The principle of the right to life in Iran’s Constitution and adaptive comparison with the international documents of human rights

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To cite this article: Saybani, A., Zanganeh, A. (2016). The principle of the right to life in Iran’s Constitution and adaptive comparison with the international documents of human rights. Journal of Exploratory Studies in Law and Management, 3 (4), 159-170.

INTRODUCTION

The right to life is the most fundamental and the most basic human right that is the Foundation of all human rights. The Human Rights Committee has enumerated this right as well as excellent and the most prominent rights of humankind(Bakircioglu & Dickson, 2016). Other international and regional judicial and quasi-judicial references and institutions have noted about the importance and special position of this right repeatedly and have evaluated its violation items carefully(Solis, 2016).
This right is among the first generation laws as political and civil laws. About the munificence and the value of the human is enough that the God named himself the best creator in the steps of the creation when He blew in human body from his soul, and ordered all the angels to prostrate on Adam and surely the feature of best creator for God contains the attribute of the best creation for human.

So, all the people have inherent dignity and value apart from having any kind of ideology, the color and race, nationality and ethnicity, behavior and thought. And this inherent dignity and value of human is inevitable to have innate, natural and social rights, such as the right to life, liberty, thought expressing and so on.

The right to life means that the human has a fundamental right to live and human rights are subject to being alive. This right has priority over the other human rights because the other rights have no value and usage without life. The topics about the death penalty, legitimate defense, abortion, euthanasia, and war will be raised around the right to life. For example, in a review of the death penalty, this question is raised whether the penalty is meant to violate the right to life of a person or not? Or is administration of euthanasia in opposition to right to life or not? Or in abortion is this topic raised that what should be done in the pregnancy issue between the right to life of the fetus and woman's fate, and in the war, what is a task of governments in order to protect the citizens’ life right?

The right to life, as the human inherent right, has always been a special attention in religions, basic and ordinary rules and international conventions.

The right to life has not been defined as similar to many of the set forth rights in the international documents definition but this term has more clear meaning in comparison to other terms. This right is been supported in international documents repeatedly and has made governments responsible to observe the rights of their fellow citizens and have expressed the same relevant phrases with no outlines and commentaries.

The right to life in all protection of human rights’ sources is been officially recognized. Among the most important protection sources of human rights, human right treaties can be mentioned in which the right to life is recognized explicitly official and supported despite the many differences among human rights treaties(Ramcharan, 2015). But, regardless of such a thing, the right to life was supported in all the treaties and some of the most important examples of them are as following. Universal Declaration of Human Rights (1948) as the first international document about the protection of human rights in its Article 3 briefly recognizes the right to life, which is as follows(Malik et al., 2015):

"Everybody has the life, freedom and personal security right".

But, at the front point of the International Covenant on Civil and political rights (1966)(Assembly, 2015), which is one of the most important international binding documents on the protection of human rights, the right to life has been raised to the more detailed manner and meanwhile the regulations are raised about the death penalty as well to the recognition of mentioned right. The third section of the first article of the concerned Covenant (article 6), in which the substantive rights of the Covenant might have been enumerated, are dedicated to this right and some rules are included in it as follows:

1- Right to life is one of person’s inherent rights. (Any person has inherent right to life). This right shall be supported in accordance with the law. Any person can be deprived from the life arbitrarily.

2- In countries where the death penalty has not been cancelled, the issuance of a death sentence is not permitted except in the case of the most important crimes according to the
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indispensable law at the time of committing the crime that should not be in inconsistency with the provisions of this Covenant and related Convention to the prevention and punishment of mass murder crime (Genocide).

3- Implementation of this penalty is not permitted except by definitive issued verdict from competent court (Nasim & Beena, 2015).

In this way, article 6 of the International Covenant on Civil and political rights, ordains relatively detailed provisions in support of the right to life in six paragraphs.

Because contrary to article 3 of the Universal Declaration of human rights that recognized the right to life beside the rights such as freedom and personal security, the Covenant takes it into consideration independently and shows that this Covenant is seeking to protect the right to life with a certain quality by the addition of the adjective “inherent” to this right and its aim is to recognize such a right to support the human life by benefitting from his decent greatness, not just protection of animal and biological aspect of human beings. Moreover, the International Covenant on Civil and political rights pays attention to the death penalty issues as well and regulates detailed regulations in line with the restrictions on status and application of such punishment in order to support more the right to life of individuals against the actions of the governments, an issue the necessity of paying attention to which had been raised in the time of regulating the Universal Declaration of human rights in the related negotiations to the regulate of this document. But, it blacked out because of the too much disagreement of States and finally there was no mention to it in Universal Declaration final text regulation.

Regional systems of human rights at the regional level have included regulations in recognizing and protecting it from the right to life in very important documents that have been regulated in these systems as well. Among these documents, we can mention to the African Charter of human and Nations rights (1981), (Bern, 2015) which recognized the right to life in article 4 and protection of human rights European Convention and fundamental freedoms (1950) (West & Schultz, 2015) that prescribed regulation in order to protect the right to life in article 2 and the American Convention of human rights (1969) (Smith, 2016) (in which the detailed provisions similar to the International Covenant on Civil and political rights are included in article 4 in order to protect it from the right to life). Article 2 of the human rights Declaration in Islam (1990) or the "Cairo Declaration" and the article 5 of Arab Charter about Human Rights (1994) (Mohamedou, 2016) recognized the right to life and supported it as well. The number of treaties that has recognized the right to life is very high and is pointed to some of them as examples. The right to life not only is supported in regulations and documents related to human rights, but is supported in documents related to friendly human right as well that can be noted to the common article 3 of Geneva quadruple Conventions as one of the most important ones.

In addition to the human right treaties, in other human rights sources such as International custom, general principles of law and judicial decisions, the right to life is recognized among the fundamental human rights as well (Conte & Burchill, 2016). So, there is no question that the right to life is one of the recognized rights of the human rights international system. It is good to be mentioned here that the death penalty has been cancelled until 2007 in 100 countries and has been suspended in 29 countries and only 69 countries still have death penalty. Since one of the human rights component in human societies is the number of right to life’s deprivation penalties would be worthy that the lawmakers of Islamic Republic of Iran in the Statehouse determine alternative punishment instead of death penalties in order to punish the guilty people and are less a witness of human life to right deprivation and fulfill the state of God which said:” Everyone who resuscitate one person is like the one that has resuscitated all the people”.

Due to the join of the Government of the Islamic Republic of Iran to the above Covenant, equal to article 9 of the civil law, these provisions are in the law of Islamic Republic of Iran and all
citizens including the governing board and nation have the reflected rights in it. And the different governments including the Government of the Islamic Republic try to observe them in their current rules as well. In line with this task, in the second principle of the Constitution of the Islamic Republic of Iran, it has been noted that "Dignity and worth of human beings and their freedom are coupled with his responsibility before God", and his physical and spiritual life by virtue of the principle 22 and this phrase is expressly supported by "prestige, life, property, rights, housing and jobs of people that is inviolable except in cases that are allowed by law".

In protection and immunity guarantee of right to life of persons, according to the article 206 of the Islamic Penal Act approved in 1990, the intentional murder is defined and is equal to article 205 of this law, committed an act of murder deserving the severest punishment means death penalty. Of course, this law is the main rule and has exceptions and here are the exceptions pointed out briefly.

A: Based on the opposing concept of explicit concept of article 207 of Islamic Penal Code which States: “whenever a Muslim is killed, the assassin retribution and helper in murder is sentenced in imprisonment for 3 up to 15 years”, just the murder of a Muslim cause the death penalty and in another word killing a non-Muslim human has no retribution. Unfortunately, the law is silent about the punishment of killing a non-Muslim and this creates an illusion and doubt that the murder of non-Muslims has no punishment in Iran. While it is not in line with this issue because of Islam thought that the Islamic human right declaration and conventions and international declaration of human rights that Iran attached to them.

B: One of the other exceptions of mentioned principal is the intentional killing of child by father or paternal grandfather that is based on article 220 of the Islamic Penal Code: "the father or paternal grandfather that kills his child cannot be retributive and the person will be convicted to pay the blood money to the heirs of the victim and remonstration."

Indeed, wherever a cruel person kills his child without mercy, what is the meaning of this legal leniency and the mother cannot have such this legal leniency if a reason is hidden behind it.

C: Another exception equal to article 222 of Islamic punishment law is “whenever a wise person kills a crazy man is not retributive but the murder has to give blood money to the victim's heirs”. As we all know, a crazy man is deprived of the blessings of wisdom and as a patient, he must be placed under the protection of the law, but we see in article 222 of the mentioned law, a life of such this illness is not supported as a healthy human.

D: Equal to the article 258 of mentioned law, administration of justice means the retribution of killer in deliberate murder of a woman by a man is adjourned to pay “the half of money blood” and because it is possible that the preparation of it to be hard for the plaintiff (parent’s victim) it can be considered as a barrier to justice administration.
human, but firstly because of forbidding assassination due to the violation to the others rights not disobedience from the King’s command or law order and secondly knowing the human deserving such a right because of humankind (Mokarami, Hatami, Afsordeh, & Bahmani, 2015).

The human rights universal declaration, which was not considered as a binding document because of being Declaration, became as a pattern for the future efforts to regulating the relevant rules with the aim of establishing a success common standard for people and Nations in order to respect the civil, political, economic, social and cultural rights. The United Nations General Assembly in 1954 started the preparation a draft of two Covenants for executing the embodied concepts in the Declaration. These draftees in 1966 under the titles of "International Covenant on political and civil rights" and "International Covenant of economic, social, cultural rights" were approved by the General Assembly and both were mandated in 1976 (Vadi & de Witte, 2015).

Among the necessary observed rights in the Covenant on political and civil rights and in fact the first and most fundamental of them is the right to life which is named as “supreme right” by the Human Rights Committee in the position of supervising on the implementation of the Covenant. International Covenant on political and civil right in the case of the right to life without a correct definition is emphasizing on the prohibition of arbitrary deprivation of the man from his life’ right. This obligation means the obligation to leave and avoid doing the verb form the negative aspect of the right to life, while the Human Rights Committee in its interpretation of the right to life (general statement of the Committee about the article 6 of the Covenant on Civil and political rights, 1982) knew the correct understanding of that right to the subject of the expanded interpretation, and prohibited one-dimensional look on it. Hence, to invoke the Human Rights Committee interpretation, the right to life is generally two-dimensional, consisting of positive and negative aspects. In the negative component, the State and its agents do not have life deprivation right arbitrarily and illegally and in its positive component, the government must provide an optimal life conditions for the people. In the negative obligations, the State must take measures to punish the individuals who are deprived of the right to life by penal laws. In the duties of state that are deriving from the right, we must not enter an injury to the principle of the right to life of person because the government is an institution that serves biological life and cannot exceed from this kind of attitude toward life to jeopardize the life. Otherwise, it is fighting with its manufacturer aim (to protect the principle of life).In the case of positive duties, the government should guarantee the life of the person in custody and its negative duty is not to injure him. Also, the governments have a duty towards educating their personnel such as police station and prison guards to minimize the possibility of violations of the right to life. Moreover, in relation to the positive duties of State, we can mention to prevention and punishment of people who commit killing, increasing life expectancy, reduction of child mortality, and providing the essential conditions for living.

Now we study the materials related to the right to life in international documents of human rights. Article 2 of the human rights universal declaration says: "anyone can benefit from all of the rights and freedoms which are mentioned in the present declaration without any distinction especially in terms of race, color, sex, language, religion, political opinion or any other opinion, nationality, social status, wealth, birth or any other situation". Furthermore, article 2 of the covenant on the political and civil rights expresses: " Covenant members states are committed to respected and guaranteed the rights recognized in the present Covenant about all residing persons in the territory of their governance without any distinction such as race, color, sex, language, religion, political opinion or another opinion, national or social principle or origin, wealth or other status".

The "right to life" as one of the rights stipulated in article 3 of the Universal Declaration of human rights has been described like this: "everyone has the right to life, freedom and security". 
Also, in the Covenant on political and civil rights following the article 6 of the Covenant referred to this right like this, “The right to life is one of the inherent rights of the human. This right must be geared to the protection of the law. Any person cannot be arbitrarily deprived of life”. The universal human rights declaration to benefit from the included rights in declaration, including the set forth right to life in article 3, note without considering items such as religion and in covenant the governments, are obliged to guarantee the contained rights of it including the right to life without considering factors such as religion. Based on what was mentioned, while the religion and meaningfulness are indivisible, all human beings have the meaningful right to life. Therefore, religion as signifying voluntary factor cannot belong to the right to life and removal of a significant component of life (religion) means the removal of the life. Being intrinsic of life in the covenant is more near to the approach that define the value of life separate from any foreign and external agent and in itself that do not rely on any factor except to protect from biological life. This is while that in accordance with article 3 of the declaration, everyone has the right to life. In the explanation for the right to life, article 2 of the declaration and article 2 of the covenant is set in such a way that it seems the human has right to life without meaning as well. So, in article 2 of the declaration and article 2 of the covenant, putting aside the religion from right to life is mentioned as a factor that can be considered as the meaning of life. Hence, the religion has no role in right to life. Also, the governments should consider the religion in ensuring the human right to life according to article 2 of the Covenant. But, it must be noted that we cannot talk about the non-religious life of a human who has a religion. Although it is permitted to speak from the genesis possibility of changing religion and sense apart from their consequences, the life here is not separable from the religion. Supporting from the right to life without considering the religion, it is the lack of supporting life because the life of person is not a separate thing from person religion until the right to life applies apart from the religion.

On the other side, religion is considered as the involuntary factors such as stipulated gender, color and race in the documents as a factor defining in scope of a person's will and is considered within the meaning of life. The right to life in the world of human rights declaration is protected in a way that perhaps the right is not school-based rights and human because of human (with each viewpoint) should have these rights. It seems that it is not a correct viewpoint and regardless of outlook that we have about the human nature, we cannot determine rights. Authors of world declaration of human rights have had a particular viewpoint about human nature and regulate this declaration based on that viewpoint. But, expressing it in such a way that this declaration is even free from the perspective of their own in time of regulation and there is no fixation rather to their viewpoints. But, there is always a fixation.

Survival and continuity of life is the most important thing for every human being and cannot be a superior value. If life does not matter to something beyond it, the survival is valueless and empty of meaning (Barrett, MAN, & Frankel, 2016). In fact, the question of the donator of meaning to life is that addition to mere survival that deserves a great respect in our life to giving a meaning and direction to the survival itself.

If the right to life is regardless of religion and the life of all human beings is respectable and supported regardless of their life meaning and out of the meaning of life, it is as a discount on a human pure life to a merely secular life. Converting the approach of being tools to a target is a conversion of bliss-oriented look to a world-oriented look, and more important of all is caused to the formation of imagination that life has no consistency with life and the value of religion is to the extent of color, race, language, etc. It means the things that are outside of human choice will be placed in the extent of voluntary things. Even if we finally resort to the utilitarianism theories for
justification of this act, these theories cannot be placed outside of means of life. In this approach, the right belongs to profit and life as a profit under the protection, and life will not be a thing beyond the utilitarianism. In benefit-oriented relativists approach, the possibility of life deprivation is justifiable based on the interests. In the Look of universal declaration of human rights and covenant on political and civil rights, the power in the form of state, instead of power in the direct shape of it in animals, is in the service of being alive, and with the principle of putting the biological life, it is trying to support and maintain this right either negatively or positively. According to the humanist interpretation of human rights, all non-human beings are interpreted in order of this type of look at life because the value of life is limited in being alive. In this way, according to the theory of being late of government (social contract), this institution has legitimacy to serve this type of human life. Finally, the protection of life in the form of right, outside of the meaning of life, in the international documents is nothing but waiting for a secular state and it summarizes the man in the material life. It is obvious that, for example, article 3 of the covenant is identifiable and executable by the government only when the government and rights are summarized in this sense.

The right to life in the legal system of Islam (considering objectivity)

Life is a sign of God's mercy in Islam and the human is a breath of the divine Spirit. This look into the life will give it the value on one hand, and knows it as a trust in the hands of human that the human is his trustee not the right owner and absolute owner of it on the other hand. Authority of human towards his life is to the extent for the trustee (God) to give power to him (Hegel, Adler, & Knox, 2003). Therefore, human in this respect has rights in order to be able to afford to maintain and be responsible for his life through these rights for the meaning of his life (Gewirth, 1982). Life is defined in the light of the human perfection in Islam and if the human perfection aspect to be removed, the belonging to the right is nothing but biological life as an animal. In Islam, the meaning of life is ingrained with the understanding of death and resurrection in such a way that the life not only will lack sense with the death, but also will find the real meaning. Islam has divided the life into two parts of worldly life and afterlife so that life is made meaningful through death. Worldly life has a primary aspect for the afterlife of human beings. Wherever the death is the end of the life, the afterlife is summarized in the world, the world in human and human in its animal aspect.

Material-oriented human is looking for liberation from any shackles out of his wanderer will and if he accepts limitation, he would define it as limitation based on his own interests in a way that independent gathering of the person is not meaningful and it has an artificial existence to protect them from the freedom of the individual. Wherever that the life of an individual is defined in the following of the life of mass, in fact the mass is an answer to the mortal life in death. The individual sees the continuing of his life in mass to escape from death. So, in the national-oriented movements the person is ready to sacrifice himself for the mass life. But, in Islam, the mass and person lose their originality since death is not the end of the life and they find meaning in relation to the afterlife until a man goes to embrace death. Therefore, to understand the meaning of life from the perspective of Islam, death should be studied in terms of Islamic view. The life in Islam finds meaning according to the relationship of the human with God and is a divine gift that must be used in a correct way. This direction is formed based on inspiration.

From the perspective of Islam, the rights take their originality from the life of the Muslims and the validity of rights is because of Islam. About the right to life of non-Muslims who have books, it should be said that the life, property, housing, children and honor of people of the book, that includes Jews, Christians and Zoroastrians, are protected from the violation. This group can live a life as a citizen in the territory of the Islamic State by the use of “obligation” contract (Enayat, 2005). Therefore, Islam recognizes their right according to the meaning of
Islamic life, not the meaning of their life. In other words, their rights are based on the Islamic sense and not the opposite one and it shows the face of God's grace and mercy. About the right to life of the non-Muslim people that have no book, Islam has divided them into two groups:

A. Those people who did not fight and bear hostility with the Muslims in the meanwhile of infidelity and polytheism. In this case, expressing goodness and loving and behavior with Justice to them is meaningful. Muslims can establish a friendly relationship with these infidels until it is not the cause of their domination on the Islamic community. Imam Ali (PBUH) in his command to Malek Ashtar said: “the people are two groups; they are either your religious brothers or the same with you in the creation, and they might have slip or frailty, and do bobble deliberately or inadvertently. In this case, forgive them so that the God bless and forgive you as well”.

B. Another group is those who bore hostility and did fight with Muslims and took them outside of their home or helped others to do so. In this case, friendship with them is banned and Muslims are bound to cut the relationship and avoid the friendship with them. So, everybody that does friendship with them is among the cruel. This order is a divine task based on the injustice opposition.

Non-Muslims who have no books have the right to life to the hope of gravitate and accept the meaning of life of Islam based on the Islamic teaching. Definitely, the right belongs to the meaningful life and Islamic life with considering Islam as belonging to the right. As it was mentioned, this does not mean that the people who do not accept Islam are deprived of the right to life, but it means that their right to life does not come from their life, and it is coming from the Islamic merci and grace. In fact, Islam sees the meaning of their life according to its own teaching. Therefore, the recognition of their right to life does not mean a confirmation for the meaning of their life. In general, the right to life in Islam arises from Islam not from life minus Islam. And that the non-Muslims have the right to life is an Islamic teaching.

The Right To Life In Iran

Under the Islamic teachings, the right to life of people is respected and protected from violation in the Constitution in the Islamic Republic of Iran. It is said in principle 22 of the Constitution of Islamic Republic of Iran: "prestige, life, property, housing and jobs of people are inviolable except in cases that are allowed by law". The Islamic Penal Code also stipulates in article 205 that deliberate killing will cause retribution and thus try to protect the right to life of individuals against the violation of others. However, there are some conflicts between the positioning of the international system of human rights in relation to some of the issues related to right to life including the death penalty with what the Islamic Republic of Iran is adherent and the review of this issue wants a detailed position for the discussion(Baderin, 2003). In the heavenly teachings of Islam, murder of a man is equal to killing of all the people and it has always been prohibited to killing people without legal permission in Islamic teachings and killing innocent human is accounted as the highest and biggest sin.

The Challenges of the Right to Life

Some of unbelievers to religion criticized Quran and said that Quran has authorized the murder in several cases is neglecting to the right to life by relying on Western perspectives of human rights.

From the cases that challenge with the right to life are retribution, execution of apostates, and execution of the combatant with God and the Prophet. Some saying that retribution means washing blood with blood but the blood is not washed with blood, and it is better to consider another penalty for killing instead of retribution.
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But, the truth is that retribution makes no one desire to murder. One who does not respects the right to life of others and commits deliberate murder has threatened and ignored the life of the whole community, he himself has ignored this valuable right and implemented the death law in society. No one can guarantee an individual who has deliberately killed a person one time to not to do murder again. In particular, if the appropriate penalty is not considered.

whenever the regulation of law are in the hand of law violators, they attempt to reduce the severity of the law and its implementation and it seems that minds that have grief in the execute of retribution for assassins and the eyes with fake tear are worry about themselves than to being worry about the right to life of human community! Those people massacred the children, women and shelters and put a lid on it when the issue was their economic and political interest.

Here are two Noteworthy points:

1. No law can be regulated without taking penalties for the crimes and administration of the human society or running justice.
2. The penalty has intensity in its nature and this intensity deprives the convicted person from something, as the prison and fine that put pressure on offenders. The severity of the punishment is to prevent the crime, not a crime that has happened, but for the crimes that may happen after.

It is interesting that some of the Marxists, whose terrorist crimes are recorded in history and sentenced a lot of population for some vague excuses to death, denounce the ruling of retribution and said: “Retribution, or Islamic barbarism! » If they are not studied in terms of enmity, malice and prejudice, but carefully reviewed, it will be clear that in retribution sentence, the deterrence aspects has been observing as well as human emotions; because Islam has no insistence on executing the retribution. But Islam is offering a couple of other options in addition to that the most desirable of them is amnesty. By the pardon, the killer is exempted from any penalty. So that the retribution will run only if the murder is taken with the following conditions:

1. Sanity
2. Not intentional murder
3. Lack of satisfaction of the guardians of slain
4. Lack of forgiveness of the guardians of slain.

So if the killer is in sane or with impairment of the senses or the murder is a fault, or guardians of the slain are satisfied to get blood money, or pardon the murderer, the killer will not be fined by retribution; it means that even in the case of deliberate murder, the retribution has replacement. It is amazing that enemies and irreligious people have not bothered themselves to examine all perspectives of Islam, there it says:

“O ye who believe, retaliation is prescribed for you in the matter of the murdered; the freeman for the freeman, and the slave for the slave, and the female for the female. And for him who is forgiven somewhat by his (injured) brother, prosecution according to usage and payment unto him in kindness. This is alleviation and a mercy from your Lord. He who transgressed after this will have a painful doom. And there is a life for you in retaliation, O men of understanding, that ye may ward off (evil)” (Baqare/178-179)

Another verse also says about manslaughter:

“It is not for a believer to kill a believer unless (it be) by mistake. He who hath killed a believer by mistake must set free a believing save and pay the blood money to the family of the slain, unless they remit it as a charity....” (Nesa/92)

So the retribution in Islam has prevented extreme racial-ethnic revenge in addition to the prevention of the occurrence of a crime with the correct plan because in some cultures of the past, several people were killed in revenge to the murder of a person and perhaps in the future some nation do it as well as the Western politicians and especially the Zionist regime show such
behavior relying on their military power. So, we should not suspect that the culture of ignorant before the Islam is not repeatable and does not need a deterrent. Others, as influenced by the unbelievers and critics to the retribution, want to introduce the retribution dated and time-finished in another shape. They have said:

According to the Quran that said the retribution is a life resource has considered the effect of retribution in the ignorant society that sometimes have killed a hundred person instead of one, then Islam came and said that only the criminal must have retribution, and as a result 99 people did not lose their lives. But, for that one person, it was no choice except for retribution. In the contrary, today criminals can be punished by life imprisonment and other penalties and the retribution is not making somebody live again but it is killing, and the spirit of the laws of the Quran like nobody to be killed. If it were possible to punish the murderer without the execution nowadays, Quran would accept that as well.

Commenting on this field beyond an Islamic study needs a deep work in all of religious resources and we only mention this point without pretending of doing such research that any worry and concerns for human right and the health of society is decent and proper, but we should not be unaware that the limits of human knowledge and experience so far has shown that many human measures to observe human rights have finally reached a deadlock and had reconsidered them in their rules or accepted illogical exceptions with the passage of time. The best witness of failure of human considerations for the preservation of the security of lives and the properties is the staggering statistics of crime in Western and European countries, which have the claimant for human rights and the best rules, and if the percentage of that crimes be evident in Islamic countries, first it should be because of the lack of correct and accurate enforcement of Islamic laws, and secondly the negative impact of liberalism culture on the entire world should not be forgotten; because in the light of advertising freedom and promotion any type of thought and opinion and taste through the media and satellite, the making crime and offences areas under various titles would be communicating to the world and the minds and thoughts may be familiar with a variety of methods and manners and the criminal characteristics.

CONCLUSION

From the most important critical right features that are recognized in the international system of human rights is that the mentioned right is as the non-diversion (Non-derogable) rights that is stipulated to it as well in paragraph 2 of article 4 of the International Covenant on Civil and political rights (1966) that it cannot be suspend even in terms of the war situation and a situation that a general danger threatens the life of a nation and should be supported at all times. Another important feature of mentioned right is that this right is not the only component of undisputed international customary rules. In addition, it was claimed this right could be as a component of peremptory rules of international law(Ramcharan, 1985). Since the right to life has an extraordinary position and importance in the system of human rights, the issues and topics that are associated with this right are very varied and extensive. Among some of the most important topics and issues that are associated with this right are: death penalty, abortion, euthanasia, or the death of the pity etc. A major question in the discussion of the death penalty is that whether the application of such a punishment is inconsistent with the right to life in the current conditions in accordance with the recognized national and international standard or not? The question of abortion regardless of moral issues about it is more associated and related with the start of life criteria and in fact, the exact time to benefit from recognized supports to the right to life. In euthanasia or death of pity, we face this fundamental question whether prescribing such an act
The principle of the right to life in Iran's Constitution and adaptive ... could be considered inconsistent with the commitment of governments in the protection of the right to life of people or not? In this way, each of these issues is directly relevant with the part of the right to life. The number of such cases is not limited to these items and even the raised issues can be discussed from a variety of dimensions that each of them are rose under the independent titles.

In both of the systems, the right to a decent life, the right to freedom, right to security, the prohibition of torture and cruel behavior and prohibition against humane behavior are considered. Despite these commons, the existing differences between two systems are as the following:

A: Islam knows the life as the divine forgiveness but human rights such as this thought about the human life do not exist in the west.
B: In the introduction of Western human rights, governments and communities are obliged to implement the materials relating to the right to life and this kind of task has no detailed enforcement.
C: In Islamic Human Rights, this point has been expressed that any means could not be used to destroy human life while in the Western human rights there is no point to such a thing. In terms of Islam, any individual right does not have the right to damage life and if life is molested by some body, he should fix it.
D: From the viewpoint of Islam, the right to life is so much important that abortion -except in some cases that has been prescribed to keep the life- is not allowable.

Two principles of human dignity: this principle is the interest to both legal systems. Of course, two types of dignity have taken into consideration in Islam:
A: The inherent dignity and a natural prestige that all people enjoy it
B: Valuable dignity that is because of applying the talents in the path of growth and perfection

About this principle (the principle of human dignity), there are commons between the two systems shown below:
A: Determining the inherent dignity for all human beings
B: Any human cannot be humiliated without any reason
C: Human inherent dignity causes having certain rights and duties to fulfill this right
D: Any type of political tendency or any social situation does not thereby stripping the inherent human dignity
E: Any types of torture with harassment and insult is prohibited
F: Dignity and name of any individual should not be insulted
G: Every human being has the right to that level of life that supplies the health and needs of himself and his family and to live life with respect.

Between these two systems, in the case of this principle (the principle of human dignity), the following differences exist:
(a) In the Western human rights, there is no distinction between the intrinsic dignity and valuable dignity, while there is a point to such a distinction in Islam.
(b) In Islamic thought, the inherent dignity arises from the divine mercy to the people, but in Western thinking, a logical justification for this article could not be found because there is no a detailed system of anthropology.

In Islamic human rights, the living right of humans in an environment is an indisputable fact away from moral corruption, but in Western human rights such a question is not basically raised.

REFERENCES


