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Abstract

Criminal code is so important than other legal code, because its relevance to people life, honor and property. so I think if you want scrutiny develop of society you must note to its criminal law & penal procedure. In Iran we see that all of codes are based on *FIGH (Islamic Rules)*; so it's necessary for Non-Muslim to understand *SHARI'A* rules, sake realizes roots of Islamic law, Punishments in criminal law are the most important ingredient of *SHARI'A* rules. In this paper I'm trying to pore over punishments and their reasons that state in Islamic legal books, because one of the basic sources in Islamic law is theories of Islamic jurisconsult that explain in their books and treatises.

Keywords: punishment, Islamic rules, Iranian penal code, Islamic jurisconsult theories.

Introduction

Punishment is the most important and brawl ingredient of Iranian penal code and there are five types of punishments in Iranian Islamic penal code: 1) *HAAD*; 2) *GHEASAS*; 3) *DIYAT*; 4) *TA'ZIRAT*, 5) *DETERRENT PUNISHMENTS* (Consider punishment); we see some prejudicial punishment in this act that they are against human rights. In this article 'm trying to answer to these material questions:

1. What's the reason of Islamic rules and punishments?
2. Why Muslim people most respect to these rules?
3. Are these rules reasonable or not? If not, why?
4. Are these rules and punishments answered with present society?

I hope you can find answer of your questions about punishment and criminal rules in Iranian criminal system.

1) HAAD

HAAD is a punishment that its degree and type is not been specified in the *SHAR'A*.

HAAD divided into:

Rape [(sexual intercourse take by force) & incest (sexual intercourse with intimate woman) *ZINA*]

Sodomy [(anal intercourse) *LAVAT*]

Lesbianism [(female homosexuality) *MOSAHEGHEH*]

Pimping [manage a prostitution business (*GHAVVADI*)]

Sexual Malicious Accusations (*GHAZF*)

Intoxication [drunkenness (*MASTI*)]

Civil Unrest [warfare and corruption on earth (*MOHAREBEH VA EFSADE FEL ARZ*)]

Theft [robbery (*SERGHAT' E' HAADDI*)]

1-1) Rape & adultery & incest

Under Islamic criminal law we have three kinds of sexual relation: 1) rape: physically force another person to have sexual intercourse 2) incest: sexual intercourse with intimate woman like mother, sister... 3) adultery: sexual intercourse that adulterer & adulteress have wife or husband.

For make easier, in this article I don't tell between them; Legislator define *ZINA* as: Adultery shall be punishable (subject to *HAAD*) when the adulterer or the adulteress is of age, sane, in control of his or her action and cognizant of the illicit nature of his or her act. Ways to prove adultery in court are: 1) confession: A man or a woman repeats his or her confession of adultery four lashes before the judge, he or she shall receive the designated punishment, but if he or she repeats his or her confession fewer than four lashes, the punishment shall be at the judge's discretion. 2) Testimony: Adultery, whether punishable by flogging or stoning, may be proven by the testimony of four just men or that of three just men and two just women; and if adultery is punishable only by flogging it can be proven by the testimony of two just men and four just women. Also I must say the testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery but it shall constitute false accusation which is a punishable act. the testimony of women alone or in conjunction with the testimony of only one just man shall not prove adultery, because Islamic jurisconsult say women are sentiment and they can think well so can't accept their testimony with out men in important cases and in these cases their problem in think eliminate with increase their number for testimony, so two woman are equal with a man.

Types of Punishments for Adultery are: The penalty for adultery in the following cases shall be death, regardless of the age or marital status of the culprit: (1) Adultery with one's consanguineous relatives (close blood relatives forbidden to each other by religious law); (2) Adultery with one's stepmother in which the adulterer's punishment shall be death; (3) Adultery between a non-Muslim man and a Muslim woman, in which case the adulterer (non-Muslim man) shall receive the death penalty; (4) Forcible rape, in which case the rapist shall receive the death penalty.

Adultery in the following cases shall be punishable by stoning: (1) Adultery by a married man who is wedded to a permanent wife with whom he has had intercourse and may have intercourse when he so desires; (2) Adultery of a married woman with an adult man provided the woman is permanently married and has had intercourse with her husband and is able to do so again. Note: adultery of married woman with a minor is punishable by flogging.

I must say adultery of married woman with an insane man is punishable by stoning; But adultery of married man with an insane woman is punishable by flogging; here we see difference between men and women, Islamic jurisconsult say if woman adultery with insane man, because the man is adult may inseminate her so her punished her by stoning; but I think just way is one punishment for man and woman; and old married adulterers and adulteresses shall be flogged before being stoned.

If a married man commits adultery prior to consummation [sexual intercourse], he will be sentenced to penance by lashes, shaving his hair and banishment for one year. But marriage enough for woman, doesn't need to intercourse and they condemn to stoning.

The punishment for an unmarried adulterer or adulteress shall be one hundred lashes.

If a man or a woman has committed the act of adultery several lashes and has been punished after each act, he or she shall be put to death following his or her fourth act of adultery.

if there is no hope for the recovery of the sick persons and the judge deems it appropriate for penance to be executed, a bunch of twigs or scourges consisting of one hundred scourges or twigs will be struck only once to the body of the condemned, although not all of the twigs or scourges may strike the body.

I must say under Islamic criminal law it called *ZEGHS*.

If a person who is condemned to penance becomes an apostate [a born Muslim who changes his/her religious] or insane, the penance will not be valid.

1-1-1) Quality of Punishment

The flogging of an adulterer shall be carried out while he is standing upright and his body bare except for his genitals. The lashes shall strike all parts of his body–

- except his face, head and genitals-- with full force. The adulteress shall be flogged while she is seated and her clothing tightly bound to her body.

The stoning of an adulterer or adulteress shall be carried out while each is placed in a hole and covered with soil, he up to his waist and she up to a line above her breasts.

Jurisconsult says about reason of this article, that because woman breasts are salient she must placed in a hole and covered with soil up to her breasts; but I must say just way is both of them placed in a hole up to their breasts. If during stoning the stoned person flees from the pit and his/her adultery was proven by his/her confession, he/she will not be returned to the pit. But if his/her adultery was proven by the testifying of the witnesses, he/she will be returned to the pit for the stoning to be executed.

If person who is sentenced to lashes flees, he/she will be returned for execution of the penance [whether the adultery was proven by his/her confession or testimony of witnesses].

The stone shouldn't be big enough to kill the person by one or two strike, neither should it be so small that it can't called a stone. Cause of legislation of this sentence is suffered of guilty.

1-2) Sodomy

Sodomy is sexual intercourse with a male. In case of sodomy both the active and the passive persons will be condemned to its punishment.

Punishment for sodomy is killing; the *SHARI'A* judge decides on how to carry out the killing.

Killing define in *FIGH* as kill with sword; throw of mountain, demolish wall on guilty and burn this one may attach to others.

If a mature man of sound mind commits sexual intercourse with an immature person, the doer will be killed and the passive one will be subject to *TA'ZIR* of 74 lashes if not under duress.

If an immature person commits sexual intercourse with another immature person, both of them will be subject to *TA'ZIR* of 74 lashes unless one of them was under duress. There are most wondrous sentence that child punished if they commit sodomy whereas legislator state "minors, if committing an offence, are

exempted from criminal responsibility. Their correction is the responsibility of their guardians or, if the court decides by a center for correction of minors."

Ways of proving sodomy in court confessing and testimony. By confessing four lashes to having committed sodomy, punishment is established against the one making the confession.

Sodomy is proved by the testimony of four righteous men who might have observed it.

Testimony of women alone or together with a man does not prove sodomy.

1-2-1) Crimes dependent to sodomy

1-2-1-1) TAFKHIZ (the rubbing of the thighs or buttocks)

Punishment for *TAFKHIZ* (the rubbing of the thighs or buttocks) and the like committed by two men without entry, shall be hundred lashes for each of them.

If *TAFKHIZ* the like are repeated three lashes without entry and punishment is enforced after each time, the punishment for the fourth time would be death.

If two men not related by blood stand naked under one cover without any necessity, both of them will be subject to *TA'ZIR* of up to 99 lashes. And if someone (man) kisses another (man) with lust, he will be subject to *TA'ZIR* of 60 lashes.

1-2-1-2) Lesbianism (MOSAHEGHEH)

MOSAHEGHEH (lesbianism) is homosexuality of women by genitals.

The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved.

Punishment for lesbianism is hundred (100) lashes for each party.

If the act of lesbianism is repeated three lashes and punishment is enforced each time, death sentence will be issued the fourth time.

If two women not related by consanguinity stand naked under one cover without necessity, they will be punished to less than hundred (100) lashes (*TA'ZIR*). In case of its repetition as well as the repetition of punishment, hundred (100) lashes will be hit the third time.

These articles define lesbianism and its condition and ways of prove it in the court. But there is one grotesque article about prove lesbianism legislator state in

The ways of proving lesbianism in court are the same by which the homosexuality (of men) is proved, when this crime only committed with female and their testimony can't prove it so judge how prove it????!!

1-3) Pimping (GHAVVADI)

Pimping means that someone brings two individuals together or puts them in contact with each other for fornication or homosexuality.

Pimping is proved by two confessions if the confessor is mature; of sound mind has free will and intention.

Pimping is proved by the testimony of two righteous men.

Punishment of a man for pimping is seventy (70) lashes and exile from the place of (his) domicile for a period of 3 months up to one year and punishment of pimping by a woman is seventy five (75) lashes only.

Difference between man & women in this rule emanate than Islamic order about women that they must stay at home and doesn't visited in society so Islamic legislator try to contemplate it.

Sexual Malicious Accusations (GHAZF)

GHAZF (malicious accusation) means that someone associates fornication or sodomy with a certain person.

Punishment for *GHAZF* (malicious accusation) is 80 lashes for a man or woman.

Note: execution of penance for false accusation is subject to the request of the accused. false accusation will result penance if the accuser [i.e. the person who accuses] is mature, sane at liberty and intensive and the accused is also mature, sane, Muslim and righteous. If the accuser and accused don't have one of these conditions, penance for false accusation will not be proven [should have been false accusation will not be proven].

If a discerning minor falsely accuses another person, by the decision of the judge he/she will be subject to corrective measurement. If a mature and sane person falsely accuses a minor or a non-Muslim he/she will be sentenced to up to seventy four lashes.

If a person falsely accuses his/her relatives, he/she will be penance.

If a father or parental grandfather falsely accuses his son or grandson, he will receive punishment according to the *TA'ZIR* [up to seventy for lashes].

False accusation will be proven by two confessions or by the testimony of two just men. If a person falsely accuses other people on several occasions and he/she is penance after each occasion, on the fourth occasion he/she will be executed.

Article 164: the right or request for execution of penance will be transferred to all heirs except wife or husband. Every one of the heirs can request for the execution of penance, although the rest of the heirs have pardoned [the accused].

1-4) Intoxication (MASTI)

Intoxication means altering of one's mental or physical state usually as a result of ingesting some substance; of euphoria, exhilaration; poisoning; under Islamic criminal law intoxication punished by *HAAD*.

1-4-1) Ways of prove

1. if a person confesses twice to consumption of intoxicants, he/she will be penance.
2. Consumption will only be prove by testimony of two just man.
3. if one of the two just men testifies that a person has consumed an intoxicant and the other testifies that the person has vomited an intoxicant, the penance is proven.

The punishment for intoxication is 80 lashes for both men and women.

Punishment execution: When flogging is carried out, the man being flogged shall be in a standing position and be bared except for his genitals, whereas the woman being flogged shall be seated and her clothing tightly bound to her body.

Note. The face and head and genitals of the condemned shall not be struck by the lashes during flogging. A person consumes an intoxicant several times and has received the penance after consumption, on the third occasion he/she will be executed. the condemned becomes insane or apostate, the penance will not be void. [I.e. it will not be executed]

1-5) Civil Unrest [warfare and corruption on earth (MOHAREBEH VA EFSADE FEL ARZ)]

Islamic legislator define warfare and corruption on earth in article 183"any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered as a *MOHAREB* and be corrupt on earth.

Note 1: a person who draw arms on people but due to inability doesn't cause fear isn't a *MOHAREB*.

Note 2: if a person draws arms on one or several specific persons because of personal enmities, [he/she] will not be regarded as a *MOHAREB*.

Note 3: there is no difference between fire arms and cold weapons."

Ways of prove

Propagation of *MOHAREBEH* and corruption on earth will be proven by one of following methods:

- A) By confessing once provided the confessor is mature, sane and his confession is made intentionally and at free will.
- B) Testimony of two just man.

Testimony of people who have been attacked by the *MOHAREBSAND* such testimonies which are in support of each other aren't acceptable in the courts.

Out of some people who have been attacked by the *MOHAREBS*, some testify that no harm was done to them, their testimonies will be accepted [as opposed to testimonies] of other.

Penance for MOHAREBEH and corruption on earth.

Penance for *MOHAREBEH* and corruption on earth is one of the following four things:

- 1) execution
- 2) he/she shouldn't remain crucified for more than three days, but if he/she dies within three days, he/she can be taken down [from the cross]
- 3) if he/she remains alive after three days [he/she] should not be killed
- 4) banishment"

Under Islamic law judge has the discretion of choosing one of the above four penance whether that has killed or injured someone or has taken someone's

property or has committed none of these. Most of executions in Iran occur under this headline and this pretext for punish the crimes that they don't have legitimate punishment.

Crucifixion of a *MOHAREB* will be executed as follows: [I.e. if crucifixion is the sentence, executing it will be as follows].

- A) method of tying doesn't kill him/her
- B) He/she should not remain crucified for more than three days, but if he/she dies within three days, he/she can be taken down [from the cross].
- C) If he/she remains alive after three days shouldn't be killed.
- D) Amputation of right hand and left leg will be by the same method as it is for "penance of theft".

1-6) Thefts (SERGHAT E HADDI)

Theft and conditions for come off it and ways of prove state with legislator in book two of Iranian penal code.

Define of theft: theft is stealing someone else's property secretly.

Condition of theft are: 1) the owner has placed the property in enclosure [secure place]; I must say owner himself/herself not his/her proxy, 2) the theft either individually or in association with some-one else has broken the enclosure [secure place]; this bond means if (a) broken the enclosure and (b) steal property this isn't theft with hard punishment(*SERGHAT'E'HADDI*) but it can be another type of theft (*SERGHAT'E'TA'EZIRI*); [there are two type of theft under Islamic criminal law theft, has these conditions called (*SERGHAT 'E' HADDI*) and other type is theft that hasn't these conditions called (*SERGHAT 'E' TA'ZIRI*).

Enclosure is a place where the property in placed in order to be secure from theft.

3) The theft is not the father of the owner. This bond issue from story of Islamic messenger (*MOHAMMAD*) and he said "you and your property belong to your father." According this story if father or parentally grandfather steals their children property they don't condemn to punishment of "*SERGHAT 'E' HADDI*".

1-6-1) Ways of prove

The theft which will result in penance will be proven by one of the following ways:

- A) Testimony of two just men
- B) Two confession pf thefts to the judge provided the confessor is mature, sane, free and purposeful.
- C) Knowledge of judge.

Note: if the confession to the judge is made once by the thief, the thief should return the property to its owner but he will not be penance.

The punishment for theft is as follows:

- A) On the first occasion amputation of the full length of four fingers of the right hand of the thief in such a manner that the thumb and palm of the hand remain.
- B) On the second occasion amputation of the left foot in such a manner that half of the sole and part of the place of anointing [during ablution] remain.
- C) On the third occasion [the punishment] is life imprisonment.
- D) On the fourth occasion [the punishment] is execution even though [the fourth] theft was committed in prison.
- E) Prior to the execution of the punishment, multiple thefts will be considered as one theft [I.e. if the previous thefts have not been punished they will be disregarded and only the current theft will be punished.

The fingers of the theft's hand are amputated and after the execution of the punishment, it is proven that he had previously committed a theft, his/her left foot will be amputated.

This sentence issue from *KORAN*, jurisconsults says because most of thefts occur with hand and the best way for prevent theft if amputate hand and because most of people do most their works with right hand so Islam said amputate it.

2) GHESAS [Retaliated Punishments]

Homicide [or murder] is divided into three categories: premeditated, unpremeditated, accidental.

In premeditated, murderer has intention to makes an action which is inherently lethal and intention to kill. But in Islamic criminal code where the murderer intends to kill a specific person or a non-specific person from a group whether his action is inherently lethal or not but the action result in murder, or where the murderer doesn't intend to kill and his/her action isn't inherently lethal to the person [who is murdered] because of [the murdered person's] condition such as illness, disability, old age, childhood and the like, and murderer aware of these conditions.

In unpremeditated murderer has murderer has intention to makes an action which is inherently lethal but doesn't have intention to kill.

In accidental murderer doesn't have intention to makes an action which is inherently lethal and intention to kill.

Premeditated murders will result in retaliation (*GHESESAS*) but for retaliation need some condition 1) murderer and slain must be Muslim because Muslim doesn't retaliation for non-Muslim 2) if a Muslim man premeditatedly murders a Muslim woman, he will be sentenced to retaliation, but prior to retaliation the heir of the slain woman should pay half the mulct (blood money) of the man to him; because the mulct for a murdered Muslim woman is half of the mulct for a Muslim man no matter if the murder is premeditated or unpremeditated. Reason for this sentence is inconspicuous in Islamic rules but jurisconsults say because men supply expenditure family so his blood money must twice of woman blood money; but I have objection to their logic, A) their reasoning is authentic when women don't work out of home, now in Iran we see so much women that they superintend their family B) if we accept this reasoning we must suffice to unpremeditated as this logic is against principle; altogether I think this is against human rights and justice because *KORAN* said "there is life in retaliation" and this condition cause most of murderer don't retaliation as most of Iranian family can' pay half of men blood money and prefer to take her blood money.

3) If murder is slain father he doesn't sentenced to retaliation a father or paternal grandfather who kills his child will not be retaliated and will be sentenced to mulct of murder which should be paid to the inheritors of the murdered. Reason of this sentence is the story of Islam messenger (*MOHAMMAD*) he said you and your property belong to your father; this isn't reasonable cause for legislation and conflict with Islamic doctrine, Islamic

doctrine say children are present of GOD and don't belong to parents, also in *KORAN* we don't see any order about this; if we accept this order we must say children belong to their mothers not fathers so this order must state for mothers. Altogether order like this cause some father kill their children especially girls, [we see instance of this in *KHOZESTAN* (a state located south of Iran)].

A sane person murders an insane person he/she will not be retaliated; and it's another condition: wisdom.

If several Muslim men kill a Muslim man the heir of the slain must pay their blood money to retaliation all of them or only retaliation one of them.

Reluctance to commit murder or committing murder on the order of another person isn't a license to commit murder; and murderer condemns to retaliation; and who has ordered the murder or who has forced the murder to be committed will be sentences to life imprisonment."

2-1) Ways to Prove Murder in Court

Methods of proving murder in the court are:

- A) confession
- B) testimony
- C) compurgation
- D) judge's own knowledge

By confessing to premeditated murder, the premeditated murder is proven; even the confession is made once.

(1) First degree murder shall be proven by testimony of two just men; (2) Evidence for second-degree murder or manslaughter shall consist in the testimony of two just men, or that of one just man and two just women, or the testimony of one just man and the sworn testimony of the accuser.

Due to some indications or by another means such as testimony of one witness, presence of a person with traces of offence at the scene of crime, presence of murdered at the residence or place of frequent of person, testimony of trustworthy discerning child, or the like, the judge suspect that the accuses has committed the crime, this [suspicion] will be of the cases of doubt.

In case of doubt, first-degree murder may be proved by the sworn testimony of 50 men who must be sanguineous relatives of the claimant. If the number of the

sworn testimonies does not reach 50, any of the male testifiers may repeat his oath as many lashes as it is necessary to constitute 50 testimonies. If the claimant cannot present any of his sanguineous male relatives to provide sworn testimony in support of his or her claim, the claimant may repeat the sworn testimony 50 lashes, even if she is a woman. The claimant [in the case of murder] may be either a man or a woman but in either case he or she must be one of the victim's inheritors.

Under Islamic criminal law if prior to dying, the murdered person remits the murderer from retaliation, retaliation will be null and the heirs of the murdered person can't ask for retaliation; but Islamic law doesn't determine are they can ask blood money or not? I think because this is premeditated and its punishment is retaliation; then murdered remits murderer his/her heirs can ask blood money.

2-2) Retaliation of limb

Premeditated mayhem or injury of limb will result in retaliation, and unpremeditated and accidental mayhem will punished by blood money.

In retaliation for limb other than the condition aforesaid of life: A) limbs are equally healthy (unless eyes: the healthy eye will be retaliated for unhealthy one) B) limbs are equally genuine [not artificial] C) equality in location of injured or cut of limb (unless hand) D) retaliation doesn't result in death or defect of another limb E) retaliation doesn't exceed the crime.

In retaliation for limb, men and women are equal and a male offender will be sentenced to retaliation for the same limb as he has defected from a woman unless the mulct for the defected limb is one third or more than one third of full mulct (means men mulct not women) in which case in order to retaliation, the woman should pay the mulct of the limb to the man.

This sentence is Incomprehensible; perhaps pain of injury for women is less than men????!!

Altogether Iranian Islamic rules about retaliation need to change and adjustment with humanity, until it can make square society in Iran.

3) Mulct (DIYAH)

Definition of mulct: mulct is property which should be paid to a victim of murder or his/her heirs and a victim of injury.

Responsibility of paying the mulct

In premeditated and unpremeditated murders, the murderer is responsible for paying the mulct and in accidental murders, if the murder was proven either by evidence, compurgation [oath taking] or knowledge of the judge, the paternal relative (*A'GHELEH*) with the exception of women [of the murderer] is responsible for paying the mulct, but if the murder is proven by the confession of the murderer doesn't compurgate or doesn't take oath [he/she] is responsible to pay the mulct.

***A'GHELEH* this term has no English equivalent but refers to the person who is responsible for payment of mulct, other than the criminal. It has been defined as "paternal relative with the exception of woman" throughout this translation] is defined as paternal relatives with the exception of woman who are regarded as inheritors of a person. These people are equally responsible for the payment of mulct.**

Another important and strange rule in this topic is: if two people are accusing of having committed a crime and each one accuses the other one of having committed the crime, and it can be proven which one was the murderer, one of them should pay the mulct by drawing lots.

Perhaps you think this isn't square order, but I evidence this is a square order, according to supposition state in this rule we sure one of these two people is murderer, perhaps you think it's better we divided mulct into both of them; but I say when we take mulct from both of them certainly we punished innocent person but when we drawing lots we punished one of them and it's probable he/she is guilty or innocent; so this way is next to be justice.

3-1) Cause of responsibility

- A) Conduction means: committing a crime directly by the criminal.**
- B) Cause means: when a medical doctor, even if it is a skilled one, treats [a patient] directly or orders the treatment to be made, even if the treatment is done with the permission of the patient or [his/her] guardian and the**

treatment result in loss of life or causes a defect, that medical doctor is responsible and hence should pay for the damage.

Important note is: any crimes causing complete or partial loss of mind don't result in retaliation and always punished by mulct.

The amount of mulct for loss sense is determine by legislator but the amount of mulct for loss of sense of taste is decided by judge, that called "*A'RSH*".

If some one shoots bullet or things similar it to men he/she must pay ~ 3600 us dollar as mulct (2007/6/25) but if he/she shoots to woman his/her punishment determine with judge (*A'RSH*); really this one hasn't any reason and certainly against humanity.

Mulct for abortion

When embryo hasn't soul apply equally to male and female embryo in amount of mulct but when the embryo has soul and the embryo is a boy, full mulct applies; if the embryo has a soul and the embryo is a girl, half mulct applies and if the sex of the soiled embryo isn't clear, three quarters of mulct applies.

4) TA'ZIRAT

TA'ZIR is a punishment that its degree and type is not been specified in the *SHARI'A* and it is up to the decision of the judge. *TA'ZIR* can be in the form of imprisonment, fines, or flogging (it should be less than *HADD*).

Articles 498 up to 729 are about *TA'ZIR*; it does contain 29 chapters:

1: Crimes against National Security. 2: Insulting the Religious Sanctities or State Officials. 3: Insulting or Attempting at Foreign State Officials. 4: Producing False Money. 5: Forgery and Fraud. 6: Breaking Official Stamps. 7: Escaping from Prison. 8: Usurpation. 9: Damaging Historical Properties. 10: Wrongdoing of State Officials. 11: Usury and Bribery. 12: refuse to do legal duty. 13: Disobedience of State Officials. 14: Attacks on State Officials. 15: Personal Insults. 16: Compliance in a Crime. 17: Offenses against people and children. 18: Offenses against Public Moral. 19: Offenses against Family Duties. 20: Lying under oath. 21: Theft. 22: Threatening.

23: Bankruptcy. 24: Violation of Consignment. 25: Incineration and Damaging Properties or Animal. 26: Violating real estates and other properties. 27: Libels

and Revilements .28: Intoxication, Gambling, and Vandalism. 29: Violating Traffic Rules

5) Deterrent punishment

Deterrent punishment is a punishment that is imposed by the government in order to maintain the public order. It can be in the form of imprisonment, fines, or flogging (it should be less than *HADD*). This means reign orders that issue from government and most of them don't have *SHARI'A* roots.

Conclusion

I talk about most important crimes and punishment in Iranian penal system and explain Iranian criminal policy about punishment and now I think after read this article, peoples that they don't have any information about status of Iranian criminal system, have enough knowledge about Iranian Islamic penal code, punishment and etc; and they find answer of questions that I state in introduction of this article, so with this information they can compare the condition of Iranian criminal system with their penal system. I focus on useful and practical rules; also I stated reason of the Islamic rules and punishment.

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