

The pathology of the Iranian law for protecting the Prophets of the Prophets and the prophecies of denial approved 2015

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ABSTRACT

Article VIII of the Constitution considered invitation to good and enjoining to good and forbidding evil as a public duty. So in the Islamic society, enjoining to good and forbidding evil is considered as a legal duty based on Islamic teachings and judgments and we should see its execution. As stated in the eighth principle, it is imperative to enjoin to good and forbid evil in three dimensions: people towards each other, government toward the people and the people towards the government. Determining three dimensions of enjoining to good and forbidding evil is important because it provides a good basis for legislation, institutionalizing and planning. Checking out what occurred before approval of the law of protection of persons enjoining to good and forbidding evil expresses that actions taken have not been according to the content of Article 8 of the Constitution which the reason of it was not only the manner of administering scattered laws passed, but also it was because of not having comprehensive law which can accommodate all three dimensions (People towards each other, government toward the people, and people toward the state). Of course, it should be noted that realization of the eighth principle in each of three dimensions requires matching appliances and Preliminaries.

Keywords: pathology, law, Prophets, prophecic.

Introduction

Effective role play of coordination Authority of enjoining to good and forbidding evil requires the following conditions: illegal backing position commensurate with the status of supervision with other institutions, independent funding, the ability to communicate, the ability to connect with other governing bodies, anticipation of efficient monitoring strategies on the performance of other institutions, accountability and reporting requirement. One of the most important practical challenges of enjoining to good and forbidding evil is the definition of good and evil and determination of its implications. Especially with regard to general definitions which is provided in jurisprudential texts as well given the difficulty which is in place for implementation, lacking clear

definition and vaguely illustrate its implications will have bad consequences; as in the new law too definition of good faith and forbidding evil has many defects.

In addition, we are faced with this fact that society has always been transformed and new phenomena emerge that can be considered as good or evil, but in the law because of their emergence, it has not been predicted. So in the good and evil explanation must be worked in a way which on the one hand the concept of the good and evil are not remained obscure and on the other hand it is not difficult to define that the executives who invite to the good and famous avoid from denial get into trouble.

For this aim, taking three following points can be promising:

Providing clear rules, prediction of the expert board. Also, criteria and process of enforcing the good and forbidding the evil should be determined considering the manner of enforcing supervision, tracking and presenting public reports in the law.

Because in these cases on the one hand, we face the rights of individuals and on the other hand with salary and other functions of the institutions and legal characters. Emphasis on the unbridled right of citizens about enjoining to good and forbidding the evil is insufficient, but it is necessary that guaranteed supportive performances also stipulated. This is especially true about enjoining to the good and forbidding the evil of the people toward the government that this point has

Access this article online

Website: www.japer.in

E-ISSN: 2249-3379

How to cite this article: Meqdad Karami Peyman, Sayed Sajjad Kazemi. The pathology of the Iranian law for protecting the Prophets of the Prophets and the prophecies of denial approved 2015. J Adv Pharm Edu Res 2018;8(S2):16-23.

Source of Support: Nil, Conflict of Interest: None declared.

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been attracted so much attention in the new law in materials 6 to 10.

The process of enjoining good and forbidding evil should not be designed in such a way that interfere with the tasks especially in the field of security and information; in other words, the execution of this waiver does not conflict with the principle of separation of powers.

Of course, in the new law in Article 16, this task and coordination and monitoring are the responsibility of the headquarters and it was better to have an executive guarantee both for the headquarters to take action on his duties.

In the same vein in Clause 4 of Article 16, he states:

The duties of the headquarters are not the reverse of the responsibility of the ministers, the authorities of the executive agencies under Article 5 of State Service Management Act, Triple Troops and judicial and judicial authorities in connection with it. The law of protection from the supreme leader to the good and forbidding the evil which has been approved by parliament in 1994 have not been empty from the Critical Circle in Dimension law and jurisprudence and Faces with weaknesses and shortcomings.

In this section we are trying to take a contributing step to solve this problem by checking these points and telling them.

Legal challenges of the law of protecting the enjoining to the good and forbidding of the evil

Determining and defining precisely enjoining to the good and forbidding evil and its examples

In accordance with Article 2 of the Law of enjoining to the good (Inviting and celebrating others) and forbidding the evil (Forbidding and discouraging). Enjoining to good in the term means to command whatever that is considered as good in terms of reason and religion and enjoining to good means specifically, the word different from inviting others to right and good and even different from the advice and guiding others.

In the other words, enjoining to good must have transpose mode because the word refers to transcendence but this transcendence does not mean coercion; therefore, the interpretation of enjoining to good as coercion will not be meaningful. Interpreting and inviting the others to good on the other hand is not a comprehensive definition, it is not comprehensive because it is not imply the advice and guidance, and do not hinder it because it does not prevent entry to good that's different from that.

In this act, forbidding evil is interpreted as forbidding and denying apart from the fault in provided definition, it consider the deterrence and according to the evidence in this definition, forbidding evil was used as a common word and in this case we can not consider this interpretation as a comprehensive definition; because usually forbidding is also included guidance and advice and education.

So we can consider the article 2 of this act as if it has technical faults which can not be neglected from the perspective of the scholars and specialists and it's better that there was a wider scrutiny for adjusting and adopting of this article, and it is better to give a complete definition by specifying the effects of good and forbidding evil.

Because the law which support people enjoining good and forbidding evil considered precise definition of enjoining good and forbidding evil as a condition for the real support.

Limiting the scope of inclination to act and forbid

According to the provisions of the law of protection of the same as Article 3 of this law who says:

Enjoining to good and forbidding evil in this law include the behaviors which was public and without explicit identification. also, Article 4 of this law which has stated:

the stages of enjoining good and forbidding evil are ,intrinsic, linguistic, written and practical which the linguistic and written stages of it are the duty of the people and the government and its practical level in cases prescribed by law is the only duty of the government and Article 5: In the enforcement of the law of enjoining to the good and forbidding the evil you can not be subjected to dignity, property, housing, jobs and privacy and the rights of individuals, except as required by law.

This material specifies that this law is in place delimitation of inclusion circle proclaimed and prohibited and it's only observer to be public behavior and non-exploration and non-aggression to privacy and the rights and freedoms of others that is a matter of reflection and can not fulfill the requirements of the law of enjoining to the good and It is not desirable in support people acting according to this law. (Kandahari, 2016: 111)

Failure to Act Practically

Article 4 of the law of protecting humans acting according to the law of enjoining to the good and forbidding evil states that:

the stages of enjoining good and forbidding evil are, intrinsic, linguistic, written and practical which the linguistic and written stages of it are the duty of the people and the government and its practical level in cases is prescribed by law the only duty of the government.

This matter actually limit the scope of inclination to act and forbid and in fact separate practical aspect of it from other popular headquarters and unfortunately we are seeing that with different government policies this waiver is forgotten and the context of spreading corruption is unfortunately provided in the society.

Non-repayment absolute penalty for the people who enjoin and forbid

According to Article 33 of the same law of the court can only apply qualities in crimes of inferiority, and there are not discounts on non-criminal offenses. There are also hedging measures not subject to discounts and in between only subordinate punishment are covered by the qualities of the seal

and not the complementary and final punishment. Also, the court can stop Punishing offenders, if there is the directions.

So according to philosophy, there are some reasons for the offender which is a punitive rebate from the amount of fault and responsibility the perpetrator will never diminish. Rather, it's a reward for criminal assistance in detecting crime or offending a criminal offense in detecting crime or offending a criminal offense in repairing harmful works and possible injuries due to crime. But we can conclude on-repayment penalty for the agent and the person referred to in Article 3 of the law of protecting the people enjoining and forbidding which is stipulated and it is absolute, is in the place is reflection.

In addition, in Article 3 of the recent law, rules of suspension of punishment and postponing the issuance of the verdict about people enjoining and forbidding are not applicable absolutely. (Kandahari, 2016: 111)

Criticism of the law of enjoining to good and forbidding evil

The law of protection of enjoining to the good and forbidding the evil must have conditions to help to fulfill the divine command. So it is necessary to mention the indexes for the law which we refer to them below:

The law of enjoining to the good and forbidding the evil must determine the limits of enjoining to good and forbidding the evil, the same as in the eighth constitution. Determining the scope of the enjoining to good and forbidding the evil can have many meanings.

One of its meanings is that its difference is known with other methods of interaction; for example, we can point to the definition of enjoining to good compared with the teaching and the difference between forbidding the evil with the punishment. In this regard, the law should make the boundaries of enjoining and forbidding obvious and clear for the people acting the law. The other meaning is that it should be limited, that is the limits of enjoining and forbidding should be specified in the law.

The law of enjoining to good and forbidding the evil must be as flexible as possible and can be generalized; because of enjoining to good and forbidding the evil is broad while having borders with other practices of social interaction. Good and evil examples are abundant and extensive and all people doing things as enjoining to good and forbidding evil can have different conditions based on their social status and their position. So the law should be extremely flexible that can handle all of these extensions and variations.

The law of enjoining to good and forbidding the evil like all other rules must be clear and useful to prevent misunderstandings to enforce law. The law of enjoining to good and forbidding the evil must remove the barriers against this promise. If the execution of enjoining to good and forbidding the evil as a divine worship is the need for a community of believers, the law should be responsive to community needs and consider some measures to strengthen enjoining to good and forbidding the evil.

Given the above features, the mentioned law challenged and harmed in these areas:

1. Limitation:

On the one hand, it is possible to violate the rights of individuals in order to enjoin to the good and forbid the evil. Therefore, the law must be determined by specifying the limits of enjoining to good and forbidding evil to avoid potential misuse and thus protect the rights of the agents. On the other hand, examples of good and evil are so vast and fluid. Therefore, by creating limits and conditions, the law provides background for specimens.

Another aspect of limiting the affair of enjoining to good and forbidding evil is to define and determine the terms and conditions of people enjoining to good and forbidding evil. From this perspective one should see that people should be in what conditions that is the case for a suitable person to enjoin and forbid. For example, only if the evil is public, we can talk about forbidding it in law.

2. Flexibility and Publicity:

Due to the fluidity of the culture of societies and changing their common values over time, it is essential that the law has the flexibility. For sufficient flexibility and generality, good and evil should be defined and known in a way that include various religious and legal items and in the meantime, it should be flexible to change the law or new religious rules.

3. Clarity and certainty

Lack of clarity and ambiguity is one of the main factors of the misinterpretation and performing arbitrary acts in law enforcement. To prevent this fact, the law of enjoining good and forbidding evil while having enough inclusiveness, generosity and flexibility must be like that make the cuts and definitions clear.

4. Reinforcement:

Enjoining good and forbidding evil is a kind of reminder and critique and naturally it can invoke resistance, interaction and response in the audience. So the most important strategy of the law of enjoining good and forbidding evil in this field is limiting Resistance and preventing the agent contact to protect the good and evil.

This protection from people enjoining good and forbidding can facilitate the affair of enjoining good and forbidding evil. When he is secure and feel safe concerning the possible consequences of enjoining and forbidding, it gives more pleasure for him. (Kandahari, 2016: 91)

Terms of Execution of the affair of injoining good and forbidding evil in the View of Law

Some conditions are assumed in this law for this divine exaltation. Of course, these conditions are sparsely stated in various articles which illustrates the weakness of this law, but on the other hand, these conditions are stated with peculiarities and peculiarities which could also be considered as a strong point.

These conditions include:

Publicity of behavior: To explain publicity, it can be noted that in addition to being open to behavior, it should be done without interception. As stated in article 3 of the law. Also in line with

explanation of this condition, article 5 of this law stipulates: In the execution of the law of enjoining good and forbidding the evil, it can not be tempered dignity, life, property, housing, occupation and privacy and the rights of individuals, except as required by law.

Note:

Places that are not detected and Exposed to public view, like common parts, apartments, hotels, hospitals as well as vehicles are not subject to privacy. This article can be considered as progressive and guarantor of citizen's rights and one of the strengths of this law.

As it has took basic steps in the direction of protection from the Constitution and the rights of the nation and fundamental freedoms and all of the items in Article 5 to secure citizens.

Failure to act: in Article 4 of the protection law say that:

The rules enjoining to good and forbidding evil are intrinsic, linguistic, written and practical which its linguistic and written rules are the duty of the people and the government and its practical level in cases and limits prescribed by law is the only duty of the government. So no practical action for people enjoining to good and forbidding evil is a certificate to deny linguistic, Written, Conditional levels and a condition to fulfill the degree to enjoin to good and forbid evil which is linguistic and written which is the duty of the people and the government and its practical level in cases and the limits prescribed by law is the only duty of the government. (Kandahari, 2016: 97)

Non-resort to criminal acts

Article 6 of the Act of protection of people who enjoin to the good and forbid the evil also does not neglected on this subject and says that:

In order to enjoin to good and forbid evil, no person or group has No right to do criminal acts such as insult, defamation, beatings, and assassinations and so on. Committing an offense will be punished under the Islamic Penal Code. The barriers are not the criminal responsibility of individuals and this code is not related to advocating of person enjoining to good and forbidding evil and in the direction of limiting supreme leader, with a supportive approach of the agent whom hear the advice. And in other words the aim of this code is to support the freedoms and rights of citizens and, therefore, it will be considered as a progressive code.

In this article mentioning the name of criminal acts have been allegorical and there is no another aspect. This meaning can be understood according to the word 'including' in article 6 and mentioning crimes such as insult, defamation, murder and so on is an allegory. (Kandahari, 2016: 99)

After supporting of agents and persons against possible aggression of people who enjoin and forbid, this law immediately in Article 3 states:

Punishing those who committing criminal acts about persons who enjoin and forbid is not refundable or suspended and its sentencing will not be postponed.

Note:

If the relator or his parents forgive the offender, public aspect of crime will be pursued in accordance with article (614) the Islamic Penal Code (Fifth Book- Restrictive sanctions and

sanctions approved 3/6/13) and the Note to Article (286) from the second book of the Islamic Penal Code approved 2013/5/11.

Legal context of this article that can be the most important mission of this law is in the principles of the Constitution, principle eight directly and the third, fourth and twelfth principles implicitly. This article knows the punishment of criminal offenses against persons enjoining and forbidding as an absolute punishment even if there are discounted directions.

Discount directions stated in Article 38 of the Islamic Penal Code can be mentioned as the following points:

- A) Forgiveness of the plaintiff or the private claimant
- B) Effective cooperation of the accused person in identifying partners or deputies, studying evidence or discovering property and objects remained of crime or abuse or used to commit it
- C) Situation and condition particularly effective in committing a crime, such as behavior or speech of provocative victim or the existence of a dignified motive in committing a crime
- D) Announcement of the defendant before the prosecution or her effective confession during the investigation
- E) Damnation, good history or the particular circumstances of the accused person such as aging or illness
- F) the attempt of the accused person in order to reduce the effects of crime or his action for compensation for the resulting losses
- G) Mild losses to the victim or harmful offense
- H) Poor intervention of the partner or deputy in crime.

According to Article 33 of the same law, the court can only apply qualities in crimes of inferiority, and there can not be discounts on non-criminal offenses. Also, hedging measures are not subject to discount and in between only subordinate punishment are covered by the qualities of the seal and not punishment completing and finishing. Also the court in case that there are some ways can punish offenders.

So according to philosophy that there are some reasons for the offender, that discount of the punishment never decrease from the amount of fault and delinquency but this discount is criminal assistance bonus in detecting a crime or compensation of covering the crime, in detecting crime or offset the offending cover, in repairing harmful works and possible injuries due to crime.

But one can conclude that non-repayment penalty for the person who enjoin or forbid which is in article 3 of the law of supporting of these persons and is absolute needs more thinking and reflection.

In addition, in Article 3 of the recent law, the rules of suspension of punishment and postponing the issuance of the sentence as well about the agent are not applicable absolutely.

Maintaining the Shari'a Framework and Rules

Article 8 of the Protection Act attracts so much attention regarding emphasizing and more explanation about the effects

of enjoining and forbidding and in fact it is considered as the strength of this law. The article states that:

People are free to invite advice, guidance about government performance and in the framework of Sharia and laws they have the right to enjoin to the good or forbid the evil the authorities, officials, managers and the staff of all components of sovereignty and the three forces, including ministries, organizations, institutions, state-owned enterprises, institutions and others, Public NGOs, Islamic Revolutionary Institutions, the armed forces and all the devices.

Due to the invitation to good luck, advice and guidance, this article can be the basis for extending this good affair and also it can be in the direction of implementation of the eighth article of this law and can be considered as a public license for the execution of this law, of course it should be acknowledged that since a general practice license has also been raised in it in some way, it can be a weakness of this law in violating public order and security by uninformed people to religious standards.

Increasing the level of public culture is one of the main characteristics of education and desirable culture realization. This is important in the law of protection of persons enjoining to good and forbidding evil and in Article 10, it says:

Ministry of Education, Ministry of Science, Research & Technology, Islamic Broadcasting Organization, Ministry of Culture and Islamic Guidance, Islamic Propaganda Organization, Basij Organization, municipalities and other institutions and cultural devices obligated to submit the condition of enjoining to good and forbidding evil and raising public awareness in this regard through providing training and information.

As we have seen, raising public awareness in the field of promotion and implementation of the law of enjoining to good and forbidding evil has been objectified in Article 10 of the law of protection of persons enjoining to good. Jurisprudential review of the law protecting the persons enjoining to good and forbidding evil, Article 1 of the Protection Act has some considerable shortcomings which can be called as follows:

In this article, the verb includes promise, so adding the promise has no meaning. Along with the rules, the regulation will also be added. Interfering the custom in defining good and evil terms in some ways is controversial; First, the development of the territory of good and evil into custom has no religious basis; Secondly, the custom is not defined in this law and is conceptually ambiguous; Thirdly, its recognition and verification is difficult in many cases and this causes that in law enforcement, there exists a lot of problems.

In the term 'holy shrine', we should turn the letter "و" to "ی" because enjoining or forbidding the verb in each of the laws or regulations is enough for the verb to be called good or evil. Delete note. Because if the idea of the person committing the good or evil is the opposite of the idea of the person enjoining and forbidding, enjoining or forbidding will become necessary. In this regard, jurisprudential view of Supreme Leader does not matter unless this is a comment as law or a government decree.

For example, in the case of shaving a beard, if there is a disagreement between the references and the Supreme Leader,

the case will be outside from the circle of forbidding evil. According to Imam Khomeini:

Different types of fires and perceptions of our opponents and their counterparts, as well as those of our opponents, are the most influential actors in the world. (Tahrir al-Wasilla, 466).

According to this, in any case that is necessary that the idea of leadership or any other jurisprudent is a criterion for good or evil, that idea should become a law. Thus, note must be corrected in this way which is basically in the case of religious judgments, imitative view of the subject in enjoining or forbidding must be the criterion of action; unless in cases that the law has stated a certain rule.

Article 2 of the Law of Protection of persons enjoining to good, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining and forbidding as examples of shortcomings, Article 2 is as follows:

In verse 014, Al-Imran Surah has stated (my nation who are enjoining to the good and forbidding the evil) and on that basis Article 8 stipulates the law that (inviting to goodness ,doing good and forbidding evil ...) it should be noted that the invitation to good is other than forbidding and enjoining; although examples of goodness are the same as examples good. But the duty of believers in this regard takes place in two stages; initially invitation and then enjoining and forbidding. (Article VIII of the Constitution, legal and religious requirement of enjoining to good and forbidding evil, 14).

So the word 'invitation' must be removed from the definition of enjoining to good. By saying the word 'forbidding' in the definition of forbidding the evil, we have said forbidding the evil that is to forbid evil! The term of denying should be deleted and the term 'forbidding' is enough. Though the levels of enjoining to good and forbidding evil have been stated in Article 4, it's suitable here we point to these levels below the definition.

In Article 3 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 3 are as following:

It appears that this article enter the private domain of individuals in order to enjoin or forbid. Because the affair of enjoining and forbidding everywhere is related to public good acts or forbidden acts and does not restrict to (this law); the phrase in this law is not suitable and it's better to be removed. The article states:

(enjoining to good is related to the behavior) while not assigned to behavior but also includes speech and writing, so here the comprehensive word is actions. It is suitable to include triple axes of Article VIII of the Constitution in this article as a note.

In Article 4 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 4 are as following:

It is suitable in this article that after mentioning the levels, it is specified that these levels should be observed according to the

level of evil or good actions. Given that according to Article 156 of Islamic Penal Code, legitimate defense can be one example of enjoining to good or forbidding evil; so that beating or even the attacker's murder in these cases has no problem; other items can be found that according to inaccessibility of government agents, evil that occurred can have losses which can not be compensable.

Referring to the statements of the jurists and Imam Khomeini show that absolute absence of practical action by people are at odds with their statements. In Article 3 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 3 are as following:

If the offense is legal, it will have no problem so Article 22 of the Constitution states:

Dignity, soul, wealth, rights, housing and occupation of persons is safe from invasion unless for the cases for which the law has been prescribed.

In the spirit of the law of enjoining to good and forbidding evil, there is a kind of invasion, which based on the level of doing evil action or not doing good action, naturally included property, housing, occupation, dignity and even the life in exceptional cases which stated by the jurists.

This general statement in the article, invasion of dignity, life, and property ... denies from people and also from the government. While at least in the case of the government, such actions are taken against some criminals. This article is not compatible with Article 4 which allow practical action in exceptional cases. (Kandahari, 2016: 108)

In Article 6 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 6 are as following:

If the act is criminal, it is clear that it can not be a criterion for individuals or groups to enjoin to good and forbid evil and talking about it is abolished and in vain. Though insulting and defaming are from criminal acts, but threatening, threatening, beating and killing can not be generalized as Criminal acts but in certain cases can be considered as criminal acts.

As mentioned, enjoining to good and forbidding evil must be comfy with not doing good acts and doing evil acts and this requires the levels resulted sometimes to threat, sometimes to beating and sometimes even to murder, and of course it's limited to cases which the law determines.

Article 8 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 8 are as following:

Holding rallies and rallies should be done observing the provisions of Article 23 of the Constitution and based on current laws and issuing licenses from either side, ministry of Interior or any qualified official should be done. Rally aiming

enjoining to good and forbidding evil according to this general rule and there is not any specific reason to determine one entity or another for this purpose. Licensing by Ministry of Interior is more suitable due it has the law enforcement force and because there is the necessary guarantee for coordination and for the security of the people.

Each institution or organization or council which is considered for enjoining to good and forbidding evil should have purely and solely policy making, planning and monitoring aspect. Direct involvement of such a set, except for disruption on the tasks of other devices and the appearance of irregularities and doing parallel work will not have any result.

The more logical is that applicants submit a request for a rally to headquarters or supreme council of enjoining good and if approved, this council take rally or marching license from legal channels.

Article 8 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 8 are as following:

Concepts like invitations to goodness, advice and critique are not specified in this law and so they are ambiguous. The provisions of the article is contrary to article 8 of the constitution which considers enjoining to good and forbidding evil as a public task and not a right.

The surveys show that terms such as advice and critique and criticism are not conceptually synonymous with enjoining to good and forbidding evil and there is a difference between them, though in some cases they are compatible with each other.

As it is clear, the purpose of this article is not counting the domains of enjoining to good and forbidding evil. This phrase of the sentence is used below the sentence and basically counting the items is not possible.

On this basis, stating the areas is not a comprehensive statement to not include other domains. Generality of items is in such a way that maybe it cause to misunderstanding or abusing of individuals, for example the terms (property, customer reverence, luxury) are understood in some cases with customary perceptions while the religious or legal enjoining or forbidding should be considered.

So maybe the lose of stating these items is more than its benefits. The more appropriate is that specifying examples is one of the duties of the headquarters or Supreme Council of enjoining good and forbidding evil.

Article 11 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 11 are as following:

1. Concerning note two, it is not clear why in the subject of martyrdom or veteran; a representative from headquarters of enjoining to good must be in committee composition. As much as possible it is necessary to prevent entering

headquarters or Supreme Council to executive affairs. So mentioned combination minus the presence of staff representative is enough. (Kandahari, 2016: 108)

Article 19 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 19 are as following:

1. The organizations considered for enjoining to good and forbidding evil must be in such a way that accepts the responsibility of policy-making, planning, overseeing and managing related affairs. Given that in the current structure of Executive and Judiciary branches, there are various ministries, organizations and centers whose duties somehow are related to the subject of enjoining to good and forbidding evil, we can not and should not disrupt this structure and basically this work is not expedient.

Interference in the work of these collections is also not worth it. What is important and necessary and its place is empty is a collection in the country whose main concern is the fulfillment of this law is in the community which with all its might track this matter on all three axes; people towards each other, people toward government and government toward people; make a policy if it is needed; if refreshing missions of different institution in the subject of enjoining to good and forbidding evil is needed, it give them the necessary advice; provide the necessary support in order to enrich the education and research in the domain of enjoining to good and forbidding evil; and in summary as a qualified reference, its decisions related to all authorities, institutions and organs is indispensable.

Such an institution can not be a headquarters or organization; because firstly the headquarter or the organization have a partly aspect and are included a special subset and secondly, they have an operational nature while in the organization of enjoining to good, we are not searching an executive headquarter which execute good affairs, We are looking for an institution who oversees that related organizations do their tasks and missions in the field of performing the good affairs and take the necessary measures to eliminate inconsistencies and filling the gaps.

2. It seems that the most suitable organization for this important task is the Supreme Council of enjoining to good and forbidding evil. This council should have several attributes:
3. Its position is aligned with councils such as Supreme Council for Cultural Revolution and the National Security Council.
4. Combination of the council should be in a way which its popular weight is not under-effect government weight, because two domains of three domains of enjoining to good and forbidding evil is directed by the people (People towards each other and people towards the state). On the one hand the government is not neutral about the manner of enjoining to good. So the composition should not be in a manner that the combination of state congresses spring to the mind.

5. Legally, in the field of policy, planning, supervision and guidance in relation enjoining to good and forbidding evil has undisputed authority.

Article 21 of the Law on Protection from the persons enjoining and forbidding, there should also be some areas to consider which should not be opposed to sharia and jurisprudential sources of enjoining to good and forbidding evil. For example, the shortcomings of Article 21 are as following:

1. Presence of representative of the Supreme Leader and the three presidents is necessary in the composition of this council to represent the place deserves it.
2. At the Supreme Council of enjoining to good, the presence of ministers like the Minister of Industry of Mine and Trade, Minister of Education, Minister of Science, Research and Technology and the Minister of Information is not necessary. From the government collection, the presence of president, Minister of the Interior and Minister of Culture and Islamic Guidance is sufficient. Adding ministers statistics disrupt the combination of the council and this is in conflict with the jurisprudential doctrines of enjoining to good and forbidding evil.

Conclusion

Enjoining to good and forbidding evil should be done in three dimensions of people towards each other, government toward the people and people run towards the government. Determining three dimensions of execution of enjoining to good and forbidding evil is important because it provides a suitable basis for legislation, institutionalization and scheduling. Checking out what was happened before approval of the law of protection of enjoining and forbidding shows that actions taken were not according to principle 8 of the constitution that the reason of it is not only in the manner of enforcing disputed laws, but also in lacking a comprehensive law which can handle all three dimensions (people toward each other, government toward the people and people toward the state).

Of course, it should be noted that realization of principle 8 in each of the three dimensions requires appropriate requirements. There is doubt about whether an independent institution should execute the task of enjoining to good and forbidding evil.

It seems that there are a lot of cultural and regulatory institutions related to this task which merging them together is not possible and also not desirable. But by establishing coordinating organization of enjoining to good and forbidding evil, we can prepare the proper area for doing this task with predicting effective communication with other institutions.

In this approach, establishing a specific institution is necessary for doing the task of enjoining to good and forbidding evil, not for direct participation in the run, but to create harmony between different and related institutions, for policy making and planning, performance monitoring, and pursuing demands of people and authorities which in the new law of supporting the task of enjoining to good and forbidding evil, this task is the

responsibility of the headquarters of enjoining to good and forbidding evil.

This organization must be responsible for designing and offering appropriate guidelines, identifying executive issues and fixing theoretical gaps and utilizing popular capacities by communicating directly and continually with citizens, providing a detailed assessment of the manner of functioning of the responsible institutions and providing the report to law enforcement agencies for oversighting, encouragement or punishment of responsible institutions in the field of enjoining to good and forbidding evil, protecting citizenship right of enjoining to good and forbidding evil and preparing the field of tracking goodness and destructing evilness.

Article VIII of the Constitution show an important way to fix the uncertainties of the specified path by specifying the conditions and the limits and the qualities of enjoining to good and forbidding evil. Based on this determination of examples of enjoining to good and forbidding evil, the operating organization and institution, anchors and practices are of the most important things for which the law of protection determine some responsibilities. According to the Constitution, no stage of the process of enjoining to good and forbidding evil should not be inclusive and outside from the area of law.

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