

Two Models of Criminal Process

“Criminal Control Process and Due Process”

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Herbert Packer, a Stanford University law professor, constructed two models, the Due Process Model and the Crime Control Model. The first model operates like conveyor belt which is going to present a convenient way to confronts Defendants. Rather, the justice criminal system which is compatible with the Crime Control Model instead of striking a balance between the rights of the accused and the society has mind to arrest, convict and punish the defendants. But in the second model, the functionalists of the criminal justice system should mind to provide the reasonable search of the defendants and consider the rights of defendants. The Crime Control Model highlights with four categories in the criminal process. According to the paper findings, the Crime Control Model in the criminal process in the presumption of guilt demands guilt, the repression of crimes is in the accusation stage and the right of the accused silent is not accepted and at last in the procedure level, the criminal dispositions should have a premium on speed and finality.

Key words: Criminal Control Process Model, Due Process Model, criminal process, the presumption of guilt)

Criminal Law and Economic- Industrial Advancement

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In this paper, there is an attempt to investigate the concurrence between law – especially criminal law- from one side and economic- industrial advancement with respect to the historical and objective Perspective from the other side. The (crucial) main point of the view of the authors is that the study of the criminal law in the developed countries shows without a legal field and modern criminal system - especially at the beginning of industrialization- accessing the aims of development is impossible. This relationship is not unilateral and the industrialization and development on its ongoing process has caused to change the legal understanding such as the concept of crime, criminalization, punishment and its methods. The change of this notion and its requirements of modern- industrial society cause the change in the basis of criminalization and the modern criminalization (with respect to these industrial changes from one side and the crime prevention of some conducts in the modern world which are not guilt). The penal codes of some countries with old notions do not tend to agree these changes and comply with the rules and their perspectives with them in a way that some traditional offences and rough penalties in these countries show the lack of their development .

Key words: development, industrialization, criminalization, punishment)

The Examination of the Rule of the Necessary Payment of Surplus Diya (Mulct) to the Murderer before Qisas in the Jurisprudence and Criminal Law

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The purport of the Articles ۴۷۳ and ۴۷۴ of the new Islamic criminal law stated that it is necessary to be paid the murderer the compensatory payment by the one who retaliates and it should be paid before Qisas. it is also mentioned in jurisprudential texts. Hence, the purport of the Article ۴۷۳ of the Islamic criminal law as a general rule has been accepted by the Imamie Jurists. In order to the jurisprudential examination and *analysis* of this Article and the other Articles relating to it, it is necessary to be determined a rule under this title “the necessity of the compensatory payment to the murderer by the one who retaliates before Qisas. Jurists have stated the documents to prove or reject it. Among these reasons, only the reasons of those who accepted this rule seem to be true.

Key words: the clause of Islamic criminal law, killing, Qisas- the parity of punishment or retaliation-, Diya -punitive compensation-, the priority of Diya)

Criminal Policy in the Balance of the Religion and Science

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To shape a coherent and unified criminal policy in the scope of society is inevitable because of the changes of time and space circumstance s with its requirements – whether economic, political, social and cultural developments in the Islamic society of Iran. In addition to this, with respect to Islamic society of Iran, criminal policy which complies with the beliefs and opinions of people and the ruling system and scientific method seems to be necessary. Therefore to explore the scientific and religious criminal policy and its features, the relation between the science and religion, conflict and agreement, declaring the superiority **of one to the other** and finally a criminal policy depends on certainty and sureness which has no conflict with the right beliefs of the Islamic society. In the other word, it can be implemented in the Islamic society and it follows the public agreement because religious- criminal policy is the other side of the coin of the scientific criminal policy.

Key words: criminal policy, science, religion, Islam, conflict)

The Prevention of Women victims within the Scope of Islamic Teachings and Challenges before it

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Socio-legal restrictions to women in Islamic period from different perspectives have been studied and analyzed. This study has looked at the restrictions of women from this point of view (with regard to the women nature and characteristic s), the Islamic teachings in order to promote the dignity and respect to the women and to prevent violence against them have adopted some restrictions to their attendance at the social area. From this point of view setting these restrictions does not mean to isolate the women from the society but to provide for their protection from harm and violence. This scope with assist from the criminology teachings and specially criminology prevention has considered some restrictions to the women social attendance (it is a kind of the legal difference to men) as situational crime preventative tools in order to protect the women gender against harm and abuse. From this aspect, the situational preventative measures, in the nature have a kind of the restriction and perhaps violating the fundamental rights and it is possible to use the instruments of the criminal system to guarantee their strategies. Meanwhile this paper examines the reasons and documents; it stated the challenges before this area.

Key words: women, women restrictions, women victim, prevention, situational prevention

The Social Prevention of the Crime in the 5th Five Year Development Plan (5th FYDP)

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Over the last two decades, shaping of the preventative culture of the crime on the society stage has made the legislator constantly specified – in addition to the criminalization and setting the punishment- an Article or Articles to the prevention of the crime. In respect to this, the 5th FYDP as a determining the method of the society movement to the development in the different aspects: political, economic, social, cultural and judicial development over the five years, has attempted to reduce the crime conditions and criminogenic factors and also to consider the strategies which induce not to be happened the repetition of a crime, follows a different orientation to the subordinate legal matters. In other words, the functional activity is the superior to the state. In this notion, it is emphasized on the role of the teaching of the society members by the media (which has the heavy impact on shaping the legal

conducts) and the reduction of the offensive titles, litigation and standardizing the guarantee of the criminal executions and replacing the influential and up-to-date guarantee of the non criminal executions such as policing, disciplinary, civil law and administrative *and operatives*.

Key words: prevention, social prevention, development, the plan

Reinvestigating the Compound Crime in the Criminal Law of Iran

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*To discriminate compound crimes from simple ones as the result of dividing the crimes according to the material element from different aspects (like the circumstance of committing a crime, findings of the legal enforcement, a statute setting a time limit on legal action, determining the criminal liability and the proper trial) is important. However the nature of this offense has not been stated clearly in the Iranian criminal law and has only mentioned brief explanations and indicated one sample (fraud). To interpret the complicated nature of the compound crimes, we could have two different notions. First, the meaning of compounding a crime is that the material element consists of the several parts. But this understanding confronts a clear problem because in this situation, at least all the conditional offenses which their material elements are composed of conduct and results should name the compound. Secondly, compounding these crimes means plurality and diversity of the perpetrator conduct regardless of the probable result. This perception also confronts a problem because we should exclude the conditional crime of the fraud as a proved subject of the compound crime hence, the committed crime in this offense may be only shaped by one defraud conduct. In this paper, the determination of the nature of the compound and **distinguishing it** from the simple one is according to be a crime conditional or unconditional. In respect to this, the compound crime like simple one is whether absolute or conditional. The most important advantage of this dividing is in addition to the identification of the nature of the compound crime, to determine other cases in addition to the offense of the fraud.*

Key words: compound crime, simple crime, perpetrator conduct, offensive behavior, absolute or conditional crimes

The Crime Prevention in the Light of the Changes Resulted from the Globalization of the Culture

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All the times, societies evolve and change from one form to another and so do social institutions, social norms and cultural structures. Although social changes have been occurred in all communities but the stage and orientation differ from one society to another. Therefore, recognizing the nature and the realm of the social changes are important. The cultural sphere around us which is the main area of the explanation of the phenomena faces widespread changes. The globalization of the culture, and consequently the crime puzzle has changed to a complicated subject with widespread proportions. The alternations and evolutions in the communication and social institutions lead to weaken the social prevention which depends on the socialization and coincident of persons with the social values. This evolution and change in the cultural field induce the necessity of the development of the cultural look to the criminological studies.

Key words: Globalization of Culture, Social Crime Prevention, Social Changes, Social Relation, Social Institutions