

The impact of the bound's repentance on his fairness and mandate

(Comparative Study)

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Abstract

The policy of punishment in the community is no longer sufficient to achieve the interest of offenders' deterring and warding off the corruption. Nowadays, legislation takes care of the offender's situation after the punishment, the method of treating the effects of the previous sanction and the implemented sentence in his eligibility to return as a useful member in his society.

The Islamic Law is the law of Justice and Charity so the eternal wound of eligibility and the permanent derogation of rights are not compatible with its rules aimed at the conservation of human's interests and the maintenance of his dignity.

We find, in its rules and verdicts, the ways that are capable of achieving the subsequent care for convicts, their rehabilitation and erasing the effects of the sanctions on their eligibility.

This research aims at the study of the impact of repentance, applied its pillars and terms, in the treatment of the effects of offence and punishment on the offender's fairness and his eligibility to the general mandates as the eligibility of testimony and judicature.

The scholars of jurisprudence (jurists) agree to accept the repentance of who is sentenced and the return of his fairness in all sanctions of bounds, retribution and punitive crimes.

The controversy is in the cases of the bounds of defamation and the perjurer and the return of his eligibility and mandate if he repents and the eligibility of the bounded in his bound.

These issues have been addressed in this research by this comparative juridical study.