Abstract

It is inevitable to change law and regulations in society. Question of relevance or way of crime is fate for religious penal systems. Because, in other word, these systems, want stability and durability and in another word, are inevitable to change in bed of social, valuable, cultural, scientific, political and economical changes in terms to time and place. Whereas, during recent decades, with globalization of legal, political, social, economical and cultural systems, this case is hardening. Relevance means what is stable in Islamic system and has to be stable in this insight; punishments are in penal systems and Islamic jurisprudence are not changeable, ideal and suitable in saint forms which shall b stable in the flowing of variations of thoughts and with social, valuable, cultural, scientific and political changes or globalization of thought and political and social systems ad also with citing new theories in the penal filed and because of their sacred dimension and will be performed in any place and time in Islamic society. Way means what changes with variation in thought, political, cultural, environmental, and spatial and time systems.

In present writing, writer considers to discuss purview of Islamic punishments with use of analysis-librarian method and try to determine punishments in penal systems which conforms to spiritual elements and with variations of present era. Weakness and strength of it is evident and minimum legal and judicial roots of it will be analyzed.

Keywords: Purview, Crimes, Canonical Verdict, Subjectivity, way topic, Relevance topic

1-1. Introduction

In early societies, Legal sociologists pay attention that legal systems were supervisor of private relations between people on society more, as if, only reason and philosophy of legal system on society is to support and protect private rights society and supply personal freedom and rights. This method is due to this thought in civil society which it lacks independent personality because what we know as society, there is no bulk of society each other and because of it, independent people don’t consist it. Thus, if there is punishment system, merely it is for maintaining private right of people and compensates damages. Whereas, legal lexicons like nemesis is not like word by word translation for legal texts.

In all nations, there are different punishments for all criminals in terms of type of crimes and in other word, remission is done for punishments of different criminals and sometimes, the punishment is discarded. Thus, the regulator because of political consideration or amnesty of plaintiff or expedient of social discipline considers lacking punishment. Naturally, lacking punishment execution plays vital role in remedy criminal and a bed for his renovation so that the criminal commits crimes because of social situations and abnormalities.

Based on it, in legal books, by pointing to this problem from penal point of view, its effect will be considered in punishment of criminals. Crime detection is one of the most important works after catching criminals from reasonable methods. Although, crime detection is performed by scientific, legal and original method and give right to criminal and doesn’t loss social educational effect, since government considers educational aim with execution punishment and prevent from guilty in society. Before execution of punishments, guilt detection is one of the steps which laps by every guilty. In this manner, the crimes are pertaining to credit of human and humans hide these crimes from each other, so difficult to prove. Because of it, the regulator is so sensitive to these crimes. Of course, other believed that aim of sacred regulator is to not proving these crimes. Because, with proving these crimes, humans know saint limitations more and spoil doesn’t develop with lacking proving it. If we accept this aim, perhaps it is correct more, but not proves foe modesty can posit criminal in the limitation of not proving and know execute these bad actions, can escape law with not profession and witness. Lacking law execution can extend deviations and corruption in society. Therefore, for prevention deviation in society, it is necessary to
execute law and justice which there are different methods for proving crimes and is confirmed by regulator. Crimes and limitations are legal idioms and relevance and path are considered in this text.

Questions:

1. Do limitations have path or subjectivity?
2. Is there proof for knowing limitation has relevance or way?
3. Do legal verdict conduce to retreat with change of limitation to relevance to path by Islamic regulator?

Hypothesizes:

First hypothesis: in our society, limitation doesn’t have total path nor total subjectivity, but are succinct so that in some cases, they have path and in other cases, subjectivity.

Second hypothesis: verdicts issued by God are noble samples of limitation relevance and in some cases; they change because of deepness and deduction in verdicts as for time and spatial situations that we point to rajm.

Third hypothesis: in Islamic verdicts, generality of verdicts don’t change often, some of details change.

I-2. Theoretical Frameworks:

I-1-2. Legal Verdict

Legal verdict is a law which is executed by God for welfare and development human and lawyer and priest is to following this verdict (from Koran and tradition) with use of descriptive reason. (Sadri, 2010, p 12)

2-1-2. Limitations

A limitation is plural of confine means prevention and in saint law, is regarded as special punishments which its scale is determined by regulator and it is prescript its punishment in terms of crime. (Helli, 1410, p 923)

Every crime has specified punishment is named s limitation but it is especial punishment which was imposed by regulator against guilt and its aim is to maintain social system in removing bad, odium and foul from people. (Elahiyan, 1320, p 12)

As for definition and according to what cited in legal books, we can say that in Islamic religion, limitation is against suspended and it named as crimes which is about God rights and secondly is considered bout crimes and faults specified.

3-1-2 Crime

Crime is any action or removing human action which is prevented because of distortion in social discipline with assurance of penal guarantee. (Ardebili, 1983, p 19, 20)

2-2 Types of Limitation and Crimes

1-2-2. Adultery

Adultery is Arabic translation. (Velayee 2008, p 261)

In said definition, there are points that need to more explanation as if summarized as following.

First. Mature adulterous. It is resulted from two chapters if children commits on this action, adultery limitation doesn’t execute on it but it devotes correction which its scale depends on judge. In this relation, (correction of children and insane) what is cited in Islamic punishments, is 10 lashes which is executed against two groups.
Second: matron. If adultery limitation is executed about illogical action and a woman who committed this action is not wedlock at last, he doesn’t know mistake of his action, in this case, adultery is removed and in other word, adultery is executed when woman is illegal on man.

Third: based on this definition, people who commit illegal action shall know about its results thus, if criminals believed in Islam recently or if he thought other woman was legitimate, because of lacking acquaintance to Islamic verdicts, adultery is removed for him. (Sani, 2007, p 161)

Free to act: based on it, if one of the parties forced to perform it, thus, adultery limitation doesn’t execute on it, and it seems better, so that apparently, this person did not any power to perform it because of pressure and force.

Another point is cited in this case, it is possible to perform force against woman and this behavior is done against man.

Adultery has many types which are cited 8 types in books and their description will be cited.

2-2-2 Pederasty

The second crime is resulted to welt is pederasty. This illegal action is regarded in form of sexual crimes.

Quality of punishments is considered for this illegal action is harder than persons who commit great sins. (Shahid Sani, 2004, p 303)

Nomenclature of pederasty is derived from Luth tribe and its reason is committal to illegal actions which at last, this tribe involved saint torment and disappeared. (Nadjafi 1986, p 471)

If the committals sentence to whip who are mature. Thus, if committal of pederasty is child or insane, pederasty whip is not executed and punishment which is correction depends on view of judge which is determined s 10 lashes in Islamic punishments laws. But if person to force to do it, neither pederasty whip is not executed nor correct him. (Helli 1998, p 841)

3-2-2 Lesbianism

The third crime is included whip is Lesbianism. This crime is on class of sex crimes and happens between women.

Lesbianism is derived from Sahagh means stub something. (Khorasni, 1990, p 63)

Mohaghegh Helli cites that whip equals to 100 lashes, he is free or slave, Muslim or pagan, doer or passive. (mohaghegh Heli, 1998, p 942)

4-2-2 Leadership

The fourth crime which is resulted to whip in judicial trails is leadership and this crime is on illegal crimes.

As summary in relation to crime of immorality, we can say that this crime is most heinous actions are done by human. Leadership is regarded as Ghavadi Gari. So that as displayed in its definition, one who commits greatest sin, not only commit him but also is partner in sin who committed others, thus, we can say that this person is noble evidence of loser of world and future, because of it, in the event of finding crime, person who commits on it lose their placement on relatives and friends and public people as well as tolerate limited whip and they are force to live solely and remote of social life till they are on life and regarded as rejected people of life. About damages will be confronted at future, it is evident that this tribe confronts much harm.

5-2-2 Extrusion

The fifth crime is due to whip is extrusion.

There is basic difference between extrusion and previous crimes and it is that the said previous crimes are crimes for God's rights only but extrusion consists of God's rights and people's right. Thus, saint regulator has so sensitive on this non human crime. (Khoae, 1413, p- 253)

Extrusion is defined in Arabic which is cited in text. (Nadjafi, 1974, p 437)

As indicated in above definition, extrusion is imputed one of the adultery, pederasty or Sahgh and so on.
6-2-2 Consumption of Alcohol

The sixth crime is resulted to whip is consumption of alcohol. Consumption of alcohol is crime which is prevented from committal to it in Islamic religion so that drinking is so harmful by bodily and mental point of view which including damages like brain and nervous system, kidney and stomach and it is dangerous for society and people, because of it person commits it for losing mind and brain and has no power and because of it, he does something so that no power for it and in many cases, the dangerous crimes happen which tolerate irreparable damages against others.

7-2-2 Theft

The seventh crime is due to whip is theft. Theft is regarded as crimes that includes God's right and people's rights and its reason is on robber who possess someone properties without disturb them. Of course, there is another type of theft which is lifted secrets and information which is regarded as computer theft and we don’t have time for describing it here. (Tabatabae, 1442, p 63)

In definition of theft we shall say that theft is to robber other property as hidden and without permission of its owner. (Civil law, article 197)

Punishment law of our country is based on this judicial definition.

8-2-2 Warfare

The eighth and last crime is due to whip is warfare. Warfare same as theft is a crime which consists of God's right as well as people's rights. Warfare is most brutal actions that are done by human, warrior is most dangerous person who confronts with society so that commit dangerous actions thus, endanger society so much. Warfare happens by two methods which present type of it is so dangerous and for dominant system. Therefore, it is for different faculties of society and act carefully against removing this type. It is necessary to say that doer of this crime is evidence of immoral of land.

3-2 Possibility for Change of Saint Verdicts

Now it is proved that forgery of verdicts is follower of situations, and these situations are discovered, the questions is here will legal verdict change? Or legal verdict don’t change and will be stable till future? Or is different which is classified as following:

1-3-2 First Narration

The verdicts will be executed for directing human society is based on two classes: fixed verdicts and variable verdicts. Fixed as verdicts are ones their scales mean existing scales are fixed and stable and with changing situations, they are not resulted to reprobation, like element of praying in which situation is fixed but variable verdicts are ones change exiting situations on it. Deceased Alame Tabatabae says about it: series of laws change with lapsing and developing times and they are pertaining to special situation but there is another one about humanity which is shared situation between all humans and in all situations, is stable. In explanation of said contents, Alama Tabatabae said that this part is incarnated in all periods and all environments under gesture of human rights and divided in two parts: 1- Verdicts and laws which are keeper of human interests like as a part of regulations that incarnates humility of human to God- and no change and decline- and is like as all regulations pertain to human life like food, housing to marriage and protect from life elements and social life which human needs it.
2- Regulations and laws which are temporary or local and change with life style. Of course, this part is convertible to gradual development of civil and changes of social gestures and establishes and loses new methods. (Tabatabaee, 1442, p 15)

At last, Islam classified its regulations in two sections like fixed and variable and first part is based on human creation and its special specification named religion and Islamic jurisprudence in which direct to peacefully and second part is regulations are convertible in terms of different times and places.

2-3-2 Second Narration

Based on this narration, none of legal verdicts changeable and all fixed and the believers to it say that thought of changing verdicts is denial of Koran legal verdicts and rejection God and his prophet and discomfit this clearer insight in terms of change of nations and social variation and if this door opens and we say, trust in God-so that God's verdicts are dissolute which are not confine to special time or place. (Safi, 1404, p 15)

In Altaghrir Book, after dividing verdicts to first and secondary ones, it is cited that it is accurate the second verdict is fixed and if times wherever be, situations change and in this content, there is no change between transactions and word and all are immune from change (same)

3-3-2 Third Narration

It divides verdict in two fixed and variable ones but there is no one for fixed verdict and it is incumbency of maintain Islam which does not change its scale at all. but scale and its capability is disregarded as temporary and change verdict.

To disregard existing expedient is due to conflict to existing expedient in keeping Islam.

Imam Khomeini says: if powers of government are on framework of saint verdicts, i have to say that saint government and leadership submitted is nonsense event--- I have to say that government is branch of implicit of prophet, one of the first verdicts of Islam is praying and fast. (Mousavi Khomeini, 1993, p 10)

4-3-2 Free Theory

Between three said narrations, third narration is correct so that accepting non change of verdicts is opposite to see in narrations so that there are situations that are lost in one verdict and its survival necessities putrefaction like execution of whip cause putrefaction and invite Muslims to enemy army and weakness of Islam.

Shahi d Motahhary says attention to Islam and putrefaction as: priests cites it as if verdicts are follower real situations that is imperatives are necessary for human and taboos are necessary for putrefaction, if Islam cites something as imperative, it is because of necessity of expediency and if something is as taboo, it is because of important putrefaction, the priests say that these are as verdicts. Now, if we discover putrefaction or situation by mind and by acquaintance to Islam spirit- if it is important expediency, Islam doesn’t overlook it and if it is important putrefaction, Islam doesn’t allow it- and by mind we discover mind. (Motahari, 1988, p 30, 38)

Thus, we shall say that some of verdicts are changeable and secondly fixed verdict cause change Islamic system which its situation is superior to expediency and other verdicts exist. For appreciating better, it is necessary to point some of Imam's points.

4-2 Effective factors in change of Saint Verdicts

Here, we point to some of factors for changing verdict and replacing in it. (This section is with effective factor in changing verdict)

1-4-2 Change of verdict because of converting vote of priest
Usually priest tries to reach in real verdict for clarifying it for others and if there is not scientific and final reason for it, help probable evidence and bases in legal verdicts, thus it is possible to arbitrate and change it. For example, it is possible priest informs maturity tile as 9 years for girls and 12 years for boys which this action influence so much in legal effects and non girl who is 1 years old, or a priest prescribes lashes and change his arbitrate and allow to non lashes. ( Abedian, 2002, No. 15,16)

2-4-2 Verdict Change based on Change of Subject

Relation between subjective verdict and casual relation is to issue special verdict. Verdict interaction doesn’t mean without relevance and every subject needs people like respect verdict on consumption of alcohol and incumbency on praying. The changes are on nature of relevance are resulted to change of verdict and are as converting to fixed verdict. For example, chess was regarded as gamble in past but now; priest it on row of educational aims and its verdict changed. (Same)

3-4-2 Change of Verdict based on Scales

Scale of verdict is corruptions and expediencies which are due to verdict. These expediencies change in different situations and following them, their verdicts change. This action is seeable in tradition. Prophet fought with pagans and in different time, reconciled with them. Muslims were prohibited from Friday praying because of reservation and when prayed it because of better situation. (Mirhassan Abedian, effective factors in change of verdict) same. Imam Khomeini regarded to sale of weapon to pagans in terms of current expediency that is pagan and heathen was not informed about verdict thus connection to patterns don’t have any mean but if expediency is better, to sale and giving free weapons to pagans is prohibited. (Mousavi Khomeini, 1997, p 153) Thus, one of the factors for changing can be current expediency or different factors between people, for example, sometimes make human statute is reproved as Ebrahim when saw group worshiped these statutes, protest to them, Koran verse (prophets 152) what are these statutes? And when make evidence s are so good if Christ regarded it as surprised miracle and says: I make a bird from clay for you and blow on it and it will be converted to real bird in command of God (Emran, 49). Then, since one of the factors for make statute is to worship them, if we make them for another aim, sanctions verdict will be removed. (Mousavi Khoemini, 1997, p 408) Imam Khomeini used Koran verse about gavel which more receiving is injustice from legacy point of view and if we don’t say cause of relevance if gavel, at least, it is motto, but it is not motto which can be discarded. Then gave example if in we can say that consumption of alcohol is prohibited but if we spoil alcohol in capsule and drunk, it is not prohibited since the reason is relevance not total cause. Absolutely, response is negative because corruption is same drunken force and if it is relevance, we cannot remove it. (Same, p 409)

4-4-2 Change of Verdict based on Customary Comprehension

Custom is continual tribunal method in behavior and speech which is named as interaction and addict. Instead of custom application in extraction legal verdict, priest confronts with three main titles of verdict. First title means verdict is deductive, second title means subject and its limitation is recognized with lean of custom. Langroudi, 1999, p 488 Determination of third title means symbols is not due to priest, but it is due to experts, there is no doubt that verdict is subjective function and there is casual relation between two, as if subject changes, verdict too and change of subject depends on variation in society, first martyrdom says about it: change of verdict are permissible with change of customs also, it is following from customary contracts and present weights and alimony. If offences are different in terms of regions, custom of every region is considered. (Makeameli, 1928, p 151, 152) Thus, change of custom will change legal verdict based on appearance new events like spiritual and literately ownership and deep variations in things. For example, Islam prohibits transaction that is not reasonable
beneficiary if indicated in content of Cow, 188, it is prohibit from void property. Based on it, the priests arbitrated to relevance of purchase and sale something like blood, stool and urine, since it is not reasonable and blood is keeping and is used for patients or vault is used for agriculture. Verdict of sale and purchasing is converted and it is prohibited.

Khansari says about it: the summary is: scale of legal transaction is about something is benefited and legally, it is not prohibited and like to sale, purchase of cow's blood in terms of injection into body who need blood and is on the agony of death. (Vasei, 2000, p 56)

Another sample on the narration of Koran now is verdict to gavel,(Cow, 275) and subject of verdict in gavel relevance is cases will be evaluated by balance. So that Imam Sadegh says: gavel is not happened if in something will be weighted. (Scale in balancing is custom that different in terms of time and place. Thus, when it was questioned that can we transact a ship equal two ships and an egg equal two eggs? The prophet says: it is not mistaken when is not weight, thus, if we sale something like egg as weight, subject gavel is accurate and if we sale something as numbers and take more, subject is regarded as legal. (Horoameli, 1401, p 134)

Thus, custom plays important role in deduction legal verdicts. Ebne Jozi as one of the Sunnite researchers says: when a new custom is made, follow it and custom is negated, cancel it and don’t be know the appearances of book, but when one want to arbitrate him, don’t response based on his own custom but ask his own custom and state based on it. (Dehghan, 2006, p 212)

5-4-2 Change of Verdict based on Secondary Titles

From other divisions of verdict is its division on first and secondary. This division is as effective tool for priests to solve many problems especially social and governmental problems. First verdict is verdict exists in terms of expediency and corruption and is faked by saint priest as for it but secondary verdict is faked in terms of special and exception manner (then, firstly, secondary verdict is not unlike first verdict but it is temporary secondly, it is not shared on all but only consist of one who locates in especial situation and thirdly, it is superior than in conflict to first order. (Rahmani, 2010, No. 28)

There is difference in citing secondary titles between priests but if they appear, it causes to change special case and replace with secondary order. For example, in emergency situation, first order for eating carrion is legal and replaced with secondary order and at last, it is not prohibited. Penal orders and punishments are pertaining to secondary orders in special situations in saint legal, for example, one who forces to theft when he is hungry; it is not performed cut off hand of robber about him. In narration by Imam Sadegh, robber's hand is not cut off in starvation year. (Horoameli, 1401, p 520) and in other narration, woman came by Omar and said: I committed adultery, perform saint whip about me, Omar ordered her stoning. Ali attended in session and said to Omar: ask her how to commit? Woman said: I was on desert and exposed thirsty so much, saw a tent in which an Arabian man, I demanded him water but he avoided to it unless adultery, I escaped there to intensified my thirsty and my eyes were black and language power was discarded, I came there and drunk water so much and committed adultery. Ali said to Omar this woman is not brutal nor offender. Then, Omar said: if Ali was not, Omar was lost. In addition to emergency, grudge and force obviates penal responsibility. In narration by Imam Ali: whip is not allowed on woman who forced to adultery. We have to pay attention that secondary orders during by first orders and locate next of them and when first orders provide, secondary orders will not be reached. (Abediyan, 2002, p 15,16)

6-4-2. Change of order from Governmental point of view

Governmental orders are regulations which execute in terms of expediency and perform Islamic system by Islamic governor as direct or indirectly.

As indicated in this definition, base on issuance of governmental is expediency of society and since society expediency is changing and signify in different situations, thus, governmental order is exposed to change or decline and will be formed new shape in every situation. This expediency causes priority governmental order against conflict between governmental order and personal one. (Mirhassan Abediyan, previous) governmental order able to change legal scales in shadow of laws and observance of Islamic nations expediency or cancel its performing. (Same)
7-4-2 Substitution of Practical Elements against Way Relevance

The discussion is about substitution of practical elements instead of way relevance. We said that practical elements are evident that is regulator says: doubt has two sides; one side is as fact, reaching, offence pattern, Imam Doubt.

In other word, it is not evident element which is removing surprise. Cleaning, innocence, and grace. (Khorasani, 1409, p 264)

First, we discuss non-evident elements and said: these elements don’t replace with way relevance elements for example, in four steps prays, in two first sections, first we have to sure that which section is and in morning pray, we have to sure in the sections. Therefore, non-evident scientific elements don’t replace with certainty:

Certainty is real way and is due to someone who know order but non-evident elements is due to ignorant and his duty doesn’t replace with one.

One of the effects of certainty is real hate, whereas, innocence element isn’t real case but stays it on idiomism manner and removes human from surprise merely, thus, it has not shared aspect to certainty. (Same)

One of the effects of this certainty is prudence and it does it. Because I don’t know it is essential or total and say two prays and I don’t know this dish is unclean or not. (Same)

At interest there are three things like interest receiver, interest giver and itself. If we want to precaution, and replace it with certainty, these three elements don’t exist. Precaution is necessary and certainty is vice versa, thus, third element returns to first, since three steps don’t exist, but it is two steps, it is nonsense to say precaution replaces with certainty.

The said is correct in precaution of mind but legal precaution is on three things. Monzal is about anecdote. (Horolameli, 1401, p 167)

We have to precaution in primitive doubts or in concise sciences. But legal precaution doesn’t allow in primitive doubts. If it flows in concise science, but it is not for brotherhood but it is conduction. Thus, brotherhood anecdote is void because, before Prophet, we knew this anecdote. (Same)

We have to see that what is the quality of reason of it and revelation aspect is. When we say about reason that we don’t have to violate previous certainty to doubt, do this reasons say to continue previous reason or when you say when you continue it. For example, if someone had Ablution 3 hours and it is 8 o’clock now and doubt. But if it is priority, it is evident that Estehsab replaces with certainty because Imam replaced certainty as other certainty so that presents new evidence because previous evidence was certainty and this reasons replaces with same certainty. (Same)

Example for knowing government: God says in Koran: you should gain purity for praying. (Maedeh, 6)

After it is introduced another new evidence instead of water in anecdote and it is Government style.

Therefore, if it was necessary to use water for me formerly, and now health was reached and doubt is it necessary or not? I cannot Estehshab and this replaces with certainty.

But if I say Estehshab replaces doubtful ablution instead of real ablution and it cannot replace with certainty, because in this type, forgery evidence doesn’t exist and this type replaces with certainty.

Sheikh Ansari defined certainty instead of avers, he cannot replace estehshab instead of certainty but defined certainty instead of it. If his word is correct, estehshab can replace with way relevance. (Khooyee 1413, p 168)

We have to discuss offense pattern and can its reason replace with previous certainty or not?

It is right to cite that tongue is vice of offense because narrator asked Imam, I am on prostrate and doubt that I did rook or not and Imam ordered that he has to rook. Apparently this narration shows that he shall substitute elements. (Khoee, 1413, p 168)

Summation and Concluding

In all legal schools, personal and society education is so important but manner for reaching to this result is so difficult and obscure, because to be lean on repression laws cause abnormalities and lose its effects in long term and abridge its laws, cause enervate its effect and penal policy can offer repression and situation of kinder and respect as twin, this case is difficult and impossible. But in Islamic jurisprudence, for knowing human and his spirits by God supreme, the laws are regulated as if with use of different methods, they can show repression mode to criminals and culprits and display its kind image to society. Use of subjectivity and way method is about mechanisms in laws if Islamic jurisprudence. Relevance enforced that the whip laws are not changeable.
and as indicated in Koran now by God, it shall be performed and the prophets insisted on it and wanted to perform it, in another word, by Islamic spirit, cases are performed because of human prestige and human position against God supreme as conditions which is named as relevance and it tried to use saint tools and have greater aims than to it which is named as person treatment and society, thus in this situation, issuer or governor prevent to perform it and displays another image of Islam. Between this, some of priests and scientists opposed and don’t accept barrier for it and regarded it as losing for society. But since the aim of punishment is not pain criminals but it is contrition between them and if this case is performed by other mechanisms, which has superior effect, Islamic governor is welcomed it and tries to avoid it.

From said contents, it is conferred that scope of anecdotes especially said anecdotes, proves legal framework. Because, pattern is on a total theorem which confronts to all details and is origin of limited orders. Attendance of pattern is on judgment and scale of whip or removing it is to reach or not reach by judge. Whereas, it is possible origin of doubt is doubt on culprit who used it as defense in proceedings. It seems that doubt claim is proved by culprit and the judge removes it. But if the claim of doubt is not proved, and if judge doesn’t have doubt in proving order, sentence order will be issued. From this regard, doubt covers culprit in subject and order. Guess is like as doubt and ignorance is part of it. Because, in all steps, person cannot recognize right from void. Of course, if in doubt, the expediency is precaution, and he knows about it, but acts instead of it, the case is not from doubts. If culprit claimed that during perform, believe in legit, causes to whip, but neither this claim is doubt, because this person was not doubt but when absolute case resulted to doubt and it is not removed, if the judge involved doubt, he cannot issue order, because judge proved penal case and then issues order. In this hypothesis, when judge orders that his knowledge is perfect about culprit, in otherwise, that is – knowledge which is last doubt to certainty- is not made, the case is regarded as doubt cases. Pattern for interpretation of doubt is benefited culprit in relevancy because, in ordered cases, it is performed about criminal claims. But ignorance case is not removed responsibility so that it seems that if culprit can comprehend his mistake, we can remove his punishment. In relevancy doubts, domain of two patterns is equal. Pattern of total is about whip unless its opposition is proved and it includes nemesis and suspended. Pattern for doubt interpretation is benefited to all and consists of all.

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