

# **The principle of individual criminal response Mjazat→Hay religious and customary (with the approach of Jurisprudence and Islamic Penal Code 1392)**

ali mohammadi firoz jani\*,dr atefeh larkajori,

**Abstract:** After commission of a crime, society reacts or encounters it in order to restore cluttered order. It should be noted that same punishment for same crimes is not equal to justice, that is, just after emersion of concepts such as merit, justice and fairness, some scholars consider character of convict and other elements involved in the crime as differential element among convicts of same crimes. It means the authority reacts case by case differently against offenders. These concepts and goals are achievable under principle of individualization of criminal reaction. This principle is derived criminological studies and along with justice and closely associated with clinical criminology. It gives extra liberty to judge to go beyond the strict and unchangeable framework of laws and regulations and to administer justice. Development of this criminal policy has opened new horizons in criminal law and has reduced, more or less, critics against ion and execution mode of penal reactions taken by society. Applying this principle without taking prerequisites into consideration may cause corruption. In this thesis, it is tried to clarify the placement of mentioned principle in Islamic and customary punishments. With a precise scrutiny of this principle in these types of punishment especially Islamic punishments, the thesis seeks to demonstrate that Islamic criminal law has paid attention to individualization of penal reaction even years before western legislator which claims to have invented mentioned principle. Islamic criminal law has followed teachings of individualization principle throughout its criminal legislatio.

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