

Crime and Media from Cultural Criminology Point of view

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Abstract

Cultural Criminology as a modern approach in Criminology, Sociology and Criminal Justice, examines the balance between the context of culture and criminal process in contemporary social life. A part of the meaning of Culture from this Criminology point of view focuses on the dynamicity of mass media which significantly concerns criminal subcultures. This particular field uses the notions of cultural studies, the theory of postmodernism and sociological views such as the Interactionist Tradition as well as the Media Content Analysis Method, to investigate the relations between crime and media considering the usage of meaning, symbol and image. In this regard, Cultural Criminology investigates the impact of the mass media's role in generating moral fears of crime, as well as expanding penal populism approaches in terms of concepts such as moral entrepreneurs and cultural hegemons. Furthermore, this Criminology analyzes the role and influence of media types in crime through education and modeling mechanisms under the influence of capitalist flow. This Descriptive- Analytical article seeks to answer the question of how criminology looks at the mass media and what the implications of media roles and functions are. The results show that this Criminology implements new elements, such as power, to an analytical media of crime and considers crime as the construct of the media, in the same way as it can be the construct of other cultural phenomena.

Keywords

Media, Cultural criminology, Penal populism, Moral fear, Constructionism

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Genealogy of Relation between Punishment and Power in the Legal System of Iran

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Abstract

Studies about punishment in Iran often see penal reactions as tools for achieving abstract and Philosophical goals. In these, social functions of punishment are ignored. In contrast, punishment is social institution that has hidden and obvious functions in relation with other social phenomena. Producing and continuing of power is one of hidden functions of punishment. Penal reactions are amongst effective methods of imposition of power. For this reason, changes in the shape and nature of power cause changes in the shapes of penal reactions. Genealogy of power in Iran shows that there are deep connections between punishment and power. With a genealogical study we can find that punishment is not just moral response to criminality, but a rational technology for production and continuation of power. This research with a genealogical method shows that how punishment was used to continuation of power discourse in Iran.

Keywords

Historical genealogy, Discourses of power, Patterns of truth production, Patterns of criminalization, Patterns of penalization

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Feasibility Study on Complicity through Acts and Omissions

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Abstract

Complicity is one of the controversial issue in criminal law. This issue is more complicated when the conduct in the physical element of a crime is an omission. The purpose of this research is seeking to investigate the feasibility of participating in committing a crime through acts and omissions. This study based on Criminal Code of Iran. Our research found that legislator has accepted participating in committing a crime through acts and omissions in fatal crimes implicitly provided for the omission will be causation of crime. However, legislator is quiet about possibility of participating in committing a crime through acts and omissions in other crimes such as *Tazzir*. Imposing criminal liability for omissions, regardless of legislator's approach, particularly in participating with perpetrator's act, is not consistent with justice.

Keywords

Criminal law, Feasibility study, Complicity, Causation, Act, Omission

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Environmental Justice and Protection of Forest in Criminal Unification Judgment of Supreme Court

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Abstract

After Goods and Currency Contraband Law 2014 we saw some ambiguities about legislator's intention in article 48 of Law concerning Protection and Exploitation of Forests and Rangelands 1968 which provides the carriage of wood, firewood and charcoal of forest's tree is forbidden and may be prosecuted and condemned by law of contraband 1944. In this wood charcoal crises that known in all over the world as a major cause of cutting the forest' tree (50%) and in poor community as 80%, our courts have chosen many different approach; some of the have said that the carriage is contraband (contravention) and under competence of Tazirat organization; some of them have said that it is crime and in jurisdiction of Revolution court and some of courts have decided that it is under jurisdiction of criminal courts. Supreme Court in its unification judgment number 749 have said that it is the carriage is contraband (contravention) and under competence of Tazirat organization. It decided primarily as conflict resolution but really it decided by classification of the carriage as a contravention. This judgment is in accordance with environmental justice prerequisites and seems to protect the forests as a renewable resource that belonged to human being. Anyway, there is some critics on that judgment that cannot reduce its value.

Keywords

Forest Law, Dialogue, Illegal carriage and contraband, National source, Unification Judgment

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Criminalization Principles of Economic Crimes in Shia Jurisprudence

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Abstract

Economics in the age of modernity has new and broader concept. Money has no longer the actual value. Nullity unlike the facts includes the vast areas. By this assumption, economics has the vast areas of activity that needs the new obligations. In this situation the social-cultural values exposed violations. So to protect the solidarity of social system, specially the economic system on the basis of Islamic teachings, we must establish economic beliefs on the rational and inspiration beliefs. To find the principles of economic criminalization in Shia Jurisprudence, we search the Quran and hadith by the analytical method. This issue is related to philosophy of economic criminal law and so we have a few researches in this subject. Because of this we have no theory in this field. The principle of criminalization of economic crimes in Quran and Islamic Tradition are: Prohibited of invalid occupation, prohibited of aiding sinful acts, Prohibited of illegal premise. The rational principles in jurisprudence are: principle of no harm, interest, order, bailment and fair redistribution of wealth.

Keywords

Principles of criminalization, Foundation of criminalization, Economic crimes, Economic Islamic jurisprudence, Economic criminal law

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Constructive Assessment of “Publication and Free Access to Information Law”, by using Discourse Theory

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Abstract

According to Social Constructionist Theory, The Reality of everyday life, is the result of objectivations of subjective processes that are maintained by Linguistic significations and are reflected by Discourses. Therefore, the social realities are the product of Language and in other words, are constructed by Discourses. Crime also like other social realities is constructed similarly. So, change in Discourses, leads change in constructed Phenomenon including crimes and criminal laws. In this article, by adopting such an approach to Criminal legislative process and by using content analysis and discourse analysis method, the law of “Publication and free access to information”, has been studied. Results of research show the capability of Constructive Analysis of this law, That is the dependence of the Freedom of Information to discourse defined that. Because change in interests of actors, changes the law.

Keywords

Social Constructionist, Crime, Discourse, Freedom of Information, Actor

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