



Challenges of Crime Risk Management in Islamic Criminal Policy

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Abstract

Crime risk management is a management strategy, economy-oriented and risk-oriented in the criminal policy of the Western society neoconservatives. Its purpose is to control and reduce crime in the society, following the example of "systemic management". The neoconservatives are actually seeking to protect the capitalist system by controlling dangerous criminals, supporting the prosperous and productive classes of society, and supporting free competition in economy and market. Because of predicting probability of crime risk and the use of technical and statistical preventive measures, this strategy is one of the most practical strategies in criminal policy. Nevertheless, because criminal actions in this strategy focus on the weak classes of society and control their criminals as dangerous criminals, it is discriminatory, based on the class structure and oppressive. Also, in this strategy, criminal measures, including disabling (removing) the criminal, are focused on the group and regardless of the individual, personality and human dignity of the criminal. Considering the applicability of this strategy, with the purpose of applying this strategy in the criminal policy of Islam, the present research has examined its structural, legal and value-based challenges by a descriptive and analytical method. The result of the research is the possibility of applying crime risk management in Islamic criminal policy, in special conditions and in relation to dangerous crimes and criminals, centered on justice and Islamic values.

Keywords: *Crime Risk Management; Dangerous Criminal; Capitalism; Class Discrimination; Security-Oriented; Challenges*

Introduction

Crime risk management is one of the new strategies in the field of criminal policy with an economic focus, reviving the idea of "dangerous criminal", for the objective control of delinquency with the aim of protecting the capitalist system. In this strategy based on Durkheim's theory; Crime is a natural part of society (Marie Flip, 2004: 48, 49 and 335/ Paknehad, 2009: 119 and 120/ Rezvani, 2017: 33) and the goal is to reduce crime to an acceptable level in society and not to eradicate it. Free competition in the market, based on the idea of classical liberalism in order to improve the economic situation, is central in this strategy. Free competition in the field of economy and market is the foundation of the atmosphere of

risk orientation, risk taking and management of dangerous possibilities in line with security. Therefore, security, which is the most important indicator of social welfare (Zahidi Asl, 2009: 3), capital and investor security is one of the central goals of the crime risk management strategy.

Since 1970, neo-conservatives deliberately created an atmosphere of fear of criminals by questioning the strategy of reforming and treating criminals of the welfare states, and the impossibility of reforming them. The hostile attitude towards the criminal and the revival of the idea of "dangerous criminals" influenced the cultural atmosphere of the fear of criminals. In such an space, the public opinion of the society seriously demanded the return of punishment and the intensification of punishment for criminals and dangerous criminals and their control (John Pratt, 2014: 59 and 119/Paknahad, 2009: 8./Julian. V. Roberts, Loretta. J. Stalans, David Indermar, Mike Hoff, 2013: 71/ Frank P. Williams, Marilyn D. McShane, 2004: 52). In order to persuade and satisfy the public opinion, the neoconservatives established an oppressive class structure in the criminal justice system with the promise of controlling criminals, controlling their expenses and providing security in order to gain the satisfaction of the capitalist and productive classes and increase their sense of security; a structure that focuses on the weak sections of society as a breeding ground for criminals.

Dangerous state, predicting offenders, offender control, classification of offenders, exclusion of dangerous offenders from society and government preventive measures are the basis of this structure. The security-oriented strategy of crime risk management in this structure injects a sense of security in the society by disabling (rejecting) dangerous criminals. The main focus of incapacitation is the level of the risk of the offender, which is identified and grouped based on the history of delinquency, clinical and statistical (technical) methods (requirement of systematic management). According to the limitations of the system, the incapacitation of criminals is done as a group, independent of the individual and personality of the criminals, and independent of ethics and philanthropy (Rizvani, 2017: 16, 17, 19./Paknahad, 2009: 22, 237 and 238) in which the basic legal principles and human values are distorted.

Therefore, the crime risk management strategy, despite being effective in controlling and reducing crime, faces many challenges. The main source of challenges is the oppressive structure, which is the main obstacle to the acceptance and application of crime risk management in Islamic criminal policy. Therefore, it is necessary to discuss and examine the challenges of crime risk management strategy in line with the application of such a strategy in Islamic criminal policy in line with the security and protection of society and the Islamic system. The challenges of crime risk management strategy are mentioned in books and articles in a scattered and partial state, however, nothing has been done independently in line with the application of crime risk management in Islamic criminal policy.

The book "Risk-Oriented Criminal Policy" authored by Dr. Amir Paknahad, year of publication: 2009 (Doctoral dissertation of Shahid Beheshti University in 2009, under the title "Measuring Crime Risk Management"). This book explains the management attitude by stating characteristics, its pillars, solutions and effects with a challenging and critical view and that the fundamental solution to the problem of delinquency and the reformation of dangerous delinquents is not far from reach based on clinical criminology teachings and a human view of delinquents.

The book "A dangerous concept in the scope of criminal sciences" authored by Dr. Soudabeh Rizvani, published in 2017, deals with a dangerous concept in security-oriented approaches in the criminal justice system, focusing on the negative attitude towards dangerous criminals, their failure to reform and as a result, their incapacitation. In this book, it has been compiled with a challenging, critical view and that the criminal has the ability to reform and can return to the society.

Doctoral thesis of criminal law and criminology, University of Tehran, Farabi campus, in 2013, under the title "Monitoring dangerous criminals" with the focus on monitoring dangerous criminals with a managerial approach in the field of criminal law, was compiled by Hossein Iyargar, which criticized the

attitude Management in the field of criminal law has challenged the lack of correction of criminals with regard to clinical methods and the basic solution of the problem of delinquency.

Master's thesis of criminal law and criminology of Tarbiat Modares University, which was published in July 2019, under the title "Assessment and management of the risk of criminals in the criminal justice system", focusing on the assessment and control of the risk of criminals with regard to the practical solutions of the management approach in the field of justice. It is a punishment that was developed by Zahra Abedinejad Mehrabadi and it also has hints about the challenges of this approach.

Master's thesis of Criminal Law and Criminology of Shahid Beheshti University, 2013, under the title "Risk-oriented criminal policy in the light of human rights doctrines" which examines the human rights challenges of this attitude according to The security-oriented strategy of crime risk management and ignoring the rights of criminals due to the negative view of them and the impossibility of reforming and rehabilitating them has been formulated by Soudabe Rizvani.

Master's thesis of criminal law and criminology of Qom University, 2013, under the title "crime risk management and its effect on the goals of punishments", which explains the challenges of human rights in crime risk management with regard to criminal solutions. Its security orientation and what effect it has had on the goals of punishments in legal systems is discussed and written by Mr. Mohsen Hasheminejad.

Master's thesis of criminal law and criminology of Imam Sadiq University (AS), Faculty of Law and Islamic Studies, 2013, under the title, "Criminal risk management in Imami jurisprudence, criminal law of Iran and France", edited by Amir Rahmanafar. This dissertation focuses on the control and management of the risk and danger of crime, the justification of the similarity or analogy of the disabling solutions of crime risk management in Imami jurisprudence with regard to the disabling criminal solutions in the Islamic penal jurisprudence, such as execution, life imprisonment.

This research has pointed out that similarities do not mean acceptance of crime risk management in Islamic criminal policy; because the centrality of Islamic penal jurisprudence is the reformation of criminals, there have been references to the value challenges of this approach.

An article "New criminology-new criminology (introduction to risk-oriented criminal management policy)" by Ali Hossein Najafi Abrandabadi in the new book of criminal sciences (collection of articles) published in 2009. With a critical approach, this article examines the managerial attitude in the field of criminal law with a focus on future perspective and has also pointed out some challenges.

An article "Characteristics and strategies of risk-oriented criminology" by Dr. Rahim Nobahar and Yazdan Saigal, 2018, which by examining the management features centered on rationality and the applicability of its criminal strategies in crime control based on the uncertainty of the crime and lack of Paying attention to the aspect of correction, rehabilitation and justice in it also has a glimpse of the challenges.

These researches have been carried out since 2008, simultaneously with the beginning of a forward-looking and prevention-oriented approach towards people with mental disorders with the aim of preventing their crimes and public security, with the approval of the former article 48 in 2008 and its annexation.

Iran's Islamic Penal Code approved in 1991 has been introduced in Iran's criminal law and has a critical and challenging view centered on a positive and corrective view towards criminals. However, none of the aforementioned researches have independently addressed the challenges of crime risk management with the aim of applying the crime risk management strategy in Islamic criminal policy. Therefore, in order to protect the security of society and the Islamic system, it is necessary and important

to examine the challenges of crime risk management and its application in Islamic criminal policy. Based on this, the present study examines the challenges of crime risk management in line with the application of crime risk management in Islamic criminal policy.

Structural Challenges

The modern world is full of risks and dangers, especially the dangers of crimes, whose modern manifestations have made societies more insecure and harmful. Risk and danger, despite the widespread harmfulness, and human inability to predict and control them, in addition to driving social activities and economic activities, managing and controlling them and reducing their harmful effects has become the focus of human concern in achieving a better and safer life. The takeover of the culture of risk-taking and the highlighting of the danger of delinquency and the criticism of the failure of support and reform programs and the heavy and ineffective spending of the welfare state towards criminals by neoconservatives who support capitalism, She brought them to power in America and Britain with the ideology of classical liberalism, i.e. the system of free competition in the field of economy and market. The neo-conservatives with a managerial attitude created an oppressive criminal justice system centered on the economy, production and support of the wealthy and ensuring their security and strict supervision and strictness on the weaker sections of the society.

A. Criminal Populism and Material Incapacitation of the Criminal with the Aim of Persuading Public Opinion

Since 1960, the neoconservatives in the United States and the United Kingdom in order to gain power by projecting against the reform and treatment policy of the welfare state and highlighting the statistics of crime and the danger of violent and organized criminals with the promise of fighting crime and controlling and reducing the amount of crime in In order to achieve security, they politicized criminal law and used it as one of the important tools for persuading public opinion (affluent classes) and gaining power in electoral contests (Farajiha and Moghdisi, 2011: 1173/Rizvani, 2017: 58, 59, 88, 89). Adopting the policy of criminal populism by reproducing the idea of an incorrigible dangerous criminal that was exaggerated in the media; It started with the slogans of "order and law" and "zero tolerance" and severe punishments with the aim of incapacitating criminals ((Rizvani, 2017: 58, 59, 88 and 89 /Farajiha and Moghadisi, 2013: 59 and 59).

In order to convince the public opinion, the neo-conservatives use the policy of populism with the simplest, most tangible and severest punishment; That is, the permanent incapacitation (removal from society) of criminals, which is a populist act and in the eyes of the public, was continued with regular media shows (John Pratt, translators: Shabani and Bagheri, 2014: 7. / Gabriel Holloway, translation: Saedi, 2015: 62, 68, 75, 76 and 78). Populism in the criminal justice system is a negative thing, a challenge and a violation of legal and human values; Because with populism, rights and legal regulations have gone out of their original path, which is to ensure the order and security of the society in line with the realization of justice and human values, and become a tool in the hands of politicians in order to gain, maintain and stabilize power. The goal of neoconservatives with populism is simply to control and persuade public opinion in line with economic prosperity and protection from capitalism.

B. Security-Oriented and Clear Oppression of the Weak Sections of the Society

In modern capitalism, social welfare is a part of basic needs and security is one of the most important features of social welfare centered on "human security" (Zahedi Asl, 2009: 3). From the 1970s, security-oriented and increasing the sense of security of citizens became one of the central goals of criminal policy in capitalist societies (Rizvani, 2017: 23, 51 and 52).

Since the 1990s, especially after the incident of September 11, 2001, the security and protection of society has been emphasized more in capitalist societies (Garland, 2002: 2). The French law of February 2, 1981, entitled "Security and Freedom" law, is a criminal-oriented law focusing on violent crimes. Article 24 and 132 of the French Penal Code, the English Criminal Justice Act of 1991, the English Crimes Act of 1997 with a focus on life imprisonment for repeat sex offenders and violent crime offenders, Sarah's Law of the United Kingdom of 2000 and Article 58 of the English Crime and Disorder Act of 1998, the Justice Act The 2003 Wells Penalty which came into effect in 2005 and its subsequent amendments in 2008 and 2012 focused on dangerous and violent criminals and the "Community Protection Act" approved in 1989 in the state of Washington, Megan's Law approved in 1994 in the state of New Jersey, and the Adam Walsh Law approved in 2006 in the United States of America focusing on restrictions, for sexually dangerous criminals (Rizvani, 2017: 54 ,58, 108, 118).

Article 106 of the American Patriot Act approved in 2006, according to which the property of foreign countries or hostile foreign nationals suspected of committing terrorist acts is confiscated without having been used in the commission of a specific terrorist crime (Rizvani, 2017: 13, 121, 124 , 126). According to Article 412 of the American Patriot Act, an alien terrorist suspect is sentenced to indefinite detention (it even includes all aliens who are somehow related to terrorist operations, even if they have not committed a terrorist offense themselves).

The British Anti-Terrorism Act is one of the most severe laws against foreigners, in which non-British suspects are detained regardless of conviction. In the Netherlands, in 2002, one of the most severe laws against Muslims is due to the terrorist attitude towards them, according to which if a Muslim is sentenced to imprisonment or its alternative, he must be expelled from the country due to his being a Muslim (Hajizadeh and Hatami, 2007: 143-168, 153).

These laws and legal articles show a strong and extensive security-oriented structure that oppressively focuses and supervises the weak classes and special social, religious, and racial groups. In this way, the security-oriented structure of the criminal justice system, with pessimism towards the weaker sections of society and racial and religious groups and the application of cruel restrictions, strict supervision and the application of harsh punishments based on legal norms and independent of moral and human norms (Nobahar and Saiqal 2018: 100 , 198) has caused that in such societies, in order to maintain security, even cruelty to humans and trampling on human rights and dignity is allowed and desirable.

C. Precaution and Criminal Action before the Crime and after the Punishment

Cautiousness is a special manifestation of securitization in which preemptive action against any kind of risk and danger is allowed. Today, by highlighting terrorist crimes, the criminal justice-oriented security structure in western societies takes preemptive measures against the smallest signs and the possibility of danger in order to prevent the worst possible incident (Rizvani, 2017: 52).

Therefore, in America today, premeditated actions by the American police against blacks and cultural and religious minorities are justified based on prudence. Based on this, since 1975 in all American states, criminal justice is mainly based on the system of indeterminate punishment based on the social responsibility and dangerousness of the criminal (Julian V. Roberts, Loretta J. Stallans, David Indermar, Mike Huff, translated by: Bagherinejad, Rizvani et al., 2013: 71) and ignoring the principle of legality of the crime being executed. In this way, real and potential criminals, if there is a possibility of danger, not only before committing the crime; even after serving the punishment and until the danger is removed, they are in prison. (Nobahar and Yazdan Saigal, 2018: 197-225 and 198./Rezvani, 2017: 15, 16, 126 and 207).

Therefore, if a criminal has completed his entire prison term, but due to his dangerousness, he will not be released, but precautionary and preventive arrests and social restrictions (prohibition of certain professions, duration of certain treatment, not leaving certain limits) is executed. Even above this, the

other manifestations of the criminal reaction centered on incapacitation are aimed at the society and at the citizens, so that they can be safe from the dangers of freed people with precautionary behaviors. Just as by introducing the faces of dangerous criminals through the media, it warns people to recognize such people and behave cautiously with them (Gabriel Halavi, translation: Ali Shujaei, winter 2014: 83).

D. Classification of Criminals and Reproduction of Dangerous Criminals

Categorizing criminals based on their risk level and correctly allocating resources, facilities and prioritizing them with the aim of making more profit considering the limited facilities of the criminal justice system is one of the other manifestations of the managerial and economic security structure in law. It is criminal. Therefore, one of the important work priorities in such a structure is identifying, evaluating and grouping criminals based on their degree of danger. Criminal records, scientific formulas of statistical measurement and clinical methods, which are all based on scientific experiences, are mechanisms and strategies for identifying, evaluating and determining the level of risk of criminals (Mirkhalili and Heydari, 2018: 25, 26, 27 and 53).

After identifying and evaluating and determining the level of their risk, criminals are placed in a group and category based on the level of risk, so that special measures and punishments are implemented for each group according to the level of risk determined for the same group. The criminal reaction against high-risk groups is incapacitation (long-term imprisonment and exclusion from society) (Gabriel, Halavi, translation: Ali Shujaei, Winter 2014: 8/ Najafi Abrandabadi, 2009: 724). Therefore, if a criminal is placed in a group, the punishment assigned to that group will be executed regardless of the mind and personality of the criminal. Because in the system management structure, the criminal enters the system like a data and a numerical quantity regardless of human personality (Najafi Abrandabadi, Preface in: Miri Delmas Marti, Great Political Criminal Systems, translated by: Ali Hossein Najafi Abrandabadi, Mizan, 2014: 60). Therefore, in this structure, rights, character and human dignity are distorted.

E. Class Criminal Justice System

Neo-conservative governments, supporting the idea of classical liberalism in order to protect capitalism, with the focus on mass production, capital accumulation and supporting the prosperous and productive sections of the society by reducing taxes and creating restrictions for the weak sections of the society, they revived the idea of inequality as rational discrimination (Gary Taylor, translation: Mohaghegi Kamal and Nusrat Abadi, 2013: 101-114./ Rob White, Fiona, Hines, translation: Sediq, summer 2010: 204, 210).

In the logic of classical liberalism, the responsibility for people's well-being is on the shoulders of the people themselves and not the government; Dependence of people on the government has weakened individual responsibility and creativity of citizens, personal profit from free competition in the market is the driving force of economic activities. From this point of view, inequality according to free economic competition which is natural, right and positive value; Class discrimination is caused by personal weakness and irresponsibility of individuals and not society (Gary Taylor, translation: Mohagheghi Kamal and Nusrat Abadi, 2013: 101 to 110). Accordingly, the neo-conservative governments, by encouraging citizens to be responsible and avoid laziness, called the weak sections of the society lazy and irresponsible, considered their weakness as a result of their lack of responsibility and not from the society.

The projection of why the taxpayers and the productive classes of the society should pay for the personal and character weakness of others, they pushed public opinion towards the acceptance of class society (Gabriel, Halavi, translated by: Ali Shujaei, Winter 2014: 78./ Gary Taylor, translated by Mohaghegi Kamal and Nusratabadi, 2013: 101, 106, 109, 114./ Julian V. Roberts, Loretta J. Stalanz, David Indermar, Mike Hoff, translated by: Zainab Bagherinjad, Rezvani and others, 2013: 50). The theory of hostility in the field of criminology, which states that dangerous criminals (criminals from the

weaker sections of society) are incorrigible, a constant danger and the enemy of society, formed the atmosphere against the lower classes (Frank P. Williams, Maryland. Translation: Malik Mohammadi, spring 2004: 240) and convinced the public opinion (prosperous classes) that the weak classes of the society are the main obstacle to the development and progress of the society. Therefore, since the 1970s, the weak and poor classes of people have been called "irresponsible" and "evil masses" and a variety of them have been called free-eaters (parasites and parasites), predatory children, Terrorists, vandals, addicts, single mothers, homeless and homosexuals; It is considered dangerous by public opinion (John Pratt, translators: Shabani and Bagheri, 2014: 54. / Rob White, Fiona, Haines, translation: Sediq, summer 2010: 204 and 208 / Qeyasi, 2007: 69, 70). And not only were they removed from social mobility and the economic cycle, but they were also under surveillance and repression (John Pratt, translators: Shabani and Bagheri, 2014: 59-119-12./ Julian. V. Roberts, Loretta. J. Stallans, David Indermar, Mike Hoff, translation: Zainab Bagherinejad , Rizvani and others, 2013:50/ Frank P. Williams, Spring 2004: 52/ Philip Mari, 2004: 331 to 364.).

Based on this, in the new environment, the poor classes of the society became the breeding ground for dangerous and violent criminals and were under severe control and restrictions. In this way, in the new structure, money and capital gave people position and even legitimacy, and because government intervention in the economy is a threat to the freedom of people and a danger to economic interests, capitalists enjoyed more freedom and less supervision. Therefore, due to the fact that the dynamics of the society was based on free economic competition and personal profit, it was considered illogical to fine the rich and confiscate their property and transfer it to people who do not have the ability to compete successfully (Gary Taylor, translation: Mohaghegi Kamal and Nusrat Abadi, 2013: 103 and 108).

For this reason, not only did they ignore the crimes of the affluent classes (white-collar people who have dangerous economic crimes for the whole society), but they also referred their crimes to the civil court not as a crime but as a quasi-crime. In contrast to the weak and vulnerable classes of the society who were suffering from economic and social weakness, due to the projection against them and the fact that the weak classes are the breeding ground of dangerous criminals, they are under the strict control of the criminal system, and became the potential attackers regard to the rights of the prosperous classes.

Legal Challenges

In Islam, according to the high dignity of man, all existence has been created in the direction of education, guidance and salvation of man. (Ahmadi Abhari, 1998: 185). The legal system of Islam has been formed to protect human beings and humanity (Motahhari, n.d: Vol. 22, 652./ Javadi Amoli, 1987: 21). Protection of human beings and humanity requires the protection of fundamental human rights. Governments are responsible for protecting these rights. On this basis, rights such as freedom, equality, and security have been emphasized in the Western Universal Declaration of Human Rights, covenants and constitutions of countries (Amid Zanjani, 1999: 379).

Islamic criminal policy is a guarantee of the protection of fundamental rights as human values. The principle of legality of crime and punishment, the principle of individuality of punishments and the principle of proportionality of crime and punishment are among the basic principles of criminal law (Mandani, 2014: 78-80/ Mansourabadi, 2016: 106, 113, 121, 128) in customary law and the legal system of Islam in line with the protection of freedom, security and equality. However, in crime risk management, due to the fact that criminals are only numerical quantities and data for the criminal justice system, regardless of freedom, equality and human security, these human rights are distorted.

A. Violation of Fundamental Human Rights

Some human rights, due to their importance in human life, are from the most basic human rights. Considering to their importance, these rights have been emphasized and protected in international declarations (international organizations and countries), constitutional rights and laws of countries.

1. Violation of the Right to Freedom

Today, one of the most challenging issues in the criminal policies of countries is the conflict between society's security and freedom (Marti, 2014: 47 and 60). Security is one of the most basic human needs (Mesbah Yazdi, 2010: Vol. 2, pp. 25 and 26). Also, freedom in the line of salvation, from a religious point of view (Zanjani, 1999: 425) and the flourishing of human capacities, from a conventional point of view are of vital importance (Motahhari, n.d: Vol. 23, p. 317). On the one hand, governments have sacrificed everything for individual freedoms in the fight against crime by adopting unbalanced criminal policies (Shakri Golpayegani, 2006: 58./ Akhundi, 2007: Vol. 1, pp. 44, 45, 48 and 4) and on the other hand, with Security oriented, they have imprisoned man and humanity and deprived man of freedom (Martin O'Brien and Majid Yar, 2015: 223-224. / Marti, 2014: 264 to 293./Shakri Golpayegani, 2006: 60 and 62./Nobahar, 2014: 108./Akhundi, 2007: vol.1, pp. 46 and 47).

In Islam, the right to freedom is the basis for the salvation of man as the goal of creation (Zanjani, 1999: 425). Freedom plays an essential role in maintaining the human face of criminal law and ensuring the execution of justice. On this basis, most Islamic thinkers regard human freedom as the principle and prohibitions and duties as exceptions Mansourabadi, 2016: 106, 113, 121, 128). Therefore, freedom has a special position in Islam, and it is one of the fundamental human rights and has been emphasized in the statutory and customary rights. The introduction and articles 1, 2, 3, 4, 9, 12, 13, 18, 19, 20 and 23 of the Universal Declaration of Human Rights consider freedom as one of the fundamental and inviolable rights of mankind. Clause 3 of Article 2, Article 5, Article 8, Article 9, Article 12, Article 17, Article 18, Article 19 and Article 25 of the International Covenant on Civil and Political Rights obliges governments to protect the right to freedom. The introduction and paragraph 2 of Article 2, Article 5, Article 8, Article 15 and Article 18 of the International Covenant on Economic, Social and Cultural Rights emphasize the right to freedom.

Articles 10, 11, 12, 13 and paragraphs b and c of article 18 of the Islamic Declaration of Human Rights also oblige Islamic governments to support and protect the right to freedom. Principles 9, 23, 24, 26, 27, 28, 33 and 56 of the Constitution of the Islamic Republic, which is the constitution of the Islamic government and is based on the authority of jurists, has emphasized and protected the right to freedom.

However, the crime risk management strategy, by predicting the risk in the field of criminal law, violates the right to freedom of the weaker sections of the society. V. et al., 1392: 71./Frank P. et al., 2004: 52) because in this attitude, due to criminal reactions before the crime is committed and after the punishment is meted out, the principle of legality of crime and punishment, which is an indicator of the freedom of citizens distorted (Beccaria, 1395, 45 and 23). Publicizing the faces of dangerous criminals released from prison and warning citizens to be careful with them (Gholami, 2013: 46 and 43./Mirkhalili, 2009: 553./ Safari, 2010: 72.) is a clear violation of the right to freedom. In this way, despite the emphasis and protection of the right to freedom as a basic human right in the Universal Declaration of Human Rights, Covenants, the Islamic Declaration of Human Rights and the constitutions of countries, the crime risk management strategy violates the right to freedom.

2. Violation of the Right to Equality

After the Second World War and the welfare states, the political thought of conservatism focused on the thought of classical liberalism (free competition in the field of economy), led the western societies towards the stratification of society and social inequality. From the point of liberalism view, government support and economic management causes restrictions on freedom, weakens the self-interest of citizens as the driving engine of economic activities, weakens individual responsibility, creativity and dynamism of society (Gary Taylor, 2013: 103 and 108/ Rezvani, 2017: 219 / Paknehad, 2009: 77 and 98 / Marie Philip, 2004: 360).

Therefore, the prosperous and productive classes of the society were far away from the government's interference and enjoyed more freedom. In such a space, capital and investment, production, capital accumulation and prosperity became index of people's status, dignity, social mobility and even legitimacy. Consequently, the government's intervention in the economy was considered irrational due to the threat to the capitalist's freedom (Gary Taylor, 2013: 103 and 108/Rizvani, 2017: 219/Pakanhad, 1388: 77 and 98/ Marie Philip, 2004: 360).

On this basis, white-collar crimes (economic crimes), which were either not visible or were carried out in the form of large commercial companies (which had influence and a special position), were ignored and in case of disclosure, they were tried not as a crime but as a quasi-crime in the civil court (Louis Alfred Kozer and Bernard Rosenberg, 2008: 488). Based on this, a variety of weak sections of the society were considered dangerous and segregated with specific titles (parasites, predatory children, terrorists, vandals, drug addicts, single mothers, homeless people, and homosexuals). Paknehad, 2009: 27 and 101/Gabriel Holloway, 2015: 78/Gary Taylor, 2013: 101/Julian V. et al., 2013: 50/Rizvani, 2017: 84/Rob White, Fiona, Hines, 2010: 210). A broken family, dropping out of school, a drunken father, sexual crimes, violent crimes, etc. who mostly exist in the weak classes of society and are in the eyes of the citizens, became the criterion for identifying risk and the focus of statistical measures and solutions (Nobahar and Sayqal, 2018: 198./Paknehad, 2009: 239).

Of course, inequality is natural, especially in the field of economy, considering the various capacities of humans. But the main duty of governments is to fight against economic inequalities and class discrimination in the direction of social justice. While the right to equality, which means legal equality and judicial equality, is one of the basic and inalienable human rights, regardless of gender, color, race, belief, language, position, occupation, education and property, the neo-conservatives formalized class discrimination in order to protect the capitalist system. In Islam, the right to equality is based on the fact that human beings do not have any distinction from each other in the principle of creation because they are all from the same lineage and from the same creation and all are servants of the same God (Mansourabadi, 2016: 116, 117, 118).

The right to equality has been emphasized in the preamble of the Universal Declaration of Human Rights and in articles 2, 7, 10, 16 and paragraph 2 of article 23 of this declaration and in the preamble and in articles 2, 3, 5, 8, 14, 25 and 26 of the International Covenant on Rights Civil and political, as well as in the introduction and articles 5, paragraph 2, article 2, article 8, article 15 and article 18 of the International Covenant on Economic, Social and Cultural Rights.

Also, the right to equality has been protected and emphasized in paragraphs 9 and 14 of the third article and article 19, article 20, the Constitution of the Islamic Republic of Iran and articles 1, 6 and 19 of the Islamic Declaration of Human Rights. In this way, the right to equality is one of the basic and indisputable human rights, which today has universal validity and is supported by all governments and political systems. Nevertheless, the right to equality has been violated in crime risk management.

B. Violation of the Principles of Criminal Law

Another important challenge of the crime risk management strategy is the violation of the basic principles of criminal law. In the following, some of these violated principles in the crime risk management strategy are mentioned.

1. Violation of the Principle of Legality of Crime and Punishment

The principle of legality of crime and punishment is one of the basic principles of criminal law, based on which the limits and territory of the government's intervention in the affairs of citizens are determined. (Mansourabadi, 2016: 117). Some have considered the principle of legality of crime and

punishment to be the achievements of the classical school of criminal law and related to the 18th century. Mansourabadi, 2016: 129).

Of course, with the emergence of thinkers such as Montesquieu, Jean-Jacques Rousseau, Beccaria, and others and the spread of their scientific works, especially Beccaria's treatise on crimes and punishments in Western criminal law, this principle emerged more prominently in this historical period (Kalantari, 1996: 31 /Gabriel Holloway, 2015: 27 and 60./Mirkhalili, 2015: 185). But according to the position of Balabian's eagle ugliness rule in Islamic law, this principle is rooted in the teachings of Islam and its innateness and relation to the classical school can also be summed up; that is, it is based on human reason and nature.

With the emergence of the realist school, the achievements of the classical schools and the principle of legality of crime and punishment were lost because from the point of view of this school, humans are forced to commit crimes due to biological and environmental causes. The theory of "criminal by nature" (Lombroso) and "dangerous state" (Garofalo) express the biological and social determinism of the criminal. Therefore, in the positivism school, the criminal is responsible not on the basis of moral responsibility but on the basis of social responsibility and must be controlled. On this basis, the duty of the criminal justice system is to take protective measures in accordance with the degree of dangerousness of the criminal, focusing on the personality of the criminal, and not on the act committed with the aim of controlling the criminal and the safety of the society (Safari, 2010: 71./Mirkhalili, 2015: 120).

With the occurrence of the great French revolution and the declaration of human rights (1789 AD), the principle of legality of crime and punishment was emphasized again. With the publication of the Universal Declaration of Human Rights in 1948, the principle of the legality of crime and punishment became universally valued. It is a universal value that has been emphasized according to the Universal Declaration of Human Rights and covenants, and governments have been obliged to protect it. The introduction of the Universal Declaration of Human Rights, with the focus on freedom and respect for the rights of citizens, refers to the principle of legality of crime and punishment.

Article 1, Article 3, Article 5, Article 8, and Article 12 of the Declaration are proof of the principle of legality of crime and punishment, Article 9 and Article 11 explicitly emphasize the principle of legality of crime and punishment. Article 6, Article 9, Clause 1, Article 15 of the International Covenant on Civil and Political Rights emphasizes the principle of legality of crime and punishment and obligates governments to protect it. Also, Article 8 of the International Covenant on Economic, Social and Cultural Rights deals with this principle.

Also, Article 2, Clause D, Article 19 and Article 20 of the Islamic Declaration of Human Rights oblige Islamic governments to protect the principle of legality of crime and punishment. Principles 22, 32, 33, 36, 37, 160, 167 and 169 of the Constitution of the Islamic Republic of Iran also emphasize the principle of legality of crime and punishment. Nevertheless, in the crime risk management strategy, considering the reproduction of dangerous criminals and the fact that the criminal does not have moral responsibility (to take criminal action based on the committed act); Rather, he has a social responsibility and the criminal must be controlled in order to secure the society; This principle has been violated. Therefore, in this attitude, criminal action is not only carried out before the crime, rather, even if punishment is done and the criminal is dangerous, he must be under care.

2. Violation of the Principle of Individuality of Criminal Responsibility

Paying attention to the individual and the personality of the criminal in order to reform and return him to the society is one of the certain principles of criminal law, centered on humanity, honor, and human dignity, which plays a fundamental role in solving the problem of crime. In Islam, the main axis of Sharia is man and human personality because the ultimate goal of Islamic Sharia is education and guidance in the direction of human salvation. The protection of human beings and human personality

depends on the protection of human rights and freedoms (Motahhari, n. d: Vol. 22, pp. 320, 396, 410. / Ibn Shuaba Harrani, 1984: Vol. 1, pp. 278 and 512). In criminal jurisprudence, the protection of human beings, humanity and human rights is the foundation of a good life in the way of human salvation. (Makarem Shirazi et al., 1995: Volume 2, p. 470, page 16, page 416. / Tabatabayi, 1995: Volume 2, page 192, page 16, page 267/ Mousavi Khomeini, 2009: 73). In customary law, the individual-centered approach and looking at the individual and the personality of the criminal is one of the principles of the criminal justice system.

Based on this, the principle of individuality of criminal responsibility and paying attention to the character of the criminal with the focus on correction and treatment of the criminal has a special position in legal documents at the international level. The introduction and Article 1, Article 6 and Article 22 of the Universal Declaration of Human Rights have addressed and supported the individual, character and human dignity. Article 6, Article 7, Clause 1 and Clause 3 of Article 10 of the International Covenant on Civil and Political Rights address this principle and obligate governments to support it. Article 1, Article 4, Clause C, Article 19 and Article 20 of the Islamic Declaration of Human Rights recognize the principle of individuality of criminal responsibility. Article 22, Article 39 and Paragraph 5 of Article 156 of the Constitution of the Islamic Republic of Iran emphasize the principle of individuality and attention to human dignity. However, the crime risk management strategy with a management attitude and economic accounting, considering the resources and facilities and prioritizing them with the aim of being effective in line with public security, is a group-oriented strategy, in that, criminals are classified based on the degree of danger. Criminal reactions are also based on the group and regardless of the individual and the personality of the criminal.

3. Violation of the Principle of Proportionality of Crime and Punishment

The main origin of the principle of proportionality of crime and punishment is justice (Rahmdel, 2010: 85/ Mansourabadi, 2016: 123 and 124). This principle is one of the basic principles of criminal law and governs criminal justice systems in the world. The main manifestation of the violation of the principle of proportionality of crime and punishment in the strategy of crime risk management is the "one hit", "two hit" and "three hit" laws, based on which criminals are removed from society forever (Rizvani, 2017: 154/ Paknahad, 2009: 121 and 122./ Moghaddasi and Farajiha , 2011: 120).

The removal of the criminal from the society based on these laws aims to disable the criminals who have committed light crimes for the second or third time and are permanently removed from the society regardless of the character of the criminal and far from the principle of proportionality of crime and punishment. Some US states even have "one strike" laws against violent sex offenders. The law of one hit is not even limited to sexual crimes, but also includes behaviors such as buying and selling and possessing pornographic images of children (Moghaddasi and Farajiha, 2011: 121).

In England, double punishment is included in the "Criminal Penalty Act", whose main purpose is to imprison the perpetrators of sexual crimes against children for life. Also, the "Legal Aid, Sentencing and Punishment of Offenders Act 2012", England, stipulates mandatory prison sentences known as "double rules" for the most dangerous adult offenders who have been convicted of a sexual or violent crime for the second time (Rizvani, 2017: 156).

Three-fold laws in the United States by the people's vote in 24 states of the United States of America in 1994 based on the violent crime control and law enforcement bill, entitled "Federal Criminal Law" by the United States Congress as a way of following reason and rationality in choosing tools. Achieving the goal was approved (John Pratt, 2014: 163/Paknehad, 2009: 133). According to these laws, a delinquent who commits a crime for the third time with a record of being a delinquent twice will be rejected from the society forever without amnesty (Julian. V. et al., 2013: 73/Jan Pratt, 2014: 25./Paknahad, 2009: 134). Mediating the faces of sex offenders after release based on the federal Megan's Law approved in 1996 in line with the cautious behavior of citizens towards them, causes criminals to live

away from society with the mentality that local communities always recognize them as criminals. (John Pratt, 2014, 25 and 26) Certainly, regardless of the character of the criminal, such laws and punishments are cruel, far from humanity and violate the principle of proportionality of crime and punishment and violate human dignity.

Cognitive Value Challenges

In the field of criminal law, where the main axis of its formation is the defense of society's values, regardless of society's values, criminal strategies will fail. Therefore, the use and application of the achievements of Western culture in the field of criminal law in the criminal policy of Islam will be successful if it is localized according to the values in the Islamic society. Crime risk management strategy, despite its practicality, is influenced by capitalist values (Qeyasi, 2007: 33) and the axis of its formation is the defense of capitalist values and the protection of capital and capitalists in line with Economic development is independent of religious, human and moral values. While in Islam, religious and human values are the focus of strategies in criminal politics. Justice, humanity and human dignity are central values in Islamic criminal policy, which have no place in crime risk management strategy. It is on this basis that religious and human values have been violated in this attitude.

A. Violation of Justice

In Islam, justice, like the principle of monotheism, is the focus of all ideological, behavioral (individual and social), moral and legal issues. Therefore, justice is the main axis of the structure of criminal justice in Islam. Nevertheless, justice in Islam is not a goal, but the rules and regulations of the Sharia are a means to achieve justice and justice is an axis for the education and salvation of man (Motahhari, n.d: Vol. 22, p. 652/ Javadi Amoli, 1987: 21/ Qeyasi , 2007: 58/Ahmadi Abhari, 1998: 86, 87). In customary law, justice is also supported and protected as a universal value. The introduction and Article 7, Article 8, Article 9, and Article 11 of the Universal Declaration of Human Rights emphasize justice and the negation of oppression and discrimination. The preamble of the International Covenant on Civil and Political Rights clearly emphasizes it by mentioning the word justice and obliges governments to protect it. Paragraphs 1 and 3 of Article 2, Article 3, Article 7, and Article 9 of the International Covenant on Civil and Political Rights also express justice and the negation of oppression and discrimination.

However, the structure of criminal justice with its managerial and economic attitude and the centrality of classical liberalism and free competition in the market (Gary Taylor, 2013: 106) and the formalization of inequalities is devoid of justice. From the point of view of neoliberals, creating social justice is only possible when there is absolute equality between citizens, which is not possible because inequality is natural and right. Therefore, it is impossible to create a real agreement about the values and principles of social justice. Therefore, the government should treat people differently (Gary Taylor, 2013: 107). Based on this, the crime risk management strategy, in order to support and protect the capitalist system and improve the society's economy, not only prioritizes the security of the prosperous and productive sections of the society, but even ignores their crimes. On the other hand, the weak sections of the society come under the supervision and severe repression of the criminal justice system.

B. Violation of Human Dignity

In the legal system of Islam, human beings have a special place and enjoy human dignity; (Mousavi Khomeini, number 2009: 169) because human personality, centered on freedom, is the path to salvation. Therefore, God has created all existence and creatures of the world in the direction of spiritual evolution and salvation of man (Ahmadi Abhari, 1998: 185). Based on this, in Islam, the protection of human personality and dignity is a shari'a duty; Because the protection of human personality is the protection of human self-esteem, which plays an important role in protecting people from many crimes and social deviations (with regard to utilitarianism and hedonism) (Motahhari, n.d: Vol. 22, p. 652./Javadi

Amoli, 1987: 21). Therefore, in the criminal system of Islam, human personality is centered and its goal is to reform and return the criminal to the society. Human personality and dignity have a high place in customary law. It is supported in international legal regulations with the focus on human rights, personality and human dignity.

The introduction and Article 1, Article 2 and Article 6 of the Universal Declaration of Human Rights support the dignity, dignity and inherent value of human beings. Introduction and Article 6, Paragraphs 1 and 3 of Article 10, Paragraphs 1 and 2 of Article 17 of the International Covenant on Civil and Political Rights protect the humanity, character and inherent dignity of human beings and criminals and obligate member states to support and protect This is a human right. Article 1, Article 4, Article 6 and Paragraph A of Article 11 of the Islamic Declaration of Human Rights also support this human right as a human and Islamic value and oblige Islamic countries to protect it. Nevertheless, in the management attitude in the field of criminal law, which is the manifestation of the implementation of social control theories in sociology (Hajidehabadi, 2016: 153./ Marie Flip, 2004 : 335) and the attitude of hostility towards criminals distorts the character and human dignity of the criminal (Pakanhad, 2009: 117./Rizvani, 2017: 37 and 76./Gary Corder, 2011: 27).

In order to protect the capitalist system, the neoconservatives have aligned the public opinion (prosperous sections) with themselves by projecting against the weak sections of the society (Pakanhad, 1388: 27/Mobarqai, 1388: 188./Gholami, 2004: 16) and they took away the sympathy and compassion of the citizens towards the criminals. Therefore, the public opinion thought that reforming and rehabilitating the criminal was unreal and morally undesirable and demanded more severe punishments (Nobahar and Saiqal, 2018: 206). Environment, the background for the securitization of criminal policy and the militarization of criminal justice and the deprivation of human rights from suspects, defendants, convicts, and even innocent victims were provided (Frank p. et al., 2004: 240). On this basis, the criminal justice system focused on the criminals of the weak sections of the society and their incapacitation and removal from the society.

Therefore, the punishment of criminals is independent of their personal knowledge and personality, and the criminal, as a moral and human agent, is not the subject of social reform, but a numerical quantity in the process of directing the masses in the direction of reducing crime (Rizvani, 2017: 28 and 35). Prison became a tool and a place to control the weak, the poor, the unemployed and a place to accumulate the waste of human society and scum who are not members of society but enemies of society (Rob White and Fiona Hines, 2010: 208./Noubahar and Saiqel, 2018: 199). Such a view of human beings in the field of criminal law is the objectification of human beings and the removal of human dignity, which has been manifested in the crime risk management strategy (Rizvani, 2017: 179 and 204/Najafi Abrandabadi, 2014: 60).

C. Violation of Ethics and Philanthropy

Morals are high human values that play a significant role in human relations with others and the security of society (Mesbah Yazdi, 2001, Vol. 3, p. 23). Human experience has shown that legal regulations without ethics are unsuccessful. Therefore, moral values make social life more humane and obeying the law and the existence of social life continue (Makarem Shirazi, 2006: 160/ Tabatabai, 1995: Vol. 11, p. 212). The focus of moral values in Islam is the protection of human personality with the focus on self-esteem; Because self-esteem is central to the acquisition of virtues and human values (Javadi Amoli, 1987: 21) and prevents many crimes. Because crimes are rooted in selfishness and worldly pleasures, which an honorable person does not humiliate himself with the world and worldly pleasures. Therefore, adherence to moral and human values plays an important role in the good implementation of laws and the basic solution of the security issue.

This basis of morality is the basis of Islamic penal policy in the direction of reforming the criminal. However, in the economy-oriented management approach with regard to security, criminal

reactions far from ethics, humanity, emotions and compassion are applied to criminals. Categorizing criminals based on their dangerousness with the focus on economics and the application of criminal reactions is the main focus of not paying attention to ethics and human values. Therefore, not paying attention to morals and human emotions due to the neglect of the criminal's character with the aim of correction and treatment is one of the important challenges of management attitude in criminal law. In this way, the crime risk management strategy has many challenges due to the class and oppressive structure of the criminal justice system, which is the source of legal and value challenges, and its acceptance and application in Islamic criminal policy faces many obstacles because the basic axis of Islamic jurisprudence and criminal jurisprudence is justice and human and Islamic values (Mousavi Khomeini, Velayat Faqih, 2009, 73/Ahmadi Abhari Bahar 1998: 86 and 87).

However, according to the capacities of Islamic jurisprudence, it is possible to accept and apply the crime risk management strategy in certain conditions and situations. Reasons justifying the acceptance and application of crime risk management in Islamic criminal policy require another space and the present article does not have such a capacity, but still some of these reasons are mentioned. Jurisprudential rules and institutions that are focused on expediency and oversee the management of Islamic society in special conditions, has created high management capacities in solving social problems and crises, especially in the field of criminal law and in preventing, controlling and curbing delinquency and criminals. According to these rules and institutions, the Islamic government can solve many social problems and legal impasses and protect the Islamic society.

Some of these jurisprudential rules and institutions have been formed in order to predict and prevent dangerous possibilities for the society that have not yet come to pass. Such rules can justify the acceptance of management attitude and its application in Islamic criminal policy with the aim of predicting and preventing dangerous possibilities and protecting the Islamic society and system. Government rulings, which are among the primary rulings and in line with the management of the Islamic society, are based on these jurisprudential rules and institutions overseeing the management of the Islamic society, and the main focus of their issuance is the social interests and protection of the security of the Islamic society. The institution of expediency and the expediency of preserving the Islamic system in Islamic jurisprudence, especially from the point of view of governmental jurisprudence, focusing on the discussion of the protection of the whole of the Islamic nation, the internal cohesion of the Islamic society, and the protection of religion and religious values, are among the basic axes of issuing governmental decrees and solving many problems. It is social (Mousavi Khomeini, 1993: Vol. 1, pp. 338 and 339. / Khorasani, 1993: Vol. 3, pp. 358 and 423).

The rule of connection between the cognition of reason and the decree of Sharia is also one of the important rules of jurisprudence formed based on the evident cognition of reason and according to the understanding of benefits and harms by reason as the criteria of rulings. What is meant by the ruling of reason in this rule is the evident cognition of reason, which reason has independently arrived at based on the goodness and badness of a conduct. That is, when the reason makes a definite ruling independently and based on goodness or badness of conduct, the ruling of the Sharia is also the ruling of the reason (Motahhari, Collection of Works, n. d., Vol. 21, pp. 167, 168, 300, 484./Sadr, 2003: Vol. 1, p. 288). Based on this, the Islamic government, considering the rational requirement of making preparations, can take preventive measures in the fight against dangerous crimes and criminals, even in cases where such crimes have not yet occurred to prevent danger and protect the safety of society. The jurisprudential rule "obligation to band possible harm" is one of the other practical and important jurisprudential rules based on reason in social management, forecasting, prevention and control of possible incidents and events that pose a risk to society's security. (Mustafawi, 2000: 271 Montazeri Najafabadi, 2008: p. 147./ Khorasani 1993: vol. 3, p. 399).

Based on this rule, some contemporary jurists have considered not only the possibility of harm, but even the doubt and illusion of the existence of harm as permission for preventive action (Shobeyri

Zanjani, 1998 AH, Vol. 1, p. 34). Although Imamate jurists focus on the duty of the obligated person and determining the duty of him as an individual, and social issues are very weak, and therefore, the focus of the fatwa on this rule is to emphasize the determination of the duty of the obligated person to prevent possible losses and dangers (Naraghi, 1996: vol. 10, p. 375). However, with the analogy of priority, it can be said that the jurists, in order to prevent possible dangers that endanger the entire society and all members of the society, their fatwa on the necessity of action by the government to prevent such Risks should be in line with the protection of society.

The "important and more important rule" is also one of the important and practical rules of jurisprudence and based on reason, which can play a fundamental role in solving problems and getting rid of the dead ends and bottlenecks of individual and social life (Khorasani, 1993: Vol. 3, p. 291). Contemporary jurists have paid special attention to this rule according to their social approach. From their point of view, if there is a conflict between the interest of the individual and the society, the interest of the society comes first, and if there is a conflict between the interest of one person and the interest of thousands of people, the interest of thousands of people comes first (Mesbah Yazdi, 2010, Vol. 1, p. 239./ Momin Qomi, 1996, numbers 5 and 6, pp. 77 to 96, p. 88).

The rule of "rejecting more corruption by the corrupt" is one of the other jurisprudential and practical rules and one of the examples of "the Rule of more important and important" and it is limited (Haji deh Abadi, 2008: No. 18, p. 7 to 34, p. 7). The axis of the "rule of more important and important" is the conflict of interests and choosing more important than less important, but the axis of the "rule of getting rid of the more corrupt by committing the corrupt" is the conflict between corruptions and the choice of the smaller corrupter to get rid of the bigger corrupter (Najafi, 1948:, vol. 36, p. 432/ Mousavi Khomeini, Tahrir al-Wasila, two volumes, 1983: Volume 2, p. 181).

Therefore, according to the fact that the practice of this rule is well-known among Imami jurists (Aliabadi and Esfandiari (Islami), 2015: No. 3, pp. 2 and 23./ Naini, 1997: Vol. 3, p. 61), committing Haram behavior, which has less corruption, is permissible in order to repel more corruption. The rule of getting rid of the more corrupt by choosing the corrupt can create a high management capacity for the criminal policy of Islam in order to get rid of the dangers that endanger the security of the whole society. This rule can justify the securitization of the criminal policy of Islam in special security conditions in order to manage the risks of dangerous crimes that endanger the entire society, such as economic crimes, environmental crimes, political crimes, organized crimes, terrorism or dangers caused by dangerous criminals who pose a danger to the safety of the society. Therefore, in special security conditions, the Islamic government, by applying a security-oriented criminal policy based on this rule, will be allowed to take criminal measures in order to establish security by anticipating and preventing the dangers of dangerous crimes or dangerous criminals based on probability. . Certainly, in this case, some moral and human values such as justice, human rights and freedoms will be ignored.

But this rule is the reason for the permissibility of committing such corruptions (failure to observe justice and ignoring some rights and freedoms of citizens) in order to prevent greater corruptions (preventing the dangers that have made the society face the danger of destruction). Therefore, it is permissible to commit corruption temporarily until the danger and bigger corruptions are avoided because in reality committing such corruptions is to ward off bigger corruptions as it is in line with the establishment of security and protection of society and the Islamic system and in line with the realization of justice and moral and human values because the establishment of human and Islamic values is the result and product of the Islamic system. In this way, jurisprudential rules and institutions are justifications for accepting and applying crime risk management in Islamic criminal policy based on expediency or special social and individual circumstances. In those conditions, the Islamic ruler, according to her competences in the management of the society, can issue certain orders and perform certain actions in line with the security of the society and the protection of the Islamic society.

Therefore, with the application of crime risk management in Islamic criminal policy in special security conditions or against dangerous criminals or dangerous crimes where some values and human rights are temporarily ignored in order to achieve security, it will not be in contrast with Sharia because in security conditions, due to the inability of the Islamic government to establish security, ignoring some values is not only permissible, but the same as justice and in line with the realization of justice and the protection of Islamic and human values. That is, in the security conditions where the principle of the system faces danger, in fact the Islamic government as the axis of the Islamic system, which is the practical philosophy of Islamic rules, has faced the danger of collapse and destruction and with its collapse, the Islamic rulings, whose implementation is in line with the realization of justice, will be closed. Therefore, based on the ruling of the government and the expediency of the Islamic society, with regard to the special security conditions, with regard to dangerous crimes (economic crimes, environmental crimes, terrorist crimes and organized crimes) that endanger the entire society and considering the dangerous and incorrigible criminals who also pose a risk to the society and the security of the society, the acceptance and application of crime risk management is justified in a limited and temporary manner and in line with the security and protection of the society and the Islamic system.

Result

The economic-oriented management approach in criminal law or crime risk management, despite its practicality, has a class and oppressive structure in which human rights, ethics and human values and important legal principles are distorted. Violated human rights and values in the crime risk management strategy are so important that without them a person cannot continue his social life. Violated rights and values are the basis of the criminal policy of Islam in the direction of human reformation, training and salvation. Therefore, violation of human rights, morals and values is a challenge and obstacle to the application of crime risk management in Islamic criminal policy. So the acceptance and application of crime risk management in Islamic criminal policy can be justified if it is centered on Islamic and human values, that is, centered on rights, ethics, justice, human values and attention to the individual's personality, humanity and human dignity of criminal.

Therefore, the acceptance and application of crime risk management in Islamic criminal policy with regard to accounting, predicting and ignoring the principle of legality of crime and punishments are limited to dangerous crimes and dangerous criminals and free from social, racial and religious discrimination. According to what was said, the application of crime risk management in Islamic criminal policy and criminal action based on probability, calculation and prediction of risk comes with violation of rights, values and principles of criminal law, including violation of the principle of legality of crime and punishment.

However, considering the expediency of protecting the society and the Islamic system, the application of crime risk management can be justified based on the definitive cognition of reason. Because taking action based on risk prediction and control in order to protect the Islamic society, in fact, considering that the philosophy of the Islamic system is justice and the revival of Islamic and human values, it is not only a violation of human and Islamic values, but also it is aimed at restoring justice and human values. Therefore, criminal actions based on calculation, probability and risk prediction in the field of criminal law in Islamic criminal policy, not in a broad way, but in a moderated way and limited to dangerous crimes and dangerous criminals with the approach of Islamic management, i.e. centered Justice is human and Islamic ethics and values. Therefore, in the criminal policy of Islam, criminal measures are based on calculation, probability and risk prediction in the field of criminal law, not in a broad way, but in a modified way and limited to dangerous crimes and dangerous criminals.

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