

Measure of intentional and quasi-intentional crimes focusing on Islamic penal code issued 2014 and Imamiah jurisprudence

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Abstract Present study aims to define the terms and criteria of voluntary and involuntary crime looking at Islamic penal code issued in 2014 and imamiah jurisprudence, and addresses their similarities and differences and its conformity to imamiah jurisprudence. According to the studies, it seems that penal code issued in 2014, by providing some changes in the voluntary and involuntary crimes compared to penal code issued in 1992 relating to the mentioned crimes criteria and by taking the awareness and attention to the crime in clauses b and c of article 290, has moved absolute typical criterion toward personal criterion. In clause c of article 291 in the issue of involuntary crimes stating the term fault, it may be stated that legislator in an implication contrary to this clause, in some cases has also included the crimes due to fault. While the previous penal code considered this kind of crime as involuntary. In addition, Islamic jurisprudence also has tried in involuntary crime to differentiate voluntary and involuntary crimes criteria. This way, despite the fact that the new penal code has moved a little far jurisprudential criteria in respect of the attention of guilty while committing the crime in the clause 290 and including the crime due to fault as voluntary in the clause 291 of this article, but it is consistent to jurisprudential principles in other cases in defining the indicators of voluntary and involuntary crimes. Present study is performed using analytic descriptive technique and uses library sources. It is collected and analyzed referring to the books, articles and thesis

Keywords : Key words : intentional crime , quasi- intentional crime, Islamic penal codes issued in 2012 , Imamiah jurisprudence .

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