

Restorative justice and criminal law jurisprudence in Iran

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Crime has been twin of human communities and always as one of the dilemmas and social issues has attracted many of mankind's efforts, in particular, scholars and law scientists. History of fundamentals of criminal law saw periods that after ups and downs in the realm of thought and action promised the advent of a new era in human. "Restorative justice" is the last of jurisprudence scientists that is acceptable to most legal systems in the real world. the perspective of restorative justice, the main purpose of the criminal justice system is the victim compensation and restoration of their rights through active participation of victim and community as well as offender through negotiation and peace and compromise. This approach put the victim at the center of our concerns and with a new definition of the offense considers its goal to repair the damage and losses caused by crime. In addition to the victim, pursue goals against traditional crime and criminal justice. But the search in the context of legal texts based on the approach "Criminal Justice" of Islamic punishments represents the history of this kind of justice in Islamic law. Islamic penal system, in addition to accepting the theory of "retribution" and "rehabilitation" in punishment also considered the theory of "restorative justice". Noting that restorative justice approach has been created in developed countries laws, it has been not ineffective in the legislation in our country. And the Islamic Republic of Iran also lead to changes in the laws in recent years, particularly penal law and criminal procedure procedural and substantive laws have been enacted in 2013. This study sought to answer the main question is: What is the restorative justice effects in Imami jurisprudence and criminal justice in Iran? As well as answers to questions such as: Is Iranian jurisprudence and criminal law have adopted the same process on the use of restorative justice? What is restorative justice place in the field of criminology? The study is based on the hypothesis that the main aim of restorative justice is to get the victim; the community and the offender together that in turn pay attention to victim needs and the offender also consciously accept the responsibilities arising his

criminal act. In Imami Jurisprudence, on the one hand, the victim and the repair of damages to his is goal and on the other hand, there are institutions such as the modification of interpersonal, recommended the passage of punishment, no waste of Muslim blood that indicated the existence of a restorative approach in legal texts. In Imami Jurisprudence and law, there is some case of attention to the rights of the victim and provide context for the correct and treatment of the criminal. Restorative justice with an emphasis on victim compensation and make peace between criminal and the victim has been accepted in the field of criminology. The main goal of this study is to investigate the effects of restorative justice in Imami Jurisprudence and Iranian criminal law, help judges and lawyers and the judiciary to more explaining the issue and identifying flaws and gaps in the implementation of restorative justice in criminal justice in Iran. In this way, the analytical- descriptive methods was used and the required data using legal resources, textbooks and specialized in the subject matter and legal collections, terms sets and specialized-scientific articles published in specialized journals have been used.

Keywords : Keywords: Justice, Restorative justice, Criminal justice, Crime, Victim, Offender

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