is reserved for the victim. The observers have foreseen in these special situations and damage to any way possible in this way and in such a way as to cause mental and material damage simultaneously to the victim, and therefore the restoration of the same occasion should be compensated more and more. The payment itself is based on the principle of co-operation. Although this principle does not establish Islam, it is customary among people, and because it was a good thing, Islam accepted it and this institution is consistent with justice. In sum, the principle of the whole blood in the repair and payment is a somewhat reversal of the damage to the victim in a coordinated view of the perpetrator, which, by its details and details, shows the vast repair capacities contained in this dynamic and movable jurisprudence.

3.4.1. Reconciliation and compromise

Reconciliation and compromise is another aspect of reconciliation justice among Imamieh jurists. In the Qur'an, Allah has repeatedly urged Muslims to reform among the people: "Fear Allah and repair yourselves among yourselves ..." (Elahighomshei, 2009, 99). In fact, God has also ordered Muslims to reform and compromise, and both parties have advised and ordered reconciliation and disputes (Tabatabaei Yazdi, 2001, 94). Elsewhere, God blesses that if the work of the two groups of believers is drawn into conflict and warfare, the command and the command to reconcile that group: «And the two sects of believers fought and reconcile between them ...» (Elahighomshei, 2009, 95). This decree does not devote to war and includes non-war cases and includes any kind of conflict and conflict (Tabari, 2009, 77). In the criminal disputes, the people of the Islamic community are committed to oppressing the oppressed, victim and aggressor, the criminal through dialogue and negotiation of peace and reconciliation. In fact, the criminal policy of Islam is considered as a participatory one. The Holy Quran has raised the issue of reconciliation, peace and passing from killing in retaliation by the owner of the killing in retaliation right in the incidents and conflicts against the physical integrity of the individuals after expressing the reprimand in these abuses. In verse 178 of the Almighty chapter of Allah, the Exalted says: "Those who believe in the punishment of killing in retaliation against the slaughterers are prescribed to you.... Therefore, if the butler

reconciles with the killer and the murderer is given from his brother a retribution, But the tail must follow the good and good method of grabbing it and consider the killer now, and the killer will pay the blood with good, good and happy goodness. This is a decree of remission and mercy from your Lord. "And the (Elahighomshei, 2009, 98) continues to refuse this image, which is oppressed in this way, should not demand the punishment of the oppressor, and the oppressor will remain in oppression and the security of society will be in danger. Has called for the wrongdoing to seek the punishment of the oppressor and has considered the oppression and punishment of oppressed and oppressed, but he encouraged pardon and forgiveness and said: "Anyone who has the patience and revenge and retaliation is over, this is one of the most important and valuable things"(Elahighomshei, 2009, 99).In the Islamic system, resolving conflicts with peace and compromise is more important than resorting to law and justice. The criminal aspect of the matter has also been handed over to the victim and he is the one who can compromise with the criminal and pass his sentence. When a victim and a victim of peace and reconciliation are established, the perpetrator himself does not become an outcast person and he feels solidarity with his community, which also prevents the victim from committing a crime through him.

3.4.2. Intercession and mediation

Mediation of a third party, mediation, or intercession, and such a way of hearing in Imamieh jurisprudence and Islamic law in general, are somewhat in the form of some of the legal institutions that have a remedial aspect. In the manner of criminal policy in Imamieh jurisprudence, resorting to formal and judicial tools to combat the high offenses of the Islamic jurisprudential system is not desirable, and it seeks to resolve disputes through unconsciousness and unofficial as much as possible disclosure Prohibited actions should be avoided in order to preserve human dignity. Intercession means a kind of mediation with the ruler in favor of the perpetrator, which is expressed in our religious culture as the intercession of the future, in which, through the intercession of the Divine Almighty on the other side, and on the Day of Judgment in front of Allah, to forgive the sin of the transgressing servants. In verse 4 of Surah al-Sajda and verse 51 of Surah al-Anām and verse 44, Surah al-Zumar declared intercession in God alone, but in other verses such as verse 28 of Surah al-Anbiya and verse 109 of Surah Taha and verse 3 of Surah Younes and verse 255 of Surah al-Baqarah, the intercession by non He regards God as contingent on God's permission and judgment. The Qur'anic verse, which is used in the meaning of intercessional intercession and can be used to prescribe and even to be worthy of intercession of criminals to the ruler, is the following verse: "He who intercedes a good intercession, who has a share of it, and a person who intercedes a bad intercession, for which he has no

hope, and God was about everything that is abominable” (Elahighomshei, 2009, 98). Allameh Tabatabai says: In intercession, he should be aware of the issue of intercession and avoid evil in the presence of evil, and the verse in the sense of denying intercession is evil. The prevailing view is that this verse is explicit in the prescription of intercession from the perpetrator to the ruler, where evil and corruption do not exist. In Imamieh jurisprudence, in terms of the unity of the basis and the sharing of both instances of intercession in the narrative of the sacred pragmatism to "decriminalization" that arises from the special point of view of Islam in the case of man.

The benefit of intercession is that he will bring with his dignity an offense forgiveness and in some way, he will be obliged to supervise and take care of his actions and behaviors, and this responsibility will lead to a kind of prevention of repeat offending. Intercession has a wider circle of amnesty and involves more crimes, because the offender is committed to healing, and he is committed and responsive to the authority that his intercession has accepted. In the offense of libel, the discussion of intercession should not be in conflict with the right of the victim and must be forgiven by the owner of the right. Establishing a platform for peace and reconciliation or intercession between parties to a dispute, whether in civil or criminal cases, which can be determined in a particular way, through a third party intervention called the judge or, possibly, the judge himself. Because the judiciary is one of the branches of the

province (Tabatabaei Yazdi, 2001, 88) and his decree is valid. The late Fazel Indians says: «His rule is necessary in all the provisions of the rights of people and the rights of God even the penalties for the General». The verdict of the judge is valid in all rulings, including the rights of Alnas and Allah, even in punishment because of the general nature of the reason for legitimacy. And also has a long history of fourteen centuries (Saket, 2003, 432).

4. DISCUSSION AND CONCLUSION

In Imamieh jurisprudence, there is no comprehensive definition of restorative justice; however, the existence of arguments and arguments in the context of a prosecution of delinquent and delinquent, as in the case of retaliation of a person's retribution and self, indicates the implementation of restorative justice in Imam's jurisprudence whose main purpose is to put the victim and the community and the perpetrators in a creative and efficient role that, as a result of that victim's position, is strengthened by active role in the process of criminal justice and in society, and to the needs and hearts? The victim's concerns, including his material, spiritual and social needs, should be considered and, as far as possible, damaged, repaired and restored and compensated. The applied capacity of restorative justice in Imamieh jurisprudence is in the form of punishments such as killing in retaliation, blood money, etc. Including amnesty, peace, tolerance, compromise, intercession and

repentance, and encouragement of crime and restraint on their proof, observing the rights of the victim watchful and delinquent, who are widely used in the administration of Islamic law and laws. Therefore, it follows that, in the view of the Imamieh jurisprudence, with all these solutions in response to violations of norms, it is not merely a government, and in various aspects of non-infallible social responses are also possible in such a way that the Islamic state is not just a repressive state and said the verse: «Mercy among them hard on the infidels» and its criminal policy is strongly "participatory."

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