

Human Dignity, the governing principle or subordinated principle in Emamiyeh Criminal Jurisprudence

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ABSTRACT

Human dignity is the clear developmental fact and one of the main fundamentals of legislating Islamic rules. Religious laws have important and incomparable role in paving the way of attaining the main position of dignity and making practical its innate talents. A part of rules will provide the way of serving God and hope for pacing it and another part will show barriers of the way and outcomes of following them for human. As a result, governing of dignity principles on religious rules shall be deemed as one of the main educative principles. Whatever is needed here to think more shall be the relation of criminal rule with principle of dignity, someone intend to limit criminal laws for observing innate dignity. On the other hand, someone by referring to optional violating of dignity through crime, will consider development of criminology and aggravation of punishment as tools for observing dignity of victim and other people of the society. The work which was regarded less is investigating criminal rules of Shia jurisprudence which its basic foundations has been designed by innocents and they will be the most complete and correct existing divine transcript with the purpose of diverting the relation of principle of human dignity with Emamiyeh criminal rules. The present research by adopting educative attitude and according to descriptive method shows that special public and acquisitive developmental dignity of human is circulating and swinging in two individual and social linear levels in an intense and weak relationship from starting moment until end of life and all criminal rules are in searching for making balance between developmental and acquisitive dignity of an individual and human society relying in factor of the balanced fear and hope and as a result observing maximal capability of guidance shall be possible until the last second.

Keywords: Human Dignity, Emamiyeh Criminal Jurisprudence, Educative Ruling Principle, Social and Individual Dignity, Fear and Hope

Introduction

The fact of human dignity is an innate and comprehensible conscientious regardless of definition by others. Each human will sense this fact with all his/her heart that everything is in his/her conquest to achieve his/her desired perfection (Baqarah: 29) and in case of choosing advisable way, everywhere will be developed (Eraf: 96) and in case that choose circuitous, its fire shall be afflictive (Enfal: 25). This important position of human in equation of universe is a symbol of developmental public dignity of human that considering it shall be the basic field for formation of human excellent traits and neglecting it shall lead endless humility of human desire (Tohfol Oghoul, 2014, Page 463).

Legislative system has been regulated in conformity with developmental system and based on human dignity. Divine rules of human is aware of its main position and they will provide the preliminaries for achieving it. Following religious law, the way for achieving the real dignity of human (Hajarat: 13) and defiance of it for any reason will perish and degrade human from the elevated position to the lowest

position in the universe (Enfal: 22 and Eraf: 179). This fact will be introduced as ruling of dignity principle on religious rules.

Among all religious rules, understanding the relation of criminal rules with human dignity will need more consideration. Sometimes human dignity will impede extension of criminology (Ghomashi, 2012) and sometimes it was considered as a legal guarantee which lead extension of crime's list (Ghomashi, 2011). And someone have degraded to the extent of a jurisprudence rule (Haghighat pour and Nasser Moghaddam, 2013 and Arzhang, Arduan and Dehghan Simkani, Mehdi, 2015) and sometimes as a practical principle (Haghighatpour, 2013, page 26). According to belief of western philosophers, even the most powerful torturer and the most humiliated victims are even human and all human have the same human rights and they benefit from it in alienable way (Donnelly, 2007. P21). While from the perspective of others, being human shall not be followed by any right and dignity unless human's compliance with obligations (Givars, 2005, page 154).

A brief look at the background of the present discussion shows that cognition of the relation of human dignity principle with criminal laws will need more consideration and survey. Philosophical and ontological look is value and ethical and social looks with all differences and common points which they have are three common look in cognition of dignity relation with criminal laws. Whatever can be considered as a new and modern look in this field will be investigating the position of human dignity in criminal law of Emamiyeh jurisprudence as the most complete and exact divine transcript of the existing criminal laws. Regardless of all analysis, it is to be noted that the role and position of human dignity will be investigated in criminal rules of human dignity in order to attain the complete attainment in regards to human dignity principle and its concept and rate of its effective presence in criminal jurisprudence by abstraction of partial cases.

The present research firstly investigate human dignity and its rank and level in Quran to clarify its intended subject of human dignity with these purpose and by analytical methods. Thus, according to this perspective, it will focuses on proving the maximal operation of criminal rules in response to main question of article and on the strength of some criminal rules. In the following, the main strategy for creating the balanced fear and hope in observing human dignity and necessity of complete attention to individual and social dignity in criminal jurisprudence will be mentioned.

Human Dignity in Quranic Culture

Dignity is an Arabic word which it does not have exact Persian equivalent and words such as honorable or noble do not have capability for expressing its meaning in Arab word. Therefore, it is needed to use several word for expressing its meaning. It is likely to call generous a human who has an honorable and innocent soul from any type of humility (Javadi Amoli, 1997, Page 22-21). But for finding human dignity in Quranic culture not in Arab word, verse investigation must be done to express human and his/her ability and criteria of dignity, because revelation and Quranic look at human is comprehensible and complete look. The God has expressed all existential dimensions of human and the horizon that human must gain in optional and trial path, capacities and existential talents and barriers and damages and its gaps.

A Quranic human is a human who is deputy of the God in the land (Baqhare: 30) and all creatures are conquest of him (Jasiyeh: 13) and everything have been created for him (Baqhare: 29). This human must be trialed in this unique way of dignity which will be led to divine meeting (Ensheghagh: 6), and choose thanksgiving way or infidelity by option (Ensan: 2 and 3), because it is inspired to both pious and debauchery (Shams: 8), additionally, on one hand it has the ability for attracting all benevolent and ejecting evil (Maarej, 21-19). However, he/she will be disappointed with the less hardship and will lose himself/herself (Foslat: 49-51). Human has been created based on weakness (Nesa: 28) and hurry (Asra: 11 and Anbia: 37) and background of cruelty, infidelity (Ebrahim: 34), ignorance (Ahzab: 72), and jealousy (Asra: 100) and the other blameworthy acts and with all weakness, he has the ability for clear enmity with all his/her fact.

In short, a human who has better existential structure and the highest purposes, has been degraded to hell (Tin: 4 and 5) to pass the hard and difficult way with horse of affection to become beloved of the God

(Ale Emran: 31) and not having any sorrow and sadness of any affair (Yunes: 62). But in case of neglect of this human of regards to his/her fact and the God and following his/her passion and cruelty, he will suffer from the hardest and lowest life (Taha: 124). Additionally, he/she will degrade to the possible lowest place in life (Eraf: 179).

Therefore, not only human dignity will find meaning contrasting animals and or any other existence and for having wisdom and like that, but also it will find meaning by attribution to divine definite truth and he will have possibility for entering realm of divine glory and beauty. Moreover, emphasizing on human dignity shall not be for achieving peaceful animal life of liberal systems, rather it shall be for achieving pure life of monotheistic system in which mere worship is ruling and there will be any infidelity and cruelty (Nour: 55).

Rank and Levels of Human Dignity in Quran

Considering the above-mentioned Quranic verse, we can conclude that human dignity is an extended fact which its detailed ranks will be emerged in trial way. Basic growing of human dignity in light of faith and affection to the God and the origin of the existence will be fighting with intrinsic and extrinsic enemies in the way of reaching the god. Humility and degradation which are doubtful will be emerged as much as defects and disorders in the field of faith and good deed insofar as human seriously fight with his/her origin of the existence and try to impede dignity way of the others. This is where attempt will be needed for removing barriers on the way of dignity.

That's why dignity has been emphasized in Quranic look in two main individual and social levels. Because human can implement all his/her existential talents and he/she will be deserved for dignity, when he/she is able to build a monotheistic society with permanent fight which has a path in parallel with infinite perfections. Persons who are concurrent with the path of dignity and vassalage by following divine leaders and were succeed to establish pious nations, all mercy doors of the God will be opened toward them and they will sense all the effects of real dignity in this world (Eraf: 96). Even if they are established against corrupt nations which are due to corrupt and cruelty and other societies and removing barrier of dignity path is an undeniable necessity. To the extent in which it will be needed to try for establishing a generous government which dignity is basic for all human relations and ruling (Bouzh Mehrani: 2012, page 84).

Correct instructions of Emamiyeh School has canceled all disagreements of arrogant conceit in regards to individualism and social ingenuousness. Whatever has originality in this thinking system is to be vassalage of the God and passing the way of dignity that if possible, all human being must arise all together or individually in this way and fight with evil (Saba: 46) to provide a background for quick, easy and public background for achieving dignity. Human beings all together and by thinking and practical connecting to the basis of the society that means Imam and Islamic governor and all together as a think and an action will apply and use all their talents and capacity in the way of real respecting of human who they are among them themselves (Khamenehi 2013, 538 to 543). Here, human is not violate with social to speak about originality and subordination of the other rather an individual and society will start a mutual evolution (Kheiri, 2017, page 93).

Accordingly, criminal rules of Emamiyeh rules will follow human dignity in legislating and implementing any criminal rules in a way that the outcome will be observing individual and social dignity. Unlike strategies of criminal policies of the west which are in response to criminal interaction to crime, punishing justice as reeducating justice which is called as Scaring justice and now is known as Rehabilitating justice is completely clear for criminologists. While west discourse of Rahavard restorative justice will be find a solution for controlling crisis like increase of criminal population of jails and people dissatisfaction of dominant of the purpose of punishment will be according to the ruling logic on police and judicial systems of western government but the basis of the Islamic discourse of restorative justice according to diverse principle and installation including encouragement for offense, forgiveness in punishment of divine right and what is due to man to the extent of reconciliation of two parties, arbitration, intercession, remedial nature of atonement, indisputable rule, Jab rule of repentance, etc., show capability of the Islamic criminal policy in implementing restorative justice without any fault which

criminal policy of the west deals with after for decades from birth of this theory (Sarikhani and Esfahani, 2012).

Observing human dignity, maximal operation of criminal law

Whatever is discussible here will be minimal look in operation of criminal rules. Is confrontation with crime and offenders occurs in the frame of criminal rules and operation for restoration of individual and social dignity according to dignity or since the audience of these rules is offender or society that have attempted intentionally in line with degradation, it does not have any meaning that pursuit, inquest, proving crime, issuing rule, implementing punishments such as lashing, prisoning, stoning and execution according to respect. Punishments which the god has determined for some societies have not any respect rather it will be for providing discipline which is based on growth of others.

Decreasing operation of criminal law for providing discipline and a background for social life and supplying peaceful life for people in society in equal and justly beneficiary of animal life blessings, in addition to limiting the Islamic society of benefiting from educative capacity and operations of criminal rules, it will violate understand, regulation and implementing criminal laws for providing minimal discipline. In case that critic philosophers of liberalism claim for this inability (Taylor, 1985, page 40). Therefore, all criminal rules of Imamiyeh jurisprudence such as other rules will be considered as partial educative methods and instructions which have been expressed for providing special educative purposes which observing and promoting human dignity will be the most important factors.

Criminal rules of behaviors which lead to human degradation from dignity position will be called criminology and it will negate people from committing crime and accompanying offenders and additionally it will scare persons from falling in inferiority and lowness by forging punishment and showing a hard end for this type of behaviors and it will prevent from repeating the crime and occurrence of the other criminal behaviors by offender and other people of society through executing penalty for people who have committed crime intentionally.

In other words, and although dignity and punishment have opposite place in basic look and violator to divine sanctity and his/her dignity and society will be deserved punishment to feel of dignity, therefore, it does not have meaning to consider reason of humility as a protector of human dignity. But since offences will cause loss of human dignity for a determined amount that its amount will be determined by criminal rules in a way that each good work will lead to promotion of ranks of human dignity in a determined amount. Therefore, in executing punishment it must be relied for the same amount and refuse from transcendence (Hor Ameli, 1409 of A.H, Ver. 28, p 18). Since punishment is performed for amending and educating offender except special cases which are expressed, human personality must not be insulted that it is impossible to be safe from evil (Tahtol Oghoul, 1984, p 463). It is needed to attempt for observing and respecting his/ her personality to have hope for avoiding crime (Tahtol Oghoul, 1984, p 278).

Samples of Criminal Rules in Observing Human Dignity

Although issuing criminal rules based on Quran and narrations in light of correct striving hard of Shia jurists will impede ignorance way to human dignity and they can be called symbol of human dignity and criteria of dignity briefly, but this claim will be proved on strength of some criminal rules by reverse engineering attitude. In this part we will investigate some symbols of observing human dignity in criminal laws.

Minimal pragmatics of crime jurisprudence will be the most important field for human dignity. Unlike secular systems in criminal jurisprudence that all citizens have been captured in invisible net of obligatory rules, obligatory orders will be lessor than unnecessary orders by far and principle will be based on concede in all behaviors and it will be based on innocence of people in similar cases.

Preventing crime is another way for observing human dignity which is observable intensely in criminal law and it is one of the most important way for providing disorder in crime based relations and reinforcing safe relations. Islamic government shall not be satisfied by defining criminal behavior and maximum punishment of offenders in confronting with evil, criminal groups and offenders who try to encourage people toward crime and it will prevent from providing crime based relations and extending it

by these groups in one hand and collaborating of persons with these groups as much as possible. Of course it is not in a way that it causes abdication of authority. The basic of the Islamic system will be social connection based on faith and good deed and extension of relation and crime based relations unlike secular system which will try with types of hypocrisy to direct people toward evil in spite of impartiality claim (Maede: 2) (Tabatabaee, 2011, Ver. 5, p 163) and on the other hand collaborating with cruel person even by accepting cruelty will be unlawful (Baqhare: 279) and any type of trust and reliance to cruel will lead to evil (Hiud: 113) and infectivity of religious life and conduct of the right way because of accepting their guardianship equal with their joining and separation of the God's guardianship (Maede: 51).

The Rule of discretion for every prohibited act by adding to discretion by the ruler, will authorize the Islamic governor and adjust principle of criminology and rate of punishment and condition for proving and executing punishment in most crimes. While definite and permanent execution of hadd punishment is a guarantee for observing human dignity and it is a process that criminal law of west has found its importance although there is any assurance in performing it.

The punishments which have been considered for offence are punishments that the main focus of them will be educating offender but it will prevent from violating his/her dignity as much as possible. In using execution punishments, minimal punishments will be considered and severe punishment will be executed only in case that the person is a serious impede in his or others carnal dignity. Imam Ali proceeded for cutting only one hand and foot in hadd robbery punishment and he says that I am ashamed of God to leave his vassalage while he/she does not have any hand or foot for cleaning himself/herself (Kelini, 1407 of A.H, Ver. 7, p 222). And to need others for cleaning himself/herself and to be ashamed of others. Moreover, none of the jurists have paid attention to a narration in regards to some sexual offences that sentenced for financial impurity (Tousi, 1407, Ver. 10, p 48). That's why this type of punishments have been considered as unlike the ruling soul of criminal rule of Shia in addition to weakness of deed. It seems that banish punishment will be executed to provide an honorable in some offences such as sexual offences that lead to violating dignity. Momentarily degradation of offender by people who know he/she will decrease degree of degradation which is the same time of negation. However, failure in re-affliction of a person to this crime and failure relation of others with offender shall be the other main purposes of punishment negation.

In performing punishments, maximum observance of dignity is intended such as undressing and putting to sleep offender at the time of executing punishment will be banned unless undressing to lash in regards to adulterer man of course in case that he has been arrested undressed (Sadough, 1413 A.H, Ver. 4, p 30). But in case that adulterer has been arrested dressed, they do not have the right to undress he and his dignity must be observed. Regarding woman, he must lash with Ver. age and in sitting position because her privacy parts must be Ver. ed (Shahid Sani, 1410 of A.H, Ver. 9, p 107). Of course quality and quantity of her cloth must not be in way that prevent from feeling pain and intensity of lashing must be in a way that is valid in adultery (Tabatabaee Haeri, 1418 A.H, Ver. 15, p 513). Moreover, lashing her face and genital organs in addition to throwing stone to her face at the time of stoning is banned (Kelini, 1407 A.H, Ver. 6, p 165).

Regarding some fines, reciprocity for observing dignity of victim and offender is banned. Such as insulting and oath that the other party is not permitted for reciprocity. In this case punishment for insult must be vitiated of both and they will be punished (Heli, 1408 A.H, Ver. 4, p 154).

Being open the way for repentance in many fines lead to decrease of punishment (Daviar, 2005). Moreover, existence of forgivable fines will be other ways for observing dignity of offenders in addition to encouraging victims to forgive (Nour: 22) authority of the Islamic governor in forgiving some offenders and finally left rule will be the other way for observing dignity.

Justifying punishments which negating human dignity

One of the wrong assumption of liberalism rights will be the assumption that human has fundamental rights innately that anybody and any government cannot waive human of them. This rights which are known as inalienable rights are the rights which the most cruel person will be deal with it such as the most humiliated victim (Donnelly, 2007, P21). It seems that this speech will be a merge of right and wrong

which it will be expressed and extended for apparent right purposes and in conscience for wrong purposes. Whatever faces this thought with basic problem is the god looking at human. A person who lost his/her identity like a zero which is written without any number and it won't be comparable with any other existence and fellow creature. A person who is managed with dominion system are becoming slaver more than past and they will habituate to secular and animal life in order to prevent from envenom of their slavery. Sometimes they will act with strength of sword and in this system and after time they will act with trick of industry, modernism and wealth and today human will act according to whatever that this system calls crime with hypocrisy of human rights and freedom and he/she will perform anything that is called freedom in order to complete the process of slavery with his or her hands (Foko, Michel, 2009, p 21).

The western humanism will put right and welfare against each other and it prefers right to it (Sandel, 1982, P2). While right and welfare and the arisen duties from it are two sides of the attributed human to the God and it is not separable. In Islamic thought, humanitarianism means being deputy of the God in the land and managing the world and his/her prosperity and the world for attainment of all human being to definite fact (Houd: 61). In this path, it is needed to fight with any annoying factor because human will impede human society from the infinite goal (Tobe: 29). Crime is translation of impede way for human happiness which it will be performed intentionally and by option. Therefore, the first human who is obliged to fight with crime will be the offender himself/herself in a way that this way must be repeated four times in special offences. In next times, duty of the intended society will be crime which it is needed to refuse from crime. People must not endure cruelty of others and they must defend from themselves (Baqhare: 279) and at the end the Islamic governor must prevent from crime commitment and its continuous by use of strength and superior awareness.

Confronting the Islamic governor with fines in some cases will be accompanied with implementing punishments which it will clear the lost dignity of offender for both him/ her and for others. This amount of infidelity is necessary for observing dignity of offender and others especially social dignity. This is here where negating false reasoning of punishments such as execution and some of the mentioned punishments in Emamiyeh criminal law will be cleared under the pretext of freedom, human right and human dignity and because human dignity is a fact that is formed in this world to the amount of optional act and it is needed to be observed and respected (Mesbah, 2001, p 295). However, observing life right for any existence includes animals and foets is needed. As a result, no one has the right to limit even infidels of water.

Offender person with any degree of offense has capability to return and rehabilitating his/her dignity even in the last day of his life he/she is human, and implementing the hardest punishment is also for reviving his/ her dignity to transfer the person from the world considering his/her fact and origin of existence to have less barriers in the other world for his/her eternal life. As it was mentioned in narrations, anyone who punishes for a crime, he/she will be exempted from punishment of the other world.

Therefore, criminal laws must play an important role in restoring dignity of offender person in addition to preventing from violating human dignity by offender and others and also by restoring the violated dignity of offender and reputation of the Islamic society. It means that can provide possibility for return and inculcate he/she that is pure vassalage of the God in addition to make it possible for the offender to feel humiliation of crime and sin. Offender must know that the Islamic governor and the interfering factors in punishment will proceed for punishment in spite of his/her innate intention and with purpose of modifying purpose. Therefore, it is needed to be satisfied to the amount which was determined by the God and prevent from exceeding it for temptation and personal account settlement.

Of course the rate of dignity that must be observed and additionally the rate that must be destroyed practically by implementing punishment have been proved in criminal rules which its punishment is not clear and this cases we must not focus on defective understanding of humans who have claim of anthropology and suffer from indulge in escaping from an indulge. Persons who do not consider genocide of innocent humans as a violation with human dignity but they know execution of the murderer as a negation of human dignity. But in Taaziri punishments which determining its quality and quantity will be according to authority of the Islamic governor it is needed to relay on explicit statements or similar cases

in choosing punishments which including insult. Since someone have told that Taaziri punishment must not be unlike human dignity (Mousavi Ardabili, 1427 A.H, Ver. 1, p 50).

But execution of humiliating punishment is not permitted in none of the punishments of criminal jurisprudence. And it is likely that humiliating execution of punishment be in lieu of Taaziri punishment in some fines which are due to crime intensity and existence of hadd punishment. It is weak possibility and in these cases natural requirements of these punishments was mentioned which are their humility and indignity and offender has acceded them. In other words, stipulating that contemptible shall not be stipulation of order but it is the result of performing rule like:

Executing murderer of mother (Kelini, 1407 A.H., Ver. 7, p 141) that it was generalized to murderer of father (Mofid, 1413 A.H, p 749). When a man against a woman sentenced to death without necessary for payment of half of atonement.

Punishment for murder and robbery crimes in sanctuary (Kelini, 1407 A.H, Ver. 4, p 228), because punishing offender in a place that all offenders have been excluded of punishing at that place it seems as humiliating.

An adulterer who has not declared his/her crime in spite of having four witnesses, in case of escaping from pit, he/ she will be returned while has been humiliated and punishment will be executed for he/ she (Kelini, 1407 A.H , Ver. 7, p 185). While in case of escape after declaration, he/she will not returne to pit.

A man who has been sentenced to 12 lashes for marrying with a woman that his wife has not satisfied (Kelini, 1407 A.H , Ver. 7, p 241), this is a penalty that has humility torture in addition to lashing torture that the person has accepted it.

Accepting 25 lashes for copulating with his wife at the time of her period (Kelini, 1407 A.H, Ver. 7, p 242), because it was due to copulating with his wife and on the other hand, the work that he punishes for is a humility work.

Cutting fingers of a robber who has stolen more than Dinar quarter of his/her share before dividing trophies and although he/she had a share in trophies, he/she has been satisfied for punishment because he/she has stolen (Tousi, 1407 A.H, Ver 10, p 129).

Murdering a Muslim who is addicted to kill non-Muslim (Kelinin, 1407 A.H, Ver. 7, p 310), and this is a punishment that humiliation is its natural necessity because a Muslim shall not be punished for murdering non-Muslim (Hashemi Shahroudi 1419 A.H, p 279).

But contrasting infidel human, it is clear that fighting duty with military infidels especially their apostles and in case of their attack shows that for restoring social dignity of human society it is needed to attempt for driving away evil. But considering those who have not faith, observing their human rights for providing the field for guiding will be needed. For this reason, weakness of non-Muslim at the time of payment of tribute shall not be as humility (Tobeh: 29). But the intention will be strictness in taking tribute of non-Muslim and amount of tribute must be determined in a way to restrict them (Kelini, 1407 A.H, Ver. 3, p 556) and to turn indirect and correct ways the means Islam. Therefore, since the amount of tribute is not clear and its amount will be in the authority of the Islamic governor, it leads to fall into difficulty (Tousi, 1407 A.H, Ver. 5, p 543).

The balanced Fear and Hope, main Strategy in observing Human Dignity

According to what is said, optional path for human dignity will need criminology and punishment which first it will be based on prevention policy and then confronting and finally removing extra dangerous factors will keep this path continuous. But what is considers as the main basic in regulating and executing criminal laws will be creating and managing fear and hope in the Islamic society. According to the verses which was mentioned for expressing fact of human and dignity, it can be concluded that human two valuable and basic wings of fear and hope for passing optional path. A human who has infinite capacity and talent of growth and deal with serious and importance impedes which are due to passion and evil government, it is needed that fear of staying out of destination warn them of falling impedes and on the other hand his/her suffering from hardship, special way for biting by the enemies of dignity way, do not disappoint he/she in continuing fight and try for achievement. An affair

which is main strategy of the enemies. Therefore, disappointment of the God's mercy will be the greatest sin and impede of the way.

Innocents have said that a person cannot be in position of faithful and love vassalage unless two lights of fear and hope shining in his/ her soul in a way that both lights show a duty for human together and to refuse from dimming other and putting a detour instead of the correct way (Kelini, 1407 A.H, Ver. 2, p 71).

The main operation of criminal law as symbol of the God in the world and legislative laws will be creating the balanced fear and hope in the Islamic society. Although, criminology, determining punishments, tracking and judicial trial will clear executing of fear punishment of God's wrath and effect of failure in fight with passion and evil for human, however, this rules must not be in a way that the offender in any rank of the offense and until he/she is alive will be considered in a way that he/she does not have return way for completing the process of his dignity. But basically punishment in this world and even the hardest punishment like stoning shall be implemented according to possibility for purify offender and remedying the lost dignity.

Conclusion

By considering whatever was expressed briefly, it is clear that human dignity is an extended affair that will express its growth and degradation by human authority. Accordingly, Emamiyeh criminal jurisprudence in the criminology will picture phase and the way of degradation of human dignity and will extend the ways for restoration of the lost dignity and promotion in the way of dignity for human, Islamic society and victim by sentencing punishment, and increasing and decreasing of punishments and forgiveness. Criminal jurisprudence shall not consider any humiliating for the offender by neither victim nor the Islamic governor. Executing punishment even in the most intense rate and since execution will be done for purifying offender, society and opening dignity path for human will be a path that its infinite part will be started after death of the offender. Observing component of maintaining and reinforcing human dignity in criminology and sentencing to more punishment will be a punishment in the authority of the Islamic governor which it will be implemented in conformity with condition of each offender and offence and victim and the ruling situation in the Islamic Society. The main strategy of criminal jurisprudence in all criminal rules will be creating and managing the balanced fear and hope for facilitating and promoting path for growing human dignity.

Therefore, decreasing operation of criminal rules which lead to establishing discipline and equal and justly beneficiary of people from blessings of animal life will lead to limiting from benefiting from educative operations of criminal laws in addition to violation in understanding, regulating and implementing criminal laws for providing minimal disciplinary. As it is observable in secular society. Of course defending criminal jurisprudence does not means confirming all the existing rules and their conformity with Quranic dignity but also it is needed to focus more intensely on the existing criminal rules and determining and executing criminal laws by the Islamic governors by regarding principle of human dignity.

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