

JURATORS ELEMENTS OF PERSON POPULATION GROWTH

Mohammad Mollaei* and Sayyed Mahmoud Mirkhalili**

***Abstract:** Jail used as punishment, from late of middle ages and beginning of reform era and by providing European rules reach the high level of usage, in history, lives as long as human and its history is really painful and sad both good and bad humans go to jail. The population growth of jail is under focus of main politicians in our system and its reasons could be, population growth, economic problems, jobless, poverty of culture and believes, crime like of topical rules, judges view about jail order and use of official organization against person and...*

Although new Islamic punishment law predict about suspend – delayer reduction and thermal freedoms but we couldn't decrease population by just a single element. In this research we analyze justice elements of jail population growth like conscious elements, job pressure and tiredness, lack of judge proportion, reasons of delay, in orders performance, use of jail a lot impact of judges out of jail and time of judgments.

***Keywords:** increase, population – prison, judge, jail, punishment, performance of order*

INTRODUCTION

One of main rules of government in each country is to perform correct justice in every branches and this rule has great impact of human society alongside of history and philosopher of society are really sensitive about it and one of these elements is correct performance of justice in crime branches.

Justice is essential need of society to make strong and firm it and as it lacks in every site could provide many challenges and face people society with them or could destroy government and system and we could find clear example about it in our Islamic country or at least in low levels provide lack of confidence, appearance of Mafia bands and show power of stealer of justice is main need of society.

To perform justice and reach anyone rights in society existence of courts and judges is one of priorities.

Another point is place of justice, as court and judge needs each other with providing judge terms as we could determine court terms and it will be clear why

* Department of Law, Saveh branch, Islamic Azad University, Saveh, Iran 2

** PH.D. Department of Criminal Law and Criminology, Faculty of law, Farbi Compus, University of Tehran, Iran

a correct court need a judge with suitable terms of judgment and if he doesn't and could not judgment situation the court has no legal situation to provide order with the face of is accepted and the order need to review to avoid destroy right.

Increasing prisoner and regard this increase of prisons could provide challenges for society and government and it show we need correct judges and courts.

By looking history we find out what was cause of honor for criminologists could be a change base of lack of success of reach aims and increase prisoners.

Predict and use of different justice actions about different crimes lives as long as human history and the jail punishment is a common way to punish accusers

Regard this research tries to find reasons of prisoner's population growth.

Conscious elements (job pressure and tried, lack of proportion with judge search one of elementary view to judge is his capability to face of events and social and individual challenges as any action could impact on judge as any happy or sad actions could effect on him. Regard we should look at judge first as human and we should focus on his abilities and give the responsibility while this human is prophet and Quran said this and prophet confess: (I am human just like you) (Surah Ibrahim 11) and god said to prophet (I am one of you) (Surah Kahf 110).

In another Aye of Quran god clearly order prophet to avoid sadness in face of enemies (may we send Aye to you and not be sad in face of them and don't be sad when they say: why he didn't bring treasure? Or angle. You are just a cautious and god see and protect you) (Surah Hod 12).

Because naturally any action has different impact on human nature based on conscious and mental pressure and as judgment needs to listen to strangle sides? And each side try to approve himself and reject other and something may turn to fight and this situation is not good for any awake conscious and may harm it and regard this Imam Ali said (judge shouldn't be impresser)(Hor Amely, Mohammad ibn hosain, fasil vassel shia, bita Moasesat al al albayt leehya - alorath v17 - p301 - heli s 32-798).

So judgment should not keep him impresser and anxious.

And human ability is limited and god responsible people based on tail ability and good said(Surah Baqare 286).

Supervisor judge should give protects to judges and based on their abilities focus on judge knowledge in criminal straggles in introductions we said one of elements in increasing prison population is judgment challenges which may cause to slow judgment process and interact judgment now the meaning of mental pressure and its impact on judgment.

Mental pressure accrues when person face with the challenge in simple word it happens when responsibilities and abilities are not in balance and person may not be disappointed.

So mental pressure in different situation and work office

- When person face with terror and mental harms.
- When person find a point which it is important in his life fare.

When Muslim not sure about face with problem he tries to evade it. Unfortunately in history of judgment one of pressures on judges came from authority which want to effect judgment or, change order based on benefits of colleagues, regard this to reduce the pressure on judges and use fair orders the independence rule of court and judges said: its need for fair judgment and all Islamic jurators avoid inferences in judgments and said fair judgment and all Islamic jurators avoid to benefits of other world(Omidi - Jalil - introduction of right history - Tehran - ehsan - first 83 - p292).

Or even based on Islamic jurator philosophy we should say if governor's inference in judgment judge should abdicate: based on jurator view of governor's or authorities inferences in judgments and terror independent of judge he should abdicate(Zaidan - abdul karim - nazem alghazafi sharia eslami - bayroot - resalat institute - 2000 - p61).

Regard above points any action like terror and bribe by authors could effect on society or a group and judge will be in anointed pressure and try to exit this pressure could effect on order or delay it and this could increase population growth

Reasons of delay in performing orders as we said before lots of reason cause to population growth of prison, one of this reasons is delaying performance orders.

Performance order is one of actions which religion emphasized on it and emamie after approving hurry in performing order is vajib and delay it without reason is haram(Najafi, Mohammad Hassan javaher alkalam fi sharh sharae alslam V41, P344).

But in some cases government have to delay orders and this could increase prisoner's population and in below we bring examples.

1. Punishment a pregnant woman

Performing any order to punishment and nemesis to a pregnant woman although she is a pregnant adultery is not allowed till boring baby and after it punishment performs if another one milk baby. Moreover if baby need mother to live performing order will delay (Ibn ghadame - adbulah ibn ahmad almoghni - bayroot pub darAlKetab al Arabi - bita - v10 - p210).

2. In amends 90, 91, 92, 93, Islamic punishment law see

(In pregnancy time no punishment will perform and if child has no client and the child will die performance avoided but if child has client punishment performs).

If in performing punishment of a pregnant woman may harm child punishment delay till harm avoid?

When sick woman ordered to kill punishment the punishment perform but if she ordered to dermal punishment delay to end sick (Shokri - Reza - Sirous - ghader - Islamic punishment law in current system with start by Dr. jafar kosha - Tehran - hajar pub - 3rd print 83 - p159).

One of the person objection expect struggle sides in cases which.

A third person object court and payback off harms may not possible, the court will delay order till third person bring reasons (Recent part of 424 civil right and amend 44 civil law).

Here we should say if order delay for time it could delay till final result gets clear and it could increase jail time for person.

3. Delay in performing nemesis

Another case is to performing nemesis order when person do a kill based on Islamic points and if killed clients insist on nemesis it should perform but if one client request to forgive or wergild the punishment delay for a time or one of clients is mad or little as abojafar tousi in book al khalaf.

- Almabsoot said (when client or mad or title no one could no nemesis till he growth or get clear (Alkhasi - Mohammad Bagher - ahkam almabhosin fi feghhe jafari nashre eslami pub - Qom - 1993 - p142).

Or cooperation in some crimes like kill will cause to jail regard amend 207 if a Muslim killed killer will nemesis and assistant will jail for 3 to 15 years.

Criticizing observation out of prison (main element about using jail judge) another important factor increasing population of jail using jail by judges because in civil law jail is an important factor to punish and used a lot by judges.

We should know jail may contain keeping someone in house or guard by security dehkhoda define jail as: avoid, keep - tied up or grasp-stop-jail against separation (Dehkhoda - ali akbar - dictionary - Tehran university pub, 2nd print new - 1998 - v6 p8620).

We see in feghh book: jail in word means to stop and place of keeping with little difference between jail and prison (Khalil ibn Ahmad - alea in book - words - Mahdi makhzomi prnt and Ibrahim sameraee Qom - 1989) we could

say it's common and completed way in recent way and in juratory texts they used jail to keep person in prisons (Vaeli - Ahmad - jail orders in islam v1 - p10 - 11 - translate by Mohammad Hassan bokae Tehran 1367).

Based on exact time and way of using jail we could say its limited in religion and it's an easy way to punish and also elementary and use widely recents.

The reasons of punishment depends on points and as jail is one way to punish we mention some special punishes below:

1. Punish and bad result is one factor which individuals avoid it and regard this punishment is avoiding factor so we could say one of benefits is to avoid crimes as said: punishment for any breaking rules will cause to people sometimes calculate about punishment before or just at the time of crime and avoid crime(Safari - aman allah - crime phenomenon in west and youth problem pub and translate: bi ja - first print 1985 - p68).
2. Efficacy and creating fear among law breakers: Islamic punishment law has benefits aims and resulted to imagine punishment and will avoid crimes: in another world performing punishment in society will caution others

Regard this god mentioned other word punishment to make believers think about actions and other world and select best way to do and said:(Surah Baqare 114)

Or in another place said to those when reject right(Surah Baqare 174).

Absolutely this idea will change fear to believes and criticize crimes number of result of this believe in public view will guarantee peace and calm in society in other side accuser after punishment will fear and try to avoid crime.

Shaykh shaltot about talking about crimes said: aim of these punishment is to reform and correct and try to benefit society not to punish(Oode, abdulghader - altashriye aljenaee | asleslami bayroot - alresat institute - bita - p126).

As said before jail has important rule in law and we talk about it below

1. **Family rights:** family is one of main structure which individual should know about it and responsible for it and if he lacking maybe punishing and one of ignoring item is to forget spouse rights.

For example if person didn't pay expenses jail used as punishment and law said: regard amend 642 Islamic punishment law "any whom has enough property don't pay expenses or reject other rights and expenses court jail him for 3 month and a day to 5 month.

Or in Islam encyclopedia we see jail is to force individual to do responsibilities or avoid others right corruption like jail for men to pay expenses or jail debtor for

loan (Hadad adel gholam ali - Islam encyclopedia - Tehran - Islamic encyclopedia institute - first print 2008 v2 - P499).

2. **Civil right:** in this aspect rights create a challenge and detour society as amiralmomenin talked about jail: its vajeb to emam to jail corrupted scientist and doctors:(Hor ameli - Mohammad ibn Hassan - fasil vasael alshia elatahsil masael altoshre - bita - ahle bayt institute leehya torath 301/27 - p33789).

Regard above many people deserve jail and we mention some for example

1. A person who steal in protected region should jail 2 - debtor with unclear income should jail -3- debtor which able to pay but deny should jail till pay 4-person whom grasp other property -5- person whom grasp fatherless property -6- a person whom betray honestly 7- doctors without license - lire witness will show off in area then jail for days regard this although jail could avoid crimes but may have unwanted result and increasing prison population is one of thousands now we talk about some:
 1. Prison creates crime: jail is efficient but it is harmful in some aspects people watch criminals and learn new methods and could use them in future(Olomi - reza youth criminal - Tehran - amir kabir 1969 p95).
 2. Economic expenses for society: government is responsible to pay and provide jail expenses.

In quotation we see emam Ali (p) built simple prisons to avoid lots of expenses: he built jail by mat and call them nafe(Fayz - alireza - overlapping Islam right - bija - culture and pub ministry first print - 1989 - v2 - p175).

3. Population growth: it's the main topic of this research
4. Health problems in prison: population growth may cause to lots of harm about ammunition and health. Some disease will distribute fast in public places like bacteria, hanger-on, mold for example bloody flux the source fill and targets are just human
5. Creating civil and family problems: family problems are elementary for prisoners and without manager family will face with this problem.

In lots of cause we see prisoners are more comfortable than his family and didn't face with such problems and it may cause to divorce and make child criminals: researches of criminologist's shows one of unfair factor in child behavior is distrusted family. Dr. hoviye French: 80 to 90 percent of child crimes are as the result of divorce and family destroy (Najafi - tavama - Ali - child and youth crimes and disorders - Tehran education and evaluation - 1st print 2006 - p119).

Regard this reports not only jail couldn't use as punishment but also.

Those we in prison we see lots of time in newspapers criminals do crime after jail and again back to jail an example is stealers whom do crime behind red lights. As jail analyzed a society problem and prison is a place to share criminal ideas a person whom quest to jail learn other crimes regard research 75 of criminal gang have source in prisons and members have different channels(Abhari majid – shargh newspaper – 91/6/20 – p1340).

Regard this procedure in first step we should act regard decreasing jail and reform lots of punishments and shouldn't use jail as first tool and responsible judgment department to set law because they are face with bad result of this phenomenon more than other(Safari aman allah – criminal phenomena in west and youth problems pub and translate: bija 1st print p364 – p147).

The elementary aim of decreasing jails is to cause a way to decrease populations and this happens in 2 ways first limit in trances logically and avoids using jail as before and second tries to exist prisoners as fast. It's clear with decreasing and then try to make them flexible(Sharbini Mohammad – alghazafi Islam – ahyat mesri leketab altabe sani – bija 1999- p88).

Elements of return to prison (judge's effect out of prison).

One of government's politics is to change judge's view to a side in which decrease in trances and increase exists.

In first step we should change judge minds about jail and its results and about families and society. Because government and judgment system could educate in judges and direct them and learn judges about prisoner family situation and lots of expenses for governments and bad results family situation increase in jails and try learn judge's real religious facts about jail.

Time consuming judges

Another problem which could increase population and could effect on it is time of judgments and an accuser could be in prisons for years without punishments...

While the main source of judgment is to provide law about different situations and perform punishments.

One of reasons of delay is number of less experience judges and their youth and increasing projects and it talked about decrease quality of judgments and increasing crime because judgment didn't refer to just number of judges and facilities and need different equipment's and fields.

Sadeghi ardestani about delay reasons said: vague of future for prisoners have these results.

1. Lack of judges in Islamic courts

2. Official wake point and lack of experts and accountants to manage (Sadeghi ardestani ahmad - jail in Islam - Mohammad pub Qom - 1981 p 123 - 124).

Time of judgment will have many reasons and sometimes it's because of law:

1. Lack of focus in law making: contain using informing sentences repeat them - use exciting words - use worlds on of real lack of using law rules and system as came: we expect Islamic punish law answer current society needs but hurry in providing it and lack of use of experts cause to some disorders and repetition and disrupted ideas of judges and lawyers (Shokri reza - siros - ghader - Islamic punishment law in discipline 2004 p7).
2. Lack of focus on providing rules and hurry in writing:

Number of texts will question law itself. As some law members will face problem in term of law about well-known in causes which justice should protect society discipline. Unfortunately some disorder in justice politics and punish criminals and we see double standards about one action.

CONCLUSION

In acting a crime we face with different factors and somehow on factor could has important rule in increasing jail population and governments and judgment system could determine ways to decrease the population and make them efficient because they are a big part of society and anyone could reform and destroy society.

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