

Rules and principles of dignity and competence in jurisprudence from the point of view of Khamseh and Imam Khomeini religions

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قواعد ومبادئ الكرامة والكفاءة في الفقه من وجهة نظر المذاهب الخمسة والإمام الخميني

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Abstract:-

Looking at jurisprudential and legal sources, we see those jurists and jurist, in many places, have used the discussion of prestige over specific or general human rules. For example, when a ruling on khums, zakat, or other charitable matters is issued to those who are supposed to receive another benefit from the person giving zakat or khums, then the recipient should consider a kind of zakat recipient or khums. The recipient must observe the necessary principles for this, one of which is the observance of his dignity and respect. Also, in the peace of the womb, which is one of the moral principles of the religion of Islam, it is necessary to observe the dignity of human beings and with whom people cannot travel, jurists offer opinions. From a legal point of view, the issue of reputation in punishment and the judge's verdict is raised in court. Another place where the dignity of human beings must be respected is the things that the officials of the society use to organize the economic situation of the country. For example, the aid that the government provides to the people, which must maintain the respect of the people of the society. Among the jurists, Imam Khomeini has opinions about the dignity of human beings, and this treatise is mostly based on his words. The present article is a descriptive-analytical and examines prestige using the library method. The results of the article indicate that Imam Khomeini believes in respecting the social dignity of man as a social being and has an inherent identity and personality. Accordingly, Imam Khomeini's view has indicated the dignity of the wife in the end of marriage, the dignity of the recipient of zakat and khums and alms in receiving alms, the dignity of the pilgrim in the pilgrimage, the dignity of the individual in daily travels and mercy

Key words: Individual and Social Dignity , Imam Khomeini (RA) , Public Benefit Affairs , Dignity in Mercy , Dignity in Punishment , Dignity of Nation and Government.

المخلص:

بالنظر إلى المصادر الفقهية والقانونية، نرى أن الفقهاء والفقهاء، في كثير من الأماكن، قد استغلوا مناقشة الهيئة على قواعد إنسانية محددة أو عامة. على سبيل المثال، عند صدور حكم في الخمس أو الزكاة أو غير ذلك من مسائل المنفعة العامة، ممن يفترض أن يحصلوا على منفعة أخرى من صاحب الزكاة أو الخمس، يجب اعتبار ذلك المستلم مستلماً للزكاة أو المحصل لها، ويجب مراعاة المبادئ الضرورية لذلك، ومن بينها احترام كرامته واحترامه، كما أنه يجب مراعاة ذوي القربى والأرحام، وهو أحد المبادئ الأخلاقية للدين الإسلامي، لا بد من مراعاة كرامة الإنسان الذي لا يستطيع الناس السفر معه، والفقهاء يعبرون عن آرائهم. من الناحية القانونية، إذ تثار قضية كرامة القاضي وحكم القاضي في المحكمة، وفي مكان آخر يجب احترام كرامة الإنسان التي تُعد من الأشياء التي يستخدمها مسؤولو المجتمع لتنظيم الوضع الاقتصادي للبلد، على سبيل المثال، المساعدة التي تقدمها الحكومة للشعب، والتي يجب أن تحافظ على احترام الناس في المجتمع. ومن الفقهاء الإمام الخميني (رضي الله عنه) الذي كانت له آراء حول كرامة الإنسان، وهي الأطروحة تستند في الغالب إلى أقواله.

إن هذا المقال وصفي - تحليلي ويفحص المكانة باستخدام طريقة المكتبة. وتشير نتائج المقال إلى أن الإمام الخميني (رضي الله عنه) يؤمن باحترام الكرامة الاجتماعية للإنسان ككائن اجتماعي له هوية وشخصية متأصلة. وعليه، فإن وجهة نظر الإمام الخميني (رضي الله عنها) قد دلت على كرامة الزوجة في نهاية الزواج، وكرامة المستفيد من الزكاة والخمس والزكاة في تلقي الصدقات في رحلة الحج، وكرامة الفرد في الأسفار اليومية والرحمة.

الكلمات المفتاحية: الكرامة الفردية والاجتماعية، الإمام الخميني (رضي الله عنه)، شؤون المنفعة العامة، الكرامة في الرحمة، الكرامة في العقوبة، كرامة الأمة والحكومة.

Introduction & Research Plan

The rights to personality are the rights that are granted to every human being regardless of his or her affiliation with a particular social group, which is for the protection of the human person, not the material legal interests related to the human personality, contrary to material rights, inseparable from the person and personality of the human being and, in some ways, the requirement for the existence of the human personality. One of the things that observance of it is a kind of respect for human personality is observance of his social dignity. The dignity of every human being can be viewed from two perspectives: one is the inherent dignity of each human being depending on his human being and the other is the dignity of man according to his position and social personality. Therefore, in any matter that applies to man and his rights, human dignity should be taken into account. Imam Khomeini in his remarks about human education, character, dignity and... Respect for human dignity was always noted and even the authorities were reminded to act in a way that would not undermine anyone's dignity. In all governmental matters such as addressing the deprived, balancing the economic situation of society and non-governmental affairs such as people's social life, including commuting, performing worship affairs such as hajj, marriage, etc. One of their concerns was respect for human dignity and dignity, and they may have ruled against the obligation to preserve dignity. Although in verses and hadiths, there is no reason for the necessity and obligation of keeping the prestige and dignity of the titles of credit, but looking at the life of imams (Pbuh)_in dealing with people in different positions can be recognized its importance.

Respect for dignity has an important place in the following matters:

- The division of property among the needy in the issue of zakat, almsgiving, khums, which should be properly identified and dealt with by those who deserve these matters.
- Observing dignity in the commutes and devotion to relatives, to avoid possible misunderstandings about individuals
- Observing dignity in the issue of marriage, which may be important to this issue, can reduce disputes and consequently reduce divorce statistics.

- Observing the dignity of the nation by the government in government assistance to the people, including subsidies of livelihoods, basket of goods, etc.

In this article, the observance of dignity in these matters is discussed. It is hoped that by observing these cases, the Islamic society today will be converted to The Utopia of Mahdavi. Dignity means the social and individual dignity of every human being and in jurisprudence in receipts or *Abvabi* such as zakat, marriage, supremacy or *siadat*, etc. There has been debate. It means the dignity, family and social dignity of human beings, which has been paid special attention in the Holy Shari'a. Dignity in the word means work, mood and condition, that is, when we say the dignity of such a person, that is, what he does and the state in which he is performed. Dignity in jurisprudential terms is generally the same as lexical meaning, but in every bobby of jurisprudence according to the topic in which it is discussed, a particular part of the work or state is considered. For example, in khums, if the faqih says: Your life supplies should be in your dignity and if it is beyond that, Khums should be paid the amount of waste on dignity.

Is it that these living things that you have are in the custom of your region for someone in your situation and need to have it undue and extravagant?

If it is undue and extravagant, it is not in your dignity or it will be in your dignity. Sometimes, unmatured dignity is considered as if some jurists say about the justice of the Imam of congregation: The imam of the congregation should not do anything contrary to his dignity. Wrongdoing means something that regional custom considers to be one of the postal verbs that should not be performed like him and his companions.

Our aim in this study was to discuss issues about dignity in Khums, dignity in hajj, dignity in marriage and dignity in siadat. In this study, the extent and criteria for recognizing the dignity of individuals will be discussed. It is understood that although an accurate definition of dignity has been expressed, it is apparently understood that one person's situation is compared to that of another person who is in a row in terms of social, cultural, and economic status. Social status is one of the components that human beings somehow want.

Social order is determined based on the attributable or acquired social status of individuals and many communication conflicts are considered to be the result of violations and disregard for social status. In response to what is social status?

It can be seen as both a kind of psychological need and social action at the elementary level to the place of expressing it. Social status can take on a different meaning. The first meaning that comes from social status to mind is an objective indicator of the individual's living, income and education status, which determines the social class of a person in society.

Dignity in zakat: Zakat can be dedicated to a need that is capable of obtaining its own dignity. As in paying zakat to the righties, their dignity is also taken into account. Therefore, having a servant and animal for riding proportionate to dignity does not prevent the person in need of zakat from obtaining zakat.

Literature review and related records

Comments can be obtained about the discussion (social dignity of individuals) in the writings of scholars. Imam Khomeini also mentioned the social dignity of individuals in his various books. Imam Khomeini's social thoughts have been collected in the form of essays or dissertations, but his views on social dignity and its instances have not been compiled. The background of this research is:

Imam Khomeini's works such as: Mustamsk al-Arwah, Al-Najah means, Mahsab al-Ahkam, Imam's Sahifa, Sahifa nur.

- Culture of jurisprudence in accordance with the religion of the Ahl al-Bayt (a),

And articles such as "Explaining Allamah Tabataba'i's View on Human Social Dignity and its Implications in the Curriculum of Social Education", Two Quarterly Journals of Islamic Education, Spring and Summer 2015, Sh20.

"Syrie in Social Thoughts of Imam Khomeini *may his grave be sanctified*, Mohammad Abbasi, Marefat No. 127, No. 2008

"A Study of Imam Khomeini's Social Thoughts, Mohammad Ali Zaki, Journal of Humanities (Imam Hossein University) January 1999 No. 32.

Also, theses such as "Imam Khomeini's Social Thoughts", Masoumeh Zarei, Qom, Thesis, 2004.

Types of Islamic punishments related to human dignity

Islamic penalties are divided into five categories, based on Article 12 of the Islamic Penal Code:

1. confines or Hudud; 2. Qisas, 3. Diyat, 4. Ta'zir. 5. Deterrent penalties. Since a person cannot be found guilty without a reason, there are ways to prove the crime, in which case Islam has allowed a person to be punished for the crime. These ways include the guilty confession of a crime, witness testimony, oath, the judge's knowledge of the person's guilt. Each of these routes also has some characteristics that are referred to in accordance with the legal provisions. (RK: Full text of Islamic Penal Code 2013, proof in criminal matters. Since punishment is an act by which the perpetrator commits an indecent act, he has lost his human dignity and tarnished his dignity, so punishing him is not against human dignity, because according to the Holy Quran, "Whatever affliction that may visit you is because of what your hands have earned, and He excuses many [an offense of yours]. » (Sura Shuri/30.) Every unpleasant event you encounter is the consequence of what you have done, and God forgives many. There are two theories and two completely contradictory views regarding the relationship between Islamic punishments and human dignity, and whether Islamic punishments are against human dignity or vice versa:

First Theory

This theory holds that Islamic punishments are against human dignity and their implementation is incompatible with the preservation of human dignity. Some punishments, which have been introduced as violent and contrary to human dignity, are religious punishments, including ranting, amputation of the thief's hand, deportation, flogging, and Qesas. Some also see ambiguity in the definition of "unprotected" and "apostate" as grounds for violence. The Galindo Paul report, as well as UN Resolution 49.202 against the Islamic Republic of Iran, also mentions the execution, torture, treatment or harsh punishment of inhumanity, and physical punishments, such as flogging, constitute torture, which is contrary to human dignity and inherent dignity and causes humiliation and posturing.

Accordingly, assuming that Islamic laws and regulations are against human dignity, two general attitudes and approaches have arisen: one approach essentially considers punishment to be contrary to human dignity and fundamentally opposes the implementation of punishment. One of the authors writes: If we accept that the offender is not a corrupt member who should be cut off and thrown away, it should be said that the offender was a patient and should know his illness and heal him by treating him through appropriate medication which is not necessarily punishable... The implementation of the punishment against the offender expresses a lack of appropriateness between the patient and the treatment. Those who, due to lack of endowment about how to treat, think about punishment, have in fact used poisoned drugs, which there is no hope for treatment. According to the second approach, Islamic criminal laws should be amended and changed based on ijthad in any period and time. Dr. Soroush claims: These laws are part of the transversions of religion, not its inherent. And the widths can all be subject to ijthad from top to bottom and from a to z. Therefore, according to the first theory, firstly: Islamic punishments are against human dignity, and secondly, the solution is to either abolish the punishments on the basis of the basis of the punishments or to reform and change it.

Critique of this theory:

This theory, while arguing the second view, will be criticized and annulled. However, in criticizing the approaches that provided solutions, it is essential to remind them of some points. In criticizing the first approach, it should be said that the complete rejection and rejection of punishment is never in the best interests of the individual and society. The use of penal laws in society, along with the use of reform and educational methods, is essential for the growth of society and the maintenance of discipline. (Collection of works of Imam Khomeini Conference and the Realm of Religion": Proceedings (Article: Human Dignity and Islamic Punishments, Ahmad Saadat, Tehran: June 2007, p. 182 onwards.)

Shahid Motahari says: Criminal laws are necessary to train criminals and establish order in societies, nothing else can replace it. The fact that some people say that instead of punishment, the

offender should be trained and instead of prison, the correctional facility should be created, it is fallacious, education and the creation of correctional facilities are undoubtedly necessary and necessary, and proper education certainly reduces the number of crimes. Just as social disorder is one of the causes of crimes, establishing the right social, economic and cultural systems, in turn, reduces crimes, but none of these take anywhere else, not education and just systems, replacing retribution. And it is punishable and not punished, the substitute for proper education and a healthy social system. No measure of education, integrity, and social system, fair and healthy, there are other rebellious and rebellious people whose only way to prevent them is punishment, which must be severe. By strengthening faith and creating a proper education and reforming society and eliminating the causes of crime, the rate of crimes and crimes can be greatly reduced and these methods should be used, but it cannot be denied that punishment is necessary in its place and none of the other matters have its effect. Human beings have not yet succeeded, and perhaps they will never succeed in educating all people through guidance and other educational means, and there is no hope that civilization and the present material life can create a situation that will never be a crime. Today's civilization has not only not reduced crimes, but has, far, made them more and more great. (Motahari, Morteza, Collection of Works by Professor Shaheed Motahari, vol. 1 (Divine Justice), p. 226)

Imam (a) also considers Islamic punishments as a deterrent to corruption and crimes and considers their implementation necessary for society. He says: If they do not kill the murderer, the murder will increase and "fi al-Qasas al-Haywah" is in qesas of life. If we close the qesas door, whoever kills, we don't have a job, the murder increases, people's lives are destroyed, whoever wants to kill anyone will get qesas... for the good of society. All divine limits are for the good of society. (Mousavi Khomeini, Description of Hadith Junud Ahb Wahl, p. 134-135 and 242.) Some criminals are truly corruptors who cannot be reformed, such people, if left in society, will corrupt the whole society, so it is necessary to reject and eliminate them in order to protect and protect society. In criticizing the second approach, it should be said: Firstly, why do you say that the penal laws of Islam are among the transversions of religion, not its essences?

Secondly: Assuming that this claim is accepted, who, and by what criteria, will reform the penal code and punishments? Intellectuals who essentially do not believe in divine laws and religious laws and explicitly insist on eliminating them. In that case, can we be sure that the penal laws are religious? And will there be anything left of the religiousness of criminal law?

Second theory: According to the second view, basically Islamic punishments are not against human dignity. In Islamic law, "dos" originate from "existences", and in fact, there is a kind of "deduction necessity" between "action" and "purpose." Regarding the relationship between opinion and action, Shar'a has issued rulings in order to protect the worldly and other interests of the people of the society. This view is based on the belief that God has mercy and love for His servants. The kindness that is evident in the place of human life and natural life. This love is the same as goodness, and in some cases, it is the expression of rulings that are seemingly harsh and coarse, but on the other, it is also God's mercy. This pervasive mercy of God requires that he remove it where there is an obstacle to the guidance of human beings, even if it appears coarse and contrary to human dignity. In an inclusive view, this is the highest Islamic comrades and tolerance that is fully compatible with human dignity. (Collection of works of Imam Khomeini Conference and the Realm of Religion "Human Dignity": p. 182 onwards) .

Sheikh al-Saduq (a) narrates from Fazl b. Shazan from Imam al-Reza (a) that in philosophy, he says that in philosophy, the necessity of confessing to the existence of God and his Prophet (s) says: Prohibition of corruption and order for good and forbidding evil acts cannot be fulfilled except after confessing to God and knowledge of his command and prohibition. If God refuses from the people and does not know him, the commandment will no longer be proved to be good and forbid corruption, because there will be no more orders and evils, and we also see that the people who are committed to corruption will not be able to do so. It is believed that he is wearing from the eyes of others, and if he confesses to God and does not fear Him, what prevents people from secret intentions and in the refusal of sins and establishing and forbidden. The captives who are hidden from the viewpoint of others take care of them. The only thing that is effective in this regard, which is the strengthening of people's

society and reforming their work, is the faith in a God whose world is hidden and which is responsible for the good and the right and forbids corruption, and nothing has even hidden from his eyes so that this causes people's disgust and avoidance of all kinds of corruption. (Muhammad b. 'Ali b. Babawayh, *Ayoun Akhbar al-Reza* (pbuh), translated by Muhammad Baqir Najafi, Tehran, Elmiyeh Islamiyya, Bi ta, p. 2, p. 107.)

Therefore, believing in a God who always observes human beings and fear of the last punishment is one of the factors that prevents and is in the best interests of a person who is at risk of a crime. But not all people in spiritual teachings reach such a level of growth that at least for the benefit of the hereafter, they refuse to commit crimes, so the existence of punishment causes no stead of meeting and therefore not being caught in divine punishment. (Collection of works of Imam Khomeini Conference and the Realm of Religion "Human Dignity": p. 182 onwards.)

Implementation of Islamic punishment and consideration of human dignity

Islamic punishment has a number of characteristics and characteristics that make it more compatible with human dignity. In the Islamic approach, punishment is considered atonement for sins and crimes. In the conceptualization of the word "atonement", it is said that the word "blasphemy" means curtain and cover, and in the terminology, it is an act by which the ugliness of sin is covered. Atonement, in religious teachings, has a prominent role and in fact refers to the purpose of punishment, because the basis of punishment is based on the principle that crime, pronouns and the inside of human beings, removes him from the stage of humanity and destroys his dignity. The refinement of man and the gain of his lost dignity and dignity must be considered as a solution. Atonement and punishment in religious teachings are a step towards reviving the tainted soul, troubled psyche and lost dignity.

This view is far beyond a jurist's point of view, and criminal law scholars never think about refining the tainted soul of the criminal and returning his lost dignity, but all their efforts towards the perpetrator are to restore his lost social right. While religion pays more attention to the dignity and dignity lost by the victim than social

rights or its size, and in fact, considers punishment as atonement and cover for the pollution of the crime, and as a result, the accused regains his lost dignity after the execution of the punishment and is granted divine forgiveness. Therefore, it is stated in Islamic narrations that a person who bears the worldly punishment will not be punished in the hereafter for committing that act.

The Holy Prophet (peace be speaking) says: " **فَاللَّهُ أَعْدَلُ مِنْ أَنْ يَنْتِي** عقوبته على عبده, God is too noble to punish someone twice for performing an act." (Payandeh, Abu I-Qasim, Nahj al-Fasah, Prophet Muhammad's (peace be dreadful), Tehran, Donya Danesh, 2003, p. 732)

It was based on this view that in the age of the Prophet (s) and the Imams of the Infallible (a.s.), many criminals introduced themselves to those nobles after committing a crime and asked them to cleanse them by imposing worldly punishment and to release them from the harsh punishment of the hereafter. The Prophet (s) also says about the effect of de-sining hadd punishment: whoever commits a sin, then the limit of that will be upon him, atonement for that sin. (Political Deputy of Vali-e Faqih's Representative in the Irgc Air Force, Principles and Principles of Human Dignity, Tehran, Ascension (Institute for the Regulation and Publication of Imam Khomeini's Works), 2008, c5, p. 76.) In Islamic law, according to many verses that imply respect for human dignity. (Sura al-Baqara verse 30, Sura Jathiya verse 13, Sura Al-Isra verse 70, Sura al-Ahzah verse 70) Any behavior that is contrary to the dignity of human beings and respect of believers is considered a sin and a crime, which is also subject to torture and disdainful treatment. According to many hadiths from imams (a.s.), there is a fatwa among Imami jurists, but there is a consensus that harassment and torture of the accused because of the charge and for the discovery of the accused's crime and confession is cruel and haram. Therefore, not only does human intellect and conscience rule on the abomination of such acts, the verses, hadiths, and traditions of the Prophet (s) and the Imams of the Infallible (a) also emphasize the rational ruling. This is because the existence of torture in the judiciary, including preliminary investigations and prosecutions, while weakening and baseless sentences, causes a kind of atmosphere of lack of social security in society, and in such a society, life is accompanied by

encouragement, anxiety and insecurity. That's why Imam Ali (pbuh) one of the days when he interrogated the accused of a robbery, when he asked him if you had stolen, he taught him that you could deny it if you wanted to. Following the guidance of Imam Ali (a.s.), the defendant denied, and because there was no other reason for the theft, the Imam released him. According to the above, it turns out that not only is torture cruel to obtain confessions or any other matter, but also according to the rights of citizens on the one hand and the principle of innocence on the other hand, in cases of suspicion and lack of justified reason, the accused can also be guided to be free from the criminal liability arising from mere confession. (Shams Natri, Mohammad Ebrahim, Place of Prohibition of Torture in Iranian Criminal Law and International Documents, Journal of Legal Thoughts, No. 9, 3rd Year, Autumn and Winter 2005, p. 2005, p. 2005. Shi'a jurists consider confessions arising from torture to be lacking legal effects. Because the torture of the accused physically or psychologically in some cases causes expropriation and reluctant realization, and in some cases more severely, the intention of the accused and the fulfillment of the coercion, and the confession issued in such situations cannot be the source of the works, so not only is torture forbidden and prohibited in the criminal law of Islam, but also if he confesses or testifies because of torture and under the actions of that person, this confession or martyrdom of value There is no proof.

In Iranian law, various constitutional principles can be invoked in this regard. Article 22 of the Constitution provides: "The dignity, life, property, rights, housing and occupation of persons are immune from incursion unless prescribed by law." One of the logical consequences of human dignity is that before proving the guilt of a defendant by valid evidence, he or she is presumed innocent, even if he has already committed a crime and is now charged with another crime. Article 37 of the 37 B.A. describes this principle as follows: "The principle is innocence and no one is found guilty by law unless his crime is proven in a competent court." The above two principles of the Constitution are well sufficient to prove the prohibition of coercion accused of accountability. However, the law does not suffice to these rules, and in Principle 38 of the 38th Amendment explicitly stated: "Any form of torture for obtaining confessions or obtaining information is prohibited. Compulsion of a person to testify, confess or swear is

not permitted, and such testimony, confession, and oath are not valid. Violators of this principle are punished according to the law."

Article 129 of the D.A.D.K. also stipulates that the defendant is "prohibited from deception, reluctance, and coercion" in accordance with the Constitution. Section 9 of the single article of the Law on respect for legitimate freedoms and the protection of civil rights also states: "Any torture of the accused for the purpose of obtaining confessions or coercion of him or her to other matters is prohibited, the confessions obtained by this means shall not have religious and legal obligations." According to Article 38 of the Constitution, it is also forbidden for the accused to take an oath to tell the truth. In fact, the obligation to swear is a form of spiritual coercion. For this purpose, Beccaria states, "Why should human beings be placed on the path of fearful contempt of God or participation in self-destruction."

It is clear, therefore, that in Iranian law, there is a guarantee of adequate and serious disciplinary, criminal and civil enforcement for torturers. In fact, there are two main enforcement guarantees in Iranian law for torture. One is the discrediting of any confession, such as that resulting from torture, and the other is the prediction of punishment for perpetrators of torture.

The Relationship between Violence and Human Dignity in Punishment

The Charter of the United Nations for Punishment has regulated a treaty that various countries are responsible for enforcing. The Treaty on the Prohibition of Torture and other cruel, inhuman or degrading treatment or punishment was adopted on December 10, 1984, in Resolution 46.39 of the General Assembly of the United Nations. The States Parties to the Convention, which includes 32 articles, signed the Treaty with the following provisions:

- In accordance with the principles set forth in the Charter of the United Nations, which proclaims the recognition of the inherent dignity and equal and irrevocable rights of all members of the human family as the basis for freedom, justice and peace in the world.
- Considering that these rights originate from the inherent dignity of human beings.

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- In accordance with the obligations of states signatories to the Charter, in particular Article 55, which mentions the promotion of respect for human rights and fundamental freedoms.
- Considering Article 5 of the Universal Declaration of Human Rights and Article VII of the International Convention on Civil and Political Rights, which provides: No one can be subjected to torture, torture, and cruel and inhuman treatment that deprives one of the individual's civil and social rights.
- In light of the General Assembly's December 9, 1975 declaration of protection for human beings subjected to torture and cruel, inhuman acts and behavior that deprives them of their civil and social rights.

Article 1 of the Treaty refers to the definition of torture and writes:

The term "torture" refers to the intentional objection of any severe physical or psychological pain or suffering to a person on behalf of an official government officer or person acting in an official position, or inciting or authorized or silence in order to obtain information or confessions of a third party or party, punishing him for an act committed by him or a third party or suspected of committing a crime. It is to intimidate or coerce him or a third party or for any reason that is based on any discrimination. Pain or suffering resulting from legal penalties or is an integral part or necessary for them is beyond this definition. (RKK: Website of the Islamic Republic of Iran Judiciary, Human Rights Headquarters ,

<http://www.humanrights-iran.ir/news.aspx16660>)

Analysis of the Issue of Punishment from Imam Khomeini's Point of View

One of the cases that exists in the implementation of the penal rulings of Islam and indicates the accuracy of Islam in maintaining human character and dignity is the lack of assault on the character of the offender at the time of execution of the punishment. Imam Khomeini believes that in Islam, the punishment for committing crimes such as murder, theft, treason in trust, qisas, amputation, imprisonment or flogging, but his punishment is not insulting, humiliating and questioning his body of dignity and character, which means that any criminal act is specified in sharia and law and should

be imposed at the same time as the specified punishment, and at the same time, it should not be disrespectful to the character of the perpetrator. Be insulted and humiliated. Shia jurists have said in terms of enjoining good: the custodian of this act should be like a caring physician and a loving father who considers the best interests of the child. Forbid him out of mercy and affection for him, do it for God's sake, free himself from any Self-defeating and do not give himself any superiority, because the violator may have other good qualities that God will be satisfied with and only be upset by this act, while the famous person is deprived of this success; A few of them don't know. (Mousavi Khomeini, Tahrir al-Wasila, c. 2, p. 414.) The perpetrator of a crime which has been committed deserves punishment which is specified in Islamic sharia law as divine hudud or judge specifies for him according to Ta'zir, but any insult to him is not permitted in addition to religious limits. In this case, his/her right should be respected and religious standards should not be violated, even after the implementation of hadd, that person should have social immunity because hadd cleanses him and society should no longer impose unwanted deprivations on him and reject and humiliate him.

This is also a complete Islamic penal policy that should accept violators after the implementation of hadd. Accordingly, Imam Khomeini repeatedly advised that when arresting the accused and carrying out hudud and punishment and even inside prisons, criminals should be treated with compassion and respect, and that anyone who deserves divine hudud, such as murder, etc. should be treated with compassion and... It is from the affection of the authorities to the place of punishment (Musavi Khomeini, Sahifa-e-Noor, p. 18, p. 237.) also emphasizes elsewhere: "We all need to know that the offender who has the highest crime and towards the other side. The gallows go to nothing but the execution of Ahadi's religious hadd has no right to harass him verbally and practically, and the perpetrator himself is cruel and deserving of the punishment" (Musavi Khomeini, Sahifa-e Noor, p. 19, p. 8.). Imam Al-Khomeini (a) pays attention to this issue in explaining the philosophy of punishment and explains the purpose of prophets' mission and the dissemination of rulings. He considers the world to be a result of God's grace and mercy, considering the interests of the Hereafter and arising from their mystical point of view. He emphasizes on this

point: "In all cases, one should look through the valley of grace and mercy and always consider it, and look at god's servants with his eyes and tenderness, and seek the goodness of all. It was because the right of the teaching of dignity, in all matters, treats its creature with compassion and tolerance, even the ritual of Shari'ah is derived from the attribute of divine mercy and this view, The opinion of the prophets and the first one is complementary. They have two opinions: one considers the welfare of society and the Family system and the utopia and the other, considers the happiness of the person and both of them and has a complete interest in these two conditions. And the laws of God which are established and discovered and implemented by them, make these two blisses completely considerable." (Mousavi Khomeini, Ruhollah, Etiquette (Translated by Sir al-Salaat), 1999, p. 237-236.) From the perspective of this point of view, the punishment is also a kind of repetition of the perpetrator and in his best interests.

In explaining this view, Imam Khomeini emphasizes that "the execution of qisas and its limitations and ta'zir and the like guarantees the happiness of the world and the hereafter, because these matters are in the education of the soul and so on. Bringing him to happiness is completely involved, even those who do not have the light of faith and happiness and kill them with jihad and so on, such as Judaism, Bani Qurayza, for themselves, this murder was good and correct. It can be said that from the full mercy of the Prophet (s), it is their murder, because with their being in this world, they provided various punishments for themselves in every day that all the life of this place does not deal with the torments and difficulties there one day." (i.e., p. 237-236.). (Hadid, verse 27.) In numerous hadiths, the importance of mercy and affection for others and its good effects have been emphasized in obtaining divine satisfaction and mercy and has introduced mercy on others to deprive them of God's mercy. (Mottaghi, Ali b. Hesam al-Din, Kanz al-'Amal fi Sanan al-Aqwal and al-A'awaal, 1419, c. 3, p. 167-162.)

Justice judge from Imam Khomeini's point of view

In this regard, Imam Khomeini believes that if the Enemies enter in order, the ruler should listen to the first one and then to the next, unless the previous one is satisfied with its delay. And there is no difference between noble and non-honorable and men and women.

And if they come in together or they don't know the quality of their entry and there is no way to prove it, they will draw a lottery between them in case of their differences. (Mousavi Khomeini, Tahrir al-Lusileh, vol. 4, pp. 89-91.)

explanation of the charge to the accused

One of the examples of preserving human dignity is the arraignment of the charge, the explanation and description of the crime committed and its legal consequences to the accused in a way that is fully informed of the judicial situation and his rights and obligations and is prepared to defend himself at different stages of the proceedings. Some consider explanation of the charge to be the start of a preliminary investigation and define it as: "The explanation of charge is to inform the defendant of the concept of the charge by the bailiff before the investigation begins, and in order to inform and act in order to defend his or her legal right, in other words, the purpose of arraignment is that each defendant is aware of the nature of his or her criminal charge before the investigation begins so that he or she can provide the means. Provide the right defense." (Noroozi, Nader, Charges in Criminal Regulations of Iran, Journal of Law Enforcement Knowledge, No. 3, Year 9, p. 170.)

The explanation of charge is one of the rights of the accused, which guarantees the fairness of the proceedings. Due process is possible when the accused can defend himself properly and with all means, and this is not possible unless he has full knowledge of the matter or the subjects of the charge and the reasons for it. The accusations have come to the attention of human rights declarations and constitutions, and even ordinary ones in most countries, because of their great importance. Paragraph 2 of Article 9 of the International Covenant on Civil and Political Rights provides: "Anyone arrested shall be informed of its directions when arrested and receive a notice as soon as possible on any charges against him." In Iran, in accordance with Article 32 of the Constitution: "If arrested, the subject of the charge shall be communicated to the defendant in detail immediately, citing the reasons, and the preliminary case shall be sent to the judicial authorities within 24 hours and the preparations for the trial shall be prepared as soon as possible. Violators of this principle are punished according to the law." The model of this principle is also mentioned in Articles 24 and 129 of the

CA. (Razavi, Mohammad Khazaei, Ali, Civil Rights in Crime Detection Process, Journal of Law Enforcement Knowledge, 4th Year, 9th Year, p. 99.)

Three conditions are also required to charge the individual: firstly, the science attributed to the individual must be a crime, i.e., among the behaviors for which punishment is considered in criminal law. Therefore, if an act other than a crime is attributed to a person, even if it is socially abyss, the charge will not be considered. Secondly, there must be evidence that a person has committed a crime in order to be charged. Therefore, the charge against the defendant was stated only by stating: "The plaintiff's complaint was read out, what defense do you have?" It is a violation of law enforcement (Verdict No. 40, 28/2/73 of the Supreme Disciplinary Court of Judges.). It is also the charge against the defendant without any reason to consider the charge against him. (Verdict No. 125 dated 15/7/72 of the Supreme Court of Law Enforcement of Judges.) Thirdly, the person subject to the assignment must have the ability and ability to commit a crime or, in other words, better criminal responsibility. Therefore, after the fulfillment of the above conditions and after the arraignment, a person who was previously considered a suspect or a suspect has become a defendant and hence fore will be addressed to the judiciary and the prosecutor. And in fact, the proceedings against him begin. The charge against the individual includes matters such as the necessity of paying attention to the rights and obligations of the accused, the duties of the judicial authorities before the accused, and the duties of the police force against the accused. Therefore, in light of Article 32 of the Constitution and the implied articles 24 and 129 of the CA, the charges in Iranian law must be eligible for the following form: Firstly, the charge must be explicitly dealt with in an understandable manner and the judge shall then begin investigating. In other words, in the investigation of the charge, the act of committing a crime should be described to the defendant, not the criminal character of the act, because it is difficult for ordinary people to distinguish and clean criminal titles and sometimes for jurists. The defendant makes no difference between the transaction and the transfer of property, and must explain the act committed to the defendant, for example, he stated: "Two months ago, you transferred the land to another person with a letter of letter and a month later you transferred this land to another person with an official document.

What defense do you have now?" (Karimi, Rules governing criminal estuary, Law Quarterly, Faculty of Law and Political Science, Volume 39, No. 2, Summer 2009, p. 313.) Secondly, the charge should be written in writing and in the interrogation sheet, and the defendant must respond in writing. Thirdly, merely writing a charge is not enough, and the law explicitly states that the charge should be by mentioning the reason. In other words, the reasons against the defendant should be announced and explained one by one. (Mullahs, Criminal Procedure Code, c6, p. 112.)

The right to have an attorney

Among the guarantees required to protect the defendant's defense rights are the attorney's company to defend him. When a person is charged with criminal acts, he or she may lose their individual rights as a defendant due to lack of familiarity and sufficient knowledge of their rights and how to enjoy them. Rather, due to lack of knowledge of the laws, it may express in its statements words that provide the means for its conviction, and in view of such circumstances, in order to prevent the violation of the rights of the accused and to ensure the judicial security of a fair trial, the necessity of individual cooperation with legal knowledge can play a constructive role. In Islamic law, advocacy in lawsuits as a legal institution founded in the earliest human societies, like other signature contracts, has been accepted by the Holy Sharia, because in The Law of Islam not only this method has not been rejected and prohibited, but it has also been approved by the advice.

Islamic jurists, both Shi'a and Sunnis appointing one's attorney, have considered it permissible in all matters except in cases where the intention of sharia is directly granted to them and the stewardship of the obligation to perform that act is permissible (such as the study of purification). (Najafi, Javaher-e-Kalam, c27, p. 377.) Al-Shaykh al-Tusi proves his refusal to leave it by relying on the traditions of the infallibles (a) after he has claimed to be a permissible and consensus of the Ummah of Islam. He has explained the power of attorney in all jurisprudence and after making exceptions to some things such as advocacy in purification, prayer, fasting, E'tikaf, usurpation and a few other things, he considers other matters permissible (R.K.: Toos) Abu Ja'far, Muhammad b. Hasan, al-Mabsut fi fiqh al-Amamiyya, 2008 AH, c2, p. 360 onwards) and writes about the license to represent in

lawsuits: "It is correct to get a lawyer in a fight, and any action that can be done by taking it by the vice-president can be represented." (Same, c2, p. 364.) Jurists' views on the right to use lawyers in lawsuits can be found in the following cases: "Al-Tawakil Balkoumeh, Al-Tukil fi al-Manazat", i.e., "advocacy in claims"

Ibn Idris, in his license to represent in lawsuits, says: "Whoever represents anyone else in the disputes against him in order to claim his right in the present trial, if the lawyer accepts all that is the client's responsibility, he will be responsible unless it is appropriate to swear and confess that the lawyer is aborted." (Al-Hilli, Muhammad b. Mansur b. Ahmad b. Idris, Lesrar al-Havi Lataakhir al-Fataway, 1410 AH, vol. 2, p. 89)

Government's performance in the economic right of the nation

A. Establishment of relief committee

One of the issues that the Islamic Republic of Iran dealt with in this regard was the establishment of a relief committee. Based on its duties and Article 43 of the Constitution of the country, the Imam Relief Committee has developed a comprehensive program to combat poverty, deprivation, and arrest of the needy and the needy in society, and to assist this group of society under the title of a plan for seeking help. In this plan, those in need will be supported by the Imam Relief Committee, depending on the factors such as the absence of a supervisor, the disability of the supervisor, the disability of the supervisor, or the desperation and helplessness after the identification process and according to the type of need. The main policy of imam relief committee in this support is to empower and self-sufficiency of clients and exit the cycle of need. According to this plan, families who are unable to provide basic living expenses for their families due to cases such as the death of the guardian, divorce, loss or divorce of the guardian, disability of the guardian, the disease of the guardian, employment in the service of the head or breadwinner of the household, the imprisonment of the head or breadwinner of the household, and so on.

What the authorities of the Relief Committee should pay attention to is to preserve the dignity of such individuals so that, with the unstained support of these families, they will not let them taste poverty and despair come to them. Now is this important issue taken

into consideration or not?! We are not judged, and it is out of the question because it requires extensive field research. But with a glimpse of society, it may be said that the dignity of individuals is not preserved as it should be and perhaps the dignity of individuals. In order to ensure that these institutions and charities should behave in such a way that the person's own movement to those places is reduced, sometimes they have to go to the centers in person so that they can get a livelihood, and since they are also in a public transit area, there is a high probability that families will not go to protect their dignity. Therefore, public assistance or private institutions should be provided in a distance as much as possible. The supreme leader's remarks and the enlightenment of the authorities are that paying attention to the demands of the right and respecting the dignity of the people is the main duty of the authorities and should be treated in such a way that people feel they are being respected in society. (www.irna.ir/news/ February 2018, news code 26 82832720)

B. Subsidy of livelihoods and respect for the dignity of the people.

Today, a budget from the government is spent on providing assistance to people as "subsidies of livelihoods". After a while of providing subsidies to the people, a bill was passed by the government to eliminate the household subsidy of the spokesperson of the Executive Headquarters of Note 14 of the Budget Law 98 of efforts to stop the elimination of subsidies for non-needy people, and told the story of the wealthy who receive pensions and subsidies in the coverage of the needy. He stated: The principle of subsidy was to preserve the purchasing power of families that are low in terms of economic fluctuations. Due to the weakness of the government's information infrastructure, it was not possible to identify income deciles. Consequently, it was decided to subsidize the population. Governments do a few things in this regard:

1. They cheaply price goods and services, which means subsidizing the public.
- 2- In order to prevent deviation, the amount that can meet some of the basic needs of the target community, such as food, beverage, treatment and so on, will be deposited to households' accounts. (www.eghtesadonline.com)

Regarding the government's cash subsidies to the people and sometimes ignoring the dignity of the people in this regard, it led to various interviews and the opinion of the imams of the country in this regard, which refers to one of the cases seen in the news.

C. Providing the government's support basket

One of the government's services to the people is to provide a support basket that is reported as follows: According to the contemporary strategy, the government has considered five anti-sanctions support packages to compensate for the increase in prices, including the deposit of the government's support package and the commodity basket of 98 employees and workers (social security and workers' support package) and low-income strata to compensate for part of this livelihood tightness.

Accordingly, all persons with incomes below 3 million Tomans, including social security workers, social security insured and social security retirees, are entitled to receive the government's support package plan and the 98th commodity basket. The distribution of the government's support package to subsidize individuals began in late autumn, and so far, people covered by the Relief Committee, welfare, civil servants, social security workers and some people who receive subsidies have been charged their subsidy cards, and the government has promised about the basket of goods that the remaining people's basket card will be charged soon. (rahbordemoaser.ir published: 10:33 - February 5, 2019) One of the issues that needs to be addressed is whether these support packages with these funds are in the dignity of the Iranian people. Although a field study is needed to answer this question, but looking at Iran's background and the position of people in this country, it seems that the Iranian government should take more appropriate strategies in this regard and plan in such a way that someone's right to these reliefs should be ruined.

The creation of a just government and the protection of the rights of the oppressed is one of the characteristics of the desired government and the utopian medina. The government is a trustworthy and protects the interests and rights of the people and must uphold their rights. The rulers must also, on the basis of justice, engage in statecraft and confront the trampers of citizens' rights.

Imam al-Sajjad (pbuh) says: «أَمَّا حَقُّ رَعِيَّتِكَ بِرِ السُّلْطَانِ فَإِنَّ تَعْلَمَ أَنَّهُمْ صَارُوا رَعِيَّتَكَ لِضَعْفِهِمْ وَ قُوَّتِكَ فَيَجِبُ أَنْ تُعَدَلَ فِيهِمْ، (شيخ صدوق، أمالي الصدوق، ص ٣٧٠).

The right of your peasants, who is a sultan, to know that they have been dreamed of for their inability and your www.isna.ir/news/ ability and you need to treat them fairly." Do not participate in this society as it is the dignity of a Muslim citizen.

Conclusion:

What was discussed in this treatise was a look at the word dignity and its role in the life of humanity. Dignity is a type of personality in people that should be considered in social affairs. If we look at different people in different positions, we can see that someone may maintain their dignity or endanger it, given the situation they have in society or within the family. Looking at the verses of the Qur'an, we see that in all the verses in which the word "dignity" has been used, dignity means "work", but it should be noted that when it comes to "work", dignity is said to be important and great. That is, when we say that our dignity means what we're doing and the way we're in it. In jurisprudential matters in public matters such as giving alms, as well as the real position of human beings in the implementation of punishment and the dignity of women in marriage, as well as the dignity of individuals in the womb and ordinary movements, the issue of dignity is discussed. In the discussion of public works, all jurists in giving Khums, Zakat and alms discuss dignity and believe that the person concerned should be helped so that the reputation and character of the party should not be tarnished. In giving Khums from the property to which Khums is obligatory, it is argued that jurists believe that what is in the level of dignity of the party is separated from Khums and the rest are considered as property which should be given khums.

Therefore, in order to help a person who is in financial need of others and in some way to society, credibility and character must be respected and his dignity in helping. The dignity of the individual is more common and there should be some criteria for it, including the person's job and the fact that he or she is unable to work and has no choice but to help others to live. Also, do not spend extravagance in consuming necessities of life. In terms of dignity, a person can also be trusted. The issue of the dignity of the womb and the giving of a

party is discussed here that a person who is socially competent wants to travel with someone whose view of society is negative to him and whose behaviors are clearly seen that disturb his or her inherent personality. Therefore, those around him consider his friends among him and his character and dignity are also questioned. Regarding the respect for the dignity of couples in marriage, according to Imam Khomeini's view, if the wife had a maid in the father's house, it is necessary to benefit from the maid in the couple's house. On the other hand, it is necessary to observe the social needs of the wife in order to meet the necessary needs. By asserting the right to education, Imam Khomeini also emphasizes the right to occupy the right to leave the home in practice on the observance of women's social dignity. In the case of punishment, since every human being is inherently personable and the dignity and character of everyone has strength and weakness according to his or her image in society, but some issues in general regard to all offenders should be observed and some should be considered according to the social image of the person. Looking at the government's assistance to the nation, the dignity of the people of the society and their efforts in living should be taken into consideration, and the government should consider and consider the people in every way and do not discriminate between them. Therefore, human beings should respect their human beings in the first stage, and others should also be respected on the basis that human beings are the Best of creators and according to the principled rules, all human beings should be respected until they commit acts contrary to the dignity of humanity, and their dignity should be preserved.

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