

Educational Responsibilities Drunk and Drinking Alcohol in the Iranian Penal Code

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Abstract From a legal point of view, punitive penalties are imposed on the perpetrators of the crime, which is held to be punishable by criminal law. To fulfill a criminal responsibility, it is not enough to do conduct, It's the behavior of the perpetrator Must Cause by free will and self-conscious of him. Therefore, special attention to drunkenness is necessary as one of the causes of the impediment of criminal responsibility - which distorts the power of consciousness and will (intellect and discretion). It is important to understand the nature of the drunkenness and how to commit a crime in terms of its constituent parts, as well as determining the responsibility or non-responsibility of the perpetrator. This article, while investigating the offense of being drunk and Psychosocial imbalance due to drinking alcohol or drug use In the Islamic Penal Code of Iran, The will, and the intentions of the drunk person, how the crime was committed by him And the scope of criminal responsibility and punishment By analyzing and reviewing legal material.

Keywords: Drunken, Drinking alcohol, Training responsibilities

Introduction

Among the laws of Islam, the process of boycotting alcohol is interesting because it is gradually taking place. Islam first prevented people from drinking alcohol without warranty, Afterwards, with the practice of nullifying prayers when drunk, reduced casualties and use and ultimately it's a devilish act And consider them as forbidden(Asadi & Mohebzade, 2013). In verses 90 and 91 of Sura Ma'idah, Allah says:

"Those who believe in wine and gambling, and idolatry, and arrogance, all of these are filthy acts of Satan, of course, avoided being prosperous. Satan It intends to hate and spite between you through wine and gambling, and will prevent you from mentioning God and prayer, so will you abandon it? "

Drunk is an acute poisoning that occurs mostly through drinking alcohol and, in some cases, drug and psychotropic substances. Drunk tell someone that, under the influence of drinking alcoholic

beverages or any substance injured, they lose their power and will for a specified period, in whole or in part(Ansari-Moghaddam et al., 2016). A person who is influenced by the senses changes his nature, his spiritual and moral status changes a moment, and the other is different from what he is(Tamadonfar, 2001). The role of the drunk is to weaken the action of the nervous system . Selfishness is lost that is voluntary and the source of shame that it prevents man from being subjected to hatred .This factor is often the decline of consciousness associated with an unconscious dawn, which enhances illusory delusions. In the Islamic legal system, only one person is guilty of punishment from the point of view of punishment ,He has committed criminal behavior with a criminal will with appropriate physical and rational status. That is, the perpetrator must have the same at the same time as having a psychic element, having a perception and discretion over the time of the crime.

Therefore, since a drunkard is deprived of human will and freedom, if it is not voluntary and does not intend to commit a crime, in spite of the circumstances, the punishment does not apply to the drunken person (Asadi & Mohebzade, 2013; Barlowe, 2015). In general, it can be said that the bulk is often created voluntarily and people are intent on drunk. On the other hand, the drunk is like restlessness and unlike madness, Temporary and transitory. Therefore, it can be said that a drunk is a voluntary sin and is not considered a disease. Therefore, everyone must be held accountable for their behavior, since individuals are generally free to choose and the ability to guide and control their own behavior (Entessar, 1988).

The drunk is usually blamed for being guilty because the drunk strongly affects the individual's will and consciousness. In this situation, the general rule of dismissal leads to the perpetrator fleeing from punishment, and the sentence of liability, regardless of whether it is contrary to the legal principles, may lead to innocent punishment. On the one hand, in the state of drunkenness, individuals do not have complete intent and, according to legal principles, should not be held accountable to the extent that people are in charge of alertness. On the other hand, in order to maintain the order and security of society, the use of a drunk with the aim of exemption from punishment for all crimes is not fully acceptable.

Criminal Investigation in Voluntary Drinking

Criminal liability is a requirement to respond to the adverse effects and consequences of the criminal phenomenon, or crime. From the point of view of criminal law, the commission of a crime or any violation of criminal laws and regulations does not in itself lead to criminal liability. For the offender to be

morally and socially responsible, it is necessary that the occurrence of criminal conduct, or the criminal phenomenon, derive from the willful intention and willful conduct of the offender, as well as the manner of his actions and his decision making process. The criminal act committed with the intention and the will of the perpetrator abroad must be indicative of the perpetrator's misconduct or his mistake (Rahami, 2005).

Responsibility is always associated with commitment. This commitment does not have the same content in the area of civil and criminal law. For example, as the Holy Qur'an states: "... and everyone will fulfill your covenant, which of course (at the resurrection) will be asked of the covenant", the content of this commitment is to adhere to the covenants and private treaties, If the damage is brought to the detriment of another due to a breach of the law, the loser is liable and must take action to eliminate the damage (Mohammadkhani, 2012).

Part of Article 154 of the Criminal Code states: "If it is proven that the use of this material has been committed in order to commit a crime or the knowledge that it has been committed, and that the crime is intended, the punishment shall be condemned to both offenses. "Some people believe that it is possible to presume drunk as a non-drunk with a criminal responsibility because:

1- The rule «Refrain by choosing the option» that this is a rational rule, which implies that a person has a free will that is responsible for all his actions and behaviors, and that the conditions and requirements that surround mankind have no significant effect on his actions and decisions. And he can with absolute chose avoid the factors that put him under pressure to fight them.

If an individual takes anti-social behavior, the root of his mistakes should not be

sought anywhere except in his inner will because he has knowingly committed the crime. Therefore, it is completely guilty and must be punished for the wrongdoing so that it does not become an antisocial one (Tamadonfar, 2001).

Dr. Georgi in this regard says:

"... because he himself corrupted his intention and perceived without legitimate excuse, so the rule of rule «Refrain by choosing the option» The most eloquent intellectuality of the elevated layers of the elephant, Like non-drunk people, they are entitled to punishment. Therefore, if he intentionally commits a crime, he can be retaliated ..." (Asadi & Mohebzade, 2013)

2. Being a drunkard guilty: One of the reasons given by those who want to punish the misconduct is that what is self-illegitimate can lead to the legitimacy of another's illegitimate. The commission of a crime caused by intentional drunkenness, because it involves punishment for drinking or drinking drug use, cannot invoke the defense of a drunkard to prevent punishment.

Investigation of Criminal Responsibility in Inhuman Drunkenness

According to the first part of Article 154 of the Criminal Code, "Drunkenness and inexhaustibility resulting from the arbitrary use of drugs, psychotropic drugs, and the like, do not preclude punishment unless it is established that the offender did not have a general right to commit a crime".

It is clear that in the case that the person has no interference in his drunkenness, he will not be addressed by the legislator, and therefore the subject is not subject to the right and duty, and no responsibility is punishable by law. The objective causes (legitimate defense, legal authority, etc.) influence each other, prevent the formation of crime, while personal causes (insanity, childhood, etc.) do not constitute a crime and only the perpetrator Thus affecting the

status of others (deputy and partners) is unaffected. In the causes of responsibility, the moral pillar of the crime is not realized, while the crime of non-criminal acts for the purpose of justifying the crime is the removal of the legal basis by the authorities.

Accordingly, the Islamic scholars divide the complications that lead to the elimination of criminal responsibility to natural complications and acquired complications. Natural complications which human beings do not interfere include childhood, insanity, sleep, anesthesia and death. And acquired complications, which human beings cause it to emerge include Ignorance, drunkenness; stoning, compulsion, reluctance, urgency and joke are the most important of these complications (Nadjafi, 2001).

According to Islamic law, anyone is responsible, who has the right to liberty, authority and perception, and has a criminal intention to commit a crime. Therefore, one who does not have a perception at all or does not have a perfect perception; since he is crazy and child, and who is not alert in the crime of committing a crime, and a drunken person, and a person who is sleepy, anesthetized and comatose, his responsibility it is questionable.

Causes of Criminal Responsibility, sometimes completely eliminate criminal responsibility, and sometimes relinquish criminal liability. Among these factors, childhood, insanity and compulsion are among the causes of total criminal and drug liability, mistake, sleep and anesthesia as part of the relative causes of criminal responsibility.

Therefore, the drunk, provided that the drunk did not have a general authority and did not become drunk for the purpose of committing a crime or knowing that the crime had been committed; the relative

causes of the prosecution would be criminal, and if, in such circumstances, a person without intention and determination, with His movements in drunkenness, injuring another, or causing him to die, due to the influence of the drunkenness on the psychological basis of the crime and the failure to realize it, is without duty and criminal responsibility.

Conclusion

Drunkenness is an abnormal and unstable state that is caused by the influence of drinking alcoholic beverages and strong natural and industrial opioids in mankind, and is mainly accompanied by euphoria and joy and has a direct impact on reason and nervous system in such a way that the power of thinking and diagnosis Undermines perceptions more or less than humans. But a drunken person does not always lose his will and power. Therefore, according to Article 154 of the present Code, a drunk does not give rise to liability unless it has been established that the offender has generally been acquiesced in the commission of the offense. In this assumption, given the fact that a drunk person with a predisposed intention and consciousness designs a crime map and is drunk (though he has been completely deprived of his intention and will), There can be elements of mass crime, and the system of punishment (punishment for drinking and drunken crime) can be applied to him. Therefore, if a person drowns himself and, under the influence of a drunk, commits a crime in order to commit a crime, the perpetrator will be known.

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