Criminal Liability Arising from Sporting Events, to Look at the Principles of Jurisprudence in Iran

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ABSTRACT

Offense, whether intentionally or inadvertently, thereby committing the criminal liability and punishment on him. The criminal responsibility, the obligation to bear the punishment for the crime is guilty, but the legislature in certain circumstances, it is precisely determined, committing actions that are illegal in a normal situation, knows the offense, the circumstances Toys Porno or otherwise called modal mass, and sometimes the person who committed the crime, in the cause or causes of the non-attribution of criminal responsibility shall be, and shall not impose punishment on him. Article 158 of the Penal Code, adopted in 2013, and did not see some action in terms of crime, including sports-related injuries is the subject of this article.

KEY WORDS: Criminal responsibility, Porno toys, sports, sports activities, sports regulations, and the balance of Shariat.

INTRODUCTION

Extremely important effect of exercise in improving physical, mental, economic, cultural promotion and quality of life in communities and its role as one of the most important ways to prevent crime, it is not only in developed countries but also people in remote Most parts of this earth, knows the importance of focus. But addressing this important issue, especially at higher levels, in the form of continuous training, and competition will be manifested in different categories, along with a variety of events that, in many cases resulting in bodily injury and property damage is. The nature of these injuries and losses that exercise is an indispensable component, punish or not to punish the perpetrators of these injuries, and damages and compensation through the further expansion of the sport, in recent years the attention of lawyers, especially in the We are located Section "C" Article 158 of the Penal Code, as the text of the criminal law, to determine the events from the sport, and to comply with the conditions detailed in the will, they will not be punished. Thus legislative action sports-related injuries, and injuries resulting from it, including factors modal mass, in other words, Toys Porno is considered. Crime originating task, leading to punish the guilty, and the sentence appeared legislators and other decision taken by him. When the legislature in certain circumstances, it is precisely determined, commit or committing actions in the ordinary crime, crime knows no. (Ardebili, 2000). On the other hand, modal mass of the particular circumstances that led to solidify the legal description of a voluntary act, are anti-social. So that despite the current situation, in the exercise of a right or duty to treat, and the absence of circumstances to achieve mass. (Goldoozian, 2001) The objective of the external factors, and the breath of the offense and the culpability to the general rule, and in most cases, in addition to criminal liability, civil liability extinction as well. In brief, it has been tried, it was not until the beginning of the nature and cause of crime-related accidents, the analysis section "C" Article 158 of the Penal Code, and various alternative concepts such as sports, action sports, participants the rules of the sport, and the relevant legal standards applied.

1. Identify the nature of sports-related injuries, and causes no damage as a result of the offense

Events that are born of exercise, and even in some sports such as combat sports and martial probability, it is very strong, the general public does not look bad, and therefore does not draw a sharp social reaction. Blows that players such sports, with great intensity into each other, they have no resemblance to the criminals. Hence society to impose penalties on those who do not know a particular behavior reprehensible. (Ardebili, 2000). Change, and intentionally assaulted and the other party to pay the examples it can be seen in football or boxing. (Noorbaha, 2001) But it was very personal and internal, that the character of the athlete. Athletes who, in the most difficult conditions of competition and struggle to malice, and not a departure from the rules of the sport and the spirit of chivalry, but that is totally subjective and personal, is almost impossible to prove. Impact quite consistent and in accordance with the rules of sport, the athlete will be entered into, it was not detectable in bad faith. Some lawyers believe, agreeably can damage and injuries, sports activities, while justified, that dissipates the legal description. (Goldoozian) the injured athlete, the racing such as boxing or football satisfaction that

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probably beaten, injured or become more severe injuries. The late French professor Boris Stark, in its commitment to litigious, France tells the precedent that a court had been blind for 27 years in boxing, condemned the compensation claim, arguing that the risks arising from presence in the race is accepted. The rights of other countries, especially Britain and America Court precedent, the layout is, according to claims for damages to the injured party's consent and voluntary participation in the contest have rejected him. (Katoozian, 2000). Are the lawyers, victim satisfaction theory to criticism as they are known, not only against the victim's consent, of the modal mass (with some exceptions) do not (Noorbaha, 2001), and it is in the nature of the crime ineffective I know, but it is unknown known, and legally it is unclear, consider unacceptable. The second category of lawyer’s true source of impunity athletes, due to injuries, to be allowed to know the law. (Ardebili, 2000), and only they know the law justify such practices, occur during sports activities. (Noorbaha, 2001) the legislative purpose of public administration, the absence of crime-related injuries, sports activities, the sentence of paragraph "e" of Article 158 of the Penal Code, which, in addition to the compliance requirements for each sport, with the proviso of Sharia It is not only the result of abuse from sporting activities, etc., but the soul of this action is not a crime. Spoken warrant the validity of the provisions in the action sports, which is an offense under the general rules of approval, and compliance exercise, because innocence is guilty. (Katoozian, 2000). Crime and the lack of sports-related injuries, the rule of law to justify acts of origin and monitoring of athletes, and acquit them of punishment injuries, and injuries and the damages. Ie, in terms of both groups of lawyers, whether the source is not a crime, victim satisfaction and those who know the law, and the thought was in place. Aware of the risks athletes participating in sports activities to them. Therefore, the assumption that, at any moment, the athlete with the incident face, but there's a point I have already referred to, and that athletes inner heart never satisfied with the damage and injuries physical damage to the sometimes not very severe and even lethal. So in these cases, the victim's consent is not solely responsible for, and to consider those lawyers who, based on legislative authorization, and adherence to the law they deploy. Regardless of the nature of these events, what seems to be important in practice, recognized as the events of modal mass, or the toy Porno that, in addition to criminal liability, civil liability extinction as well.

2. The concept of sport

In particular culture, sport gerund of kindliness, meaning act and perform in a row, and perform regular Physical exercise, physical and mental stamina to complete defined. Some sports have organized a game that, in practice exercises to strengthen physical and mental strength, and skill acquisition runs. (Azadi, 2005). But a more complete definition that can be offered sports, the performing regularly orchestrate physical and intellectual activities, within the specified period in order to gain skills and improve physical and mental condition. Sport in terms of participants, location, organization, and technical terms have different divisions such as professional and amateur, formal and informal (local) in the open or closed, which is a group or individual and team rules Ruling on each varies in the same way.

3. Sports Operation

The set of physical activity (individual or group) that is, the goal of achieving success is based on the demands of each sport. Exercise or sports activities or sports activities as sport, athletes are involved in it. (Ardebili, 2000)

1.3 Classification of sports activities: Sports activities, the three following applies:

1-1-3- practice: the sporting activities, in order to prepare the athletes, regardless of the results of that win or lose, usually with the intent to participate in sports, a variety of fitness exercises, and specialty of each sport as a group, or individually monitored and expressed in the various sessions, done.

2-1-3- matches: that is, competition between athletes and coaches with the guidance and supervision of one or more judges to win, and reach different titles and medals, club, Ardebili, country and the world Olympic ceremonies.

3.1.3 Recreation: The various people to improve their physical and mental condition, or compliance with medical instructions, or leisure etc., sports activities and usually without a coach, referee and order and special arrangements in place and the time, place.

4. The participants in the sport activity

The main issues in the paragraph "e" of Article 158 of the Penal Code, determining people's face, and the perpetrators of a sport. In other words, when the legislator, sports-related injuries, operations, despite the absence of a crime is not mentioned, these events should be updated by the people who, despite not criminal. Members of a sports activity, including athletes, coaches and referees.

A.1.4 athletes: the main role in the operation of sports, play it. The persons directly in various sports activities, engage in various fields.
3.4 Referees: matches and the results, without the presence of these persons is not possible. These actors and sports activities, usually not involved in the exercise.

5. Events in the sport activity

Accident does happen, just come, and event. Events that occur in sports, from the result, the characters make, times and locations vary with the type of legal liability, depending on the features mentioned. (Agha-Nia, 2001) Generally sporting events in the environment, can be divided into two groups:

1-5- unsporting events that are intentionally or inadvertently, by the action of various people in the sport, to occur. Cause of the accident, out of the sport. Such as physical conflicts between athletes, spectators, sports and other damage caused by vandalism.

2.5 Operation of sports-related injuries that result in a sporting activity, within the provisions of Article 158 or outside of it, develop it.

6. Identify the rules for the exercise

The provisions of the conditions set by the federations, associations etc. are compiled, arranged in conjunction with sports activities, or Unwritten rules that govern the exercise of native, non-governmental organization that has been approved but conventionally accepted by the people. (Aghayinia, 2001). In other words, the rules of each sport, a set of principles that generally, the International Olympic Committee, International Federations, like FIFA or regulation drafters Sports FILA as the highest authorities, and explained and approved by member states to be carried out. These rules are basically two categories are classified as follows:

1-6- substantive rules to describe how to perform exercise, and techniques and techniques, as well as the duties of athletes, coaches and referees during sporting activities, pays. In these rules, some care and special care with the aim of ensuring the safety of the players, when racing and non-violence, and revenge fit exercise and healthy environment. (Katoozian, 2000)

2-6- regulations form a group of rules that surround the basic structure of sports, and office and administrative law is in fact, every branch of sports activities. These provisions include the time, place, number of people, equipment, etc., that is, violation of the rules of the sport's error, and special sanctions as punishment for the perpetrator, as well. (Katoozian, 2000) Regardless of what has been stated, there is another set of general rules that govern all sport is and it is the spirit of sportsmanship and fair competition, avoidance of errors and fraud, deceit and applied bias and malice on the sports activities. During the operation of sports movements may be implemented, apparently in accordance with the provisions of the sport, but looking back on what they learned in that sense unsporting, such immoral and dangerous actions against sports affairs, and committed to The result is the opposite of responsibility. (Aghayinia, 2001)

7. Sports and Sharia rules

The last clause of the provisions of paragraph "C" of Article 158 of the Penal Code for the crime of being a sports-related injuries, lack of opposition is the relevant provisions of the Sharia. The Sharia, obviously, rules and Shiite Islam (the Ardebili, 2000), but which one of the sporting regulations, contrary to Sharia and Which a favor, and is consistent with these principles, there is no general rule. Some jurists are some exercises that do not require self-torment or harassment is against Sharia know. (Beheshti, 2001). It seems the best way to clarify the exercise of religious Shiite references are as follows: 1. Quran 2. Tradition 3. Reason 4 cents consensus that the two main sources of the first and the last two as secondary sources are called Shiite.

1-7- Quran in numerous chapters and verses, covers the principles of human life, and this life is all that's necessary, is expressed (Hashemi, 2002) about 550 verses of the Koran, the rules and regulations of the practical There is, in this regard, numerous books by scholars of Islam have been written. The provisions in the various aspects of the legal, political, social and economic applications, and as a first source cited jurists, and religious Muslims will be used. (Hashemi, 2002) This book is great and perfect, humans and all life is God's Word, there are verses that, as the importance of sport and physical strength, in addition to strengthening the spirit implies. (Saboori, 1996) to study the Quran notice that nowhere in the Qur'an back exercise is not to deny, but to confirm and emphasize the importance of physical force or physical force is. Examples of the following can be stated: 1-1-7- strong as an attribute of God, in verses 5 and 6 of Surah Najm and 165 Surah Baqareh.

2-1-7- emphasis on physical force, prophets, as a prominent feature in verses 247 and 251 of Surah Baqareh and84 Surah Qesas, 69 surah Aaraf.

8. Tradition

The promise or statement infallible in matters of religion (Mohammadi, 2000), or speech, actions and verification innocent. Quran the Hadith of the Prophet, is considered valid, stated: "The Prophet's instruction that is given to you, accept it, and the sin which has its committed leave. (Hashemi, 2002 by virtue of the surah Hashr, verse 7). In the tradition of the Imams, the order of verses and evidence that, in the Shiite presented in
detail, and to avoid prolongation of the Word, that we will not be doing so. Hadiths of the Prophet, on the importance of human strength and abilities, and to emphasize the importance of addressing education and learning sports, such as archery, swimming, horse riding and wrestling, as well as the subject's expression. (Mohammadi Rey Shahri, 2001)

9. Consensus and wisdom

Consensus of Shiite scholars, it has been defined as: a group consensus, the discoverer of the immaculate ratings (Imam), for something of religious affairs. Rational reason is that rational judgment, with the understanding that it is possible to obtain a legal ruling, (Mohammadi, 2000). Consensus suggests reasons, or because unlike the rational exercise is not known. Although some jurists, rejecting violent sports like boxing which in some cases leads to self-torment, or objection damages have talked but that does not mean consensus, and not just in terms of the gentlemen is. These jurists to rule the Shiite cite, but against some other jurists, in the context of the rule action (ie someone with knowledge and volitional, loss or guarantee accept) refer. In the writings of jurists, how do contests, and even betting on sports such as horse riding, archery, javelin Swordsmanship and polished (Shahid Avval, 1996) which, confirming the affairs of the jurisprudents. It also underlined the great Shia scholars such as Sheikh Sadoq, Koleini and the Toosi. Contemporary scholars such as Imam Khomeini and Ayatollah Khamenei also expressed their views, which are all indicative of the emphasis on the sport. Third, according to the constitution of the Islamic Republic of Iran, the laws and regulations in all countries should be based on and consistent with Islamic criteria. This principle applies generally to all principles of the constitution and laws, and other regulations governing (Constitution - the fourth), in addition to government approvals must not be contrary to the rules and regulations of the country, and to check that they do not conflict, These rules must also be communicated to run, to notify the President of the Islamic Consultative Assembly. (The Eighty-Fifth constitution). So in the country, all provisions relating to the exercise by the competent authorities, according to the Constitution with Sharia adapted, and is consistent.

Concluding

1. What the paragraph "c" of Article 158 of the Penal Code states, sports activities and events associated with it, provided that the violation caused the accident sport, is not incompatible with Sharia, the punishment for committing such acts not taken. Individuals participating in sports activities, including the Act, as described above, you are able to, athletes, coaches and referees are.
2. The provisions relating to the exercise, following approval by the competent authorities, such as the International Olympic Committee, the International Federation in various countries, including our country with clear rules will be implemented.
3. The provisions of the legislation, the provisions do not conflict with Article 158 of sport, with the Sharia, which is due to mechanisms, the country with the relevant provisions of the law, the Sharia is implemented. So in our penal provisions, if a person during sports activities, whether the person is an athlete, coach or referee, the other participant's damage, the punishment for her will not be considered.

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