

Investigating alternative educational punishments to imprisonment and its impact on the family

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Abstract: In this research, while presenting the concept of alternative educational punishments to imprisonment, we try to examine the evolution of imprisonment. Historical studies of human life have shown the occurrence of various crimes in society, which have endangered the order and security of society. Experience has shown that when a person commits a crime and delinquency, society reacts to the crime and punishes the perpetrator in order to preserve the values and norms of society. In earlier societies, most punishments and social reactions to crime and delinquency were physical, violent, and inhumane. Also, these punishments were carried out in public with the aim of correction, lessons and intimidation of the public. Imprisonment was rarely used and was often carried out in pre-trial form. This practice continued until the beginning of the twelfth century AD, when over time the practices and behaviors that led to the punishment of imprisonment increased in societies, until it reached its peak in the late sixteenth and seventeenth centuries. Nearly a century of imprisonment has been the main punishment in most countries, with the main goal of correcting, punishing, educating the offender and returning him to the community. However, during this period, this punishment not only failed to rehabilitate prisoners and criminals, but also had negative consequences for criminals and even their families. One of these consequences is that the offender loses irreparable opportunities in terms of work, education and family formation. Such people are often disrespected by society, which is rejected by the family. The criminal population of prisons was increasing day by day. Until the beginning of the twentieth century, the school of social defense, led by Mark Ansel, strongly opposed the punishment of imprisonment, especially short-term imprisonment, and its proponents proposed alternative punishments instead of imprisonment. Due to the fact that these people commit various crimes for various reasons, and are sentenced to various punishments and are sent to prisons, they incur high costs for the society and cause them to lose the opportunity to return to the society successfully. Therefore, with the establishment of alternative educational punishments to imprisonment, in the legal system, in addition to having a significant effect on reducing costs, the rehabilitation of the delinquent personality in this system is better and returns to the community by performing public services to correct him.

Keywords: Alternative punishment to imprisonment, criminal law, criminalization of education, criminal policy.

Introduction

Imprisonment as the main punishment has existed since the second half of the eighteenth century as an inevitable fact in the penal systems of many countries. There has been crime since humans came together for group and social life. In defense of the rights, lives, property and freedom of individuals, society has always punished aggression under various headings and has responded to the perpetrator with punishment in order to maintain order, create peace and security and intimidate others.

One of the most important forms of social reaction to the punishment of criminals is imprisonment. Imprisonment and punishment have existed in many societies for centuries. Despite the most severe and cruel punishments imposed on criminals, the increase in delinquency has not been prevented. Currently, one of the serious problems of the Iranian society is the thousands of people entering the prison every year due to committing various crimes. It is now clear that imprisonment is not as effective as it should be. Because imprisonment has effects and consequences that these consequences, in addition to the perpetrator, also affect the family of the perpetrators, which is completely different from the main purpose of imprisonment. The prison environment not only does not help rehabilitate the convicted person, but

also allows other crimes to be learned. In addition, imprisonment punishes severe desecration and, by its very nature, causes psychological damage to the offender. Factors such as inadequate prison conditions, prison overcrowding, corruption in the prison environment, and the manner in which prisoners are held have led to prison sentences not having the effect of correction of the offender and decriminalization. Also, the expansion of prisons and the increase in the number of prisoners have the heavy costs of these centers on the community and the government. Imprisonment not only overshadows the offender, but also his family. Every human being is responsible for his own actions and deeds. But in the family of every person, including spouse and children, there are those who in many cases have to suffer the wrong effects of a family member. In other words, one set of consequences for a person is imprisonment for his or her spouse and another set for the child's children. In addition to depriving a prisoner of his or her liberty, imprisonment prevents him or her from playing a role in the family, which can have irreparable consequences for family members. Family environment and living conditions are effective factors in creating crime. Parental laxity puts the family at risk. Parents' relationship with each other, with their children, and their interaction with each other has important and constructive or destructive effects on their children's personality and future life. Families where one parent is in prison suffer from disorder, and disordered families play a significant role in children's personality disorder. One of the factors affecting the delinquency of children and adolescents is family breakdown. Most delinquent children belong to broken families. The children of such families will be helpless, pessimistic and suspicious. A teenager or child who, in addition to the crisis of identity and sexual maturity, is deprived of the love and presence of one of his parents due to his imprisonment and always feels broken, humiliated and inferior within himself and among others, may express his objection to this situation. Resort to anything. Obviously, the absence of parents for any reason, especially if imprisoned, has harmful effects, and the child, in addition to not having the love and attention to the instructions of parents, must endure sarcasm, words and speeches that are related to the crime of parents. In addition, the imprisonment of the offender has consequences for the prisoner's spouse, and if the prisoner is imprisoned for any reason, the adverse effects not only on him but also on his wife. Among these effects are the transfer of custody of the family in the absence of the husband, finding alternative ways to finance the family, overseeing the children, and financing the prison are some of the problems and responsibilities faced by prisoners' spouses. The most common effects of abuse are divorce between a prisoner and his or her spouse. It has been observed in many cases that after the imprisonment of a person, especially in cases where there is a history of abuse and imprisonment, or the length of imprisonment is long, the spouse tends to divorce. One of the principles of individualizing punishments is to use alternatives to imprisonment and to use the minimum punishment of imprisonment and to replace social punishments with generally short-term imprisonment. It has attracted the attention of criminologists and criminologists. The most popular alternative punishments to imprisonment provided for in the Islamic Penal Code (approved on 2/1/2013) are daily fines, free public services, care and deprivation of social rights. Therefore, in this study, while examining the historical developments of imprisonment, the educational punishments and alternatives to imprisonment provided in the Islamic Penal Code and its consequences and impact on the family and society in addition to the offender are examined.

-2-Definition of crime and punishment:

The crime in Article 2 of the Islamic Penal Code is:

((Any act or omission for which punishment is prescribed by law is considered a crime)). Punishment is defined in Dehkhoda dictionary as punishing and rewarding (Dehkhoda, 1338, 422). Punishment for evil and reward for good is the definition of punishment. But the equivalent of the word punishment, punishment, punishment, eagle, punishment, eavesdropping and reprimand and discipline has been used (Khaleghi, 1383, 212). Depending on the philosophical and theoretical point of view of crime, jurists have defined each crime in a specific way. Lawyers who adhere to the philosophical ideas of "collective originality" consider crime as an act against the social order for which the legislature punishes. Has defined. The criterion of this definition is dealing with social order is a damage to the dignity of society. Those jurists who care about the individual in addition to society and consider the criminal responsibility of individuals as a criterion have defined the "originality of the individual" as follows:

It is an anti-social crime that leads to punishment, provided it is attributed to the perpetrator. This definition also includes criminal liability. From a general point of view, it can be said that according to

jurists, crime is an anti-social act against which punishment or security and educational measures are considered. (Saki, 1387, 99). Lawyers and professors of criminal law have typically defined punishment as "punishment is the harassment that a judge imposes on a person who is guilty according to the law due to the commission of a crime and as a sign of society's hatred of the criminal act and perpetrator" (Bahri, 1380, 276). Punishment is a social reaction in the form of suffering and subordination to the offender. Punishment is accompanied by suffering, and this characteristic makes punishment inherently different from measures to prevent the occurrence of crime and the obligation to compensate for damages in legal proceedings. Punishments also vary with security measures (training, care, treatment). Because security measures, despite the common denominator they have in terms of defense and protection of society with punishments, are still out of the concept of punishment because they are not mixed with suffering and torture (Golduzian, 1390, 283). Punishment is a reaction to the commission of a crime. We should only punish the person or persons who have broken the law, not the innocent persons; In addition, the punishment must be intentionally carried out by a competent official of a legal system, such as a government, and finally, the punishment imposed must include some kind of harm (Kazem Nazari, 2016, 28).

Definition of crime from a social point of view:

As noted, defining a crime is very difficult, especially since time and place must be taken into account in defining it. Because the concept of crime is related to time on the one hand, and because each phenomenon, as it has many connections and relations with the time and conditions of each society, is a collection of cultural, religious, traditions and customs that have great dominance and influence in any society. Is also dependent. On the other hand, in defining a crime, its spatial aspect must be considered. Because the description of this phenomenon should be based on the situation and conditions of each community at a particular time, because in terms of changing living conditions, concepts and events are constantly evolving and changing. In this way, what is considered a crime at one time by society and by individuals may be invalidated at another time due to changing social conditions and cultural values: for example, the crime of witchcraft, which was common in the Middle Ages. Except in a few countries, it has disappeared in other countries, but with the development of economic and commercial affairs, financial, monetary and foreign exchange crimes, counterfeiting of coins, counterfeiting of banknotes, fraud, bribery and embezzlement have increased. Past history shows that there were laws that are no longer visible today. For example, the Prussian law of 1784 forbade mothers and midwives to sleep with children over the age of two. British villagers were not allowed to send their children to school. In some periods, it was a crime to publish books on medical hypotheses and to sell money to strangers and to keep gold at home and to buy goods from a place other than the market or to buy them for sale at a higher price. The precise definition of crime from a social point of view should be done in the context of the cultural and social conditions of the time and society in order to conform to the opinions and thoughts of the people of that society based on their cultural, social, economic and political criteria and quality. Shambiati, 1375: Vol. 1, 214_216).

Definition of crime from a religious point of view:

In defining crime, religious people are inspired by religious beliefs and consider it as a violation and violation of the right of God and the right of the people. Therefore, according to the theologians, crime includes issues that have social and personal corruptions. Dr. Feyz says that the jurists have defined the crime as follows: A crime is committing an act, or saying a promise that is required by Islamic law and there is a penalty for leaving it. And this originates from the fact that whoever disobeys the commands and prohibitions of God Almighty, a punishment has been determined for him, and that punishment will either befall the offender in this world, and in this case by the Imam (as), or his deputy, ie the ruler of Sharia. And the guardian of the comprehensive jurisprudent, or the judges appointed by him, or the punishment is a religious duty that the offender performs in order for his sin to be covered and erased, to atone for his sin, or the punishment in the Hereafter. The sinner will be tormented and the sinner will be rewarded for his ugly deed in another house, unless the repentance of the sinner is accepted by God Almighty under certain conditions. According to the definition of crime in the Conference on the Execution of Islamic Criminal Law and its effect on the fight against crime, it is said: The crime is to

oppose the commands and prohibitions of the book and tradition, or to commit an act that leads to the destruction of the individual or society. Every crime is a punishment that has been specified by the Shari'a or its authority has been entrusted to the guardian or judge (Shambiyati, 1375: vol. 1, 219).

The first word is punishment for harassment of the culprit:

Harassment is an injury to the offender's rights, such as the right to life, liberty, financial rights, and dignity. Harassment of the offender should not be accepted as a goal, but the persecution that the offender suffers as a result of committing a crime is a means to achieve the lofty goals of social defense, justice and correction of the offender. The Holy Qur'an, in its beautiful and meaningful phrase O wise ones, punishment is a source of life for you, as it expresses these great goals of punishment.

Punishment in terms of the goal it pursues is not out of three cases:

1- Punishment that results in the expulsion of the offender from society. In important crimes, the legislator's goal is to expel the criminal from society, and as a result, he has imposed punishments such as murder, execution, retribution, life imprisonment, and the implementation of divine limits.

2- Punishment that corrects the offender. In this case, the legislator's view is more to intimidate the offender and, in fact, to correct him. In such cases, the legislature determines the negative punishments of long-term imprisonment and determines the term of imprisonment according to the importance of the crime committed and the need to create fear in the offender, as well as the need for moral treatment, more or less long with minimum and maximum conditions. It is obvious that the continuous deprivation of liberty of the offender is not in itself effective in correcting the offender, and the offender will be corrected if, on the one hand, he spends time in prison and, on the other hand, it is possible to impose a correctional regime on him.

3- Punishment that has the aspect of warning the offender. In lesser crimes, the legislature means warning the offender or intimidating him. Therefore, it considers punishments such as short-term imprisonment, compensation, fines and suspended sentences. The severity of each of these punishments is objectively proportional to the real-legal value of the offender who is harmed: life, liberty, property, dignity, political, social and occupational rights, etc. (Shambiyati, 1375: v. 2, 282-283).

Second sentence - the punishment is determined by the judge according to the law:

It is the duty of the criminal judge to establish guilt and impose an appropriate punishment on the perpetrator of the crime. But in determining the punishment, the judge has no choice. No society can be found in the periods of human history in which there is no trace of crime and criminals. The domineering and power-seeking man, under the command of his evil instincts and in pursuit of greater benefits, has not refrained from committing any corruption and has committed any crime. The legislature's involvement in sentencing is to provide a good example to the judge. From this point of view, the legislator studies the crime in an abstract way and evaluates the damage caused by the crime in an abstract way and determines the punishment that in his opinion is more than the benefit obtained from the crime (Shambiyati, 1375: v. 2, 283_285).

The third sentence is the punishment of guaranteeing the implementation of social order:

Punishment is the persecution that the offender must endure for violating the law. Therefore, punishment is a guarantee of the implementation of some of the orders and prohibitions of the legislator. Obviously, in order to comply with the law, there are other means of compensation such as compensation, invalidity, incompetence, loss of rights and disciplinary measures, leading to punishment is superior to this category of performance guarantee and often if the accused is found guilty of Punishment is used because:

First, if the orders and prohibitions of the legislature include punishment and other performance guarantees, the judge in such cases will use both and enforce the punishment along with other performance guarantees. For example, if a notary public commits a crime in preparing a document of official documents, three types of enforcement guarantees can be applied to the said notary public at the same time:

1- Claims for damages and invalidity of a forged transaction document that any injured party and interested party can file before the court.

2- A disciplinary lawsuit that will be filed by the disciplinary court of the clerks and before the disciplinary court.

3- A criminal lawsuit that will be filed by the head of the judicial complex before the competent court.

Second, the criminal proceedings are terminated upon the death of the accused or convicted person. The authority investigating the crime is obliged to issue a moratorium on the prosecution of the criminal case after our realization. Death of the accused Or the convicted person due to the fall of the public lawsuit or the execution of punishment and security and educational measures only in the case of the deceased person and the private lawsuit remains in force. The victim of the crime can file a lawsuit against the heirs or heirs of the deceased defendant (Shambiyati, 1375: v. 2, 289-290).

The fourth statement is personal punishment:

The principle of being personal means that justice requires that punishment be limited to the offender and not spread to his or her relatives. In primitive societies and even in the societies of recent centuries, individual responsibility and the principle of personal punishment were not discussed at all, and if someone committed a crime, all relatives and family members were responsible for the crime committed by another, and the perpetrator or parents sought They destroyed the family of the killer. In areas where people lived as tribes and clans, if someone from one tribe killed someone from another tribe, the victim tribe would have the right to go to war against the killer tribe and kill them all. . Sometimes the slightest issue caused years of war and bloodshed between the two tribes and the destruction of hundreds and thousands of people, who believed that blood should be answered with blood, or that blood was washed and destroyed only with blood. These were the issues until the religion of Islam emerged and the word of God in the Qur'an and numerous hadiths rejected this ugly and reprehensible method of societies and created individual responsibility and the principle of personal punishment. Although Islam abolished the collective punishment that was formerly common among the Arabs and replaced it with individual punishment, in one case it stipulated that if a crime were committed, the wise killer would be responsible for paying the ransom to the heirs or parents of the victim (Shambiyati, 1375: J2, 290_291).

Speech 5 - Punishment is the same for everyone:

The principle of equality of punishments means that similar and equal punishment should be imposed on criminals who have committed a similar crime in similar circumstances. Differences in social class and personal privileges, race, sex, academic status, occupation and wealth cannot lead to differences in punishment. It is a general law and does not know a specific person or individual (Shambiyati, 1375: v. 2, 298).

History of punishments:

Punishment has a long history in the history of Iran and it has even been said that "it can be discussed as long as human life" (Noorbaha, 1390, 349). The punishments in the past were severe and undesirable and very diverse and inhumane; The type and manner of their execution was based on the natural instincts of human beings, that is, the purpose of the punishment was to satisfy human instincts, which was applied by the father of the family and the chief of the tribe. Of course, defending oneself and society was one of the purposes of punishment, but more was intended to repair or compensate for the damage done by the offender. For this reason, the offender was severely punished. The variety of punishments meant that everything was at the discretion of the punisher and there was no justice. Even a person could be executed for a small act, so the punishments were extremely brutal (Saki, 1387, 303).

The evolution of punishments:

The criminal phenomenon, which is one of the manifestations of collective life, occurs in normal days in any society and increases in unusual cases such as war, political crises, and economic inflation, and so on. The types of crimes in different societies are directly related to the religious beliefs, education, customs and needs of the people in that society. The punishment for crimes and anti-social behaviors also

varies under the influence of religious beliefs, customs and judgments and public opinion. It is possible that a criminal may be exempted from punishment due to the social situation, or vice versa, and may be sentenced to the maximum punishment due to a strong reaction from the public opinion.

The period of revenge:

From the beginning of human creation, there has been no absolute freedom for individuals, customs, and religious beliefs specific to each nation and tribe, have limited and restricted individual freedom. In primitive societies, although there were no written rules and regulations, strict systems prevailed and violators of these systems were severely punished. Revenge is the source of punishment and has no limit. Not only the perpetrator but also all members of his family were held accountable and subjected to oppressive revenge. According to Article 229 of the Hammurabi Law, "If an architect builds a house for a person and the house is destroyed due to lack of strength, the owner is sentenced to death, but if the owner's son is killed due to the said damage, the architect's son is killed to avenge." Amnesty and forgiveness were among the disadvantages. As society expanded, the right to judge was delegated to the head of the family. The head of the family punished the offender at will to keep his family safe from the wrath of God, and they believed that if the offender was not punished, all family members would be angered by the spirits of the dead. During this period, each family had a specific religion and special gods were revered and worshiped by the same family.

Retribution period:

In rapidly forming societies, the solidarity of family members was reduced due to migration to cities that were about to be built and developed. Urban society needed special systems and regulations to make all people obey one rule. The leaders of different religions called on people of all tribes and races to worship the one true God, and they preached mercy and compassion, forgiveness and forgiveness, until they adjusted the method of revenge and set a limit for seeking revenge on the offender, and retribution replaced revenge. . The law of retribution, which was foreseen in Roman, Greek, Egyptian and Jewish laws, was also approved in Islamic rules. Retribution, ie eye for eye, tooth for tooth, etc., was prescribed. With the execution of retaliation, the collective responsibility and the family disappeared. The principle of personal punishment was accepted. Family members were spared the revenge of the oppressed people and tribes (Danesh, 1997, 18).

Period of Atonement (Diyat):

Evolution and social changes required that in some cases, lawsuits be settled amicably, meaning that the perpetrators would either be punished or paid diyat or atonement in return for damages. Or have sex with the consent of the victim or his family, and this has led to some reduction in the amount of bloodshed and inhumane punishments of that period. Initially, when the amount of blood money was determined by the consent of the plaintiffs, it was called "optional compromise period". Gradually, the governing body, as it is responsible for maintaining order and tranquility in the community, declared itself to be interested in the occurrence of crimes and, in addition to setting the ransom payment tariff, also allocated a share of the said amount, allocating a share of losses to the governors. It was considered the action of the society to punish the offender and prevent the recurrence of the crime. Considering that reparation gradually became legal and compulsory and this period is called "period of compulsory compromise" (Danesh, 1997, 19).

General penal status period:

With the development of society and the formation of the government, the emergence of the central powers of society, according to its serious duties and responsibilities to maintain order, peace, security and the interests of society, laid down laws and regulations. Crime was declared a social phenomenon and went beyond private relations and became a public issue. During this period, the type of public crime was not the same everywhere, for example, in Greece, theft was a public crime, murder was a private crime, and in Roman law, according to the Law of the Twelve Tablets, murder was a public crime. In ancient Babylon, property was more valuable than human life, and perpetrators of property crimes were severely punished. Murder was considered a private crime. In this period, which is called the political and religious period, with the centralization of central governments and the emergence of monarchies, kings gained absolute power and, on behalf of God, considered themselves the executors of justice on

earth, believing that the king represents God on earth and justice It can perform well. The perpetrator of the evil deed was ruthless and had to be punished in order to escape God's destruction and wrath. Punishment of atonement was a sin and caused the purification of the infected soul of the criminal (Danesh, 1997, 20).

Imprisonment literally means arrest, imprisonment, detention and imprisonment (Amid, 1355, 417). In the term of criminal law, deprivation of liberty and freedom of the soul for a certain or indefinite period so that at that time, there is no waiting period for clearance and if there is a waiting period, it is called confiscation (Jafari Langroudi, 1346, 208). In principle, the place of detention of the accused is called a detention center or detention center, and the prison and penitentiary are dedicated to the place of detention of those who have been sentenced to imprisonment or deprivation of liberty (Saffari, 1390, 120). In Moin culture, imprisonment means imprisonment and detention, as well as arrest, imprisonment and imprisonment (Moin, 1981, 1338). In Dehkhoda culture, imprisonment also means arrest, forcing, arrest, detention, confinement, confinement, confinement, imprisonment, imprisonment and imprisonment - in contrast (Dehkhoda, 1338, 3489). In certain cultures, prison is the place where defendants and convicts are kept. Classification of house, prison, house arrest (quoted by Moin, 1981, 1753). In the culture of Dehkhoda, the definition of prison also mentions a prison, a prison, a shack, a prison, and a prison, where convicts and defendants are kept. According to Article 3 of the legal regulations and executive regulations of the Prisons Organization and the security and educational measures of the country, a prison is a place where defendants and convicts, with the confession or written sentence of a judicial official, temporarily or for a certain period or permanently for correction and Education and treatment of social ills and diseases and tolerance of punishment are maintained. Imprisonment is an Arabic word that is used for persons, but in the civil law for property, it is also used for waqf. Waqf is: "Imprisonment of the eye and the means of benefit", so imprisonment is used in law for both property and persons. But in custom, we consider people subject to imprisonment. "Imprisonment is the deprivation of liberty of the convicted person for the execution of a final sentence" (Golduzian, 1999, 362).

Prison in jurisprudential and legal literature:

In the criminal literature in Persian, the two words prison and imprisonment are the most common to show the concept of negative imprisonment as a punishment. In criminal literature, in addition to these two words, the words "sajan" and "repentance" are sometimes used. Prison or penitentiary in Persian is the name of the place where those sentenced to imprisonment are held and is carelessly referred to as the place of detention of both convicts and defendants, and perhaps because a prisoner in prison regrets what he has done. This place of repentance is also said. The word imprisonment is also used in Persian to mean both the meaning of imprisonment and the place of detention of a person sentenced to such punishment, which is equivalent to imprisonment, but in Arabic it is called prison, although the word "prison" is used.

Prison background:

The origins of imprisonment and human detention and the construction of prisons are not clear, and it is difficult to identify a specific time as the time of imprisonment: "Prison is too old to be said to have been born under a new set of laws. Prison outside the judiciary Was created, when throughout the body of society, methods for distributing people, giving them a fixed place and distributing them spatially, classifying them, extracting maximum time and energy from them, training their bodies, regulating their continuous behavior, keeping them fully visible , Creating a complete device for observing, recording and marking around them, and building accumulated and focused knowledge about them was made and paid) (Foucault, 1393: 285).

The evolution of the history of prisons:

In the past, punishments with cruelty and cruelty of execution, such as burying alive, burning, baiting animals, blinding, and all kinds of physical torture have been common. The prison was the place where the accused was kept to appear in court on the day of the trial. Prisoners were usually built under palaces or in castles, and the dark place was unhealthy. Prisoners were in a desperate situation, and most of the convicts died in prisons. The clergy of Christ were the first to use the tool of hatred of bloodshed to call for a modification of the sentence and to recommend imprisonment instead of the death penalty, and to

correct and train prisoners and to visit prisoners. In 817 AD, at the Council of Christian Clergy in Rome, the regulations concerning the administration of prisons were approved and it was emphasized that prisoners should have a correctional and educational aspect, and to achieve this goal, prisoners should be kept in solitary confinement and taught handicrafts. . They are allowed to read religious books and the clergy in prisons meet the prisoners and guide them to the right path with useful advice (Danesh, 1997, 145).

History of the evolution of prisoners in Islam:

According to the narrations, in the beginning of Islam, there was no special place for imprisoning people and the captives were either temporarily kept in the mosque or distributed among the Muslims who had sincere cooperation with the government at that time to take care of them. It is stated in the hadith that the Holy Prophet (PBUH) imprisoned a man from the tribe of Bani Hanifa, who was called Shamama ibn Athal and was the elder of the tribe, in the mosque of Medina. The Holy Prophet always forbade the chaining of captives and prisoners.

In the early days of Islam, male and female prisoners were kept separate.

It is narrated that the Holy Prophet (PBUH) imprisoned people on charges of bloodshed and imprisoned them for some days on other charges. This method is the same semi-liberal method that is used today in developed countries. The first prison in Islam was built by Imam Ali (as) in Kufa from the Persian Gulf and he called it "Nafeh" and then he built another prison from dust and mud and named it "Makhis" (humiliation - softening). The punishment for imprisonment was based on corrective thinking and repentance. It has been narrated from Imam Ali (AS) that he used to allow some of the prisoners who intended to attend Friday prayers to go to Friday prayers and were returned to prison after completing the prayers. It is stated in the hadith that Imam Ali (as) regularly visited the prisons and inquired about the condition of the prisoners. During the time of Umar ibn al-Khattab, when the land of Muslims expanded and the number of Muslim ummah increased, the need of the society for imprisonment became more evident. Omar bought a house in Mecca from Safwan ibn Umayyah for four thousand dirhams and dedicated it to prison. Later, prisons were built in different cities and most of them were named after the same city. One of the characteristics of the prisons at that time was the separation of prisoners as follows:

- 1- Special prison for debtors who were detained for non-payment of debts.
- 2- Prison for thieves
- 3- Imprisonment of other wrongdoers

The prison term was one day forever. The ruler could force a prisoner to work inside the prison so that he could earn a living and give the surplus to his family so that they would not be deprived of alimony. Prison expenses were financed from the treasury. Some Muslim jurists went to prisons voluntarily at the request of the rulers of the time or tried to enforce the rules of Sharia inside the prisons. Some jurists believed that a person imprisoned as a debt could be allowed to work outside the prison to pay the creditor's rights from his surplus income. During the Umayyad caliphate, several prisons were built in the Hejaz, Iraq and the Levant. The fame of such prisoners was due to the characters in which they were imprisoned. The worst prison of the Umayyad period was Wasit Prison in Iraq, as historians estimate that 180,000 men and women were held in a large, roofless area. Imprisonment was accompanied by torture, and prisoners were handcuffed with iron chains. Sometimes a caliph would come to power and issue a general amnesty, releasing prisoners. The prison was a place of gradual death. Over time, some citizens of other countries who came to power among the Muslims, with the utmost cruelty and cruelty, carried out all kinds of tortures that were common in their country and did not refrain from any cruelty and cruelty. During the Abbasid period, torture in prisons intensified and there were two types of prisons:

1. Private prisons that were dark and damp rooms or deep wells where prisoners were kept with snakes, lizards, and other vermin and animals, and then destroyed within hours or days.
2. Public prisons From the fourth century AH, such prisons were built in the houses of the caliphs' servants, who often imprisoned the accused with his family members for revenge (Danesh, 1997, 150).

History of the evolution of prisoners in Iran:

Although there are no documents about the situation of prisons in Iran in ancient times, what is certain is that prisons were built in castles, where kings and rulers imprisoned their opponents and then destroyed them in a horrible way. Imprisonment was not a punishment but a means of quietly eliminating high-ranking officials whose existence was dangerous to the country and the king. After the conquest of the Muslims, every ruler and influential person in his sphere of power built a place for imprisoning people and kept the accused there. In 2013, the Iranian government hired a number of advisers from Sweden in order to put the country in order. The Swedish advisers first drafted the regulations for prisons, which were approved by the cabinet in 1298 AD. The ordinance prohibited physical torture and chaining of prisoners. In 1308, the first prison in Iran (Qasr Prison) was built to hold 600 convicts. After Shahrivar 1320, under the influence of the causes of the Second World War, the number of criminals in Iran, like most countries in the world, increased and the prisoners faced a shortage of space. On October 12, 1347, the first by-laws of the prisons were approved according to the principles of prison science, and in 1975, the said by-laws were amended, but due to lack of facilities, most of its provisions were not implemented and after the victory of the revolution, on May 27, 1982 Prisoners under the title of "Regulations on Prison Affairs and Security and Educational Measures of the Islamic Republic of Iran" was approved in the 327th session of the Supreme Judicial Council and the above-mentioned regulations were revised on June 20, 1989 and 1993 as the Organization of Prisons and Security and Educational Measures. Is (Knowledge, 1997, 154).

Characteristics and purposes of punishments:

The main objectives of punishments: the fight against crime and creating order and security in society (Golduzian, 1390, 33). Punishments have characteristics that can harass and disown the offender on the one hand, and correct him or her on the other, or warn the community. These characteristics, depending on different societies and different views, have varying intensity and humiliation, but in all human societies there is a kind of hidden harmony in this characteristic, which is also logical, because human beings are instinctual needs at any time and place. Naturally, one of the most fundamental of these is the existence of personal and social security to achieve many aspirations. No one can accept that his security is being attacked by swindlers, thieves and traitors, and even the criminals themselves feel insecure when faced with a threat that threatens their security. This strong desire for security can not be ignored in any society, that is why the society intimidates, intimidates, rewards hard and at the same time sometimes enters from the door to be able to neutralize the crime and the criminals in any way. To correct. Of course, in the evolution of this perception from intimidation to reform, society has tried for centuries to achieve what exists today (Noorbaha, 1390, 351)

Characteristics of punishment:

Existence of fear in the offender:

It can be said that if punishment intimidates, it is not this intimidation of today and yesterday, but the fear planted and irrigated over the centuries, and consequently has very deep roots in the human anxieties and apprehensions that it constantly deals with and conveys these apprehensions to others. He has transferred them to anti-social acts. The cause of fear or the frightening power of punishment has been able to last for centuries because human beings are primarily interested in their life, liberty, property and reputation, and find transgression of these accepted forms worrying and unforgivable; Therefore, in imposing punishment, human beings are inspired by this deep feeling and human interest in their life, freedom, property and reputation to intimidate and consider punishment as a means of actions that determine the violation of human values. Moreover, fear is also a deterrent, because human beings do not want to be frightened and anxious in their lives due to maintaining their security and desire for peace and comfort; Therefore, the fear of life fluctuations and its troubles prevents a person from committing acts that he knows will cause him such unrest and apprehensions in the future. Given these issues, it can be said that one of the characteristics of punishments is the presence of fear in potential future offenders and in current offenders. Punishment is frightening, and this is an inherent feature of punishment.

Suffering and harm:

Punishments are inherently annoying and harmful, and the offender must bear the pain and discomfort of committing the crime by enduring them, because he has imposed this pain and discomfort on another or others (Nurbha, 1390, 353). The main feature of punishment, which is influenced by the traditional purpose of punishment, is suffering. Punishment is inflicting legal suffering on a person who has committed a crime that would normally be morally reprehensible. Suffering has been a traditional feature in the imposition of punishments, and for this reason, in the past, punishments of a frightening or degrading nature have been imposed on individuals. Predicting imprisonment with hard labor and punishments such as flogging, beheading, crucifixion, etc. are in this category. Although the intimidating and degrading aspects of punishments have been discarded, they are still considered to be inherent pain and an integral part of punishments. Religions, in particular, instilled a hostile view of criminals in society and considered it necessary to endure more suffering to purify the human soul. Various methods are used to increase the suffering of prisoners, for example, in US Prisoners in silent prisons were not allowed to talk to each other in order to suffer severe mental illness. Bentham believed that the suffering of punishment should be greater than the pleasure of crime in order to prevent crime. This feature still occupies an important place in public opinion and in the popular view of the people, so that people expect criminals to be in poor health conditions. Some consider the severity of suffering and hardship necessary for the purpose of intimidating punishments, because they believe that the greater the nature of suffering and the severity of punishments, the greater the fear of criminals and, consequently, the more they are prevented from committing a crime. However, the intensity of violence in some punishments diverts it from the goal of rehabilitation and correction of the offender. Therefore, today, attempts are made to establish a logical relationship between these two functions of punishment (Mr. Janat Makan, 1390, 192).

Conclusion

Statistics show that there is a strong relationship between the length of a sentence and the type of crime and the likelihood of divorce. In a study conducted in seven large prisons in Iran with a statistical population of 24,000 people in both men and women, regression relationships show that the most important factor in the occurrence or request for divorce of imprisoned men is their history. The older a man is, the more likely he is to get a divorce. However, with the increase in the number of male children and the role of prison assistants, the possibility of divorce decreases. The results show that except for the crime of murder, in other crimes, divorce is rare in the first time, and if the crime is repeated, it is more likely. In general, 20% of married men in prison have been divorced at least once, more than two thirds of them after the first prison and one third before the first prison (Abdi, 2002: 84 and 167-168).

The Impact of Prison on the Family:

Among all institutions, organizations and social facilities, the family has a special and important role and importance. In fact, no society can claim health as long as it does not have healthy families. Children in a family environment need security, peace and love and if they live in an environment full of turmoil and conflict, the tendency of children to social deviations will increase (Sarukhani, 1393: 11).

The role of love and affection in the family environment in crime prevention:

Peace, security and love in the family center are very important factors in the physical and mental development of children and adolescents. Parental affection can be called a child's psychological vitamin. The need for love is an innate human sense that is extremely effective in developing each person's personality. Lack of love causes character disorders and all kinds of abuses and affects several generations. A child who is deprived of family love, considers himself isolated from the family and society, and always seeks revenge, and after committing acts contrary to social customs, he feels joy and satisfaction in his heart (Danesh, 1997: 235).

Prisoner Parents and Consequences:

There are several consequences for families whose parents (at least one parent) are in prison, some of which include:

1- The occurrence of abnormal social behaviors, the absence of the main elements (parents) of the family in the supervisory and educational functions and the process of socialization of children, have negative effects and children will not be able to adapt optimally to society. Therefore, the rate of abnormal behaviors is higher among the children of families with a history.

- 2- Lack of optimal adaptation to society
- 3- Disorder in the process of modeling children
- 4- Transmitting deviant behaviors from the prisoner's parents to their children
- 5- Weakness in learning and accepting social values
- 6- Lack of communication between children and family members (this relationship is not accompanied by respect)
- 7- Loss of education or dropout among children

In families where the father is absent and imprisoned, the father's economic role and authority are severely disrupted and his job position is disrupted. In such families, the family owes money due to the personal expenses of the father and his dictatorship. If the father is addicted, the property will be sold to him and the father will be removed from the house after a while.

Other problems and unwanted and unintentional functions of the prison are as follows:

First. Economic problems: such as cut or reduction of household income sources, lack or limitation of job opportunities for spouse and children, loss of family savings, reflection of economic problems in livelihood and nutrition and other primary and secondary needs related to family welfare and finally Reducing the level of welfare and health of the family.

Second. Feelings of loneliness and insecurity: This is a problem for women whose husbands are in prison. Accordingly, they take full responsibility for caring for their children, and they are forced to accept new plans and are unable to easily share their problems with others. Also, fear of social labels and lack of empathy of others and others with the prisoner's family increases stress and its physical effects and the spread of depression in children.

Third. Restriction of choice: Children and, if the prisoner is not a guardian, other family members are subject to prejudice in finding work, and in some occupations they are refused employment; Especially in societies like Iran, where for every job, extensive information is obtained about the family and relatives of first and second degree individuals.

Fourth. Doubt and Fear of Relationship Infection: Most prisoners feel they no longer have control over their families, and their fear of family is very common. They are even constantly worried about losing their spouse and are afraid of having sex between their spouse and others, and because they cannot do anything, these thoughts have a very destructive effect on their soul and psyche. As a result, certain actions occur that mutually affect the psyche of the family and undermine the state of well-being and peace of mind and mental security of the family. There are numerous reports of prisoners committing suicide due to concerns about losing control of their families and the hardships they have endured.

Fifth. Developing a sense of antisociality: One of the topics to be studied among prisoners and their families is the process by which individuals become antisocial elements. Anti-socialization in the family also grows and becomes a harm due to the phenomenon of labeling and social exclusion and the existence of skeptical and fearful views towards the family, but these issues actually occur in the absence of mediation and support institutions. As solidarity and social support decrease, the likelihood of people becoming antisocial increases. In societies where there are various civic institutions with supportive functions, the phenomenon of anti-socialization is less likely to occur, but the anti-socialization process is much deeper and more intense for those who are deprived of family support in addition to lack of civic support. When a person is imprisoned for financial misconduct or imprisoned for a crime and his or her release on bail requires family support, his or her relatives and friends suddenly become strangers, and everyone fears that contact with the first-degree prisoner's family will put them in a moral dilemma. Gives and obliges, takes himself out of sight and duty. Of course, distrust and concern about the escape or subsequent actions of the prisoner that endanger the guarantor are among the factors of this avoidance, but when this behavior It becomes the prevailing rule or behavior, many prisoners are deprived of the help of their relatives and friends and come to the conclusion that relatives and friends often treat them like strangers and do not help to save him. They think that all people are slaves to their own personal

interests and are loyal to kinship or friendship to the extent that it benefits them or, at best, does them no harm. In this situation, whoever extends a helping hand to a prisoner has shown the best example of loyalty, and if the helper has benevolent goals and the prisoner does not abuse them, there are pleasant consequences, and if the helper has other goals, a new trap for Prisoner becomes widespread (Baghi, 1393: 86-87 and 142-144).

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