

The Characteristics of Judicial Courts in the Execution of Criminal Sentences Compared to the Judicial Courts of Painting

Abstract

In the criminal procedure law approved in ۱۳۹۲, useful measures have been taken in the field of execution of sentences and in the discussion of respecting the rights of convicts and convicts and monitoring prisoners. The purpose of criminal proceedings is to establish the occurrence of the crime and its attribution, the realization of the criminal responsibility of the accused, and the punishment or preventive and educational measures for the convicted person to be implemented in a timely manner so that no criminal remains unpunished and uncorrected in the society. Execution of the sentence, lack of access to the place of residence and residence of the convicted person, failure to introduce the convicted person for the execution of the sentence by a guarantor or surety, the imprisonment of the imprisoned person or obstacles of judicial origin can be mentioned as the lack of monitoring document, warning and failure to obtain appropriate security. Also, the judge rules on the implementation of corporal punishment crimes, including death penalty, corporal punishment, amputation and whipping, negative and restrictive punishment of freedom, rights and dignity, including imprisonment and exile, deprivation of residence in the border zone, and dismissal or exclusion from the country and habitation. Mandatory at a certain point or financial punishment, including fines, confiscation, repossession and destruction of property, and the case is not closed until the sentence is executed. The current research was carried out using descriptive and analytical method and relying on data from library sources. The findings of the research indicate that today there is more supervision in the field of ethics on the execution of punishment, while the judicial courts of painting schools indicate the speed of action and the legal weakness and self-centeredness of the king in the execution of punishment.

Research aims:

۱. Examining the ethical mechanisms in the execution of punishment by the magistrate.
۲. Analyzing how to judge and penalize in Iranian painting.

Research questions:

١. What ethical mechanisms are performed by the judge in the execution of punishment?
٢. What information can be obtained from Iran's painting concerning judicial courts and execution of punishment?

Keywords: punishment, judge, criminal execution, execution of punishment, painting.

Introduction

Execution of sentences is the final and last stage of criminal proceedings. Some declare that criminal proceedings are conducted only to realize this stage; however, this is a false statement. In fact, the purpose of criminal proceedings is to establish the occurrence of the crime and its attribution; also, it is the realization of the criminal responsibility of the accused, and the punishment or protective and educational measures for the convicted person are implemented in a timely manner so that no criminal remains unpunished and uncorrected in the society. It is obvious that if the verdict and judgment issued, reached with all the efforts and determinations of the criminal authorities, both the prosecutor's office and the court, as well as the bailiffs, and on the other hand, the heavy financial burden it placed on the shoulders of the government and society, is not implemented on time and thus will not be able to achieve its goals, fulfill the punishment or protective and educational measures. In advance of the execution of the sentence, once various stages of the criminal proceedings, such as discovery, investigation, prosecution and trial, have been concluded, the goals of the punishment will certainly not be achieved unless the verdict is finally implemented. In Iranian criminal law, the judge has many powers including the execution of criminal sentences; and so, in this research, the judge of the execution of criminal sentences and the issues related are investigated. The history of judicial trial in Iran and the execution of criminal sentences goes back to ancient times. In works remaining from these historical periods, such as the art of painting, the court scenes can be analyzed.

Regarding the background of the current research, it should be said that so far no independent research with this title has been conducted. Nevertheless, some works have examined the role of the judge in the execution of sentences. Doa Khan (٢٠١٤) in an article entitled "The Position of

the Judge of Execution of Sentences" has investigated the role of the judge in the new systems of criminal proceedings and has studied the origin and position of the judge of execution of the rulers, from the point of view of the law of Iran and other countries in detail. Amiri et al. (۲۰۱۸) in an article titled "The Role of the Punishment Enforcement Authority in Institutions Based on the Temporary and Conditional Release of Prisoners by Studying the Criminal Laws of Iran, France and England" investigated the quality and determining factors in the execution of criminal sentences. In the aforementioned works, a comparison has not been made in the characteristics of judicial courts in the present era and in the realm of painting; Thus, the current research aims to investigate this issue via following a descriptive and analytical method and relying on data from library sources.

Conclusion

Performance of execution may be carried out in the form of hanging from the gallows or firing a firearm or connecting electricity or in another way and at the discretion of the judge issuing the decision. The execution time of the sentence will be the first sunrise, unless the court has set a specific time, and the execution of the sentence is by the prison officers or the police force as the case may be. Before executing the sentence, the enforcement officers are required to examine and check the enforcement tools and devices and make sure that they are strong and ready for the execution of the sentence. The mentioned devices should not be in such a way that it causes torture, torment or mutilation beyond what is necessary for the execution of the sentence. Also, all operations should be done calmly and without violence. Although the execution judge is not considered as one of the sitting judges and does not take the initiative to issue judgments and only executes the issued judgments, but without a doubt it can be said that the importance of the duties of the execution judge is, if not more than that of court and prosecutor's judges, it is not lesser. Since even though the rulings have been issued carefully and according to Shari'a and legal standards; until it is not implemented, it is considered futile and pointless, which is the responsibility of the judge to execute criminal sentences. For the execution of criminal sentences, there are obstacles that either stop or delay the execution of the sentence, which can be obstacles of legal origin, such as filing a lawsuit for the distribution of fines and dowry, cooperative institutions in the execution of the sentence, the order to suspend the execution of the sentence, the order to postpone the execution of the sentence, non-payment of the dowry and cash penalty,

penitence, forgiveness, mercy, consent of the plaintiff, insanity, obstacles specific to women suffering from loss of life or obstacles of practical origin, such as non-request of the convicted person to execute the sentence, lack of access to the place of residence of the convicted person, non-presentation of the convicted person for the execution of the sentence by a guarantor or the surety, the imprisonment of the defendant in another conviction, or obstacles of judicial origin, such as the lack of supervision of the writ and notice and the failure to obtain proper security. Also, the judge orders the implementation of corporal punishment crimes, including the death penalty, corporal punishment, amputation and whipping, or the negative and restrictive punishment of freedom, rights and dignity, including imprisonment and exile, and deprivation of residence in the border strip, and expulsion or exclusion from the country and residence. Mandatory or prohibition of staying in a certain place or financial punishment including fines and confiscation and confiscation and destruction of property are supervised and the case will not be closed until the sentence is implemented. Signs of the role of the Shah and scholars in judicial courts can also be seen in Iranian painting, which indicates a long history of criminal punishment in Iran.

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