



ROLE OF PERPETRATOR'S PERSONALITY IN THE DETERMINING OF DISCRETIONARY IMPRISONMENT



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Abstract: *Commit the crimes taking place in the character recognition is specific because it can be achieved by identifying the most salient characteristic distinguishes crimes, crimes so considered corporal punishment. Corporal punishment of offenses to criminal justice, judges must at all stages of the inquiry, particularly in the preliminary investigation stage, using a team of experts to form the character of the offender in own case of criminal proceedings. It is important to note that non-ordained punishments, corporal punishment must be carried, not ordained, for which punishment has to choose the type, quantity and quality should be investigated for crimes committed by the judge in the case of personality, not on the basis of predetermined penalties based on the minimum and maximum are set by regulators.*

Key words: personality, commit crimes corporal punishment, filing personality

INTRODUCTION

Criminal law was enacted with the community to review the lesson plan was developed. And every few years, depending on the needs of society, crime and punishment faced with major changes and new laws were enacted. With the goals of the unit, as better society and reform of the perpetrators legislation without knowing the current situation it takes only aspect of the implementation of punishment, not reform of the perpetrators and not to repeat crime. Needless to say the principle of legality in the jurisprudence of the person to be taken into consideration and higher penalties are applied based on the principle of legality.

Identifying the true character of the individual, that perpetrators are punished by the Criminal Justice and adopt the most appropriate measure of justice for the victims of social So that cause of reform and rehabilitation of offenders and bring them back to the bosom of family and community. This goal can not be achieved without understanding the true character of the filing person has committed a criminal judge in criminal cases, and obtaining the views of experts in various fields that dominate it. Personality file contains complete information on the history and theories of individual and family medical and psychological experts and social workers and so on. The judge in the criminal proceedings by filing with the cognitive character of the offender, after reading the file, the characters, the different factors shaping criminal phenomena discovered and understands the motives of the crime and to identify factors causing offense to remove or reduce crime, shall take appropriate decisions. While the judges as physicians, penalties, are like a drug, the prescription and administration of any medication errors resulting in death of the patient. We also like the drug laws are sometimes mistakenly committing a wrong act that such a punishment due identify the personality of the offender.Perhaps the main reason for the increase in crime and crime statistics Tkrarknndgan, the decision of the judges is wrong with inferiority complexes and enhance the growth of committed sense of revenge. According to the character of the offender in criminal law today is very important and criminal justice and achieve goals without understanding personality of the perpetrator punished hard without it, criminal law, justice may instead appoint an effort to spread oppression. Our laws do not take into consideration the unique characteristics of perpetrators and further legislation modeled on the character and appearance of the character is a former perpetrator that has imposition of such penalty on the destructive and negative effects in practice.

According to the character of the offender in jail is necessary unfortunately, our law is of little importance there are legal and written exclusively as a written and is predetermined and the law does not pay much attention. Corporal punishment of crimes judge That it is better to be free from punishment, the punishment fits the personality of the perpetrator is identified and implemented.Character recognition has a special place in corporal punishment for crimes such crimes after the judge in the case study of personality, can any of the individual forms (suspension of sentence, commutation of punishment, etc.) use or not to impose any punishment or penalty for a person commits aggravated and reform need to see person. One characteristic of the

whip when it is uncertain, it is best to be indeterminate sentence of corporal punishment are not predetermined. We are bound by the terms of the principle of legality of criminal punishment handed down by lawmakers have formally determined. So that legislature's definition of punishment under Article 18 of the Penal Code states: (Type, quantity and quality of relevant provisions of the concession, suspension, etc. shall be determined by law and observing corporal punishment and sentencing court to consider the following legal regulations).

When lawmakers debated the jail that day crime is increasing, the judges, as we see in the above article, is limited or when he allowed eight sentences commuted or suspended, and the judge has to fit the punishment to the guilty will not status. The legislature before any proceedings in courts, identifying individual personality and punish the perpetrators of the study were divided Edit this way. The importance of corporal punishment of crimes in the society, lawmakers concerned about the total disregard of the crimes they have done. As far as the resolution of any legal punishment Ghymqdr and have not been suspended state. According to Article 156 of the Constitution, the judiciary is one of the tasks of suitable measures to prevent the occurrence of crime and the perpetrators modify reservations, and this should be carefully criminal policy legislative and judicial taken into account. In contrast, in most cases the opposite is seen that judiciary is not only effective in correcting the perpetrators of the acts do not bring to misfortunes. As a legal matter, including Article 23 of the Penal Code outward personality we see more perpetrators were given intrinsic character of offender by filing clip(without the use of physicians, sociologists, etc.) is not considered. We punishment in criminal law, the ultimate goal of the reform is the main perpetrators can not be considered objective. It can be said of the perpetrators of unrelieved originating from lack of character recognition and appropriate punishment for the perpetrators. With all of us to recognize that individual judges are penalty shall be determined without identifying individuals, to increase the rate of crime and repeat offenses that we see every day. In present world, in coordination with technical and scientific advances that have taken place in the social levels,expansion, diversification and creation of new crimes is undeniable and growing every day, so that whole world on fire wickedness and corruption and criminality of burns. The majority of emerging crimes are crimes of corporal punishment.

Due to the increase of such crimes is hope that the perpetrators had another look at the criminal court and the punishment fits their personality, and performs acts and

the goal is not to punish the perpetrators of judges to reform and positive statistics branch handler. The need for an investigation into the character's apparent neglect of internal perpetrators of criminal law at the time of the preliminary research with regard to the principle of innocence until proven otherwise and lack of attention to internal and psychological character of the penalty phase verdict against the culprits and punish the implementation of the irreversible effects obtained,we're looking for a new approach to implement the new mandatory penalties more in line with th3e treatment and correction of offenders, reducing crime and preventing recidivism by offenders. The above article is based on research described and library, according to the Penal Code enacted in 2013 to find out ranking in the Penal Code punishable by imprisonment in what approach they consider legislative amendments to commit crimes or aspect of deterrence?

Although the legislative purpose of the penal law and the new changes to the Penal Code of 1991 to impose deterrent penalties handed approach to reform and is committed. The answer to this question can be stated that recognizing characters in a suspended state of little importance is given to the religious sanctions, and combining the two in a field is not logical.However, in practice and in the practice of the criminal courts of this goal will be ignored and whether the new law that sanctions the government suspended the religious one has been paying attention to character?

DEFINITIONS

Definition of lexical and idiomatic character

This word is a lexical meaning of the term. That figure is taken from the Arabic word which literally means dignity and sublimity of decency and order and degree (Dehkhoda, 1991, Volume 5). In terms of psychology, personality or character expressions of feelings, emotions, thoughts and personality or character of a person can be said to be two pillars: Another one of unity and identity, unity is that everyone Nfsanyatsh, constitute a single series, and he can compare several means by a mental act together. Thus the unity of the identity is preserved over time. The person always feels the same as the day before or the year before or a day or will be next year and aware that the essence and ethics of the other fellow, as distinct from the physical properties are different.

Some of emotion, will, memory and imagination are the ones that make up the character. (Siasi, 2000, p 484). Legal and ethical character of this combination is that its components are included on each other and to the psychic system, all the habits, attitudes, values, beliefs, emotion, feelings and psychological triggers that nature, but the nervous, endocrine, or physical. This system does not have a mode of inheritance. Unless the foundation of the hereditary character of the building and they are learning to play an effective role; Therefore, since these systems are the product of learning another traditional belief that personality traits are heritable, absolutely not accepted by psychologists (Ebrahimi, 2010 p 34).

Chastising in the Dictionary

For chastising words mean more than a dozen listed. Some of these meanings are similar, some against and some are contradictory.

These meanings are adopted in some of the authors of various books, including the Taj Al-oros, Morteza Zobeidi and Lesan Al Arab, Ibn order of following comment on the book sanctions of the criminal law and jurisprudence have collected. (Ansari, Ansari, Beheshti and Tabatabai, 2006).

- Rejected the ban by carrying chastising commit the crime of repetition is prohibited.
- Less than the goal of which is hereby commit the sin of returning to stay open.
- Severe assault: in this sense is contrary to the second sense that the quality of the strike was to multiply.
- Seize the faith: it means that if someone was chastising the sake of religion, the ruling says and DETAINED chastising me for Islam or religion tells me to blame in chastising and detained.
- Arrest and detention was due to leave and oppose mandatory sentences: the sense of mean pre particular.
- Less than the discipline that the best discipline is considered chastising called.

We have mentioned the sum of the meanings for the word chastising expressed. With precise, well-known meanings are listed in the same way and agree with some of them contradictory as people have mentioned to this word. Finally, we should say chastising literally means reprove, rebuke and correct (Mohammadi, 2007), and is prohibition and victory.

The meanings and use of words chastising the original meaning of the word that comes to hand, and the prohibition is denied. Victory also means that the man who denies the enemy

The meanings and use of words chastising the original meaning of the word that comes to hand, and the prohibition is denied. Victory also means that the man who denies the enemy. He is annoyed by the enemy and stop chastising and discipline are defined as unnecessary repetition of iniquity and many other meanings come from the sense, for example, rejects the notion blamed and banned there. As someone in practical effect is to blame, in fact, he's done it again repel evil act. The severe beating, causing commit the sin again, it is forbidden (Ansari, Ansari, Beheshti and Tabatabai, 2006). It is noteworthy that the original meaning of chastising the ban and refused to recognize, confirm the impression that include both the chastising judgment by which we commit the sin again, the retributions. In terms we can say that the chastising judgment is not determined in the Shari'ah and the "non-ordained" of the main pillars on which the claim of consensus has been chastising. Sunni jurists as Imami jurists believe that the judge may consider the "crime rate" and "little tolerance for crime" and the punishment handed down a particular run (Rezaei, 2012).

Definition of punishment in Islamic law

Punishment is punishment which subject to a limit, not a condemnation or insurance law or legal defect in the commission of unlawful state regulations and apply the type, quantity, quality, performance and regulates the concession, suspend, fall, or other injunctions is punished by the law. Corporal punishment is in the sentencing court, the provisions of the Act under consideration.

- A. A motivated offender and mental condition at the time of the crime.
- B. Method of the crime, the extent of breach of duty, and harmful results.
- C. Acts committed after the crime.
- D. Records and the personal, familial and social impact of punishment on the perpetrator and his (Islamic Criminal Law Act, 2013).

Some of indeterminate sentences handed down by the criminal policy of Islam in version comparison and it has been considered punishment. And apply a wide range of reactions from preaching reprimanded and threatened and degrees of punishment, including the government, judges have considered.

Despite the fact that traces of these thoughts in cases such as Article 127 of the Penal Code Act of 2013 is evident. But we are committed to the principle of legality of criminal law sanctions the systematic punishment ordained uncertain and the judge is bound to follow it and the scope of authority of the judge including discounts reduced suspended, probation and aggravated or collective punishments have been identified. The punishment in Islamic law was literally no (public punished Encyclopedia, Volume I, 2013, p 353). It is better to follow this matter and according to the definitions and the former law (1991) has presented perhaps we can find a satisfactory answer to getting rid of the problem. As a former law enacted in 1991 to say that the kind and amount of punishment specified in the Islamic law, the prevailing opinion has been transferred and the new law say the type, quantity, quality, performance and regulations relating to discounts, suspension or other punishment under the provisions of law, so we can not say that the punishment of personality attention. When our law and jurisprudence order of the court ruling, the legislature is not the meaning of character recognition. When all the rules of the legislature to determine what punishment is different from other punishments and go to the side that does not matter as it is about the personality, characters are not interested in jail. For example, in both the Trial Chamber robbery handle both penalties committed by the same law as written, predetermined issued and here the character of the offender only thing that has not been addressed. In this direction, not only from day to day but will not form any kind of breeding crime increases. So, in line with Article 18 of the Penal Code Act of 2013, which merged with the punishment and deterrent to any of these goals will not be reached. We can not prevent the operation is prohibited for the purpose of punishment, deterrent punishment is not the purpose of observing the best interests of the community. How many innocent lives due to the defects of the laws of the road was quiet and dark spreads. How can the disadvantages that the spirit of reform legislation blown perpetrators and criminals and lawbreakers of loss. When his sentence with a predetermined and seemingly without knowing the true character of a person, not only individuals but also society and brought the victim to the fire. So when the type, quantity, and quality of execution, suspension, mitigation, etc law, therefore, should cause people to pause and clearly can be said to apply only to persons found guilty regardless of the presumption of innocence laid and the law provides judges with the full support and understanding of their judgment.

Penal laws enacted in 1991 will be opened at judge committed to understanding personality because it does not express the sentence is accurate, and declared the sentence such as, lash of the whip fines and whereas in 2013 Act, the type, quantity, quality, performance and regulates the concession, suspend, fall, and all other provisions will be punished according to law shall be determined on the basis of grade eight. Finally, the sentence is carried out with the legal provisions of motivation of the offender, mental health, psychological, personal history, family and social effects of punishment on the offender is considering. Punished when they commit say personality is important first to identify the perpetrators and punish the ruling should let him. Rather than punishment, and the judge predetermined by the character of the offender's sentence and criteria identification. So in short we can say that the definition of punishment, just punishment known and therefore determine the penalties to be determined by the judge and the judge granted. The judge in determining the sentence handed specifies the obligations under the Act.

GOALS OF PUNISHMENT

Speaking of the penal system when performing certain types of punishment comes, no doubt, the goals and aspirations of operation is desired. These objectives may change from time to time and, if time allowed, and ethical aspects as well as the purpose of intimidation and sometimes the punishment of the perpetrator of Correction and Rehabilitation. The overall aim of punishment in the Koran, reforming perpetrators, to intimidate others, prevention is the prevention of crime (Moradi Ramazani, 2011). For purposes of legal punishments could be summerized in objective goal means juvenile delinquent finally, the specific form of In perpetrators of crime prevention partners or their deputies and to society in general and Means a subjective goal of justice (Noorrba, 2014). Even though we know the goals mentioned penalties are imposed if the precedents for this purpose are considered. Or better say mandatory punishments mentioned in Article 18 of the Penal Code enacted in 2012 with a modification or deterrence factors, or both, have been approved? The study objectives are considered in imposing penalties, which lawmakers seek retribution, deterrence and reform offenders from committing not be withdrawn. But, as I have said legislator in Article 19 of the Penal Code Act of 2012, a division of corporal punishment sentences in eight degrees and reform approach preven- not approach but the retribution only goal is to

perpetrators. It can be concluded that, if the legislative purpose of the enactment of Article 19 has been amended, how could the perpetrators have no knowledge of personality traits typical punishment for crimes, thus sentences can be divided into eight grades and know that punishments based on the modification of the perpetrator helps. If we consider the entire imprisonment for grades eight and there are different only in terms of quantity. When we know the current jail has some disadvantages in society that is less inhibitory effect or how lawmakers have come to believe that the actions of each of the eight penalties on the perpetrators of the crime to alter or keep him. Daily we are witness to a crime, or that many of corporal punishment that occurs in the community are aware of all the perpetrators of the crime or the complete mastery of the offense, not the other punished? If such a situation we did not witness the crime less corporal punishment. The most striking object that is currently happening in our community Yvndd, theft is punishable punished, the perpetrators have been jailed a day and commit crimes after their release. How can I correct to say that this type of punishment and deterrence are moving? Penalties regardless of the perpetrator's personality and status are determined.

Penalties have been based on the principle of legality to the individual as increasing crimes in the society. It can be said that the legislative purpose of just punishment and retribution Mrtkba the mandatory grading and shaping its legislative justice, this method is only empowered to judge based on eight degrees of punishment to determine whether or not the judge is only available between the minimum and maximum penalties specified, and the warrant issued. We can say that Islam is contrary to what is expected. What punishment in Islam is based are a juvenile delinquent and his mercy and charities to the community, therefore, committed to the dignity of Islam, but in some cases, consider the (victims, the philosophy of punishment in Islamic criminal law).

RELIGIOUS AND GOVERNMENTAL CHASTISING

Legal punishment is punishment for the crimes of the former and the inherent dignity and founder of sin and punishment in most cases it does not set the size and the governor has entrusted to the best interests of the act. Such as ; insulting others, lying, falsehood and death (Ansari, Ansari, Beheshti and Tabatabai, 2006). In the event that such punishment was considered to be non-ordained but in Islamic law, passed in 2013,

despite the meaning of the whip, it's destined to be the sole governing authority to impose minimum or maximum requirements. Government suspended judgment that is the purpose of government (the executive branch of government is not to be punished by the state legislature which is competent to impose the penalty(number of opinion 2.391th/7-12/5/73, General Administration of the legal and the formulation of Judiciary rules) in order to maintain social order and respect for the materials is a violation of state regulations.Islamic state has the right to protect public interests, and prepare the ground for justice and the prevention of corruption, as the first things that they should not prohibit or limit its application to the circumstances of the particular individuals.Such as customs laws, regulations, travel to other countries, traffic laws, etc. The punishment for violation of the rules that are imposed by the Muslim rulers, the government suspended considered (Ansari, Ansari, Beheshti and Tabatabai, 2006). By place of punishment, that punishment which God has placed at the disposal of the governor,so we must distinguish between the legislator and the governor and the legislature and the governor's purpose, God will judge considers necessary court,the authority given to the judges, when the implementation of the whip in different places and cities, the judge based on the difference between the city and the character of the offender and his mental and physical condition and other circumstances, maximizing the use of punishment to determine and evaluate the offense. The ruling after reviewing all of the above examples, especially the character of the offender can predict which of punishment is appropriate.

If the government suspended certain type and rate, and for all people is the same as the performances warrant imprisonment, fines and shut down businesses and coverthat penalties imposed shall be the responsibility of the legislature. Notably, the government suspended the character recognition is not necessary or effective. Although the purpose of punishment is punishment and juvenile individuals of the same species that we see literally whip. Combining these two sets of forms is mandatory in my opinion has the character recognition because the legal punishment of criminal offenses, the special importance. In order to correct the perpetrators, while in suspended state, personality does not matter and punish the legislature enacts.With the result that both religion and government discipline and punishment with punishment and punishment is determined both by the ruling. The order of the judge and the judge's ruling as it was made that the most striking difference is that in practice there and all penalties shall be determined by the legislature. If the legal punishment, it Rahram Shryt always been, is

prohibited and shall be considered legitimate although the government suspended it may in future be announced in due permissible. The combination of a definition is not suitable for person. Although considered to be indefinite imprisonment penalties, penalties that have been assessed to determine the type and extent of the judge ruling that appears to have been granted. Judge's ruling means the necessity of righteous priest. When called to determine the type and amount of punishment, the judge has not been assigned to the dominant view, it is necessary for evil to prevail is not only the amount but also the governing principle of criminalizing. Finally, we note that in any matter not enumerated in chastising the offender's character and all sorts chastising certain ordained as prescribed. All of penalty permissible by law and the provisions on penalties segmentation are performed.

INDIVIDUALIZING THE PUNISHMENT OF IMPRISONMENT

To see how much punishment corporal punishment is flexible, can be modified by the terms and characteristics of physical, mental and emotional adaptation have committed should the various theories have been expressed punished by Islamic jurists and scholars, provides a brief overview here. Whether punishment includes several types or to certain limited types, There is no consensus among Muslim jurists and different views have been expressed on this issue which are quoted briefly discuss each of these theories. Some people believe that punishment should only be "the offender" and the "whip" made another type is imaginable to be punished. The number of blows of the whip should be much lower. The vast majority of the sayings and traditions against the punishment as "beat Don Alhd" means lick the number is less than, have interpreted. Jurists also be punished so that all understand and have issued is less than the multiplier.

Based on the individual opinion of the penalties applicable to a limited extent in jail so that kind of punishment, corporal punishment of all crimes, except what is narrated in the form specified, will be the whip. The judge can only be due to the conditions, characteristics and circumstances of the offender and the community's interest rate is low or high punished to the extent that the amount is much lower (Ahmadi Abhari, 1998). Belief that the proposed punishment is that punishment is not limited to a particular type of punishment but judge with regard to crime and characteristics of the defendant and the circumstances of society, and considers

expedient punishment that is imposed. According to this, theory can be preached punishment, reprimand, reproof addressed, imprisonment, banishment, whipping, and financial penalty, deprivation of certain rights and privileges, and so forth. It seems that the second is closer to the truth, and the spirit of the law (Ahmadi Abhari, 1998). One of the criticisms that has been raised is that the vision of social defence ample authority to judge and punish the violation of rights and liberties of the individual may be uncertain (Sanei, 1997). Needless to say, if you choose the type of punishment is entirely in the hands of judges, and the competent public authorities of any limit to be determined, irregularity and inconsistency in the administration of justice will suffer the same criticism, we will propose a system of punishments, corporal punishment, because judges have different tastes and trends, and insights in dealing with their emotional and intellectual perpetrators of the crimes committed are not the same. Therefore, if the type of punishment completely, without any conditions put by the judge, justice or procedural uniform manner and the judicial branch will not be executed will be faced with chaos (Ahmadi Abhari, 1998). As a researcher, I declare the following topic, judges the authority to not only does not create chaos, it is a step towards a better society when the judge in the case, with the help of experts to form the character and then determine what the punishment should be committed to the case for reform of the chaos to come at this time the amount of chaos in the society decreases. If the judge denied the authority of the laws mentioned only in the context of corporal punishment in criminal law to be elected perhaps the chaos in the author (Ahmadi Abhari) in the high judiciary, which he, as a researcher I have the opposite opinion. We declare corporal punishment when a person is important in crime should be punished differently from each other according to the Personality File, Export, and then run. Otherwise, we will have a healthy society as we see in the present procedures of the courts, and the extreme chaos in the society. Perhaps if the reverse of the crimes were carried out corporal punishment corporal punishment has already seen an increase in crime in the society. What could be reformed criminals, sometimes another commits itself to the corruption and what prevents an individual from committing a crime, it may be the other. In the Islamic corporal punishment for offenses punishable by several different intended that complete set of all sentences are among the simplest to the most severe punishment and judge has the power to punish, it is the discipline and correction of offenders and more effective protection of the rights society the selected faces. The judge has the right to determine one or more sentences, as well as the minimum and maximum penalties can

be mitigated or increase the severity of punishment and the right to stop them. If this is what it feels to have been committed by him and deter him from the crime to discipline and correction is sufficient. Here it should be noted that corporal punishment for crimes Granting such broad options to the judge, will not be in danger, because in most cases corporal punishment of crimes, serious crimes are never easy for these kind of crimes they commit too close to corruption. but serious offenses that are crimes of retribution and punishment in Islam for they state is defined and the judge had no option but to implement juvenile delinquency penalty provision if the proof is not given) (Rahmdel, 2010).

PERSONALIZING OF PUNISHMENT UNDER THE PENAL CODE ACT OF 2013

Amended to grant the desired goals of productivity and conversion factors for judges to consider the quality, quantity, as long as the judges are rewarding and productive output depends on the number of records of branches in a particular period, reform of society financial effects of the eclipse occurs. The use of specialists such as psychologists and sociologists in the judge handling the case for the identification of individual characters and sentences of corporal punishment is necessary for the administration of criminal justice.

- A) Personalizing with a criminal punishment for Discounts and exemptions from the humans are different in terms of personality. So it penalty equal justice for all, justice requires that it be considered. Reduced sentence in Articles 37, 38 and 39 of the Islamic Penal Code, it is said, in the event that the main aim of the punishment of individual perpetrators is correct with reference to paragraph 2 of Article 8 and Article 9 of the instructions in an organized criminal prisoners and prison population reduction (ordering instructions and criminal prisoners and prison population reduction, 4/1/2013, 100/ 16871/900) can be stated that the purpose of mitigation of punishment, the prison population and penalties specified in the rules is not repairable. In the reduction of a sentence, as in Article 37, is said to have been given a real sense of individual character: when reduced or converted to other punishments specified in the rules, then the judge impose such a punishment on the perpetrator becomes effective. Or exemption under Article 39 only to offenses for grade seven and eight is considered corporal

punishment. It can be said regarding the character of the offender in question are reduced sentence criminals are not going to be corrected and character recognition based on predefined rules is impossible.

B) A person with respect to criminal sentencing postponed when the corporal punishment of crimes and offenses are divided into eight grades corporal punishment of crimes according to the figures in them is mandatory, corporal punishment of six to eight lawmakers to just commit offenses under the law of sentencing is postponed. Lawmakers postponed the sentencing authority does have eliminated eight other offenses. This means that only people who commit crimes have been suspended sentence of six to eight of them corrigible and the perpetrators of this species may not be appropriate. How committed is still detected, the legislature amended the period of six months and two years he has been postponed. It would be better for the long delay in providing judges with their detailed understanding apraxia. Article 8 of the instructions and look at the prisoners organized criminal prison population that expresses it: a great rift within the meaning of deferred sentence on the offender's character creates.

Article 8 of the instructions organized criminal prisoners and prison population reduction: Since the Islamic Penal Code of 2013 in accordance with Article 8 rights established as useful as bleaching jail sentence suspended, credits and immunisan the penalty, the system of half-freedom and alternative sentences of imprisonment, particularly sentences and security measures have been planned and upbringing of children and adolescents.

For the implementation of this Act, the following actions be taken:

- 1- Prosecutors in the indictment, as well as its defense and enforcement of judgments, these cases are considered and highlight.
- 2- Judges to evaluate the criteria set forth in the new law aimed at reducing prison populations and criminal offenders remain safe and their families from the negative effects of imprisonment, the sentence of imprisonment for qualified individuals avoid.
- 3- Courts of appeal as an appeal against the sentences, appropriate action, undergo respect to the exercise of the rights established.

C) With regard to individual criminal probation

With the development and penetration of thought reform and rehabilitation of the offender based on a better understanding of modern principles of criminal law and criminology, penal philosophy has changed and made it more functional for order creation and education reform and the treatment of offenders known. The purpose of punishment undoubtedly evolves and new purposes, new penalties and new ways predicted. Through this way of thinking and this transformation is that some scientists think they have a criminal justice and sociology. It is that in some cases, punishment, be temporarily suspended that punishment will not be executed unless the sentenced person with a condition that he be suspended by the legislature and the courts to have decided not to comply and contrary to what has been decreed for him. Brdard.ayn steps to safeguard the rights which it is called to suspend execution of the sentence. Since the formulation of the Penal Code in Criminal Law was enacted in 1925. After the Islamic Revolution legislators it has been mentioned in the Penal Code (Mahmoudi, 2008).

It is best speech I am opposed to the opinion of some researchers, legislators and even in some suspension can only be run.

Suspended by the tolerance and leniency of the punishment which the Court granted in conformity with the conditions of the offender, it does not appear in the Penal Code definition of probation. Probation is a legal procedure whereby the courts with regard to conditions of punishment that can run on sentence has expired and delayed for a certain period of time a juvenile offender.

So suspension of execution of sentence is legal way to avoid giving the opportunity to commit the crime and prepare for the return of the offender to normal life in the community. After a series of crimes can be considered for all forms of personal Nmvdhman As we observed at the level of individual judgment and post-judgment stage. Such procedures can be performed after judgment probation, pardon or special mention.

ISLAMIC CRIMINAL LAW AND PERSONAL RECORDS

File characters achievement of criminology is, an awareness of personal and familial offenders, the judicial system is composed and the objective is to achieve personal goals as well as the punishments (punishments fit the personality of the person). According to

the Penal Code Act of 2013 and on the understanding that the general mass of the new achievements more visible and it seems that the legislature has implicitly accepted the necessity of filing personality.

The only reason the non-binding character of the filing of formal courts to prevent the accumulation of work in courts can be searched, however, because these terms are not acceptable to the author and shall be required to constitute a court case, but it has refused the legislative requirements.

However, there are just a few examples that are discussed file seems to be personality, it can be obtained from: Paragraph (d) of Article 18 of the Penal Code which states that records and the personal, familial and social impact of punishment on the perpetrator and his "under Article 24 of the same law somewhere that says," after half a supplementary punishment,

Judge recommends court can be sure not to repeat the offense and the correct execution of the offender, towards the abolition or reduction of duration of supplemental punishment he is acting) that it seems to repeat the charge to ensure that the records in the file by using the searchable his personality is possible. Or Article 39 of the Penal Code are as followings: (... Recognize that the lack of enforcement of penalties committed, modification, which in turn requires knowledge of the individual lessons and records that the records in the file measurable personality are achievable). On the other hand, Article 40 of the Act suggests that court can then consider taking criminality committed by the individual, family, and social histories and circumstances that led to the crime, individual and family background character in the file is detected that individual and family background character in the file is detected, the Penal Code and Section 58 that "deplorable behavior and attitudes show that the freedom of not convicted of a crime" he said. Some examples of the points mentioned above necessary personal and family history and personal effects of punishment on a person's character can be determined only by filing and evaluation. On the other hand, due to the removal of explicit Security and Corrective Measures Act, enacted in 1960 by the law and the law is the law, the burden seems that new law will have to be more efficient than the former law is a step forward (Zeidbahrami,2012).

Investigation and research of Shkhsbt guilty or condemned by a judge or judicial officer as required by the Criminal Records While it done. But in the process of crime detection, preliminary investigation, prosecution and trial-specific, meaning that the verdict is case under title character in the file does not exist independently of the

criminal proceedings and the legislature with complete indifference of the past. In other words in the sentence, not the person filing the charge (Noorbaha,1998).

The following discussion should be noted that these two principles governing the determination of penalties, the principle of proportionality of punishment to fit the crime and the punishment of the offender. It can be said that the punishment fit the crime in our case law on the basis of merit and retribution is applied. This means that retribution require that everyone be punished in proportion to the severity of the crime. As we see in the whip eight penalties. In the event that the first and most basic fundamental approaches to determining the punishment fit the punishment to the offender. But the principle of our law is of little significance as far as the procedure does not operate.

RESULTS OF STATISTICAL ANALYSIS APPLIED RESEARCH IN THE IRANIAN LEGAL SYSTEM

According to statistics, during 2005-2008 field studies on prosecutors, courts, penal and judiciary Education Workshops country is obtained, indicating that of 300 cases of prosecutors, courts, penal judicial Vkaramvzan only 95 terms (file identification characters "were familiar (ie 66/31) and the same number only 50 are specialized to the case and its consequences have knowledge (ie 66/16 percent). While the 130/criminal court judges, only 32 of them (ie 61/24 percent) when sentencing the offender's personality type in their judicial decisions (type of punishment) are considered effective or more criminal judges at the trial and punishment of eyes just noticed the type and severity of offense committed by the offender is not based on his personality (Ebrahimi, 2010).

DISCUSSION AND CONCLUSION

Identify the character and personality of the filing of the most important challenges for corporal punishment of crime shall be paid, despite the reform and rehabilitation of the perpetrator of the crime corporal punishment plays a vital role therefore, because the goal of individualizing the punishment deemed essential.

By analyzing the results of scientific research by the author on the benefits of corporal punishment laws in field of character recognition and appropriateness of corporal punishment of crimes and punishments, corporal punishment has been made

in determining the correlation between the two can be found in the fact that lawmakers should not be crimes in the first handed down in Article 19 of the Penal Code Act of 2013 divided the ranks of the ordained and eight were included because of the religious views of corporal punishment punishment punishment been determined to be due to the recognition of characters which includes the physical, emotional, mental, etc. Punishment fits the personality of the perpetrator and then implemented. However, the rules fit the punishment to the crime is solely based on merit and retribution and determination the punishment of crime and punishment is in line with the principle of legality. Corporal punishment is individual sentences of the special importance of the principle of legality. In other words, predetermined punishments that judges will be determined based on the minimum and maximum can never be corrected in order to identify the character of the offender, and it plays a useful role. As was pointed out in this paper it can be concluded that corporal punishment of crimes, we recognize the special position Personality and must identify the type, amount and character of penalties committed by the judge in the case should be determined, not to the extent that Article 18 of the Penal Code Act of 2013 has been mentioned for such a definition of punishment is not only inappropriate but also to reform the society of perpetrators is not sufficient. Therefore, we must provide necessary training expert judges who sit in the office of judge punishment fits the personality of the offender to communicate with a case study.

It is better to say, person identification must be applied at the stage of preliminary investigation before issuing the conviction that although the prolongation of the procedure itself. But it can be evoked feelings of revenge Mrtkbany which led to the acquittal verdict in the case against them has been avoided. Therefore, proper implementation and its degree (character recognition) can commit crimes that blight is increasing continuously removed from our society.

RECOMMENDATION

Strategies that can be applied to improve the corporal punishment of perpetrators and deterrence of crime are as follows :

1. Divided government suspended the legal punishment under Article 18 of the Penal Code in order to prevent recidivism by identifying personality is not the same due to penalties .

2. Determine the degree of punishment corporal punishment as Ghayrmqdr eight of Article 19 of the Penal Code removed due to personal records of individual differences in corporal punishment for crimes .
3. Constitutes a social institution preliminary research aimed at motivation of the perpetrators of the crime .
4. Provide a reliable basis for acceptance of those perpetrators who have returned after serving the community through the establishment of institutional support between the perpetrators and society.
5. Amended to grant the desired goals of productivity and conversion factors for judges to consider the quality, quantity, as long as the judges are rewarding and productive output depends on the number of records of branches in a particular period, reform of society financial effects of the eclipse occurs.
6. The use of specialists such as psychologists and sociologists in the judge handling the case for the identification of individual characters and sentences of corporal punishment is necessary for the administration of criminal justice.

REFERENCES

1. Ebrahimi, E., (2010), the case of characters in the criminal process (applied research), Tehran, Fekrsazan press.
2. Ahmadi Abhari, M, (1999), Islam and the social defense, Qom, Islamic Propagation Office.
3. Ansari, G., and, Ansari, M., Beheshti, E., and Tabatabai, A. (2006), suspended from the perspective of criminal law and jurisprudence, Qom, Islamic Sciences and Culture.
4. Encyclopedia (2013), public punishment, Tehran, Department of Law and Political Science.
5. Dekhoda, A, (1994), Glossary, under the terms of personality, vol 5, Tehran University.
6. Rahmdel, M., (2001), the proportion of crime and punishment, Tehran, SAMT Press.
7. Siasi, AA, (2000), psychology or psychology, Tehran University.

8. Sanei, P. (2001), the general criminal law, Volume 1, Tehran, treasure of knowledge.
9. Legal vice Presidency, (November 2013), Penal Code, Deputy Editor and laws and regulations.
10. Mansour, J. (2009), Penal Code, Tehran, Didar publishing.
11. Noorbaha, R., (1998), the field of criminology, Tehran, Ganje Danesh Press.
12. Noorbaha, R., (1999), the general criminal law, Tehran, Dadafrin Press.
13. "Organizing instruction and criminal prisoners and prison population reduction", 01/04/2013, No. 100/16871/900 the base www.dadiran.ir.
14. Rezaei, A., (Spring 2012-2013), "chastising the rule instances in the narrative sources (both Shia and Sunni)" contained in the database www.ishu.edu.af.
15. Zeidbahrami, juniper, (21/05/92), "Islamic Penal Code and file a new character," The law, contained in the database www.ghanoondaily.ir.
16. Fazlali, M., (2009), "The concept of preventive attitude today the time", Journal of Law, No. 53, contained in the database noormags.com.
17. Ghorbannia, N.(2009), "The philosophy of punishment in the criminal jurisprudence of Islam", Mofid University in Qom, the article contained in the database noormags.com.
18. Mohammadi, H., (2007), "The nature of the punishment and deterrent sentence" or differentiate share, the vote of Justice Law No. 6 and 7, the base noormags.com.
19. Moradi Ramazani, K., (May 2011), "Classification of punishment" in the database kazmlaw.blogfa.com.
20. Mahmoudi, G., (2008), "Individual penalty and its effects in preventing repeat offenses" Arak thesis. Advisory opinion No. 2391/7 Administration of the Judiciary Law and legislation.