Abstracts

The Relationship and Co-existence between Hybrid Courts with the International Criminal Court and National Courts

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One of the most important issues surrounding courts, which are established as a result of the international community's participation with the legal and judicial system of country where the international crimes are committed and in order to be more effective against impunity of international offenders, is their relationship and co-existence with the International Criminal Court, on the one hand, and the national courts of the countries where crimes are committed. Undoubtedly, the systematic co-existence of these institutions and their mutual influence on each other leads to the development of the local and international judicial system. In this co-existence, the hybrid mechanism of criminal procedure can be achieved by removing the gaps in international and domestic criminal justice, not as an alternative, but as an appropriate complement to the International

Criminal Court and national courts to countering impunity for international crimes and serious human rights violations. uch a mechanism moves towards balancing the two fundamental principles of international law: the international commitment to ending the impunity of international crime and the need to respect the sovereignty of states.

Keywords: *Hybrid courts, International Criminal Court, National courts, Impunity, Complementary jurisdiction.*

Human Dignity in Criminal Policy: The Strategy of Balancing between Security and Liberty

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Relations between the two categories and concepts such as security and freedom and to explain relationship with each other, is the problem that in the criminal policy discourse is considered very important in terms of theoretical and practical, for the security and freedom of all sizes and lack of privacy violations, all the rights necessary in a democratic society people and are the ultimate goals of the policy criminal. On the other hand a great impact on the strategies that these two concepts in terms of form and content affect any criminal policy, review their relations, is inevitable. Common patterns and existing criminal policy with regard to interference between these concepts, often preferring one another, or to explain the theory of

balance, have to relieve tension. So on the basis of political attention to these two concepts in the field of monitoring and crime, we're kind of criminal policy which is located between two types of security-oriented and freedom-centered and each with justification, reflecting their objectives, custodians and brokers. This article examines these two concepts in descriptive way and the Influence of the criminal policy, with an attitude based on human dignity, the dignity of systematic reading of the criminal policy offers that located at the end of two previous concept. Accordingly inalienable dignity as a set of rights and transfers, which measures axis and the other materials in the criminal policy; and originality will be considered and that an object is a balance between public interests and private interests, including security and freedom are formed and this pattern can be called "criminal policy dignity Circuit" interpreted.

Keywords: *Security, Freedom, Dignity, Criminal policy.*

Iranian Criminal Law Approach to the Nature and Use of Weapons in Moharebeh

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One of today's concerns is political systems, social security and peace in the lives of people, so to achieve this goal, using tools such as criminal justice and punishment to deal with people who are in any way trying to eliminate social security On the basis of this, the Iranian legislator, in accordance with the fourth principle of the constitution and based on verse 33 of Sura Ma'ideh, has committed criminal

offenses against the crime of moharebeh and corruption on earth, due to the incorrect interpretation of the aforementioned verse, Weapon and insecurity were stipulated as the constituent elements of the crime, while it was desirable, first, the nature of weapons and tactics Its application was clarified due to the restrictions on the carriage and maintenance of it in the penal code, and after that the condition was conditioned, this article seeks to address the jurisprudential and legal doctrines while analyzing the material elements of the moharebeh approach Challenging legislative and judicial policy and proposing a suitable approach to it.

Keywords: *The nature of weapons, The use of weapons, Moharebeh, Criminal law.*

The Challenges of the Contemporary International Law In an Effective Fight with Piracy

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Piracy as threat to security of human and international maritime carriage of goods, is among the oldest transnational crimes which for long was considered one of the topics for international law and treaties. In recent years by increasing international tread and development of international carriage by sea new situations have emerged that attracts the attentions of Pirates and therefore caused problems for international community and legal regimes. For instance, most of the incidents happen in Somalia's waters does not come within

the definition presented by Art. 101 of UNCLOS 1982. According international rules only the state whose territorial waters has been used for piracy can pursue the pirates while many states including Somalia, as a failed state are unable to effectively conduct the pursue. Therefore, international trade is adversely affected by incapability of sovereignty. To counter the problem and finding a feasible solution, several international treaties have been concluded by states but there is a log run to a proper international legal regime. Present paper in addition to study the legal definition of piracy, examines the challenges and shortcomings of domestic regimes (First Chapter) and international legal order (Second Chapter) in suppressing piracy. And its purpose is to suggest a new solution for a more effective suppression of one of the oldest criminal phenomena in human society as a threat to international peace and security.

Keywords: *Piracy, National sovereignty, International jurisdiction, Failed state, International Criminal Court, International law, Juridical jurisdiction.*

Agreementualization of Justice in the Light of an Insurance-based Criminal Policy

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Intervening societal institutions to regulate various non-criminal responses (civil, administrative, disciplinary…) is based upon a contractual-oriented approach from the participatory criminal policy. It could be said that contractualization of criminal law provides an

appropriate conciliation measure (contractualized justice) to respond crime in such a manner. Adopting an effective strategy to bring into agreement between a judicial authority and the offender that reinforces non-criminal responses (esp. the civil ones) seems to be important. If such a strategy is achieved it could be expected a criminal policy towards both rehabilitation of the offenders and remedy and reparation for the victims. The present article is an introduction to the strategy in question designed by insurance contracts as "insurance-centered agreementualized justice". It is defined as an efficient measure capable to control crime within the risk management model and to implement remedy and reparation within the victim assistance model of justice.

Keywords: *Agreementualization of justice, Criminal insurance law, Insurance-based criminal policy, Risk management, Rehabilitation, Remedy and reparation.*

Procedural Formalities and the Effects of Failure to Comply with Them

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According to Notice of article 455 of the Iranian criminal procedure code 2013 failure to comply with the procedural formalities does not invalidate the judgement, unless such formalities are of such significance as to invalidate the judgement. Similar to the provisions of this rule was in articles 359, 426 and item 2 of article 430 of the Criminal Procedure Code of 1912, as well as paragraph 2 of article

257 and paragraph 2 of article 265 of the criminal Procedure code for the General and Revolutionary Courts of 1997. The legislator has not defined the formalities, and the difference of them. The present article examines the formalities and their effects at different stages of criminal proceedings from the beginning to the end by using an analytical method.
Keywords: *Trial formalities, Legal formalities, Principles of trial, Important formalities, Legal validity, Invalidity of trial.*

Review of Article 365 of the Islamic Penal Code Approved in 1392 (Ethanasi) from the Perspective of Islamic Jurisprudence

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Ethanasi, translated into Farsi with terms such as sickness with pity, medical illness, accelerated death, mourning for mercy, death and sweet death, etc. In one of its examples, intentional deprivation of life from one Patient with severe illness is defined on his request. In the context of euthanasia, there has been a lot of moral debate that some of them regard as contrary to the high morals and dignity of humankind, and in contrast to others, they do not see it in the context of morality. In any case, regardless of ethical issues, it seems that the Iranian legislator, by virtue of Article 365 of the Islamic Penal Code approved in 1392, considers euthanasia as a coincidence with other killers who claim retaliation. Since it is voluntary in euthanasia or

pious murder, the consent of the person to his murder on the other is the basis of the discussion, this phenomenon is more controversial among the jurists. Therefore, the jurists who consider the right of qisas first and foremost to be innocent against him consider his consent in the fall of the Qisas. In contrast to the jurists who consider the right of qisas first and foremost to the victim's heir, it is natural to regard the consent of the criminal against him before his death, and regard the killing of this person, even if he is satisfied, with retaliation for qisas. As we study the books of jurists and inquiring into the arguments of their supporters and opponents, we conclude that while distinguishing between the ruling and the state of affairs, the permission of the person to be murdered actually prevents the establishment of the right of retribution, so Who, despite this permission, will not have any right to retaliation against the returnee or his parents. Therefore, we do not find any evidence of the opponents of Euthanasia so powerful and fundamental that it could be relied upon as a retribution to Euthanasia. Therefore, it is desirable that our legislator, in the light of the rich jurisprudential support in this regard, and the necessity of a differential treatment of these people with other killers in the relevant laws, should be comprehensive, more specialized, and more efficient.

Keywords: *Euthanasia, Pious slaughter, Satisfaction, Limit, Retribution, Ta'zir.*

Explaining Legal Standards for Police Stop and Inspections in Legal Systems in Iran, UK and America

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Stop and search is one of the important police powers in Iran, the United States and Britain's legal systems. The stop and search is an act involves searching persons, property and places with the aim of detecting crime, its evidence or preventing it. In the United Kingdom and the United States legal systems, the standard of reasonable suspicion is one of the criteria. Of course, in American law along with this criterion, it is also probable cause. In Iranian law, a judicial warrant and existing strong suspicion for search has been announced. In the England and United States legal systems it has been attempted to define the criteria tangibly and objectively, while there is no clear definition in the Iranian legal system. Explaining search and inspection criteria leads to transparency of the laws and guarantees individual rights and freedoms. This essay with descriptive and analytic aspect and with respect to documents, laws and relevant precedent, explain the common and difference points between these three legal systems.

Keywords: *Strong suspicion, Reasonable suspicion, Probable cause, Stop, Search.*