Approach on juvenile criminal responsibility and function of the Iranian police

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ABSTRACT

Including issues related to juvenile crime has increased over the past few years, according to the press and has attracted many scholars. The analysis of the causes of juvenile delinquency can be used to reduce the rising crime statistics to help them. Also in this issue should also be paid to the issue of criminal responsibility of children. Without determining the criminal responsibility of children, criminal and non-criminal reactions or adopt any judicial decision or act, it will be a mystery. In this article the author on the study of criminal capacity and criminal responsibility of children according to international conventions and rules and regulations makes Iran country analyzed and explored. Fully addresses the causes of child delinquency. The new attitude in the field of hearing children, especially the work flowing from the Judiciary, police and relevant agencies such as the United Nations Children's Fund and UNICEF, as well as specialized workshops are held be considered in this paper is.

Key words: child, criminal capacity, criminal responsibility, diversion, especially hearing children, differential criminal policy.

Introduction

With regard to the internal rules of civil law and Islamic law in Iran, we find that children of legislators, the mature person who is not religious. Legal maturity of 15 years for boys and girls 9 lunar year is lunar. After reaching the age of criminal responsibility is imposed on children. The age of the lawyer perceived lack of children in this age of criticism is completely clean. Detailed discussion of various aspects of this relationship is. Which they pass, and to evaluate the child defined in international documents, and then we will compare these two concepts. From the perspective of international instruments Mainly, to the child, the person is under 18 years of age. Age of domestic law unless it is less known. Also, the protection of children deprived of liberty of any person under 18 knows all the teenagers. That the individual is not accepted full responsibility for such. Before a responsible adult relative or declined to accept the child. So comparing these two concepts (Iranian domestics and international), we find that the Gnostics of children in the age of 18 years, the criterion is The more a matter Convention on International Civil Rights Act of age for our children if the criteria is, finally, down from 2 to 3 years and not more than 18 years. Children between 2 non-responsibility and responsibility are not absolute.

The concept of criminal liability:

A. The general concept of responsibility:

In the general responsibility of the person's commitment to respond to their actions. This means more observers to the future. Responsible in a certain sense, we may consider the criminal responsibility, the accountability aspect includes a flexible response is that person to accept their culpability. Committed themselves to actions that have been committed by his answer. Some of the talk comes to the criminal population. The capacity In case of a person or situation that imposes criminal responsibility of the states party to the criminal consequences will be tolerated. It should be noted that due to the hierarchical status of the individual growth and understanding of physics. Their capacity and willingness of the second element is the perception that the subject It will be blamed. Perception and willingness of individuals over time and gradually evolved to be collected. Therefore, the responsibility of understanding and will also need to slow down and spend the necessary steps in child development, declined to be imposed on him, and after reaching the age prescribed by law and within the conceptual and physical Tom is the responsibility of his time. The legislative process must be clean, respect the separation of maturity with regard to these issues, the criminal
responsibility of children to the divide between these stages. Among his responsibilities both absolute and does not give an absolute lack of responsibility. Can be blamed on the subject.

B. Criminal liability of children, the laws of the Islamic Revolution of Iran (1987), inspired by the French penal code:

B-1. Non-adult children (non-point and point):

At age 18, former general law of criminal responsibility was Tom. I found the steps. Article 34 of the Penal Code stipulates that the former had children of non-audit cannot be condemned criminal, in criminal matters of every child that is not all twelve If the audit does not warrant. This matter can be concluded that:

A - It is a condition of criminal responsibility and the power to distinguish and understand the child lacks the power clean is mainly criminal responsibility cannot be realized.

B - Persons less than 13 years, the legislature considered non-slash is exempt from punishment. Of law offenders in juvenile courts in 1338 emphasized the absolute responsibility of children between 12-6 years provision and education efforts for reform and rehabilitation is expected. Article 35 of the Penal Code which provides that: If the slash and non-adult children the age of 15 are not all commit crimes, they are only ten to fifty lashes. But the excesses of a decade or two consecutive days of 15 lashes should not be excessive. Of the above article that comes on the age of 12 at the end of the lawmaker is clean and not clean, but to this point be given. Before the age of 12 contrary to the hypothesis that the delimiter is not verifiable. But after reaching this age, the hypothesis is proved.

B.2. Children 15 to 18 years:

Article 36 of the Penal Code stipulates that the former were adults over the age of 15 years but 18 years of age when they committed a crime, punishable by imprisonment in the reform period, which is in excess of three years no. The former lawmaker with the age of 15 to 16 years old and the child is considered mature, but still the level of criminal responsibility, criminal responsibility is limited and not Tom.

C. Rules of the Islamic Revolution of Iran (No. 1357) and lack of attention to cleaning up the child:

After the revolution in the laws and regulations, with respect to the Note under Article 49 of the Penal Code and also note that we find in a matter of civil law in 1210, the legislator of the variables affecting the criminal responsibility of the audit, to mature, grow, only the maturity is considered. And criminal responsibilities of the matter is not considered much. Before puberty because of the lack of absolute responsibility and absolute responsibility imposed on a person after that point. So clean that power factor in the imposition of criminal responsibility to the child before puberty is limited, not the legislative consideration, so that the criminal does not necessarily result in all individuals associated with puberty, has been ignored .

Separation between audit and non-slash is not allowed. Of this Article may be inferred that children under 6 years old will be considered non-slash, with a 14 year old teenager in terms of lack of criminal responsibility to a degree.

D. The diversion of children:

Ill offenders in the general sense from the perspective of lawyers is not good and the view of society is bad and bad. In view of the bad behavior, bad behavior is legal and not illegal. Behavior contrary to the moral evil of every level who are looking for a criminal record will not. Yet the concept of delinquency, children in particular, is considered bad behavior as illegal. The delinquency of children, unlike adults, in addition to the legal side, he also has virtually distortion phenomenon. Indeed, this sensitivity is in line with the principle of protection of children. According to the principle of separation of child offenders with adults occurs. However, the judge must determine Mjazt deviation in any event not be left open. But with the minimum and maximum punishment for the excesses and abuse of law enforcement, is prevented. The protection of children in this category is the way. That the deviation may change the life of the child. Affect his future. He makes difficult the formation of personality, so be sensitive to certain provisions in the face of the child, the child and correct possible deviations followed him there. The children range in which crime is on the shallow sea as a weak reaction against the criminal offense he will produce. For example, it is suggested that deviations of children with educational activities and classes of compulsory education and welfare work, shall be guaranteed. Major crime or crime as a small child and his small crimes, misdemeanors considered Be. Therefore, despite the legal principle of crime and punishment is also emphasized, in dealing with children, SD He was subject to the laws of life and contribute to the future course of action is correct. It is obvious that these rules Iran's favor, and this is not necessary given the current legal texts from the perspective of the legislator has been neglected.

The second topic: the causes of juvenile delinquency and the factors:

Cause the delinquency of a juvenile unit but the hands are always several people are in each other
and cause crime. The main reasons can be noted that in this case are:

A. socio-economic factors:

Sociologists to direct and indirect environmental factors and population density, living conditions, air pollution, etc. are given. The role of social conditions and conflicts that occur within it, is undeniable. Studies show that in a society when there is stability and social stability, the community in difficult situations such as riots, wars or revolutions be. Or some unusual and adverse conditions prevalent in society is rising delinquency rates and makes the picture, so the stability of the lead, the delinquency rate is reduced. Financial problems and poverty workplace One important factor in producing all kinds of sexual deviation, including theft and diversion in humans, especially children and adolescents. Poverty is undoubtedly causing hardship that you cannot fight with them, the man brings to the knee. Not provided more deprivation and social tendencies that distrust is the result of poverty and it should not be ignored. Unemployment, shortages of food and clothing, illiteracy and backwardness, ignorance and superstition , being insufficient physical and mental health and illness, and even global, war and bloodshed, rooted in material needs and the fear of poverty. Lack of housing, living in slums, inadequate health Malnutrition and also linked with poverty, crime are important factors.

B. The role of parents, friends, peers and community groups:

Is probably the most important factor in delinquency, educational methods, immature or abnormal network family. Almost all studies have shown that parents loving their children are more likely to have delinquent children. The use of parental discipline methods difficult and prophylactic use of physical punishment rather than discipline-based approach based arguments of the factors that lead to juvenile delinquency. The family of parents to their children without attention, are ignored and ridiculed. Or in circumstances related to child His family had very poor and unacceptable to them as models to assess the likelihood of delinquency increases. The family has no father or father's long absences. Or the separation or divorce has occurred, or when parents are suffering from emotional problems or who have criminal histories, are more likely to find that children's tendency toward delinquency. The dependence of the Severe or with their peers, Regardless of social class - economically, is an important factor in delinquency. Teens who are abandoned by their parents for support and confirmation will be brought to the peers, the adolescents in the school are poor and are looking for people who are like themselves. It is likely that the anti-social acts, and they encouraged each other to commit to these factors. The family, school, play an important role in social life has children. Because children and adolescents spend most of their time in school. So, parents, schools can well take care and control the behavior of teens to take up their problems and incompatibility. The location, behavior and school officials, teachers and their programs, an important effect in the interest of the school or youth has fled. The school also fosters intellectual, emotional, social and children. With specific vocational training prepares them for entry into the adult world. It is worth noting that another factor is the increase in juvenile delinquency. Migration from rural to urban areas and problems are marginalized. Favorable and favorable conditions in urban centers, and concentrating facilities in the cities every year caused some of the rural and urban areas or to migrate from poor countries to developed countries. Lack of adequate housing and lack of compliance with rules and criteria governing the large communities of immigrants living in slums, which causes the fringes of cities, they actually started the criminal life. For immigrants, income, young children are forced to false. Effective ways of exploiting them for themselves or others, and leaving others open them to panhandle, steal, picking or forcing them to buy and sell drugs. Briefly as the last element of progress and development of mass media, despite all that has advantages and disadvantages are. With the development of mass media such as television or magazines, cinema, computer and Internet crime such equipment into schools for children and adolescents that have a lot of talent, learning and imitation.

Conclusion:

Given the circumstances, the child's personality and crime, the need to adopt a criminal policy, criminal policy in the pediatric intensive micro and macro is more apparent. This policy in all phases of discovery and prosecution of offenders, and the charge to his interrogation, prosecutors in the investigation and consideration should be addressed in court. Refrain from any threat of force and torture, as well as special training for judges dealing with juvenile crime issues that these subsets should be taught. The problem was that the new plans and actions is. category as police are warning. In this view, it is recommended that children in dealing with minor offenses to possible contact with the child to prevent the judiciary and the police must rely verbal advice and guidance. Even in the second and third offense committed in this respect is considerable. In the criminal policy of differential it is recommended that the precautionary detention of children as possible to prevent. In urgent cases the judicial authority must be allowed, and keep it in a short time a child is considered non-criminal. The
child's relationship with the people and history of contamination, be avoided. The punishment of children in the child's adulthood should not be assumed in the smaller size. Just moved to the minimum and maximum punishment of children should be punished. In other words, Percent of adults considered punishment merely to punish the child, but must be sufficient diversity and specificity of the reform and rehabilitation, and education and training have, socialization of children provided. For example, child services, such as potting, making handicrafts, and of compulsory education and public services to be appointed as a guarantee of performance. About how a child's trial, suggest that the differential system in the hearing of the criminal legal advisor women to consult and cooperate with the child and the judge used, the final decision to be of the order. The case of the characters is very important for children during interrogation and investigation, as the judge in the criminal case file of the child is a child's personality. Hereby with mental health problems and family problems, the economy was introduced, the decisions just to help him. On the other hand should be tried as a juvenile trials are held closed. Child Profile is not disclosed. Of labeling and discriminatory behavior toward her is not. The overall reaction of the authorities competent in all phases of criminal justice policy must be in compliance with a particular child and the other is the differential. Topics at the roots of crime in children, seems to be the most appropriate action to take regarding the issue of possible ways that Variation in the incidence of crime and eliminate child. The old motto better prevention is better than cure, it seems appropriate policy. Treatment great for reducing delinquency and the treatment is recommended, the general belief is that the social reform programs, and certificate of marriage counseling, development assistance for poor families or poor, low, high levels of education, training, recreation and study, family therapy, individual and group is the best solution is prevention. Also, the area of crime and children in order to adopt appropriate policies for reform, it is better children and parents as possible to their families and legal guardians to be deposited. If a child's inability to deal with semi-institutional organizations, and the part-time child is the focus of reform. His family spent the day near the center. Where the law allows up to 24 hours continuously and, if deprived of liberty. The family must acquire the necessary training to make it a healthy family environment, psychological and counseling centers increased level of general culture to refer to these centers, particularly in times of crisis, contribute effectively to keep people safe against delinquency and criminal acts to be committed.

References