ABSTRACT

The study, "Evaluation of Mass Participation in legal jurisprudence", in addition to discussing the basic concepts, history, definitions, characteristics, classification of crimes, types of crimes, and revealing elements of the legal, moral and material, as well as each of these offenses are familiar jurisprudential analysis selves. Also, crimes against persons, against property and property, against public morals and the rights and duties of morality and family, against the public peace and security, and against religion and the sacred, the main effort of this research is to provide explanations and examples of each analysis of legal jurisprudence also be addressed.

KEYWORDS: Jurisprudence, legal, Participation in Crime.

1. INTRODUCTION

Basically what the language of the jurists and scholars of criminal law concept of corporate criminal act has been committed , the act or acts that imply a person or persons interfering in the operation of the offense of the material and implemented , Padideh the practice in the criminal activity accomplish , including lawyers , doctor Nvrbha wrote this : " who is in charge of the person or persons other companies to perform certain misdemeanor material with the intention of certain criminal and in coordination with their counterparts from such a way as make him intervenes 's the context of partner its common knowledge . " (Nvrbha, 1993).

In his discussion said: " Hrshryk crime , yet can also be called a steward of that crime , but consider how many people have done in connection with another offense or offenses , therefore, called upon all of them are true partners in crime . "

We can see that the name , in fact, due to the nature of the partnership and its comparison with the nature of the act committed by the steward , takes place . So you know if practice stewardship " is located directly by his life ", the partnership also operations can be performed directly by thugs is located (Sanei, 1993).

Doctor Pervez Sanei noted that the material element of the offense of criminal law for the criminal act is an important distinction , saying : " The person or persons who have committed a criminal act , ... in terms of criminal law , steward . If one is if you are offended many people call or partners According to the partnership when he finds realization that perform " operations " are those involved : " ... According to the " operation " is specific constituent Hrjrm people who are doing this co-operation , " partner in crime " would be , explaining the activities of those who work in the offense within the definition of " crime operations Tshkyldhndh " a partner in she can not punished " (Goldouzian, 1994).

Another doctor Goldouzian professor of criminal law as expressed and defined complicity said: " It is true that the crime of participating in a Nqr " two-up " with their collaborative material element of the offense will do ," According to the " partner in crime , as the steward of the mass of material " refers to someone who personally take charge of constituent material practices . . But know this for such a person to accompany someone else Shrky mass of material practices Tshkyldhndh mass puts into effect "(Ibid).

A component of the material and tangible way that each of them will do a certain mass , independent agency that is considered a crime .

Samii doctor emphasized the role of the executive in charge of drafting the company stating that : " any act of committing the crime , " start " is the account in the determination of the offender, it can run ' participation in the crime" defined ’ part of his speech on the subject of his accomplices who are seen as " the act of committing a crime is necessary so that the offense is not done without " The And the doctor parsley Langroodi book

346
complicity rights terminology is defined: " The main element of the crime committed by a " person, "the company said in a crime. Mjmv applied so that the minor is taken two or more offense, . Such that Who will hold the victim's hand and foot, and take him there. " (Walid Muhammad, 1995).

In this connection the author and abetting the company, while the example above examples are mentioned sparingly as intentional murder itself, the phrase " effective cooperation with other persons to commit a crime Asy component material element of crime " know " We can see that, according to these definitions, the partner of someone who is in charge of operations, so that effective intervention offense caused by his actions and is the main subject. , And participation in a crime in which the realization of the " operations " Two or more participate.

2. First issue: the definition of complicity based on the opinions of jurists and scholars of Islam

A - the company in charge of Imami jurisprudence

Basically jurists protested explanation of complicity in the general sense, including not only the company discussed the murder and have enough to explain the quality of its accomplishment.

Including jurists, Imam Khomeini (ra), written in the book of retribution Alvsylh question 45 states: " Tihqq Alshrkh Fi Alqtl total Yfl Watch our Mnhm Yqtl fi le solo photography Kahn Akhzhv total Falqyh her fabrics submarine ... " means that each of the partners participating in the murder when he realized that action be lethal in the individual alone. As the and the of a fire or sea him Heggy (Trial, 1990).

In another part of Tqyratshan He also participated in the murder case of " contagion " act with the intention of all the real crime, say researchers. " And sic Tihqq Ykvn crush us Alsrayh However Aljnayh going ... " Ayatollah Khoei (RA) Tkmhl Almhnaj also states: " Tihqq Alshrkh Fi Alqtl Bfl Shkhshyun examination ... " that participated in the murder of two people together, because the verb is realized.

Hazar Ayatollah Marashi contemporary scholars participating in the crime has been defined as " a crime against a person or property, or safety of persons or to a material act or fact to many verbs, so that effects be directly Vahedi. (Moradi, 1989) "

We can see them, unlike other Islamic scholars have not defined the subject in a crime, it does not suffice to express the inclusive and exclusive authority of the concept of " participated in the crime" begun.

B - public participation in criminal jurisprudence

Sunni clerics in their own religious books subject on different occasions, but did not define crime, to participate in various forms of crime have pointed out to him that although scholars believe Imamiye with respect to participation in the crime is quite different. That the definition of general whether he comes on, the language of Sunni accomplices to the crime is interpreted and defined, including the deputy. " even after they kill someone else Shs third command, the owner, director and officer of the participants in of murder and sentenced to death in both regards. while the Shia criminal law, this interpretation is not acceptable ... "criminal intent as a prerequisite. Thus, the partner in charge of operations does not care, but does it apply to arrangements (Audi, 2001).

Sunni scholars, in other words " believe complicity in crime was not considered as a company and what we now refer to as " Falyn " Steward partners » « Mbashryn » « multiplicity Falyn " principal actors "and " Falyn " and similar phrases are no longer applicable. "

Such as Abd al-Malik in the book Almvsvh Aljnayyh Jundi writes: " partner in crime is the man who has been participating in acts incidental acts by nature are not considered a crime." And Abdel Qader Al-Awda, the official statements on cooperation in criminal speech, saying: " ... the person who will oversee the implementation of the material element, called the perpetrator and the person who does not oversee the implementation of the mass of material, Deputy Steward of the current offense referred Subscribe to the crime and act in responsible stewardship of the shared or non-shared stewardship laws say "(Khosroshahi, 1994).

So, entitled " Subscription Fi Aljrymh " Persian equivalent in our legal system is working and abetting the crime or companies, lawyers, especially lawyers, Egyptian Arabic, so Subscribe now and abetting the crime means are used. , And our legal term partner, partner, manager and vice offense, the offending partner to say"
3. The second speech - codified law of criminal complicity in Iran

3.1. First topic - complicity in criminal law before the Islamic Revolution in Iran

Iran's penal code in 1941 first codified in Article 27 of Chapter VI of the first chapter, the company decided that the offense would be: "When a person commits a crime, the crime is known as each subject, the punishment for Each of them is punished and if any crime has been the subject of a component to perform the way they position their crime, partners in crime and punishment, but when each of them is independent of the subject's minimum penalties than partners, especially some of the existing circumstances is Despite the quality of the offense or penalty, change will not affect the rights of other stakeholders." (Marashi, 1995).

The legislature in 1974, with the reform of the above article, the recent Article 27, a former law obsolete and participation in the crime was defined as: "Anyone with knowledge of the person or another person in performing operations constituent mass participation and cooperate, partner in crime and his punishment is a crime punishable by independent subject, in the case of non-intentional offenses which have caused the failure of two or more persons, the penalty for each of them subject penalties will be independent of the influence of the partner intervention low mass is achieved, the court will commute his sentence to fit the action." (Shiri, 1994).

In the comparison between the pre-defined Islamic Revolution, both observers had participated in the crime, saying the General Penal Code in 1924, the debate raised by the multiplicity Falyn offense which, if committed by a unit mass of a few individuals actnot to mention the numerous Falyn Act 1974 but that was the talk of crime partners of their actions, the perfect crime were done, well as the General Penal Code, 1924, as the style of writing the article about the "feasibility of participation in the crimes of non However, despite legislation in 1924 did not mention any unintentional crimes, crimes against unintentional legislation in 1974 that caused the error is also assuming the company has accepted a two or more. The legislation mentioned in science and informationists recent the fulfillment of a condition of participation in the crime, if it is known in the law in 1924, lawmakers did not mention it. Also in 1974 Legislators Debate 'fit allowance act committed "in the mind instead of the 1974 Act, is void.

3.2. Second - Iran's complicity in criminal law

With the victory of Islamic Revolution in February 1979, major changes in the country's legal institutions, especially such changes and modifications that took the penal laws were to attend mass. Thus Article 27 of the General Penal Code, 1974, with the drafting of Article 20 of the Lawmay not be sufficient or whether the effect is the same whether they work differently, partner in crime and his punishment would be a crime punishable by an independent agency, unintentional offenses arising from the error in two or more people, the punishment of each of the penalty the subject will be independent. stewardship in ensuring the effectiveness of the intervention is weak offense, the court reduces sentence to fit his actions, "under Article 23 of the same act: "leadership and Srdstgy two or more persons to commit a crime, including the act of complicity or their deputies, and can cause Mshddh be punished."

well as a discussion of the factors Mshddh punishment Srdstgy and led by two or more persons to commit a crime is allowed Mshddh causes of action, whether they are "participating" in crimes or "Vice" is, and why Islamic legislation defines the 1996 Act will be discussed:

Legislator in 1996 with a change in Article 42 of the Penal Code Act 1986 gathering in Article 20 of the Penal Code defines complicity Rajbh payment and stipulates that: "Whoever knowingly, intentionally, or any other person or the punishment of offensesunintentional crimes (SEM), which is caused by the fault of 2 or more persons, the penalty for each individual subject will punish them, "the lyrics ammendment states: "if the effect of acquisitions and partner in crime, poor stewardship, the court proportionately reduces the effect of his action." (Walid, 1993).

A comparative discussion between the two of Article 20 and Article 42 of the Islamic Penal Code Islamic Penal Rajbh can see that, first mentioned in a recent article that now has executive powers, legislative intentional
participation in the crimes stipulated in the official definition of " knowingly and intentionally " at the top replace the term " knowledge " and , in this sequence , and now, mere knowledge operative partner in crime Artkabyash , but not enough to fulfill the company in addition to the deliberate criminal intent and will of the " intentional " is also a need . Secondly, in addition to the separate issue of wrongful criminal enterprise (SEM ) partner in crime and punishment have been considering such unintentional intentional partner in crime , a crime punishable by an independent agency known . Thirdly lawgiver’s definition enterprise specified , so the writers discussed the argument with the arrival of the offenses set forth in the Company issues common law Srchmshh often takes away from the overall channel formation " (Bojnoudi, 1995).

The fact that the " Islamic Republic of Iran in general law , the law in question participated in the crime unit and no overall strategy . ’s Term path taken and in retaliation , and the other way ."

Participation in criminal matters and the general principle is a concept that is applicable to all penalties " to fulfill all of company fines, there frequent commits , commit acts of crime causation and causal relationship between the act was committed partners and the result of necessary without realizing any of them does not actually participate in the crime . thus sentenced crimes of the special features that are not allocated to the legislature to define "he said. Thus, for criminal Hrnvan ( frequency, - repeat - Vice - partnerships , etc.) must be general and comprehensive definition . Participation and vice , and there is a nature , although they are different instances , however, a truth. contributions everywhere in the mass engage in crime. , and that the legislature’s stated " crime deterrent punishments term " brought the cause that the former legislator’s words brought a copycat because most definitions Rajbh been sentenced to punishment . "that would be all kinds of crimes (Walid, 2005).

4. Chapter Two: Pillars and Conditions of crime

4.1. First speech - legal elements of the crime

In general, the elements of the crime and the conditions that must be fulfilled without them, no crime does not happen in the outside world. These elements are divided into two main categories: 1- Basic elements of the offense, and 2- new elements unique to the crime.

Basic elements of the crime that must be met in Hrjrmy, both civil and criminal law in Islamic criminal law has been accepted. These elements include: 1 - Despite the wording of the law states that the mass of source and Mjzat today called it "the crime of the" call. 2 - do the act or omission that is the cause of crime in the legal reform "material element of the offense" call. 3 - duty means being in charge of criminal charges today against the "moral or psychological crime" call ".

The components and materials trilogy in the traditional criminal law, the crime they are composed of, with what exists in Islamic jurisprudence in this area, the actual score is applicable. Depending on what the law and the worship and other deals on chapters to come, we can say: In Hrjrmy three things may not be realized, is not a crime, those three things are: the legal wording of the offense or the sentence; 2 - foreign operation that real true crime 3 - assignment (ie, maturity and wisdom and discretion).

In addition, given the specific nature of their Hrjrmy, look for the fulfillment of other terms and conditions that it requires a "specific element" is mentioned. Such as "robbery, kidnapping a specific element of secrecy is not yours or the specific element of the crime of murder," Ms. Azhaq soul "is,. And the statutory elements of the offense in the penal system is one of the main characteristics of our age accepted is So long as legislative action is not commanded or forbidden and punishable agent did not know the people in it, and allowed, are free to. "(Thirty-four), and this regular jurisprudences” Alsalh of public health care "is also a consistent. Because "Alsalh sanitation means that the verb is issued in respect of the non-verb Hlyt doubt be achieved, thus licensing and Hlyt tasks are laid out" (Goldouzian, 1994).

However, participation in the crime, as well as the general criterion discouraged Qvada not fulfill a condition of participation in the crime as "a criminal act being committed" and the other "violations and violations of criminal law" Which can be interpreted as the legality of crime and punishment, forms. "We spent sharing and collaboration intrinsically not punishable unless it leads to action that is punishable under the action of the legislator." So even if the act was committed by a person is If the law is not a crime, subject of the crime will not be achieved. Also includes crimes ranging from murder and Dyat and term limits and is and ... ".

Thus, in cases such as self-defense (Article 61BC. M.. A. Act 1996) and the factors that effect Mvjhh mass amnesty, it is primarily the responsibility of disposal and destruction of evidence. Not criminalize the act itself and fee for criminal law knowing it there, so that the partners are not considered criminal . As the letter of the
law in terms of Article 42 of the Penal Code "in the" crimes "..."). And "... the" crime "of them all is to document" under the heading "partners and assistants crime" has stated in Chapter II, has confirmed this.

In terms of specific elements of complicity, lawyers have expressed different views: the doctor Georgian lawyers and professors of law, the existence of two conditions apply to the crime considers as partners, which include: 1 - Science and notified them of the nature of the crime committed, 2 - partnership in crime enforcement operations " and the doctor Nvbha" According to Article 20 of the Penal Code Rajbgh following conditions are necessary for the attainment of complicity know: A - the nature of the crime, B - knowledge of the offense, C - perform operation " and Walid Saleh, the doctor performing the administrative operations and knowledge of the nature of the crime committed partners participate in the punishment of offenses according to the letter of the law IPC Rajbgh, the participation of considered a crime " (Walid Muhammad, 1995).

Some elements of the crime fulfillment companies have Ahsa as follows: 1 - To be a criminal act committed by 2 - materially and causality and causation element 3 - Multiplicity commit 4 - knowledge and criminal intent is purely intentional participation in the crime is necessary to achieve . " Abdel Qader Awda Sunni scholars in this regard, there are two necessary conditions for credit and abetting know: that "there are two conditions necessary for the offense, whether it be a company or abetting. Ando condition: first - the criminals are numerous. Therefore, if multiple offenders are not shared stewardship stewardship or otherwise be realized. Latter - unlawful act for which punishment is prescribed, shall be assigned to offenders.. So if the current is attributed to them, punishing been set If the offense was not working,, and with no offense, Inc. and abetting also be realized. "

Ayatollah Marashi position to state the nature of participation in the crime, said: With regard to the statement's jurists and legislators in terms of participation in the crime, complicity can be defined as "a crime against a person or property, or safety of persons or the right material with a verb or verbs in their multiple So that the same effect could be direct. According to this definition, the terms of participation in specific elements of the offense are: 1 - crime "criminal act" 2 - Multiplicity Falyn 3 - affirmative action, whether simple or compound 4 - occurred as a result of criminal 5 - criminal phenomenon referring to the act of all partners relationship "causation" However, after this brief speech about public and private companies in charge of the ideas of Muslim scholars and jurists and scholars of criminal law, the explanations and interpretations of the law and its component second element of the crime Read the materialistic elements of the company get down on crime (Trial, 1990).

5. Second language - a material element of the offense Company

Hrjrmy one of the constituent elements , its material elements . According to scholars of criminal law , " intent to commit indictable offense and is punishable as if the actuality and objectivity to find a foreign operation , or in other words , a material element of the crime , foreign Chart the idea and concept that the discoverer of the plan is subject to criminal law and knows " the offense fulfill this requirement , an action that is taken contrary to the criminal law , the action that the requirement of foreign Tajalli criminal intent of the crime of criminal Genesis is a material element of the crime is known , and when the act or practice of law as a crime , some of the "two -up" occurs , in which case the material elements participating in the crime takes place . , for the emerge and reach the " action" criminal or material element , the offender or offenders (whether in the form of stewardship or partnership ) will be processed . " in the current criminal justice system just because someone thought crime - if not coupled with action and reaction - can not punish . primarily in customary criminal law , the crime takes place in three stages . Alnfy represents the first stage of the process is that thought comes a criminal offense suddenly decided to commit because it is. the second stage, for the preliminary phase of instruments are mass produced and collected . supposedly running the offense occurs in the third stage . Implementation or operation of the criminal law for the perpetrators , the nature of the offense , the penalty is prescribed , the second stage of the preparation , occurs . , And the earlier aspects of the offense , the sentences legislation or Islam is not the lawgiver.

6. First topic - operations

"The purpose of the operation is the amount of material applied to its partner involvement , stating their intent crime manifests into physical form . , For example, are two plans to demolish the wall, belonging to a third party . Both privileged , If each Fixear-Upper take a look at some of the other wall damage can not be said to
have participated in the operation. "certain forms. example, robbery is defined as " non-financial secretly kidnapping " or " deprived of life, " the murder of the material and what the language of the criminal law criminal law lawyers and law professors meant is that if the people such operations may be materially and cooperation, " partner in crime " would be. doctor Sanei in this regard, he writes: " if one of those activities that constitute offense within the definition of " enforcement action constitutes an offense, " if she can not punished as a partner, , for example, the person in the street to look at the approaching police officer, stealing your friends are doing, to know, " partner in crime " would be. because the act of forming operations robbery is not. "positive partner in the realization of the offense, the nature of the criminal act is involved not only the company's operations and constituent mass of material. therefore to define their participation in the crime is better instead of operations, and " the nature of " use. company is an example crime will be defined in this way: two or more people to commit " mass character " to intervene. " the legislature, after the Islamic Revolution in 1974, unlike legislators expressed as complicity, mention " executive operations "In the midst of yet, but some hold that " the term meant to them all is a documented offense, is a partner in the corporate executive and cooperation. " However, both operations of the mass of the start and runthis equation stipulates: " Everyone is going to start its run to a crime, but the crime does not occur if the acts took place, is guilty, sentenced to punishment for the same crime. " and make note of the matter: " singlet is when individuals have committed a crime are innocent of any responsibility. further requires that the public interest as possible, fewer people, especially if they are subject to punitive action may not be considered criminals and to be punished for "offense, the punishment is deserved., but softer than a criminal offense punishable full implementation. " (Faiz, 1992).

Legal Department of the judiciary in criminal matters, in the mass start Poems 1987 Number Theory states ...": The law criminalizes offenses committed by them in the beginning, the basic operation itself is not a crime, criminal law governs the corrections will be provided in order If not guilty to criminal law, The ruling has no right to discipline " We can see that this theory, in order to verify the legality principle of crimes and punishments in order to preserve the freedom of the human person is inviolable corporate.

7. Second - level interfering in the operations and establish causality

One of the major issues involved in the material element of the offense must take into consideration communities, to realize that participation in the crime, citing the result of the crime to all partners is bet. Somehow absence In the citation not thread The crime investigator said. Whether it works or not and whether they are equal, partner in crime will be different. "Since assuming office, citing crime legislation to all stakeholders" and to document their crime may be. " Regarding the amount interference partners realize the sharing of the offense, whether in the public or cause to be applied Allh committed partners in crime as possible:

A - The law of causality

Imami jurists without the express company must define the crime of murder in the quality of its Accomplishment paid. Mainly in the words of partners causality of crime of Jurisprudents language of the theories of Expressions OBJECTION of Hazrate of Imam Khomeini (RA) The partners alone can cause the murder may have been realized., and otherwise act to the individual participants in the murder of his victim's soul Azhaq, causality is established., and the jewelry, in this case, states: practice partnersby virtue of their definition, function of each component, Allh to death and will kill each other. primarily to fulfill participation in the murder, in connection with the crime partners act out of three is not obtained: 1 - practice all shareholders cause for are dying. means each of the two acts, alone Kshndhand. (a cause) 2 - the action of each component, together Allh to death and cause death. (two component Allh) 3 - a practice component is Allh The other cause of action. however, denied the existence of both action must be documented. means it is Allh practical component must be affecting mortality to be achieved Subscribe murder. (Allh + component contributing cause of death). The function of each component is Allh for Azhaq breath or both Allh but death part documentary is both a verb.

However, according to the Imami scholars believe that over subscription criteria, establish causality between the action and the deprivation of life partners. Whether any cause of action is to kill or cause of action, the
other component or both Allh are Allh component, both the cause However both lead to the result of the operation is to be killed" (Moradi, 1998).

But there are other opinions about participation in the murder, that "mere participation" sufficient knowledge and the need to establish causality relationship between practice partners and does not take away life. Simply what it means to kill any other two people with a the intention of Vahedi the action is depriving them of life, do not, but it is true that they both have the killer, a murder takes place in the company. jurisprudent later said: " Alshrkh Phi Phi Alqtl Bthqq Bmtq Subscription and Laylzr Altsavy Aljnayh Balsa flu shot Ishrat and blow Bvahd subjects, Fmat Bqsd Alqtl and current Cana Alqvd Az sic le Amskh person shot and Kahn subjects Qsdhma Alqtl, Fysdq Lyhma Anhma murderers ... " the company realized that the sharing and do not need to spend murder crimes against both are going to kill him is true that both are killer (partner to come). We can see that, according to this theory, even the parsimonious nature Azhaq ego is not involved in the murder, the murder remains firm, while not as parsimonious knowledge into account in the definition of the crime of murder in general and subscription not particularly. because it happened earlier, participating in the crime takes place when the first few people (two or more), in committing the "nature" of crime involved and secondly mass Effect documentary is both a verb, " and the the act does not apply parsimonious parsimonious about the rule of law and a judgment that it is operated.

B - the law of causality

to cut off, so here is a verb causality between partners and other crimes committed more than ever Mtrvh and must be proved. It is also the definition of causality " of causality or causation between the act is guilty of partners and associated partners and thus customary criminal acts committed, the crimes committed as a result of the current results is that the partners have committed ", some of it have defined as " unbreakable relationship of causality is the result of an external element to act in a way that does not cut it " (Khosroshahi, 1994).

Numerous comments on obtaining the law of causality is expressed briefly mention some of them:
1 - Theories requirement: Under this theory, " the result of a criminal act only when it is considered that no criminal act, the result may not be realized "
2 - Theory and directly attached to the outcome of the bet: Proponents of this theory argue that criminal behavior does not necessarily have a direct correlation with the occurrence of damage and the result is a close and immediate.
3 - Theory of dynamic conditions result: Some legal experts believe that the justification of causality " between the terms and conditions of dynamic and static or dynamic animated distinguish moving and dynamic conditions due to the occurrence of crime as a result."
4 - Theories sufficient condition according to the provisions of this theory must be able to make itself the result of a criminal who has not been excluded, conditions or provisions that establish themselves independently concluded were sufficient to cause or causes of the occurrence as a result of criminal be.

These ideas, which were four main theories on how to establish causality between criminal behavior and realize results were expressed. Doctor Sanei the review says: " In our opinion, the opinions expressed on causation theory, a sufficient condition mostly wisdom and fairness of matches."

But the doctor consistory to " associated customary ' in relation to establish causation pointed out, have: " Most scientists in the field of " civil liability " has research, have concluded that no scientific theory can not be categorically ruled philosophical issues " concerning causation " is, what is important is that the person in question is between him and causing job losses related to the common causation. There is not much that can be said is common between them necessary. " and the doctor Aliabadi believe that " the determination of causality between error and loss is an issue that needs to wisdom and good initiative to be assigned to judges. " as Emami doctor about the verb should be safe because Genesis says: " given the criterion of the auxiliary verb to have damage or other reasons, the simple logic of practices and recognize the responsibility of the court " he said. ... However, the causality theand action respect to causation (causation) is satisfied, thus obtaining the above equation may be attributed to the realization that participation in the crime (Walid Muhammad, 1995).

C - causality in the Penal Code

As in the past, lawmakers in Chapter II of the Act as a research associate partners and crime, while the definition of complicity, with the words "... and they all have to document the crime ...", invoked the mass of
the incident act murder was the case, so this meant the Penal Code, the company in charge of the accomplices who allegedly criminal act, his actions are documented, as well as a few are partners, then apply or participate as partners in crime that takes place when a criminal act is the act of all, and important documents that establish the relationship between the amplitude of all the actions of the perpetrators are. ’s mass of the people in the executive operations of formed essence All of these steps have to be involved as much as theft or fraud deserve their actions will apply. ’s the nature of the crime of theft " belongs to secretly abduct non " and the nature of the crime fraud " resort to fraudulent means, and take mine apart ' participation establish the relationship between causation and effective intervention and the taking effect of all partners in the realization of direct participation in the crime is necessary.

8. Third issue - operating multiple commits

A - Multiplicity

Otherwise, a person alone if all the mass of material to finish as he will be the subject of crime or perpetrator " The Altshydrate Aljnayy, numerous criminals in charge of credit conditions and in the absence of multiple offenders have what it takes as a Share name stewardship stewardship or otherwise, can not be realized. Finally, with regard to the nature of the account from which the "unity and multiplicity commit crime" is done primarily by two or more people, such as adultery and gambling Msahq and participation in them is ruled out because the issues involved in the action is brought against the individual that may be done collectively or individually. " your opinion is. spiritual subjects versus "active material" that directly and physically plausible action that is illegal, does being.

B - the act or omission

It is obvious, It is necessary for realization of a criminal act. " Unlike current law is occurring, offenses contrary to the first category, the negative charges are those orders requiring legislators will leave. " Mass action (positive or criminal behavior) may give oral or written form or saying or doing it stipulated punishment for committing an act that the law prohibits such defamation, slander, theft, rape, murder, espionage, etc. Also, criminal law of Islam to the rise of crime or sin, the material element requires that the act or omission is the best it can be referred to below.

9. Act or omission of Islamic Criminal Law

The best offense in Islam, whether it be positive or be negative. Has been the subject of discussion: Imam Khomeini (RA) in Tahrir Alvsylh states: "My entire left her Vajba Artkb Hrama Falamam (AS) and Naybh Tzyrh Yshrt the Ykvn I Akbayr" Any unlawful act or omission must leave the Imam or his deputy be punishment if that is of grave sins. Also Altshydrate Aljnayy dividing the crime into positive (verb) and negative (omission) in terms of how committed they are: crimes, according to whether it is positive or negative or prohibited by the act or fact of the matter is Crimes are divided into positive and negative. Positive charge (verb) to interdict and Mnhy Nh takes place, such as theft, adultery, crime, assault and negative (omission) refrain from doing an act which would have been seen as possible evidence of discharge or refusal to pay zakat and most criminal act of omission are the lowest. " General criminal law is also the author of the material element of the crime wrote: "In Islamic law, there is also no doubt about the guilt of a single material element intended to demonstrate the emergence of not guilty is not a crime But when a person, or a punishment that is too much work left to be done, or that Islam as it is sin" (Moradi, 1995). Its omission in Islamic law is divided into two types: 1 - Turkish wine is not effective at all in the creation of their own but because of sin, there is a 0.2 - Turkish because of the current causes of sin is. Like crazy person or bay without food and other essential supplies to keep the community " in the first case and the second case the punishment of crime punishment penalty apex is located, will be sentenced.

10. Participation in a criminal act or omission
After introduction aforesaid, to answer the question about whether or not to participate in the research verb leave? Approaches to legal interpretation, the mass is often born of practice In some cases, such as murder and robbery, but Qann of public order, the person is required to take action otherwise avoided if such persons do their homework to commit a crime are going to be omissions ". negative charge can be punished? Some lawyers after the division of criminal behavior in the positive (verb) or negative (omission), believe that "in all criminal cases the causal relationship between the act and the result is there action or leave the action have led to crime probe ". and people or more And they refrain from doing so, the company has acquired a negative charge,. Like now, two people are required to prison or to bring him food and water Buddha will. "The review of the best around, it turns out the material element of the crime, the verb is positive and material omissions not in any way, constitute a material element of these crimes, so should the partners involved in criminal operations, its occurrence may cause " The participation of the Turkish verb, it has been realized in principle. Involve ment in the murder, said: "deprive any person of life, many can also be an act of omission as well as generally positive actions are taken, such as participation in the murder of the victim against the poisoned food offered by the partners. .. in some cases one can imagine that the partners will be participating in the murder by omission., one of the cases where it is die. leave here as an action verb is the person who committed the act of murder is positive. "Altshryh Aljnayy in the example discussed Subscribe to leave the current "avoiding action" to bring up all Tarkyn whereby it is considered a deliberate murder. "If one of the women in the delivery room, the baby's umbilical cord is cut and the baby Nbndd it deliberately causing it to die, he is a murderer. (Other women as well) because they are deliberately Close navel refuse to, have murder will" (Marashi, 1996).

Contemporary supreme leader, Ayatollah Ali Marashi, according to the concept of partnership and positive proof that the concept is not Dny, the Aqtadnd that participation in the act is done And omissions can not be realized at all. " and The company is also in the nature of crime and the company's "current practice" in the perception of crime is: "Crime Documentary" action "is all" or "the" beat "some will die, and her death documentary" action "is whether they all act either ...". That meant the multiplication referred to in Article 215 and the entry wound Jrkh in Articles 216 and 217 and "battery fault" in Article 218, are all examples of verbs. It is also related to the theft of "Abduction" other than yours secretly and 'cut' the act of issuing agent or partner members representing a criminal offense thus resulting in the creation of the Hrjrm.

11. The third speech - the intellectual (mental) complicity

Hrjrm third constituent element, the mental element of the crime. In other words, to accomplish a crime, in addition to legal and financial elements, there was also necessary mental element is necessary. Therefore in terms of the occurrence of any act, criminal or otherwise known Criminal responsibility of the perpetrator is not punishable unless it has been established. The essential element of the offense, to realize his criminal intent is to have both the will and determination that a person is committing "wants" to do criminal acts. And raised his request to attend results of a criminal offense (intentional) realized. Currently considering the introduction of this article topic in the "science of notice" and "Criminalize will and design, 'PI flailing.

12. First topic - knowledge

Stated purpose of "knowingly" that the legislator has stipulated that the term "knowledge" to share what you mean by that mere knowledge of the partners of the "crime" committed the act or any of the partners of the "intent other criminal "be aware" of previous complicity "in the credits and fulfill the same results apply? What extent certain of the mental element of the offense is one where the company is Each of the partners committed at least one act of nature that it remains an illicit or criminal, have been informed. Otherwise, if someone else commit a material element of an offense the nature of "nature" to interfere with someone else, be aware of the inadequacies of the criminal nature of participation in the crime, he (the universe was) realization keep falling. The someone with a case Imagine you arrive at his house to help him. He is involved in removing the property from the house, "In addition, knowledge must" during the offense "is the offense, or a person without knowing the mass of the notice of intention to cooperate, and after finishing his colleagues, the His act can not be punished for complicity. " Hazrat Ayatollah Marashi also scholars and jurists who have discussed this issue at length. He said: "Because of the actions is that participation is subject Hqyyqyh Science is not a condition of participation In other words, the mental element and each of the partners is independent of the material element of the implementation partner." (Audi, 2001).

354
In contrast to this theory, some other lawyers, in order to realize partner in crime, inform partners of each other's intentions as necessary. Including doctor Nvrbha In this context, writes: "It is necessary that the shareholders of one or more criminal intent be aware of each other for criminal offense according to plan and execute unit, they committed a crime." Also, according to another law professors, another defining characteristic is that Mdakhlnkndgan complicity in the crime of criminal intent are aware of the material contained in other words, the mass of the operations to be "Intent petroleum origin" to complete, otherwise, if someone else in the company, while the mass of the material operations of criminal intent does not know sanctuary steward, will be a partner in crime." (Moradi, 1989).

However, what is important and significant involvement in the crime, "documenting Shrkast action., And to establish the relationship between the citation mass action resulting in the realization of individual partners to participate in the Mass, the adequacy of partners of the without the need knowledge Qualifying another is a criminal act.

13. Second - Criminal Intent and determination

But in addition it should also have criminal intent and determination. "It means they want to participate in a occurrence of a crime. Therefore if one of the partners as a result of compulsion to participate in criminal operations, is partner in crime was not because he lacked criminal intent" Also someone else to push forward aggressively with this action, resulting in a handful of recent hit in the eye by a third party and he has been injured. The principle of mass action, without the will are committing a crime is not recognized and is responsible for the second person does not exist."

A - participated in the crime of intentional and unintentional

That said, given the nature of participation in the crime., criminal intent will suffice partner in the crime., and no collusion or agreement between the partners that the Company does not intend., and unity. The problem which debated Because has participation in the crime deliberate and whether intentional in all these crimes, participation can be realized whether with regard to the previous discussion it is clear that in the absence of specific intent to participate, contribute and shape the manner intentionally or unintentionally Khty’ is achievable. example having participated in the murder, if one is trespassing And other purposes, other than willful murder against former Khty’ would be provided between the acts committed by both partner and self Azhaq correlation is causation or causality., if considered will share their knowledge partners or specific intent requirement is not fulfilled part in the murder. might act as both deliberate and well-done wisely. means both are intentionally committed a crime., therefore may partnerships mass unity intention commit a criminal act may have and may not have. 's the psychological element is sometimes shared and sometimes independent.

B - the intentional and unintentional crimes in BC

Composition of the legislature with Article 42 of the Penal Code the crime of intentional and unintentional company (SEM) is adopted: At the top of Poems About the Crimes of intentional states: "Whoever knowingly and intentionally by a person or other persons not involved in the crime of murder and criminal punishment or deterrent punishments to those documents, the Whether each action alone may not be sufficient for the crime And whether their effect is equivalent, Whether different partner in crime and punishment, independent agency that offense will be punished. "Thus replacing the current law stipulates’ knowingly and intentionally "instead of And knowledge of the previous rules, regardless of the partner, but not enough, "thus demanding a criminal," the fulfillment of a condition of participation in the crime of "willful" is known. On the other hand, continues to matter Legislator composition following phrases, "the company unintentionally also admitted offenses" unintentional offenses (SEM), which is caused by the fault of two or more people, Any penalties to punish them- The agent jurists topic "unity plan" partners in the crime of murder in two ways imaginable: first the "Tmalva" and if it is There is a prior agreement between partners in other words "Tmalva" prior agreement between the partners, and all partners required steward of the offense, prior offense, Specific purpose and intent of each other in crime during the implementation of what is agreed upon, assist. "It's like two people being killed on colluding parties together and agree And then to carry out this intention, one Another with his knife.
and cuts off his finger. In "Tmalva" All partners are responsible for the crime incident. In the above example, both people involved in the murder are Due to "prior agreement" to have. Regarded as intentional killers are actually replacing the previous agreement related citations in the crime. But the "Rican" is a different story. The partners "without prior agreement and conspiracy to commit themselves to participating in the crime. Sudden such disputes without Previous agreement, however, that some of them will kill the guilty without any agreement between the former partners occurred, Unlike Tmalva partners have done just the opposite action responsible In other words, each of them responsible for their actions and thereby incurred not due for another. The subject will be independent. " (Shiri, 1994).

The above - mentioned in the article - is considered realizable, While it would have been better considering the nature of "partnership in crime" legislative rule and the principle of the matter, and would provide a barrier. The scope of Article 42 of Executive Decree criticism, it is one of the lawyers who spoke briefly referred to. Khosroshahi mental element of crime paper unintentionally Iranian criminal law, wrongful appropriation of participating in criminal offenses the punishment or deterrent punishment criticized writes: "... Legislators apparently unwitting participation in the crime as just punishment for the offenses or the death penalty has a deterrent. While a large portion of unintentional crimes among the "crime problem" is. It is found that it is wrong: Given that legislators error for crimes other than money in most cases, punishment is considered in Article 365 BC. M. They have been prescribed: a few people together to cause injury or damage will be equally responsible for the damage, "So practically implemented within article 42 BC. M., or an" independent agent punish unwitting accomplices knowing "what it takes?". And then says: "This is a legislative vacuum at fault in causing death or injury or violence other than money penalty has been imposed. "And finally suggested that legislators enact punishment for such people in addition to money.

14.RESULTS

The study, "Evaluation of Mass Participation in legal jurisprudence", in addition to discussing the basic concepts, history, definitions, characteristics, classification of crimes, types of crimes, and revealing elements of the legal, moral and material, as well as each of these offenses are familiar jurisprudential analysis selves. Also, crimes against persons, against property and property, against public morals and the rights and duties of morality and family, against the public peace and security, and against religion and the sacred, the main effort of this research is to provide explanations and examples of each Analysis of legal jurisprudence also be addressed.

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