Research Paper

Possibility of Reducing Corporal Punishment in Iranian Criminal Law according to Jurisprudential Principles and Human Rights Standards

Mohsen Salehizadeh¹  Abdullah Mokhtari ²  Amir Barani Biranvand³

¹ Master of Criminal Law and Criminology, Allameh Tabatabai University, Tehran, Iran.  
² PhD students in Jurisprudence and Criminal Law, Shahid Motahari University, Tehran, Iran. 
³ Master of Jurisprudence and Private Law, Shahid Motahari University, Tehran, Iran.

Abstract

Countering war and violence against human beings after the world wars was one of the first actions of the United Nations and United Nations. The Universal Declaration of Human Rights international Covenants and several of conventions for the protection of human rights have contributed to the establishment of peace and the protection of H.R among them is crime prevention and correction of criminals which has led to the enactment of laws. Pursuant to international Covenant, the imposition of penalties such as the prohibition of torture and corporal punishment must be established in countries. The Islamic Republic of Iran, as a member of the United Nations, international organizations and by accepting it, has expressed its commitment to international law, but Iran's commitment to international documents on the one hand and the establishment of Islamic and jurisprudential laws. On the other hand, it has provided the ground for the conflict between them. International documents have been issued on the reduction and elimination of corporal punishment, while some Islamic rulings, including the rulings on God's bound, indicate the necessity and implementation of corporal punishment. This research, with an analytical approach, aims to provide a platform for this conflict based on which, it is possible to justify the rules of God's bound and punishments in order to coordinate with international documents and regulations. It can be done with impunity the imposition of punishment during absenteeism, the non-monopoly of punishments in corporal punishment, the impact of time and place on Islamic law and the expediency of non-compliance with these laws should prevent the enactment of such laws.

Keywords:
Corporal punishments; International documents; Criminal laws of the Islamic Republic of Iran; God's bound; punishments

* Corresponding Author: Amir Barani Biranvand  
Address: Shahid Motahari University, Tehran, Iran.  
Email: a.baranil990@gmail.com  
Tel: -