The cases of blood money payment from the public treasury with an attitude towards the new Islamic Penal Code

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ABSTRACT: This study aims to investigate the cases of blood money payment from the public treasury with an attitude towards the new Islamic Penal Code ratified in 2013. Islam is one of the most important divine religions that according to Quran orders it is the most complete religion. Regulatory rules in the Islamic Republic of Iran in accordance with the constitution must be based on Islamic criteria. The principle of personal responsibility demands that in the event of a crime against the life or infra-life the only responsible person for the payment of blood money is the criminal. The principal has exception in cases such as the rational and relatives sureties. One exception is the public treasury that in certain cases is responsible for payment of blood money of a crime committed by another person. Although there is disagreement about the fundamentals of public treasury responsibility, presuming this responsibility in this paper, we have studied its domain and investigated the public treasury responsibilities towards blood money condensation, blood money difference, injuries blood money (infra-life), Arsh (mulct) and damages surplus to blood money.

Keywords: public treasury, blood money, crime Arsh, blood money Fadhel, blood money

INTRODUCTION

Human rights evolution and different definitions of human rights issues is the process that has taken political, social and cultural ideas and developments of the international community into consideration. Many have bring forth human rights for discussion, however many have challenged human rights. From a logical point of view, a balanced process must consider all aspects. Human rights as a human structure and process must be comprehensive and complete. One of the crucial issues of human rights is the life or financial compensations to individuals. Human logic also dictates that any damages shall have compensation1.

The principal of each person accountability for his own actions and lack of license for blaming third parties for acts committed by someone else, which is called the principle of personal responsibility, is a known and accepted principal. However, some cases such as the public treasury responsibility for payment of blood money are exempt from this rule2.
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Issue of blood money payment from public treasury is among such cases that have unanimity of all the new and old jurists. However, there are many differences between the examples of the public treasury payment of blood money and how to pay it. The study on reasons and documentation of each of them is a scientific and research opportunity to explain the reasoning of each of them.5

Due to uncertainties and the distribution of the legal cases of blood money payment from the public treasury and notification of new Islamic Penal Code, there is a necessity to conduct a detailed study on the examples and influence over the payment of blood money from the public treasury in Iran’s Law by reviewing the laws and ordinances of Iran’s Law, particularly the new Islamic Penal Code.4

In many criminal cases the committed crime against the life, limb or benefit is so that the offender is unknown or concealed or action is arisen out of errors, which cannot be attributed to any guilty party there. A significant proportion of these cases are reflected in Article 13 and Note 3, Article 156 and Articles 333, 334, 428, 435, 470, 471, 473, 474, 475, 477, 484, 485, 486 and 487 of the Islamic Penal Code and some other laws including the Provision 1 of Article 41 of Army Force Crimes Act. Some examples of these cases are the blood money the person who is killed by the shot of the officers who were on duty, the blood money of a person who is killed as a result of overcrowding, or the blood money of a killed person whose killer has not identified or has escaped after detection and is inaccessible until his/her death.3

Accordingly, this study presuming the responsibility of public treasury in these and other cases, attempts to answer this fundamental question that to what extent is the scope of the public treasury responsibility? Is the public treasury responsible for paying the blood money for injuries, crimes mulct and damages in addition to blood money as it is responsible for paying the blood money of homicide? Is it possible to pay the blood money Fadhl (difference) from the public treasury? In cases where the blood money becomes condensed, if the public treasury is responsible for payment of blood money, should it pay the blood money in the form of Moghalazeh or paying the original blood money is enough?

As the new Islamic Penal Code has been ratified and promulgated, the present research studies in the legislation of this Code. In fact, the proposed questions about the public treasury the blood money, that is to say, the blood money payment by public treasury public will be answered and analyzed according to the new Islamic Penal Code.5

The most important duty of governments is to establish order and security, since the security is the requirement of all social, economic and … activities. Theocracy is not exempt from this rule. The Government should minimize committing the murders, and the occurrence of conflicts to the possible least and basically eliminate risk areas of these and if possibly any murder occurred, arrest the killer and take action to punish. However, if the government did not succeed in this, it should pay the victim's blood money to compensate the injury entered into the family of the victim through the government negligence.16

Research literature suggests that, theoretically, there are differences in the views of jurists and legal experts. For example, Rohani, stated that regard to the discussion of blood money concentration of public treasury, the prevailing view among contemporary jurists is that whenever a murder is committed that is along with blood money concentration necessities, if the killer does not have the rational or the rational cannot pay the blood money, the victim's blood money will be paid out of Muslims public treasury as condensing. Also, if a person is killed as a result of the governor mistake in judgment or an officer shot in the line of duty being legal to shoot in the prohibited months, the concentration blood money will be paid out of public
treasury and in other cases, the responsibility of the public treasury will be so (Mohamed Fadhel Lankarani, Abdol-Karim Mousavi Ardebili, Hossein Nouri Hamadani, Mohammad Taghi Bahjat, Sayyid Ali Sistani). In contrast to this view, there is a dissenting opinion that enumerates the payment of condensed blood money by public treasury, contrary to the principles and it hardly disagrees with that (Nasser Makarem Shirazi, Lotfollah Safi Gulpaygani). In contrast to this view, there is a dissenting opinion that enumerates the payment of condensed blood money by public treasury, contrary to the principles and it hardly disagrees with that (Nasser Makarem Shirazi, Lotfollah Safi Gulpaygani). In contrast to this view, there is a dissenting opinion that enumerates the payment of condensed blood money by public treasury, contrary to the principles and it hardly disagrees with that (Nasser Makarem Shirazi, Lotfollah Safi Gulpaygani).

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First Speech: Unintentional crimes of Government officials

One of the cases of responsibilities of public treasury in payment of blood money is related to crimes that are committed unintentionally by the Islamic agents and officials carrying out the statutory duties. There is no need to state that the Islamic government is not responsible for willful misconduct or fault of agents, officials and employees and we talk about inadvertent and blameless mistakes.

A: Judges

Article 171 of the constitution states the responsibilities of the judges and the government in judicial affairs:

"Whenever a moral or material harm comes to anyone as a result of the judge fault or mistake in the issue, or in the judgment or verification of decree in a certain case, in the case of fault, the offender is guaranteed in accordance with Islamic principles, and otherwise, losses will be compensated by the government, however, the accused is to be rehabilitated".

Also, Article 13 of the Islamic Penal Code in this case provides:

"Sentencing penalty or security and training measures and their implementation regard to the case, may not exceed the amount and quality specified by law or court order and any injury or damage that may result from this, if happened by intention or fault is in the case of criminal and civil liability and otherwise, damage will be compensated from public treasury".

Article 486 of the new Islamic Penal Code also provides that:

"If after the retaliation, Had (a fixed punishment for certain crimes by Islamic Law), or Taazir (punishment below the full amount prescribed by the Law) sentencing that has led to killing or physical injury, the case is reviewed in the competent court in accordance with judicial rules provisions, and the inaccuracy of the sentence is proved, the reviewer court will issue the decree of the payment of blood money from public treasury and send the file with mentioning the documentation for the corresponding judicial proceedings to be dealt with according to the regulations. If the intent or fault of the final judgment judge is proved, he is the guarantor and by the decree of the said authority, he will be condemned to retaliation or Taazir as the Book V of Taazirat and should restore the blood money to the public treasury".

Therefore, one of the responsibilities of the government and public treasury to pay blood money and compensation is regard to the judges’ mistake and error.

Also in Article 335 of the Civil Code, Iran’s Legislator has considered the fault and intention as to be synonymous with each other. Article 8 of the administrative law enacted in 1987, also introduced the fault as an intentional violation of rules and regulations.

1 "In case of collision between two ships or two trains at a railway or two cars and the like, the responsibility is on the party whose intention or negligence has caused the collision".
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But it seems that limitation of the faults into willful misconducts is not true and unforgivable recklessness and disregarding law and judicial customs and traditions should also be added to the domain of fault. For example, it is possible for the judge to take an inadmissible hasty decision without reading the legal and judicial books and procedures and without consulting with colleagues, or even without a careful study on the law. These actions should be considered as fault and be sentenced as intentional.

**B: Military or Police officers**

Other cases where the public treasury has been named as responsible for payment of blood money in Iran’s Law is regard to the case of murder or injury that is occurred by military or police officers in executing their superiors order, without any violation of law or regulation.

Article 473 of the new Islamic Penal Code in this regard says:
"Whenever an officer in the performance of legal duties, act in accordance with the provisions and the act results in someone’s death or injury, the blood money is undertaken by the public treasury".

In the Note of this Article it is stated that:
"When someone with knowledge of the danger or intentionally enters the military exclusion zone or any other location where entry is forbidden, and in accordance with regulations, is targeted, liability is not fixed and if he/she is not aware of the place being banned, the blood money is paid by the public treasury".

In addition, Note 1 of Article 24 of the Penal Code of Armed Forces Offenses of the Islamic Republic of Iran has also referred to the sentence:
"Any system that attempts shooting is contrary to the rules and regulations his act is considered as a crime and will be sentenced to imprisonment from three months to a year and if it leads to killing or injuring, he will be treated in accordance with the law of Retaliation and Mulcts".

Note 1: If the shooting is done in accordance with the regulations, and the perpetrator will be exempted from payment of blood money and punishment and if the injured or killed person is not guilty, the blood money will be paid by the public treasury".

In addition, in the new Islamic Penal Code some cases are introduced whose audiences are the performers of the sentence. In Article 485 of this Act it is prescribed that:
"Whenever the one who is condemned to body member retaliation or Taazir or Had, and is not deserving of death or life deprival, is killed or injured more than the extent that he/she is sentenced during the penalty implementation, if the case of murder or injury is intentional or fault, the law executive is sentenced to retaliation or blood money with reference to the case, otherwise, in case of retaliation or Had, the guarantee is disproved and in Taazirat the blood money is paid by the public treasury".

What is emphasized by the Law regard to the responsibility of the judiciary and the military and regulatory forces is the acts or decisions that are intentional and contrary to the regulations.

**Second Speech: Crimes against the insane in legitimate self-defense**

Legitimate self-defense is among cases of crime excusable reasons. In fact, the person who committed the crime in the condition of legitimate self-defense, the punishment is lapsed from him/her. However, in Section 3 of Article 156 of the new Islamic Penal Code legitimate self-defense against crazy invasion is subject to the payment of blood money from public treasury. This case is among the cases that are taken into consideration for the first time in the
new Islamic Penal Code adopted in 2013 and before that, no law was written on this subject. Text of Note 3 of Article 156 expresses that:

"Regard to the legitimate self-defense, blood money is void, except for the case of self-defense against crazy invasion in which the blood money is paid by public treasury".

**Third Speech: in the cases of Loas**

Loas is the evidence with which there will be the suspicion of true claim, as a victim is found in the house or the neighborhood or village of a tribe or he/she is found between two villages, one of which is closer and if the distance of the found body is the same relative to the both villages, both two villages will be equal in Loas.

Article 333 and 334 of the new Islamic Penal Code is also related to the manner of payment of blood money in cases that are Loas. Article 333 provides that:

"If Loas against two or more persons are fixed uncertainly and compurgation is established against them in this way, the crime is proved to be committed by one of them uncertainly. The judge asks them to swear their innocence. If all of them refrain from swearing an oath or some of them swear and some do not, the blood money is proved to the recusants. If there are multiple recusants, payment of blood money is divided among them equally. If all of them swear their innocence in the murder, the blood money is paid by public treasury and in non-killing case, the blood money will be divided equally between them".

Article 334 also states that:

"If Loas against two or more persons are fixed uncertainly, and compurgation is established against them by the accuser, each of them must establish the compurgation. In the case that all or some of them refrain from compurgation, payment of blood money is proved on the recusant, and in the case of recusants’ multiplicity, the blood money is divided among them equally. If all of them establish compurgation in murder, blood money will be paid by the public treasury".

In addition, the legislation under Article 477 of the Islamic Penal Code of Iran has referred to another mode of payment in cases of Loas. According to this Article:

"In the case of a synopsis knowledge about a crime commitment by a person among two or more certain persons, if there is Loas on some part of the synopsis knowledge, it is acted out based on the compurgation Articles in this Chapter and if there is no Loas, the right owner can claim the defendants to swear. If all of them swear, regard to the murder, blood money will be paid by the public treasury and in the case of non-murder, blood money will be received from the defendants in equal proportions".

Another case of the payment of blood money from the public treasury in the issue of Loas is when the claimant directs the oath to the defendant and the defendant does not swear. In this case also the blood money will be paid by the public treasury. Article 484 pertaining to the blood money payment by the public treasury is about the cases of Loas based on this assumption. This Article provides:

"In cases of murder commitment and failure to identify the murderer that meeting Loas the compurgation is established on the defendant and he/she establishes the compurgation, the blood money will be paid by the public treasury. In cases other than Loas, if the defendant is asked to swear and he/she swears not to murder in accordance with the regulations, the blood money will be paid by the public treasury".
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Article 487, regard to an assumption among Loas fulfillment assumptions, also provides that:
"If someone is murdered and the killer is not known or he/she is killed by the mob, the blood money will be paid by the public treasury".

Regarding the Articles that have mentioned the blood money payment by the public treasury in the cases of Loas, the following points should be noted:

1. The principal and the criterion of judgment (the obligation of blood money payment by the public treasury) is the uncertainty of the criminal and lack of attributing the crime to an individual and a particular group and in other words the absence of criminal and proof of Loas. While it is completely clear and indisputable that until the crime is alleged to, albeit in sum, a particular person or group, the responsibility is on them and it is not referred to the public treasury. Overall, the public treasury responsibility for payment of blood money is to prevent wasting the precious blood of Muslims in the cases that there is no access to the criminal and he/she is absent because of his/her death and escape or being indefinite. However, in cases where a crime has been fulfilled and there is evidence that attributes it to a specific person or group, there is no justification for considering the public treasury responsible for the blood money payment from the very beginning, and it is not documented and reasonable.

2. The argument that is mentioned clearly in some traditions for the responsibility of public treasury for the payment of blood money (Muslim blood does not disappear) as it can be inferred from the other traditions, indicates and suggests that in general public treasury is responsible for the payment of blood money in cases where the crime is caused by congestion or finding the body of a Muslim in the passage, street and so on.

Fourth Speech: Lack of financial ability of the murderer or his/her rational

According to the new Islamic Penal Code in intentional or quasi-intentional murder if the murderer escapes and he/she is not available, the blood money will be paid from his/her property, and if he/she has no property, observing the inheritance circumstances, it is taken from his/her relatives and if they do not have enough property, the blood money will be paid by the public treasury.

Article 435 of the new Islamic Penal Code in this case provides that:
"Whenever in an intentional crime, due to the criminal death or escape, it is not possible to access him/her, by the request of right owner, the crime blood money is paid out of the criminal property and if he/she has no wealth, in the case of murder, the blood wit can take the blood money from the rational. In the absence or lack of access the rational, as well lack of his/her financial power, the blood money will be paid by the public treasury, and in non-killing case the blood money will be on the public treasury responsibility".

Here it may be mentioned that, the text of this Article is contrary to the explicit text of Article 462 of the new Islamic Penal Code. In Article 462, intentional and quasi-intentional crime is on the responsibility of the criminal. This Article provides that:
"Intentional and quasi-intentional crime is on the responsibility of the criminal".

It should be noted that in the view of many scholars in the hypothesis that the criminal has escaped in intentional or quasi-intentional murder, the murderer must pay blood money from his/her own wealth. If he/she has not financial power, until he/she owns property, it will remain as his/her obligation. However, Imam Khomeini assumed that in this hypothesis there is the possibility that the public treasury is the guarantor of blood money payment. In such cases, he did not considered the rational as being responsible for payment of blood money.

On the other hand, Article 466 of the new Islamic Penal Code provides that:
"The rational is only obligated to pay the blood money for a mere mistake, but he/she is not the guarantor of financial loss that is wasted erroneously".

However, Article 474 of the new Islamic Penal Code has not considered the rational responsible for payment of blood money in quasi-intentional crime. This Article expresses that:

"In the quasi-intentional crime, if the criminal is not accessible due to death or escape, the blood money is taken from his/her property. If his/her property is not enough, it is paid by public treasury".

On the other hand, regard to the responsibility to pay blood money in assumption that the criminal or rational do not have the financial power, Article 470 provides that:

"If the criminal has not rational, or his/her rational due to lack of financial power cannot pay the blood money in the due time, the blood money is paid by the criminal, and in the case of lack of his/her financial power, it is paid by the public treasury. In this case, there is no difference between homicide blood money and other blood money".

Considering the order that Article 470 has provided for authorities of blood money payment, it appears that this Article is related to mere mistake crimes. As Article 475 provides:

"In mere mistake crime, in the cases where the payment of blood money is the responsibility of the criminal, if due to death or escape, he/she is not accessible, crime blood money is paid from his/her property, and if he/she has no financial power, the blood money will be paid by the public treasury".

Fifth speech: the differences between man and woman blood money

Article 551 of the new Islamic Penal Code and the below Note state that:

"Neutral blood money joined the man, is the man blood money and neutral blood money joined woman is the woman blood money and the troubled neutral blood money is half of a man blood money in addition to half of the woman blood money.

Note: In all the crimes that there is no criminal against the man victim, the blood money difference to the maximum of man blood money is paid from the physical damages fund".

According to Article 550 of the new Islamic Penal Code, woman blood money is equal to half of a man blood money. So that the Article states:

"The blood money for killing a woman is half of a man blood money".

However, the new Code has been initiative and has made the public treasury and fund of physical damage responsible for the difference of blood money of the crime against other than men.

Sixth speech: Condensing, crimes mulct and damages surplus to blood money

Article 555 of the new Islamic Penal Code regarding blood money condensing and meeting its conditions, has stated as follows:

"Whenever the crime of the perpetrator and the death of the victim are both occur in sacred months (Muharram, Rajab, Zy-Alqadah and Zy-Alhajah) or within the Haram of Mecca, either intentional or unintentional, in addition to the blood money of the homicide, one third of the blood money is also added. Other sacred and blessed places and times are not subject to blood money".

Article 557 of the new Islamic Penal Code has decreed:

"Blood money condensing is specific for homicide and it is not current for crimes of body members and interests".
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The wording of Article 557 suggests that blood money condensing is only related to the crime of homicide and has no effect on the body members crimes. To know the reason for consisting only homicide blood money in the blood money condensing, in this case, the Islamic authoritative jurisprudent sources and philosophy of blood money condensing imposition must be studied. As mentioned before, the Shia scholars almost agree that there is no condensing in injuries blood money. According to Saheb Javaher, injuries blood money condensing rule is more compatible to Sunni jurists’ taste that believe in comparison. Because they think the philosophy blood money condensing which is violation, exists in injuries.

Regarding the question that whether blood money condensing is included in the cases where the public treasury is responsible for the payment of blood money, Article 556 provides that:

"In blood money condensing rule there is no difference between adult and non-adult, male and female, Muslim and non-Muslim. Miscarriage after the birth of the soul is subject to condensing. Blood money condensing, where the payer is the rational or public treasury is current. This decree is also current in intentional murder that due to lack of retaliation possibility or lack of its license, blood money is paid".

Therefore, blood money condensing is only current on homicide and has no impact on the crimes against the interests or body members. In addition, the blood money condensing is also current in the cases where the rational or public treasury are responsible for paying blood money.

General Board of the Iran’s Supreme Court on urge votes 6 in 1996/26/6 and the Judiciary Legal Department in theory 1567 in 1997/9/16 by resorting to the Lossless principle and Causation rule have considered damages surplus to blood money claimable. Regarding the fact that damages surplus to blood money can be claimed, can public treasury be considered responsible for the compensation of damages surplus to blood money in cases where it is responsible for the payment of blood money. To response, it can be stated that as the blood money and the surplus damage are caused by a single action, it needs a single responsible for the liability payment.

Seventh speech: Non-Muslims blood money

Article 554 of Iran's new Islamic Penal Code also requires that:

"According to governmental opinion of leadership, crime blood money against recognized religious minorities in the constitution of the Islamic Republic of Iran is determined the same as Muslims blood money".

As can be seen in Article 554 of the new Islamic Penal Code the blood money of non-Muslims who are recognized in the constitution of the Islamic Republic of Iran is determined the same as Muslims blood money and only it is commanded about the amount of blood money. However, two questions arise: first, whether the blood money for non-Muslims who are not recognized in the Iranian constitution and are not considered official is the same as Muslims blood money? And second, whether the payment of blood money from the public treasury is possible for non-Muslims (who are recognized in the Iranian constitution and are considered official or are not recognized in the Iranian constitution and are not considered official)?

There are disagreements regarding the payment of blood money for non-Muslims in the jurisprudence. In the next sections further detail about the different perspectives in this area will be discussed. However, the author requested the Office of the Legal Advisory, Documentation and Certified Translators of Judiciary in this regard:
"1. How many is the blood money of other religions (except Islam religion and religions subject to Article XIII of the constitution)? Express the statutory authority.

2. Is the blood money of other religions (except Islam religion and religions subject to Article XIII of the constitution) payable from public treasury? Express the statutory authority"

They were inquired and the answers are as follows:
"Turning to the Inquiry No. 210/1034/9033 dated 20013/12/4, Advisory Opinion of the Criminal Regulations Commission of this Administration can be declared as follows:

1. In Article 554 of the new Islamic Penal Code of 2013 regarding the equality of Muslim and non-Muslim blood money, the non-Muslim means those who are subject to Article XIII of the constitution and there is no specific wording of the other non-Muslims. It appears that according to Article 214 of the Criminal Procedure Code, the judge is obliged in any case to find the sentence in the written laws and if there is no law in that regard, he must issue the sentence based upon valid legal sources or valid fatwas. The blood money of other non-Muslims should be determined with respect to the valid jurisprudence sources and the decision must be made based upon them.

2. Whereas Article 487 of the new Islamic Penal Code of 2013 refers to a person who is murdered and the murderer is not known or killed as a result of overcrowding and the person word is absolute, it appears that the purpose of the legislative is to protect all the inhabitants of Iran, including Muslims and non-Muslims. Article 554 of the mentioned Code also demonstrates it. Because in this law, the legislative receiving the decree from the Supreme Leader, has made no difference between Muslim and non-Muslim, so paying blood money of unofficial non-Muslim by the public treasury is permitted".

According to the above advisory opinion regarding the non-Muslim blood money payment (recognized in the Iranian constitution and considered official or not recognized in the Iranian constitution and not considered official) by the public treasury there is no impediment and the Law viewpoint is to support all Iranian residents. However, given the silence of the Constituent in items mentioned, below, the jurisprudence theories regarding the payment of blood money to the non-Muslims by the public treasury is investigated.

With regard to the public treasury responsibility for blood money for non-Muslims and foreigners who live in the territory of the Islamic Republic of Iran as a permanent or temporary residence or pass, three perspectives are deduced from jurisprudence arguments and related legal traditions: The first view is that there is no difference between Muslims and infidels and as public treasury is responsible towards Muslims, it is responsible towards non-Muslims and foreigners. The second view is that Muslims public treasury is not responsible towards non-Muslims and infidels and foreigners. The third view is that through Zammah contract public treasury is responsible only towards the Zammi infidels.

CONCLUSIONS
This study aims to investigate the cases of blood money payment from the public treasury with an attitude towards the new Islamic Penal Code ratified in 2013. Islam religion is a general and holistic religion that concerns all aspects of individual and social life of man and has codified plan for all life stages of the mankind. There are even solutions to mistakes and crimes. Regulatory rules in the Islamic Republic of Iran in accordance with the constitution must be based on Islamic rules and principals. Responsibility of the public treasury for payment of blood
The cases of blood money payment from the public treasury ... money is among the cases that Islam religion has considered with regard to the particular social circumstances. The rules are based on the principals that compensate the losses to the community and losers and prevent the wasting of the individuals’ blood. Therefore, in many cases the indemnification of the individuals is not possible in many cases and Islam knows the payment from the public treasury as the counter measure. According to the survey in this study it must be acknowledged that the New Code, in comparison with the Code ratified in 1991, has considered many cases regard to the responsibilities of public treasury in payment of blood money and has put an end to the silence and confusion in the Code ratified in 1991 or before. On their behalf. However, there are still cases where the law is silent and they are ambiguous. There is ambiguity on topics like the difference between men and women, Muslim and non-Muslim, the size and the amount paid from public treasury. These ambiguities may create different procedures in the courts. In cases where Loas condition is established, the non-Iranians situation that crimes are committed against them is unclear. The amount and even the possibility of the blood money payment of non-Muslims who are not recognized in the constitution and the like cases, which based on various assumptions are different, have not been determined. In general, regard to the payment of blood money from the public treasury the following cases should be mentioned.

1. In any case where the public treasury has taken the responsibility for payment of blood money, if the committed murder is in terms of condensation, public treasury payment will be condensed. Firstly because the condensing reasons are applied to the one who is responsible for the payment of blood money, and secondly because the condensed blood money belongs to victim's family and it is their right. However, it must be paid even if the wisdom of blood money condensing is the violation in a sacred time and place.

2. When the Muslims Jurisdiction is the murdered blood wit and retaliating the murderer needs the payment of the blood money difference from the public treasury, the Jurisdiction can retaliate the murderer by paying blood money from the public treasury. Also in cases where the crime disrupts public order and security or hurts the public sentiments, the prudence is the execution of the retaliation (Article 428 of the New Islamic Penal Code)². Apart from the aforementioned cases, there is no case for the payment of blood money from the public treasury, unless Muslims interest and social needs necessitate it.

3. As the public treasury is responsible for homicide blood money, it is responsible for injury blood money, mulct of crimes and damages surplus to blood money in accordance with the legitimacy of the claim.

4. Payment of blood money from the government and not public treasury regard to the non-Muslims who are recognized in the constitution is considered permitted and in other non-Muslims there are ambiguity. Although there is no doubt in the payment of blood money by Muslim and non-Muslim perpetrators (assuming retaliation descent), however, there are many cases (including the non-Muslim lack of financial power) that put the payment situation, and crime compensation in legal ambiguity and silence.

5. The scope of blood money payment from the public treasury is mostly allocated to the cases where the perpetrator is not diagnosed or the crime is committed unintentionally and when

² Article 428 stated that: “in cases where the crime disrupts public order and security or hurts the public sentiments, the prudence is the execution of the retaliation, but the retaliation demander has no financial power for the payment of the blood money difference or the share of other retaliation right owners, the amount will be paid from the public treasury at the request of the prosecutor and approving of the Head of the Judiciary”.
the perpetrator and his/her rational have no financial power. Some examples of these cases are unintentional mistake of the judge, government agent and military officers, killing in Loas cases, murder in cases where the killer has not been identified or it has taken place as a result of overcrowding and lack financial power of the perpetrator and his/her rational. However, there are some innovative cases in the new Islamic Penal Code that are against religious and legal procedures governing the legal and judicial system of Iran and have considered the payment of the difference of the blood money for a woman and also blood money for non-Muslims from the public treasury.

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