

## **Alterations in the Fundamental Principles of Criminal Law in the Light of Post-Modern Thought**

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### **Abstract**

Whether in the field of criminal legislation or in the field of law enforcement or in the field of criminal doctrine, the truth which can be seen around the contemporary criminal law consists of the alterations occurred in the area of fundamental principles and norms of criminal law compared to the initial formation of the modern criminal law in the world. These alterations are important because of their growing especially in the countries which are the main precursor of principles and norms of modern criminal law. Accordingly, the question that dawn upon the mind of intellectuals concerns the more important values which convince the main proponents of the theory of modern criminal law to take away from previous values on one hand, and to create the new values and norms in criminal law, on the other hand. A philosophical and sociological analysis based on the deconstruction method shows that postmodern doctrines, which have been arisen and affected by current specific requirements, have influenced the evolution of current criminal thought and have provided the background of creation and the formation of post-modern criminal law even in the Islamic counties. The most important effects of this alterations can be seen in the sensible retreat of the western countries from some of the fundamental principles of modern criminal law. In this article we have tried to visualize the indicators of post-modern criminal law by focusing on this important parade of it.

### **Keywords**

Post-modern criminal law, Modernity, Fundamental principles of criminal law, Thought alterations.

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## **Unity of Murderer and Plurality of Murder Victim; A Juridical-Legal Study**

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### **Abstract**

Contrary to participation in crime in which we face some criminals and one victim, sometimes we come to cases in which we face one murderer and some murder victims. In all periods of legislation after the Revolution, good laws and rules have been enacted concerning participation in crime. Concerning unity of the criminal and plurality of victims, however, there is no relevant rule except for the Islamic Penal Code of 1392/2013. When one studies this code, it occurs to his mind that the legislator has distinguished crime against life (articles 383 and 384) and crime against lower than life (article 392) and has adopted two different approaches such as necessity of payment of blood-money in addition to retaliation and priority of the first victim to other victims concerning retaliation. Given the juridical proofs, in crimes against life, the legislator can render a judgment according to which after retaliating the murderer for murdering the first killed person, for other killed persons, blood-money should be received. Also, in serial murder, in addition to mentioning priority of the heirs of the first killed person (like the first victim in crimes against lower than life), the legislator should stipulate a sanction for fulfilling this right (for other killed persons).

### **Keywords**

Plurality of Murder Victim, Serial murder, Mass murder, The rule of non-annulment (blood of a Muslim never will be annulled), The rule of “the murderer cannot be retaliated for more than his life

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## **Plea Bargaining in Common Law and Similar Institutions in Criminal Procedure of Iran**

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### **Abstract**

Committing crimes as acting violate public order, cause public response in all societies and as soon as its detection, prosecutor as a representative of the public interest starts to prosecute the accused. In the meantime sometimes in criminal procedure of different countries, for protect some interests such as prevention of inflation of criminal cases, prevention of damages from prison to the perpetrators of minor crimes, satisfaction of victims, allocation resources of the criminal justice system to the serious crimes and Professional perpetrators and ..., create institutions that generate the discretion for prosecutor in the criminal prosecution. In common law, plea bargaining is a clear example of this expediency. The legislative history of our country indicates that criminal legislators exhibit tendency to respect interest in criminal procedure with providing suspension of prosecution. This approach in the new Code of Criminal Procedure Act, adopted in 2014 with providing institutions like closing the case and suspension of prosecution is strengthened. Although, these institutions are differences to Anglo-American plea bargaining, in some ways, as the purpose and effect have similarities.

### **Keywords**

Plea Bargaining, Criminal Prosecution, Suspension of Prosecution, Criminal Procedure

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## **The Principle of *ne bis in idem* in Afghan Legal System, International Instruments and Hanafi Jurisprudence**

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### **Abstract**

The principle of “ne bis in idem” is one of the most important principles of criminal law which has been recognized in Afghan laws like most criminal justice systems around the world today. According to this principle, no one should be tried and punished for second times for the same offence. In addition to domestic laws, this rule has also been recognized in universal and regional human rights instruments and the statutes of international criminal courts. In Afghanistan’s law, legislature not only tends not to bring an accused to justice and punish him/her for a second time, but also counts the double jeopardy unfair. Double jeopardy is prohibited in the Hanfi jurisprudence as well and its theoretical bases therein are the same as secular law, and its applicability is not restricted to judgments of domestic courts. The application terms of this principle are the finality of the judgment, and the existence of the relation between the first and the second trials.

### **Keywords**

Ne bis in idem, Afghan Justice System, International Instruments, Hanafi Jurisprudence.

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## **Environmental Democracy; Participatory Approach to Respond to Environmental Harms**

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### **Abstract**

The growing trend of environmental degradation and pollution suggests that in the interaction between the environment and development issues, governments have failed to protect the environment. Taking into account the current state of the environment and concerns about it, there is a growing effort to find solutions to protect the only we can live in. In this context, concepts and principles of environmental law are formed first in the international community and gradually found its place in the domestic law. Participation principle is one of the most important of these principles. Environmental scientists believe that given the contested nature of environmental issues, mainly due to differences in priorities, the best way of policymaking in the field of the environment is to develop and apply participatory models. Governments and citizens are the main actors in this area. Change in the management and policymaking ways on one hand, and change in the behavior and attitudes of people on the other hand, are compulsory for a fundamental evolution and move toward this problem solving. Nowadays, public participation in enforcing environmental rights has become an integral part of the environmental law and has its own requirements that are studied under the concept of "access rights". Recognition of three pillars of participation principle and provide for their requirements is prerequisite for a coherent and efficient participatory criminal policy and in practice, has numerous results to proactive and reactive respond to environmental harm and environmental crimes.

### **Keywords**

Environmental values, Participation principle, Access rights, Participative responding.

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## **A Sociological Explanation of Reflection of Crime in the Press**

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### **Abstract**

The press plays an important role in the public sphere, and for many people it is still the first source of news. The function of the media in the information age in the entire area is undeniable. One important aspect of the media activities is collecting, editing and publishing criminal news. They make their audience aware of criminal phenomena and current complex and busy world. Therefore, the main objective of this study was to analyze the content of criminal incidents in some newspapers including: Shargh, Jam-e-Jam, Keyhan, Hamshahri and Ettelaat in a period of one year (the second half of 2014 and the first half of 2015). The results of the statistical analysis in this study shows that Iran newspaper has the largest amount of articles (21/20 percent) and Ettelaat newspaper (15.7 percent) has the lowest content of the events. The highest percentage of crimes has published in the October 2014 (12.8%) and the lowest was 7.8 percent in August 2015. Based on gender criteria, men were the subjects and objects of crimes more than women. The findings show that crime occurrence with 33.74 percent, arrest of criminals 23.83 percent and detecting of crimes with 10.99 are existed in the headlines with news of crime. Headlines related to conflict and destruction with 0.73 percent have the lowest portion.

### **Keywords**

Media representations, Content analysis, Statistical study, Newspaper, News events

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