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Appropriate Use and non-Obstruction in Citing Crime in Islamic Countries

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Abstract

In this article, the issue of citing appropriate and not-obstructing the text-based descriptive-analytical method has been examined. If the criminal behavior of the accused causes injury or other injuries, such as the transmission of the coronavirus to another, but the victim does not prevent the development of the effects of the behavior so that refraining the refusal of the victim, along with the behavior of the accused, resulting in the death of the victim, is the crime documented on the appropriateness or not- obstructing? Those who have a customary view of the issue of citation believe that the criterion in citing customary truth is rational, it does not matter if it is appropriate or it is documented that the crime is not prevented; But those who have a philosophical view of the issue of citation only document the crime appropriately, believing that not preventing is the abandonment of the act and the non-existent matter. The non-existent cannot be the source of the existential matter. Criminal liability seems to be based on the citation, but the criterion for citation in a crime is common sense; It does not matter if the citation is on the appropriate or not-obstructing.

Keywords: *Crime, Appropriate; Non-Obstruction; Citation; Jurisprudence; Law*

Introduction

One of the rules that are used in jurisprudence and the principles of jurisprudence is the appropriate rule and non-impediment that jurists and fundamentalists adhere to them in unreal matters like philosophers believe that the perfect cause consists of the existence of appropriateness and non-obstruction. In jurisprudence and criminal law, which is a matter of unreal, the relationship between crime and punishment is the relationship between cause and effect, whenever the perpetrator's behavior is a complete cause or the latter is a complete cause Criminal liability arises.

Provided that the voluntary behavior of the independent and wise actor does not prevent the citation of the crime to the accused's behavior; If the accused commits a crime properly, for example, the accused inflicts an injury on victim; But he or she does not prevent the infection from spreading voluntarily by refusing treatment, infection. Is criminal responsibility appropriate or no obstacle? If the criminal behavior is documented as the behavior of someone whose behavior is the ultimate or partial cause of the crime, the crime is documented; However, if the citation is rejected, criminal liability will be eliminated. The main question is who is criminally responsible whenever he is involved in a crime against a human being and there is no impediment? And what is the citation criterion? The issue of citation is

considered by some to be a philosophical and intellectual matter, while others see it as a customary matter.

These two different views have led some to believe that the crime is documented appropriately; Because it is appropriate for the act and the existential matter, and the result, which is a crime, is also the product of an existential matter, but the second theory is that the citation is a customary and rational matter.

From the point of view of custom and reason, a crime can be documented to the appropriate. It can also be documented as a no-obstacle. However, the cases of citing the appropriate and non-obstructive are different, for example, if the appropriate A has caused death, for example, inflicting injury on another However, the victim should not interfere with his / her treatment to prevent injuries caused by the injury. The injured person dies as a result of the injury or bleeding, the responsibility for the crime lies with the person whose criminal behavior was appropriate for the crime. Therefore, the crime may be documented to the victim herself, given that she did not prevent the spread of the crime by seeking treatment.

Abandonment of the act as not creating an obstacle has been proposed in jurisprudential books in such a way that a person who is in a situation of death by another avoids doing it despite his ability to save himself; when a person is thrown into a fire or a pool by another and, despite his ability to save himself or herself from the fire, does not save himself or herself and refuses to swim and saves himself or herself from the pool, so she or he dies. We examine the issue in two separate sections; The first issue is citing non-obstruction, and the second one is citing the appropriate.

1. The Necessity of Citation Discussion

Crime against the person is a crime bound to the result. That is, in addition to the act of committing the occurrence of an illegal result is necessary; Hence, the occurrence of death is one of the basic elements of the crime of murder. The criminal is responsible for the death of the victim and other injuries when the occurrence of the crime is the result of his act so that the death can be considered as a result of the actions of the criminal and the crime can be documented as his or her activity. The occurrence of a crime, however, after the commission, the act alone is not sufficient to establish the criminal responsibility of the perpetrator; Rather, one of the necessary components in realizing the material element of crimes is proving the citation of a harmful result to the act committed and its doer. Because criminal liability is based on the citation.

The necessity of the relation of citing is not limited to felonies only, but in all crimes, it is necessary that there is a continuous connection between the perpetrator, the action and the result (if it is bound to the result) and other factors, although the natural factor has not severed this relationship (Sadeghi, 1389, p. 84).

Therefore, to prove criminal responsibility, proving the citation of a crime to the behavior of the accused is a necessary condition; But, sometimes the behavior is in the form of the act of the accused, which is appropriately considered as part of the cause of the crime, and sometimes in the form of the victim's refusal, which is considered as the latest element of the complete cause addressing the issue of citation to determine the person in charge is of great importance and the difficulty of it recognizing has caused controversy among lawyers. In such a way that each of them, influenced by their principles, has proposed a special criterion for recognizing the citation relationship (Sadeghi, 1393, p.p. 24-26).

2. The Place of Citation in Proving a Crime

The place of citation is actus reus of the crime, which consists of action, the relation of citation, and result. The citation relationship is the factor that links the result to the perpetrator's behavior and it

creates criminal liability; Because the realization of criminal liability is based on the citation. If there is a citation relationship, the perpetrator will be criminally liable, but if the citation relationship is not- exist or is doubtful, the perpetrator will not be criminally liable.

To attribute a crime and pay attention to responsibility, it is necessary to establish a citation relationship, and regardless of whether the act is directed or causal, what is important is the attribution of the act to the cause or director. However, it should be noted that establishing a causal relationship in a specific concept and citing in its general concept is one of the most difficult legal issues (Aghaeinia, 1387, p. 55). The perpetrator and the perpetrator of the behavior are criminally liable for the criminal behavior if there is a relationship between the perpetrator's behavior and the harmful result. Also, the result must be documented in her or his behavior. From the study of the theories of the jurists, what is obtained, is the proof of the relation of citation in the general sense and the relation of causality or causality in its specific meaning. The legislator in different positions of the Islamic criminal code approved in 1392, like Articles 529, 526, 500, and 531, has understood the importance of the issue; and therefore, emphasizes the need to establish and prove the citation relationship (Sadeghi Mirzaei, 1398, p. 169).

Also, jurists in the issues of qisas and diyah[1], have considered citation as the main reason for the realization of qisas and Diya. In cases where the principle of citing a crime to the accused is not established, the esteshab principle[2] shall apply as required.

The issue of citation is a probative matter. That is, the court is obliged to prove the citation relationship between the behavior of the accused and the crime committed. On the other hand, proving the responsibility of the offender is based on proving that the crime was committed by his act. And in cases where the citation of a crime to the behavior of the perpetrator is in doubt, the principle of non-citation becomes current (Tabrizi, 1426, p.p.20-30), and article (122) of the Islamic Penal Code 1392. Because proving a citation is one of the matters that must be proven before the court that issued the verdict so that the citation of the crime is not proven to the perpetrator, there is no criminal liability because the responsibility lies with the citation. In the case of non-citation, the principle of innocence prevails.

3. Citing Non-Obstruction from Legal Perspective

About citation of a crime, it is debatable whether it is appropriate or non-obstruction, is the crime documentable to appropriate or non-obstruction? Some believe that omission cannot constitute a material element of a crime against the life or the organ; It is impossible to establish a citation relationship between death and abandonment of the act, and criminal act, cannot be documented to the omission. leaving the act is a non-existent matter, it cannot be achieved from non-existence except non-existence, while crime against the life and organ is an existential matter and requires another existential matter (Moradi: 1396, p. 53). In other words, the crime of murder inherently is a positive crime that manifests itself in the form of a positive act.

But the law has broken this boundary, and has not limited the means of murdering action, but considers any means that has the authority to murder to be sufficient. That is, positive and negative means are equal in committing murder. The crime of murder can also be committed by refusing, such as the patient refusing to treat a wound caused by the criminal, the mother refusing to breastfeed the child, and the nurse refusing to care for the patient. Refusal to breastfeed and refusal to care for the patient If there is a citation relationship between the refusal to perform the legal and contractual function of the death of the victim, the crime can be invoked without hindrance.

[1] . blood money.

[2] . legal presumption of continuity of the status quo in a doubtful case.

In ancient German law, there was a theory that the crime of murder could not be committed by a negative act and refusal because refusal is non-existent. Non-existence cannot lead to a positive and positive result. As a result, the punishment for murder was not permissible by refusing to leave the act; Because there is no citation relationship between abstinence, which is non-existent, and murder, which is a positive and existential matter. This theory could not withstand the criticism it received; Because refusal is also a negative form of human behavior and may lead to a positive and existential result. The relationship between refusal and death is necessary to prove. Just as performing a certain positive and positive action such as treatment can be the reason for the absence of a certain result, the death of the victim, refusal, and refusal of treatment can also be considered a criminal cause (Al-Shazli, 1, 2010, p.550). For example, refusing treatment is considered to be the cause of death if the victim did not die if he or she sought treatment; Because the cause of death is the refusal of treatment, which is documented in the voluntary refusal of the victim. As a result, the victim's voluntary behavior creates the link between the citation and the victim's positive behavior.

4. Examples of Citation to non-Obstruction

There are several cases in which Islamic jurisprudence and law invoke the crime of not obstructing one of them.

4.1. The Victim's Refusal to Close the Wound

One of the doubts in attributing the legal cause of the injury to the defendant is the situation that after issuing a competent and sufficient behavior to achieve the injury, the victim of the crime, despite the possibility of preventing the injury, by leaving the action, allows the forbidden result to be achieved; For example, if someone amputates or injures another hand and the victim refuses to do so despite the possibility of wounding and allows the injury to worsen, the question arises as to whether the injurious is responsible for the injury or the victim? In answer to this question, jurists have two theories. A group of jurists believes that refusal and non-obstruction cannot be the basis for citing a crime and cut the citation relationship with the main defendant's act, but the other group opposes this theory.

4.1.1 Citing to Appropriate

Mr. Najib Mahmoud Hassani has, in this regard, said: “Negative action is not considered secondary. Judicial procedure is a factor that is a refusal to perform a duty, although the one who refuses to be legally required to do so, does not take into account any factor in the chain of cause” (Hassani, Najib Mahmoud, 1385, p. 384). According to this, the law of non-obstruction cannot be included in the series of positive causes of the crime and cut the citation relationship with the appropriate. "Because abandonment of action has no material causal force, it has neither the power to break the chain of causality nor the power to deviate from it. In other words, the omission of the verb has only a supervisory dominance over the event occurring and not a causal dominance. On the other hand, the main defendant has started a sufficient causal process for the occurrence of the defect with his current one (Taheri nasab, 1389, p. 661). Because omission and refusal is neither the complete cause of the commission of the crime nor the last part of the cause. From the customary point of view, crime is not rationally documented to omission and refusal, because refusal is not the cause of the crime.

According to this theory, negative behavior is not included in the chain of creative causes of the criminal result. By the negative act of the victim, the main accused cannot be absolved of responsibility because the negative act of the victim is not considered the cause of the crime. So, omission and refusal cannot sever the citation relationship with the act of the main accused which is appropriate for the crime, and the crime is documented to the person who inflicted the injury. The intervening cause must, first of all, sever the causal material relation between the first factor and the injury so that it can be considered independent and decisive in the chain of causation. Thus, the first characteristic of the intervening cause is

to sever the material relation of causality in such a way that others cannot say that the action of the first accused was the active and fundamental cause of the injury. In other words, the cause of the intervener must be an alternative and sufficient cause for the realization of the injury and be independent from the action of the first accused (Taheri Nasab, 1389, p. 574). The victim's refusal to close the wound and prevent bleeding and infection cannot be a substitute for the injury and cut the citation link between the main defendant's act and the result and document the crime to the victim and documents the crime to the victim's refusal of treatment does not lead to the transfer of the crime allegation from the victim to her. As a result, lack of obstruction cannot be considered a crime. Rather, the crime can be attributed to the main defendant who injured the same person; Because appropriate behavior is the full cause of the crime and is criminally liable for the crime committed.

4.1.2 The Citation of Crime to non-Obstruction

The second theory is that the issue of citation is customary, not philosophical and intellectual; Because custom is the way to understand the facts; Therefore, if all people acknowledge the existence of a citation relation in a case, the citation relation will be established; Because citation from the customer point of view, just as a crime can be invoked appropriately and act, can also be invoked for not hindering and abandoning the act. First, matters such as citing crime, are customary and rational, and philosophical rationale discussions should not be included but should be viewed with customary and rational consideration, and in a rational view, between leaving treatment and leaving the fire, in this term, there is no difference between citing a crime to the victim or criminal. Because the voluntary cessation of the victim of the crime in the fire or the refusal of the victim against the treatment is prior to the will, the will is given to the abandonment of the act as it belongs to the omission.

Second, even rationally and philosophically, there is no difference between the two theories; For what is the case of abandoning healing and the "non-existent matter" is the case of leaving the life exposed to destruction, and this is also the "existential matter"; Just as staying in the fire is an "existential matter", it is also an example of leaving the fire and a "non-existent matter". Therefore, the distinction between these two issues in that in one it is considered "non-existent" and in the other "existentially" it is meaningless, there is no customary difference between appropriateness and non-obstruction. However, it is religiously forbidden for the victim to refrain from leaving the fire or from receiving medical treatment; Because self-preservation is obligatory, but the sanctity of the sentence is an obligation. Criminal responsibility and the necessity of qesas is a situational sentence. Obligatory abstinence, which is self-preservation, does not cause the citation of murder to be transferred from the perpetrator to the victim. One contemporary jurist writes: " It seems that leaving the act of the appropriate type is an example of the act, In the above examples, the cause of death should be considered to be staying in the fire and the pool, not to not saving oneself as a result of leaving the act as a non-existent act as mentioned before, criminal responsibility does not mean that the perpetrator can be prosecuted as a murderer" (Sarikhani and Aghababaei, 1390, p. 79).

Another writes: "From the customary point of view, homicide is documented to the person who created the cause. That is, the ability of the victim to prevent the spread of the injury does not mean that we do not document the homicide to the perpetrator" (Tabrizi, 1422, V3, p. 21). The concept of cause and citation is not lexical and philosophical, but it is a customary concept. The purpose is to cite loss and crime to the perpetrator and fulfill her or his civil and criminal responsibility from the perspective of rational. "Citing homicide and crimes against humanity has a narrower meaning than that of civil liability, which has a broader meaning (Hashemi Shahroudi and others, 1425, 3, p. 253). The Supreme Court of Egypt has ruled: If the inflammation that caused the death is the injury that the accused inflicted on the victim, the prosecution of the accused is necessary for death. The fact that the victim or her/ his parents did not agree to have her or his leg amputated does not relieve the accused of her or his responsibility, although it was possible to save the victim by amputating her or his leg; Because the accused who was injured cannot assume that the victim of the crime prevented the amputation of her or his leg because this

act is very dangerous, in addition to the many pains it has (Hassani, 1386, p. 340). In cases where the victim's refusal is involved in preventing harm and the development of the effects of the accused crime, those who consider the criterion of citation to be a common understanding believe that the crime can be documented to appropriate and without hindrance. Of course, the cases of citation are subject to customary understanding, the cases of which are different. In some cases, refusal can terminate the citation relationship with the accused and appropriate behavior, but in some cases cannot. But those who have a philosophical view of the criterion of citation believe that non-obstruction such as "nothing" and "non-existence" cannot be the criterion of citation in crime. It seems that jurisprudential and legal concepts are for regulating social relations, and in understanding them, especially in criminal law, should not be caught in philosophical rules. According to customary understanding, the basis of criminal responsibility is documented behavior, it does not matter if it is appropriate or non- obstacle; Because the complete cause consists of appropriateness and non-obstruction. It can be said that non-obstruction is considered the last part of the complete cause and the crime can be cited to it. Thus, just as the appropriate can be considered the cause of the crime and document the resulting crime as appropriate, non-obstruction can also be considered the cause of the crime and the crime can be documented on the non-obstruction. A philosophical view of legal concepts does not seem right. According to custom, the basis of criminal liability is citation, just as a crime can be invoked appropriate. The realization of criminal responsibility is based on citation.

5. Citing to non-Obstruction in Fiqh

Islamic jurists have considered the citation of non-obstruction. Often hold the view that if the victim has the power to save her or himself with the ability and power to save her or his life, do not prevent the transmission of injuries or burns to her or his life and health and eventually die, the victim herself is considered the killer of itself (Khoei, 1428, 24, 6. p). If someone intentionally throws someone else into the fire or the sea, and the thrown person refuses to go out despite his or her ability to get out, causing harm and self-harm by his or her refusal, there is no qesas (retribution) for the thrower (Khoei, 1428, 42, p. 6). They have stated it; because death, in this case, is documented to the person himself and not to act of thrower. Hence, there is no reason for retribution or blood money.

The realization of qisas (retribution) and diyat (blood money) is a subsidiary on its subject and citing murder to a criminal; If the murderer cannot rely on the criminal's behavior, there is no reason for him to be criminally liable for the crime of murder. The thrower is only responsible for throwing to fire and water and damages caused by them, and he is not responsible for the death of the victim. The victim committed suicide; Because despite her ability to save her or himself from death, he did not take any action to save her or himself, the victim's voluntary action to refuse to save cuts off the causal relationship with the act of the perpetrator that is appropriate to the crime. As a result, the lack of obstruction on the part of the victim in the chain of causes of the crime terminates the relationship between the citation and the criminal's behavior. Staying in water and fire is not non-obstruction, but voluntary staying and appropriate for the victim dies. Staying in the fire or pool in the example is the cause of the death. The responsibility will fall on leaving the action. Since the victim, herself, has committed that, responsibility will fall on him, not others, even someone who has put him in a dangerous situation. (Sarikhani, Aghababaei, 1390, V8, p. 77). In this case, death does not document in the act of thrower, but in the refusal of the victim to get out of the water and fire. Stopping in water and fire is the voluntary act of the victim. The victim's conscious and voluntary action breaks the citation relationship with the thrower's behavior and transfers criminal responsibility from appropriate to non-obstruction. The death is documentable to the victim; Because his voluntary stopping is the cause of the death and stop was caused by his free will. The free will of the perpetrator is considered the basis of criminal responsibility. The criterion for citing a homicide and proving retribution is that the victim not able to get out of the fire or water, etc. In such a situation the crime is documented to the perpetrator. If however, the failure to leave the fire or water is due to laziness and negligence, retribution and blood money are eliminated; Because the voluntary stopping of the victim in the fire is the real cause of death. Death would not have happened

if he had not stopped the fire of his own free will. As a result, death is documented as the victim's voluntary behavior, not to the throwing of appropriate. Therefore, the thrower will not be retaliated and will not pay blood money (Fazel Lankarani, 1421, V1. P. 33).

Most Imami jurists have distinguished between throwing water, fire, and injury. But this difference seems to be only worship. The main point, from the perspective of custom and reason, is the existence and non-existence of the relation of citation between water and fire and the refusal of treatment.

6. Citing to non-Obstruction in Judicial Procedure

In French jurisprudence, the omission cannot eliminate the causal link between the act of the accused and the death. The defendant could have predicted this. This behavior does not cut the causal relationship between the accused's action and the criminal result (Hassani, 1386, p. 310). The Court of Appeals has ruled that anyone who inflicts injury on another who dies as a result of an injury will be punished under Article 236 of the Egyptian Penal Code. Factors that occur after the injury, such as the victim refusing treatment, are not considered. Because the following factors do not allow the criminal behavior of the accused and do not cut the relationship between the citation of the crime and the behavior of the accused; The criterion for the responsibility is the accused's main action that causes the death of the victim and has a citation with the criminal result (Obaid, 1984, p. 181). According to the rulings, the defendant's action is considered to be the legal cause of death, even when the refusal of the unconventional victim may not be unnatural, like the case that the defendant refuses to consent to amputation of the leg. However, the case where the stupidity of the refusal is so great that it is considered abnormal can be an inappropriate example (Wayne, Lefebvre, 1387, p. 46).

7. Citing to the appropriate in Fiqh

Among Islamic jurists, the late Ayatollah Khoei and the late Tabrizi, like many jurists, believe that if a person injures someone and she or he refuses treatment and dies, the injurious is the murderer and the victim is an only sinner. They have considered this issue in the discussion of murder and have said that murder is documented in action, that is, wounding or throwing in the fire. Although abstinence and refusal are considered part of the cause of death, the complete cause is composed of the existence of an appropriate, that is injury and throwing in the fire, but death is properly documented to appropriate only. Someone criticized this theory and wrote: In citing a homicide, it is sufficient for the person that the last part of the cause is fully documented, no more is needed. Thus, the voluntarily remaining of the victim in the fire, as an omission, cuts citation between throwing and criminal result in the first case. In the second case, the crime was documented to stop treatment, but there is no difference between the two cases. It is also the same as the previous two issues, if he throws someone in the water, considering that he has the power to get out but does not get out, he will not be entitled to retaliation and blood money (Rouhani, 1429, V 403, p. 39). According to the contemporary jurist theory, in all cases where the appropriate and non-obstruction is involved in the same crime, just as the crime may be documented as appropriate, it may also be documented as non-obstructive; Because the crime is the effect of the complete cause, which consists of the appropriate and the non-obstructive. If non-obstruction is involved in the realization of the crime as a part of the cause, the crime can be documented as non-obstruction without any difference between the cases of water, fire and injury, as most jurists differentiated. One legal thinker writes: “We believe that these two introductions are incorrect to say that refusal is lack, absence and a negative phenomenon or mental imagination, but Refusal is a form of human behavior. Just as one behaves positively under certain circumstances, one can also behave with refusal. Negative behavior in any form is existent undoubtedly. In addition, the will is one of the elements of refusal; So, it has a phenomenon of a positive nature. The refusal must necessarily be considered a positive phenomenon because logic does not accept that the negative phenomenon of treating its elements has a positive phenomenon (Hassani, 1386, P. 582).

8. Citing to Appropriate in Law

Some jurists believe that crime should be documented as an action, not an omission. Injury is appropriate for death and refusal of treatment is prevented. The crime is duly documented to injury. The person who left the act in these cases did not prevent death, while, to be responsible, he must have caused death" (Sadeghi, 1393, p. 29). From the point of view of this scholar, the citation relationship can realize between the perpetrator act which is an injury with the result of the crime which is the death of the victim, but the citation relationship is not possible between the refusal of the death of the victim. As a result, non-obstruction is not criminally liable and the crime is documented to appropriate action. Anyone who throws another in the middle of the sea, that who cannot save himself and die, the thrower is a killer; Whether the victim is a swimmer or not; Because the seawater is deadly. If someone throws another into a pool that does not have much water, that person will faint due to falling into the water or give him a defect that deprives him of the power to get out of the water and he will die, the thrower is responsible for the murder. Also, if someone intentionally injures another, but the injury is not fatal, but the injured person becomes infected with tetanus as a result of his wound or contaminated clothe and dies as a result of this disease, the injurious is responsible for his or her death. Because abandonment of action and refusal is non-existent and cannot cause the existence of an existential matter, that is a criminal result. Discussing the relationship between citation in criminal law should not be caught up in philosophical discussions about citation. This means that those who look at the issue of causation and citation in criminal law with this view, do not consider the omission as a guarantee, because they believe that never "existence" is created by "non-existence". For example, if a doctor refuses to suture a patient's wound and the patient dies. Injury is the cause of loss and its obstacle is suturing that the doctor did not create it, but the loss is always documented in the existence of the appropriate and not the lack of obstacle (Sadeghi, 1393, p. 43).

Conclusion

There are two basic views on the issue of citing crime as appropriate and non-obstruction. Those who regard the criterion of citation to be a customary and rational understanding believe that non-obstruction can be the reason for citing a crime to a person who refrains. It does not matter if the abstainer is a victim or a third party, who has a duty under the law or a contract to prevent the occurrence of a crime, but by abandoning her act, she or he becomes the cause of the crime. Those who have a philosophical view say that refusing to leave the act is non-existent and cannot cause the existence of the crime. It is a non-existent matter that cannot crates an existence.

Some jurists have distinguished between refusing to get out of water and fire with injury; In injury, the crime is documented as appropriate, and refusal of the victim cannot eliminate the causal relationship with the accused action. In the case of water and fire, the victim, who can leave but does not do so due to negligence and laziness, the relationship between the citation and accused behavior is cut. But it seems that this difference has no jurisprudential basis other than religious worship. According to customary and rational understanding, there is no difference between water and fire on the one hand and injury on the other.

References

A) Persian

1. Aqaii Nia, Hossein, *Crimes against persons* of Mizan Legal Foundation, Tehran.

2. Haji Dehabadi, Ahmad, *Crimes against Persons* (Homicide) Mizan Legal Foundation, Tehran, 2013.

3. Hassani, Najib Mahmoud, *The Relationship of Causation in Criminal Law*, translator Seyyed Ali Abbas Nia Zare, Razavi University of Sciences Publications, Mashhad, 2007.

4. Mir Mohammad Sadeghi, Hossein, *A Comparative Study of Abstinence as a Material Element Against Persons*, Journal of Legal Research, 2006.

5. Mohammad Hadi Sadeghi, Mohammad Mirzaei, *The nature of the citation relationship and the criteria for obtaining it*, Studies in Islamic jurisprudence and law, year 11, Vol 21.

6. Moradi, Hassan, *Crimes against Persons*, Mizan Legal Foundation, Tehran, 2017.

7. Sadeghi, Mohammad Hadi, *Association of Causes in the Islamic Penal Code 2013* Quarterly Journal of Criminal Law Teachings, 2013.

8. Sadeghi, Mohammad Hadi, *Crimes against persons*, Mizan Legal Foundation, Tehran, 2010.

9. Sarikhani, Adel, Aqababi Bani, Ismail, Mahdavi Rad, *Abstinence leading to "deprivation of life" by a physician*, Medical Jurisprudence, 2011.

10. Zeraat, Abbas, *Crimes against persons*, Negin Press, Qom, 2006.

B) Arabic

11. Fadhil Lankarani, Muhammad, *Tafsil al-Shari'ah fi al-Sharh al-Tahrir al-Wasilah*, Center for the Imams, Qom, 1412 AH.

12. Hashemi Shahroudi and others, *Encyclopedia of Islamic Jurisprudence, according to the religion of the Ahl al-Bayt*, Publications of the Encyclopedia of Islamic Jurisprudence, Qom, 1425 AH.

13. Hosseini Rouhani, Muhammad Sadiq, *Al-Fiqh Al-Sadiq*, Dar Al-Kitab Institution, Qom 1414 AH.

14. Kamel, Saeed, *Explanation of public rules in the law of practical punishments State*, Dar Al-Thaqafah for publishing and distribution, Beirut.

15. Khoi Seyyed Abu Al-Qasim, *translation of Almabani takmelatualmnhaj*, translator Ali Reza Saeed, Khorsandi Publications, Tehran.

16. Khoii, Sayyid Abu Al-Qasim Mousavi, *Almabani takmelatualmnhaj*, Institute for the Revival of the Works of Imam Khoii, Qom - Iran, 1422 AH.

17. Mohaqiq Alheli, *Sharaia al-islam fi masal al-halal v al-haram*, Investigator of the laws of Islam in issues of halal and haram, Institute of Islamic Knowledge, Qom, 1415 AH.

18. Raouf, Obaid, *Criminal causation*, Great Independence Press, Cairo 1984.

19. Sabzwari, Seyyed Abd al-Ala, *Muhadhdhab al-Ahkam (for Sabzwari)*, founder of al-Manar - Daftar Hazrat Ayatollah, Qom - Iran, 1413 AH.

20. Tabrizi, Mirza Javad, ***Al-Tanqih Basis Al-Ahkam***, Shariat Press, Qom, 1429 AH.