



**Proportion of crime and punishment of retaliation for head
injuries in Islamic jurisprudence**

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**Proportion of crime and punishment of retaliation for head injuries in Islamic
jurisprudence**

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ABSTRACT

Retaliation is among the main punishments. In retaliation for retribution, a condition is one of those conditions of proportion between crime and punishment, the fairest punishment is to have more proportionality to crime, if there is no possibility of observance of this equality, the retribution will not be enforced if the penalty has more severe effects on the crime. In the case of a member like the head, it should be stated that if the head is alien to the larger one and that would amount to the total amount of head injury, retaliation is done throughout her head and if the head is smaller, it will be as retaliation, in case the crime is lost as much as possible, in this case, (due to the lost sight) will be paid and retaliation does not come to the forehead or neck or ears. In-depth injuries are based on the total head due to the difference in heads and the likelihood of the injury by the area-based injury. The majority of contemporary jurisprudents consider the need for a comparative legal practice to be reciprocal, there are, of course, differences of opinion.

Keywords: Retaliation, Islamic jurisprudence, comparative legal practice



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1. INTRODUCTION

Retaliation in the true sense cannot be realized except in very rare cases which are a complete equality between crime and punishment. In order to execute a member's retaliation, such as that committed by the father or ancestors of the paternal grandfather, and against which he is innocent in addition to the general terms of retaliation, wise and in religion, by the same perpetrator, the specific conditions are as follows: the location of the member of the retribution is one with the crime. Retaliation with equal crime. Fear is not to commit an injury or damage to another member. Retaliation is not against a healthy member of an unhealthy member. The retaliation of the main member is not against the non-principal member. Full retaliation is not incomplete with the member. According to the first condition mentioned for the specific conditions of the retaliation, the condition of the proportion of the location of the retribution member to the crime situation is the subset of the first condition. Although, retaliation appears apparently straightforward is due to the fact that the retribution reveals its intricacies in depth. The criterion of all special conditions for subjugating retribution is the expression of a general principle of retaliation, and the need to equalize retaliation with crime, which is the main philosophy of punishment for retaliation. In fact, retaliation is nothing more than a punishment with criminal acts in crimes against physical integrity (Malmir et al., 2013) The criterion for this is adherence to justice and the avoidance of oppression in the execution of punishment; because reason sees punishment of the punishment of the perpetrators as a researcher when the perpetrator is punished as much as he committed the crime. In retaliation, any item that is not breath is considered as inflammation. Therefore, it can be said that the retaliation of the soul, including members and interests. Where proportionality between the member of the crime and the member of the retribution (equalization of the crime with the retribution in terms of the length and depth of the crime) is not possible, there are many examples of this, such as the fact that an adult child injures a child's body and if we want to inflict the same amount of wounds, it will cover a small amount of life, and this is not consistent with



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justice. So what is the solution in such cases? This topic has been investigated in this study.

2. METHODS

First Speech: General Sentences

First paragraph: the concept of retaliation

Retaliation refers to any kind of follow-up and reprimand, retaliation, that is to say gradually to follow its effect (Tarikhi; 179.4, Farahidi; 10.55 Ibn-e-Mansor; 74.7%; Al-basae 21, 22). Qisas in the term jurists say they are investigating the effects of crime and assault; in such a way that the retaliatory dictates exactly the same crime. Sahib Javaher says: The meaning of qisas is here (Al-Qassāsat's book) to follow the pursuit of the crime of crime, so that the reciprocator performs the same act of life toward him. Retribution in Islamic jurisprudence: Punishment is a Shari'a and punitive punishment, such as a deliberate crime, results in retaliation against a deliberate self-perpetrating crime (Al-Sabai, 21 and 22). A member of the crime of crime is a retaliatory crime that does not intend to commit a criminal offense but the crime often causes the innocent to die or, the crime inevitably leads to the death of an innocent person, but it is the intention of a criminal offense (Tabrizi, 177).

Second Speech: Qesas in Jurisprudence:

In retaliation, injuries are equal in length in terms of width and width, and the draws are not valid in depth, but the name of that injury applies to qisas, it suffices (Allameh Helli, 5/507 Tabrizi, 288 Allameh Helli, 258/2, Fadhil Abi, 2/624, Mohaghegh Helli, 214/209 Mohaghegh Helli, 2/301, Fakhr al-Mohaqqin Helli, 4/648 Allameh Helli, 3 / 642 Haeri, 16/323 and 324 Haeri, 2/525). Due to the difference in headaches in obesity, remission is not fixed (Allameh Helli, 3/642, Mohaghegh Helli, 2/301 Fadhil Abiri, 2/624 Fakhr al-Moghqaghin Helli, 4/648 Mohaghegh Helli, 214/2 and Allameh Helli, 5, p. 507, Tabrizi, 288, Allameh Helli, 2/258 Haeri, 16/323 and 324 Haeri, 525/2). and retaliation in what is not ta'zir is proved, such as Hazraz and position, and retaliation in what is ta'zir is like heshmeh and scribble, and chastisement and rebellion, and the breaking of the bone is



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abandoned (Mohaghegh Heli, 2/301 Fadhil Abi, 2/624 Mohaghegh Helli, 214/220 and 220, Tabrizi, 289. and 290 Haeri, 16/324 Fadhil Abi, 2/624 Allameh Helli, 50/508 Fakhr al- Mohaghegh Helli, 4/648 and Ameli, 271 and 272 Allameh Helli, 3/642).

The integrity and equality in the members are not valid in size or small, and the area is valid in wounds. The difference between the two is that if the integrity and equality in the members are valid in size and area, the retribution is abandoned. The two hands are not the same size and the injury cannot be considered equal and fit. Because its length and depth are valid, then it is based on the area of retaliation, therefore, the area should be considered valid (Ibn Idris Helli, 415 Tusi, 74/7) In Riyadh's book on depth, it is expressed in depth, if considered as a deep wound, it is often not possible to execute retribution, because people are different in terms of obesity and slimming, thin or thick skin (Haeri, 16/323). According to Sheikh Tusi (RA), depth is not valid in injuries, as the depth in the members is not valid, that is, if the area is not valid in the members, whether the members are small or large, the depth of the small or large injuries is not valid, which is stated by the owner of the jeweler (Sheikh Najafi). (And it is required that retaliation is allowed if the wounded depth, such as the lower half of the thumb, is permissible, which does not go far beyond that, and this is contrary to justice. As the difference in heads (human and moral) against what is stated, the necessary collapse of credit is not necessary and the promise of the possibility of execution of punishment and obtaining arsh for a waste of longitudinal area, which inevitably has an equal validity between them, it is required that Sir Johnny does not spread to the neck because of its small size and not to the forehead. But to the same member, and if it is left one third of the blood money, one third of the blood money will be taken out of the original cause of the injury and this is a deliberate injury and this is a consensus, as it is clear (Madani Kashani, 206)

Second speech: head punishment:

The condition of the head and body is against three states; either its size and area is one, or the head is more or less than the head of the head, although it is equal in appearance, if it hits the amount or total injury (Haeri, 163/323 and 324 Haeri, 522.25 Tusi, 76/76).



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Clause 1: Be the head of an innocent person to be greater than his head: if the muzzle is larger than the front of the neck, it is 2.5 cm or 25.1 cm and the head is 2.5 cm. And in a part of the head of the mujinayi against the injury and take that total amount of head injury, retaliation occurs throughout his head, because that injury involves the total area of the head of the head. If there is a total injury in the whole head, then it will account for two thirds of the total head injury, in which case the whole head will be retreated from the first to the end of the retrial and will not be reduced from head to toe because the forehead is another member and The head does not go down to the neck because the neck is also another member. If the injury is not equal to a person's body and body, it will not be transferred to another member (Tusi, 7/76).

When the head of a junior is smaller than the offender, we will execute a retaliation against his head and, due to the higher amount of injury, he will not be obliged to pay the Diah (Fakhrul Moghqaghin Helli, 649/650 Allameh Helli, 25/42 Allameh Helli, 643/3 and Tusi, 77/7). If the injury involves all the members of the body and more than that, the retribution does not exceed the other member and equally in that member, and in many respects he receives the blood money injuries, and although he will be half the guilty party for the execution of a full member of the punishment (Tusi, 77/7)

Second clause: The head should be smaller than the head:

If the head is more harmful than the head, the head area will be as sharp as the head of the head if it starts to measure from the forehead to its extent. If he wants to start from the neck, so that from the point of retribution, to the extent of it, which is not as large as the length of the crime, and if it wants to retaliate from the middle of the head, it will retaliate to the same size as the foreskin or neck. (Tusi, 7/77) if the direction of crime is to the forehead in the same way, and if it is for the neck, it's the same way if the crime is such that retaliation in the same way leads to further damage, in my opinion, because reciprocal compliance is not possible, retaliation becomes a punishment; but there may be some people who say that if there is no possibility of retaliation in a direction, for the other reason, they will be punished with retaliation, such as a crime from the middle of the head



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to the forehead and retaliation towards the neck, if it is possible to retaliate as much as possible, it can be retaliation, a criterion for equality in the area. In response, it is stated that in such cases it is possible to observe the condition of equalization of the place in the retina, which is a member of the retina; therefore, in this regard, it is retaliation. If the member is small against small regarding the retribution, we will cover the extent of the crime. If the whole head is injured which shows skin and meat: the same amount of retaliation, and if the head is bigger, the name of that injury is not valid, as we have seen in the cutting of hands, as we cut off the big and fat hands in front of the small and small hand. But the area of injury is measured longitudinally and transversely, so as to head injury, as much as before or behind the retribution (Allameh Heli, 507/507, Madani Kashani, 204 and 205, Tabrizi, 289} If the head is smaller, the same amount of retaliation is paid, and if the crime is lost as much as possible, in this case, the punishment or Arsh (due to the lost sight) will be paid. And retaliation does not come to the forehead or neck or ears (Allameh Helli, 3/464 Allameh Helli, 50/507 Madani Kashani, 204 and 205, Tabrizi, 289 Tusi, 77/7) according to the studies, it is not possible to execute the execution of a person's blood money in the execution stage, the forensic doctor has stated: within each centimeter of body tissues, there are millions of capillaries, the capillaries of the human body are such that they can spread to other organs in the event of a member of the retina. Therefore, it does not cover the integrity of the object because of its contagion. The objective sample is the case and one person entered the head with a knife in the wound, however, the retina was not performed due to the possibility of transmission and the impossibility of performing fit.

Third clause: position of injury

If the injury is in front of the head, there is a problem in not violating its position on what we have clarified. But it is famous that it has allowed it and it has been like it in the area of the head. (Tabrizi, 207) But it is expressed in jewelry (if the crime is located side by side, retaliation is done in the same way, yes, if the head is small and the crime is in front of the head, for example, in Mesalek and the discovery of Al-Salam, for retribution, injury



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extends to the end, because this requirement of equality and equality is in the area and vice versa, because it is a unitary unit, although some members have a certain name (like the ear) (Jawad ibn ali Tabrizi, 207) and strongly depends on what is at the front of the head and is taken over to the waste germat, and it includes the name of the sum total and the violation of the place of retaliation is not accepted and valid in the realization of that custom, because the norm is the norm, and the appearance of the lack of realization is in the desired assumption (Javad bin Ali Tabrizi, 207). Because his speech is promising and strong in his promise, and is likely to be strong in the long run. And, however, he has entered on the spot of widespread ill-treatment on him and the famous. (Javad bin Ali Tabrizi, 207) Injuries in depth are based on the total head due to differences in head and integrity truths with the name of the area-based injury, because if the injury sustains two thirds of his head lengthwise, he will also incur a Qisane retaliation in the amount of two-thirds of his head and retaliation. (Ayatollah Tabrizi Page 182 Javad Bin Ali Tabrizi, 289)

Third speech: evidence

Reasons for punishment are the Qur'an, narrations that refer to appearances, and justice and prevention of oppression in punishment, and the validity of that area's validity in two injuries. But the depth of the injury is irrelevant. Due to the difference in headaches in obesity and in the event of weight loss, the title of injury to the injured person is the same as the subject of retaliation (injuries to humans). (Ayatollah Tabrizi, 182 Javad bin Ali Tabrizi, 288) This is based on the words of the famous companions, and the opposite has been rejected, but the agreement between them has been claimed. According to the majority viewpoint, equality is not a criterion, but retaliation is carried out in such a way that the title of injury to which the defendant has been subjected to retaliation, for example, has been injured by a victim of a rebellion, retaliation is done. (Ayatollah Tabrizi, p. 183 Javad bin Ali Tabrizi, 288) Famous in expressing the reasons for retaliation, they solved the following:

First clause: Consensus: I did not find any wrongdoing in Jewel, but in discovering Allahmah on the possibility of studying consensus, unanimous consent and if it is not



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possible to document it. (Javad ibn Ali Tabrizi, 205) The second verse, Quran verse Allamah Helli, referring to this verse, states the reason for the possibility of punishment being expressed in the absence of injustice and injustice between the two parties to the general (verse 5) P. 515). Retaliation does not come about as if it is equal to or equal to the area. And the effect and the equality of the other is possible and it is such that the injury position is examined and, for example, between the forehead and the eyebrow, between these two reprisals, be it the guilty one against the bigger, smaller, or equal to the head and if the head and bone are involved, the injury position will be checked and so if the length of the injury covers the whole head, the length of the retribution is sufficient, whether small or large (Javad ibn Ali Tabrizi, 205).

Fourth Speech: The Viewpoint of Contemporary Jurists

In this speech, the opinions of contemporary jurists regarding subjugation are expressed; some views of contemporary jurists with early jurists are contradictory and some similar views. The following items are generally referred to as subterranean retaliation, which can be generalized to the head; for that reason, we will explain it.

First clause: The Effect of the punishment and the transformation of the QIS into the Blood:

a .Is the criterion a relative affair or is it commonplace? What is the standard of each? (Judicial Asbestos Treasury, Ghazi Institute of Education and Research - Qom, question 37) Relative efficacy should be respected so that it does not injure more than the injury wound. Waleh Al-alam (Ayatollah Al-Majni, Lotfollah Safi, Golpayegani, the Judicial Collection Treasury, Ghazi Institute of Education and Research, Qom, question 37). The criterion of respect is the relative affection of the commonwealth, that is, if a person has a knife in the body of one centimeter in the thin body or a child who has reached the depths of his body, and then during remission, the knife should fall to the fat person in the same proportion.

In relative proportions, rational precision is not necessary, but common sense is sufficient.



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(Grand Ayatollah Naser Makaram Shirazi, Judicial Collection Treasury, Ghazi Institute of Education and Research, Qom, question 37). In the surrounding **punishment**, the criterion is the observance of the equality in size and area that observes the maturity in terms of length, width and depth by attracting the opinion of the expert Legal medicine is necessary (Legal Department of the Judiciary The Advisory Opinion No. 3318/7 dated 31/5/1388 Return to inquiry No. 432 dated 21/2/1388 Advisory Opinion of the Legal Department, documents and affairs of the judiciary interpreters, Judicial collection treatise, Ghaza Institute of Education and Research - Qom, question 37)

B. In which case, retaliation becomes a dime? (Judgment Collection, Jahya Institute of Education and Research, Qom, question 37).

In any case, it causes a member of the body or a breath. Waleedah al-Alam (Ayatollah Al-Majni, Lotfollah Safi, Golpayegani, the Judicial Collection Treasury, Ghazi Institute of Education and Research, Qom, question 37). In cases where retribution is dangerous, and in other cases, such as where there is a suspicion between two or more people and cases where the observance of the integrity is not usually possible, and the like, retaliation becomes a blood donation (Ayatollah Nasser Makarem Shirazi, Judiciary Treasury, Ghazi Institute of Education and Research, Qom, question 37). Items that are to be paid instead of Qisas must be mentioned in Amendments 254, 274, 277, and 285, and the Note 290 and Article 293 of the Islamic Penal Code. (Legal Department of the Judiciary The Advisory Opinion No. 3318/7 dated 31/5/1388 Return to inquiry No. 432 dated 21/2/1388 Advisory Opinion of the Legal Department, Documents and affairs of the judiciary interpreters, Judicial collection treatise, Ghaza Institute of Education and Research - Qom, question 37)

C. Is there a difference between length, width and depth in execution of punishment? (For example, if it is a thin, lean body against a fat one and half of the arm's arm - against a depth of 3 centimeters - is it necessary to cut half of the lean arm that is 2 centimeters or should be the same 3 centimeters cut off though more than half the arm)? (Judicial Asbestos Treasury, Ghazi Institute of Education and Research - Qom, question 37)



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It is valid in punishment equalizing in the place with the possibility of, for example, cutting off the right hand for the right and left for the left side.... And it is valid in the shadow of equalities in the area along their length and width but in the depths below, the truth of a noun is not equal in descent, according to the value of the aftertaste, to the first degree of truth, and does not descend much more.

And if it would be probable that the first-order truth in life would be transmitted to the blood due to the proportion of the two bodies in terms of obesity and slimming, and it is not permissible to take retribution in the cases of self-alteration, which is the risk of self-perpetuity, such as kheifeh and mammuh and heshmeh but also economics on their blood and also, in cases of severe injury, is likely to be transmitted to the bloodstream or remission in possible cases. (Ayatollah Mohammad Taghi Behjat (RA) The Judicial Collection Treasury, Ghazi Institute of Education and Research - Qom, question 37.) The precautionary attachment is minimal. The reason for A and B is consensus and wisdom. Waleh Al-Alam (Ayatollah Al-Majni, Lotfollah Safi, Golpayegani, the Judicial Collection Treasury, Ghazi Institute of Education and Research, Qom, question 37).

In retaliation and in cases where remission is possible, the retaliation of the injured person is retaliatory. And the ratio is not observed, that is, if three cents are wounded, the same three cents are retaliated and he is different from the whole member, however, if the same amount of retaliation from a maladaptive member is slow, it is no longer allowed and is limited to the same member, even though it is less than the crime area. (Ayatollah Mohammad Fazel Lankaran (RA), Judiciary Treasury, Qazi Institute of Education and Research - Qom, question 37). In all these cases, the relative affinity of the custom must be observed. (Ayatollah Nasser Makaram Shirazi, Judiciary Treasury, Qazi Institute of Education and Research - Qom, question 37). Equation is not valid in depth. Only laceration is necessary. To the extent that it is true, it is valid in terms of the length and width of the equation, and if the amount of crime in terms of excess length and width per person is in excess, it is obtained in excess of the amount of money. (Ayatollah Seyyed Abdolkarim Mousavi Ardebili, Treasury of Judiciary, Qazi Institute of Education and



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Research, Qom, question 37)

In retaliation, although in accordance with Article 276 of the Act, retaliation should be in the same length and width as a crime, but this should not result in the loss of life or its other member. In the example cited in the inquiry, if you are a thin person and you are against obese or vice versa therefore, it is not possible to observe the equality so that the equality in the punishment causes the loss of life or excess of the amount of the crime. In accordance with the provisions of Article 277 of this law, the payment must be paid. (Legal Department of the Judiciary the Advisory Opinion No. 3318/7 dated 31/5/1388 Return to inquiry No. 432 dated 21/2/1388 Advisory Opinion of the Legal Department, Documents and affairs of the judiciary interpreters, Judicial collection treatise, Ghaza Institute of Education and Research - Qom, question 37)

The second clause: the impossibility of executing a person's retina due to its specialty:

If you are not able to perform it because of the specialty of the retina of the retina, and the experts are not willing to do so, please:

a. In this case, in spite of the request for retaliation by the Supreme Court, can it be converted into a dye? (Judgment Collection Treatise, Qaza Institute of Education and Research, Qom, question 96) If retaliation is not possible, the suspect cannot demand retaliation, and it becomes a damnation to the consent of the parties. (Grand Ayatollah Mohammad Taghi Behjat (RA) The Treasury of the Judiciary, Qaza Institute of Education and Research - Qom, Question 96) Where there is no retaliation, such as the breaking of the bones and those cases written in the treatise, a donation is made, and in cases where legal retaliation is not necessary, the person who carries out retaliation instead, it can be used as a lawyer for retribution, and in this case, getting a damn is for the parties. Al-Walam Allah. (Ayatollah Mirza Javad Tabrizi (RA) Treasury of the Judiciary, Ghazi Institute of Education and Research - Qom, question 96) If the fear of spreading a threat to another member is converted into a dime, otherwise it will become a dowry to the satisfaction two sides. (Ayatollah Seyyed Ali Khamenei, Treasury of Judiciary, Qaza



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Institute of Education and Research, Qom, question 96). On the question of retaliation is the right and duty of the offender if he / she can commit retaliation. Or, if possible, to determine someone for retaliation, or with the cost of both parties and it is not obligatory for the ruler to determine someone for the purpose of retaliation. Al-Wali al-Alam (Ayatollah Al-Majni, Lotfollah Safi Golpayegani, the Judiciary Treasury, Qazi Institute of Education and Research, Qom, question 96). In the hypothesis of the question, and if he does not have the right to prepare the preliminary arrangements, he will receive a donation or release a life with a trustee, in order to provide the possibility of retaliation. (Ayatollah Mohammad Fazel Lankaran (RA) The Judicial Collection Treasury, Ghazi Institute of Education and Research - Qom, question 96) If retaliation is not possible under the circumstances and Johnny agrees not to blame for money, he cannot be forced to die (Ayatollah Seyyed Abdulkarim Mousavi Ardebili, Treasury of Judiciary, Qaza Institute of Education and Research - Qom, question 96) becomes a dye. (Ayatollah Hossein Nouri Hamedani, Treasury of Judiciary, Qaza Institute of Education and Research - Qom, question 96)

B. In the assumption that the answer is negative and what is the discompetence of the anti-regime for making money, what is the duty? (Judiciary treasury, Ghaza Institute of Education and Research, Qom, question 96)

Wait until retribution is possible. (Ayatollah Mohammad Taghi Behjat (RA) The Treasury of the Judiciary, Qaza Institute of Education and Research - Qom, question 96) Where there is no retaliation, such as breaking the bones and those items written in the treatise, the blood is taken. And in cases where legal retribution is not necessary, the person who carries out a retaliation of the retribution is able to do so, but it can also provide another to the attorney and, in this case, the arrest of the Supreme Court is to the detriment of the parties. Al-Wahla al-Alam (Ayatollah Mirza Javad Tabrizi (RA), Judiciary Treasury, Qazi Institute of Education and Research - Qom, question 96) does not become a donation in the hypothesis of punishment and, with the impossibility of the Qisā, the retribution is now delayed. (Ayatollah Seyyed Ali Khamenei, Treasury of Judiciary, Qaza Institute of



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Education and Research, Qom, question 96). If retribution was not possible and no agreement was reached, the execution of the sentence is delayed. (Ayatollah Seyyed Abdulkarim Mousavi Ardebili, Treasury of Judiciary, Qazi Institute of Education and Research - Qom, question 96)

C. Regarding the necessity of implementing the divine rules, is it necessary to prepare a specialist to carry out such matters with the obligatory introduction to the Islamic government? (In particular, to prevent long-term imprisonment and dismissal of such cases). (Judiciary Treasury, Qaza Institute of Education and Research - Qom, question 96)

It should be done so that the divine rules are implemented and the limits of the law cannot be closed and in any case should not be violated by the religious order. (Ayatollah Mohammad Taghi Behjat (RA), the Judicial Collection Treatise, Qaza Institute of Education and Research - Qom, question 96) They are not obliged to abandon their retaliation and they can and should be given the right to take retaliatory action against Qisas. Allaah Allah (Ayatollah Mirza Javad Tabrizi (RA), Judiciary Treasury, Ghazi Institute of Education and Research - Qom, question 96) It is necessary to act in such a way that the divine rules are implemented and the religious limits are not closed. Allaah Allah (Ayatollah Seyyed Ali Khamenei, Treasury of Judiciary, Qaza Institute of Education and Research, Qom, question 96). On the question of retaliation is the right and duty of the offender if he / she can commit retaliation. Or, if possible, to determine someone for retaliation, or with the cost of both parties and it is not obligatory for the ruler to determine someone for the purpose of retaliation. Al-Wahla Al-Alam (Ayatollah Al-Yusuf Lotfollah Safi Golpayegani, the Treasury of Judiciary, Qazi Institute of Education and Research, qum, question 96) No, because the argument is right and its own They are not religious rulers. (Ayatollah Mohammad Fadhil Lankarani) The Treasury of the Judiciary, Qaza Institute of Education and Research, qum, question 96. If it is not practically possible to make a fair qisas, it should be converted into a blood donation and there is no need to remain in prison, and to train specialists for this is not obligatory. Always be successful. (Grand Ayatollah Nasser Makarem Shirazi, the Treasury of the



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Judiciary, Ghaza Institute of Education and Research - Qom, question 96) If the government does not know its task, you should ask yourself not yours.

(Ayatollah Seyyed Abdulkarim Mousavi Ardebili, Treasury of Judiciary, Qaza Institute of Education and Research, Qom, question 96). González Llontop and Otero González, (2017). It is not necessary for Islamic government. (Grand Ayatollah Hossein Nouri Hamedani, the Treasury of Judiciary, Qazi Institute of Education and Research, Qom, question 96) Part I of the third part of the inquiry has a scientific and technical aspect, it is the responsibility of the doctors or other experts that make comments. As for the second part of this paragraph, it should be noted that suspect consent is against the possibility of execution of qisas and does not affect the quality of execution. The text of inquiry No. 344/2 dated 14/2/1377 is as follows: A person with a knock forehead has destroyed another eye, given the fact that physicians consider it possible with the use of the same device (the same instrument), there is a possibility of excessive complications of crime in my own eyes, and, on the other hand, the possibility of eliminating eye vision by chemical means There is no redundant crime:

a. The optic smear suffices with chemicals.

B. The satisfaction of the defendant against qisas is conditional on the quality of the said thing. (Legal Department of the Judiciary the Advisory Opinion No. 1317/7 dated 4/6/1377)

3. CONCLUSION

In the case of members' retaliation and assault on Mawlani, adjudication of criminal justice requires that retaliation of the Qur'anic verse be permitted in any case that is possible in all respects. And where the observance of the equality is not possible, the retribution will be abolished, and this will be the general principle of the whole range of discussions that the jurists performed on "retribution" of qisas. In providing for criminal justice, the proportionality between crime and punishment in the crime of punishment for retribution for them has been considered by the legislator of Islam, that "the verse of the Supreme Leader of the Supreme Leader is valid against us, so whoever violates you, just



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abusive him"Thank you for this. In retaliation for members, the integrity and equality of members are not valid in size or small. It is valid in area injuries, but in depth, the depth of injury is not observed and only to the extent that the bone appears. If the depth is observed, execution of retribution may not be possible. Regarding the reprisal of the head, it should be noted that the state of the head and soul are against three modes; or the size and area of it is one or the head is against the larger or smaller than the head of Johnny, even if it looks equal, if it hits the amount or total injury. If the head is bigger, if it hits a part of the head against the injury, it will cover that entire head. Retaliation occurs throughout his head, because that injury involves the total area of the head's throat if the head is smaller than the head of a head, the head area will be as much as the head of the head if it starts to measure from the forehead to its extent. If he wants to start from the neck, so that he receives from the retribution, which is not as large as the length of the crime. And if he wants to retaliate in the middle of his head, he will retaliate to the same level as the forehead or neck. If the direction of crime is to the forehead in the same way, and if it is for the neck, it's the same way if the crime's direction is such that retaliation in the same way leads to further damage, it seems to the author, because compliance is not possible. Retribution turns into a punishment; but it may be against some people who, if they are not in a direction from the possibility of retaliation, will retaliate in retaliation. It seems that the crime is from the middle of the head to the forehead and the retribution is carried out to the neck, if the amount of retaliation is as high as possible, it can be retaliation, the criterion of equality is in the area. In the answer it is stated that in such cases it is not possible to observe the condition of equalization of the place in the retribution, which is a condition of the retina of the member, so in this subject, the retaliatory retaliation. Injuries in depth based on the total head due to differences in heads and the likelihood of similarity with the name of the area-based injury are investigated, because if the injuries against the longitudinal, he takes two thirds of his head, and Jonny's retribution covers two thirds of his head and takes retaliation. The majority of contemporary jurists consider the customary relativistic as necessary for execution



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of retribution. Of course there are minor differences of opinion, and the majority believes that equilibrium is valid in its area in width and width, but in depth it follows that the truth of the name is not equal in descent in value. So, it is true to the first degree of truth and does not descend much more. And if it is probable that the first truth of truth in life will be transmitted to the blood due to the proportion of the two bodies in terms of overweight and obesity, it is not permissible to take remission in the case of self-alteration, which is the risk of self-perpetuity. Equation is not valid in terms of depth. Only laceration is needed to be effective, but it is valid in terms of length and width of the equation, and if the amount of crime in terms of excess length and width per person is in excess, it will be taken in excess of the amount of money. Therefore, a general rule can be presented in such a way that "if fit was possible, retaliation is performed and otherwise the retribution is not executed"

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