

Subordinate Penalties of Legal Entities and Rehabilitation from these Punishments

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Abstract

Audience of the Islamic Penal Code 1392 in counting the types of punishment is real person and legal entities. Observance of the principle of equality and non-discrimination and philosophical justifications for the application of punishment require that all the penalties of this Code, including the subordinate punishment should be applied to legal entities. But by looking at the type of subordinate punishments provided in the said law, it becomes clear that these punishments are specific to real persons and cannot be applied to legal entities. In this regard, this article with a descriptive-analytical method, examines the possibility of imposing subordinate penalties on legal entities and in the end, this result is achieved which according to legal and philosophical justifications, subordinate punishments must be imposed on legal entities. On this basis, all kinds of punishments that can be applied to these institutions, are mentioned and finally, how to reach rehabilitation from these punishments is also described.

Keywords: *Legal entities, Subordinate punishment, Rehabilitation, Judicial record, Justification of punishment.*

1. Introduction

In most legal systems of the world, Except for imposing the main punishment on the convict, other punishments are provided as subordinate punishment and deprives him of social rights for a while, that Should makes sense. Because the expectations of public opinion and the requirements of some jobs require that if a person committed a crime, does not get hired immediately for important jobs or cannot use some special privileges. Because this person has shown his anti-social status by committing a crime and it is possible that if he is assigned to the mentioned jobs, the temptation to commit a crime reappears in him. Therefore,

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it is necessary to deprive some jobs and privileges under the title of social rights for a while after the execution of the main punishment. The same argument can be applied to legal entities. Not only is there the possibility of a crime being committed by legal persons, but because of the breadth and scope of the crime, the consequences of their crimes are far greater. In addition, legal entities have the same rights and obligations as natural persons, and may take on sensitive jobs and situations. Hence, it is illogical to apply only the main punishment to these people and be able to enjoy social rights immediately, therefore, it should be possible that that subordinate punishment be applied to them as well.

In addition, the execution of the main punishment may not have a specific deterrent in practice and apply immediately. But the imposition of subordinate punishment, or the deprivation of certain social rights, can lead to more deterrence, as is the case with real people. For example, young people, educated people, or employees may not have much fear of the original punishment if they commit a crime. Rather, one of the most important questions in their minds is whether they are deprived of social rights or not. Hence, subordinate punishment, in addition to achieving the goal of deterrence, also brings the criminal justice system closer to the administration of justice. In fact, legal entities, especially in financial penalties such as fines, are not greatly affected by the execution of the penalty, however, the fear of imposing a subordinate punishment or its application in case of committing a crime will have a certain deterrent in practice.

2. Methodology

This article with a descriptive-analytical method, examines the possibility of imposing subordinate penalties on legal entities.

3. Results and discussion

In this regard, in addition to accepting criminal liability of legal entities, how to apply the types of applicable penalties to these entities is an important issue. Address of the Islamic Penal Code adopted in 1392 in counting the types of punishment is natural and legal persons. Observance of the principle of equality prescribes that all the penalties of this Code, including the subordinate punishment should be applied to legal entities. Because with the recognition of the criminal responsibility of this group of persons in the Islamic Penal Code approved in 1392, there is no longer any doubt that they will be held responsible for their criminal behavior. But by looking at the type of subordinate punishments provided for in that law, it becomes clear that these punishments are specific to natural persons and cannot be applied to legal persons.

5. Conclusion

In the end, this result is achieved which is based on legal and criminological justifications, subordinate punishments must be imposed on legal entities. On this basis, in order to achieve these goals, it is necessary for the legislator to provide subordinate punishments for legal entities. In this regard, some cases should be suggested, which is like deprivation of social rights for individuals, it can have a similar effect. Borrowing from banks and financial institutions, participating in auctions and tenders, changing citizenship, etc. is a social right and privilege for legal entities, that deprivation of them can be considered as an appropriate and subordinate punishment for these person. It should be noted that this punishment must have a duration and then the legal person achieves the restoration of dignity so as not to destroy the efficiency of legal entities and in a way motivate legal entities to continue their activities.

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