

## Functioning Of the Charter on Citizens Rights in Prevention of Crime

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**ABSTRACT:** *The question of the nature of human rights and citizenship and its relation to providing and ensuring security in the society has a long, but conflicting, history. It should be noted that the rights of citizenship is a field of study that, in the scientific paradigm of the philosophy of our country's law, has been combined with the liberal conception of the nature of the rights of citizens; While, in the writer's view, citizenship rights are only a framework for expression of the necessity to define the rights and duties of a person in the community against other actors in this arena, especially the state as the most important actor. Along with this view, the nature of the citizenship rights based on Islamic foundations, is completely in conflict with the foundations of citizenship rights based on liberal thought.*

*Therefore, it is not easy to accept the nature of the liberal citizenship rights in the Islamic system. One of the most important citizenship rights in Islamic thought is to provide and guarantee the personal, family and social security of the Islamic society in various political, cultural, social, economic and military dimensions. Thus, the importance of realizing this right of citizenship, in comparison with other citizenship rights, is such that it becomes a priority in respect to the interpenetrating, providing, and guaranteeing its various layers and dimensions, over other citizenship rights. The current study, based on a definition on the basis of the Charter on Citizenship Rights, investigates the importance and necessity of ensuring this phenomenon, in order to prevent the occurrence of various types of crime. From this approach, the author focuses on the main objective of this article in the study of the cognitive concept of citizenship and its impact on crime prevention. This study is of descriptive-analytical method.*

**KEYWORDS:** *citizenship rights, crime, Constitution, prevention.*

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### I. INTRODUCTION

The concept of citizen is not limited to the combination of human beings, but this concept is formed in the framework of a particular land at a given time and under a political society with public power, which the basis and source of the emergence of the rights and the fair enjoyment of members of society from social benefits and privileges as well as social, economic and cultural commitments and duties for citizens of the political community. When the civil rights are noted in Islam, its scope does not merely comprise the material rights of citizens, but includes all material and moral rights, such as social, political, economic, security rights, and the like. Even with the Muslims ideology of believing in resurrection, paradise, and hell, such cases must also be regarded in their citizenship rights, among which, some are also expected in the constitution of the country.

### II. REVIEW OF LITERATURE

#### The Concept of 'Right'

Lexically, the term "right" has various meanings; it means "conformity", "agreement", "fixed existence", "truth" and "opposition of the competent, and false" (Gorji: 2006: 279). The word right in Persian literature means right, deserving, and justice (Katouzian: 2002: 370), in the lexicons, the term refers to "privilege", whose plural form is called "rights": privilege is the manifestation of an element or elements of the ability of a person or population to exploit what he/they deserve(s) (Dekhoda: 1992: 352). In the legal term, the rights are the privileges and benefits which belong to a person, protected by the rights of each state in the administration of justice. Right is an option known by the law for a person, so he can do something or leave it (Rostami, 2014: 144).

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The rights of the individual and his duties before the state are "civil rights" and its howness is determined by the constitution and civil laws of the country. Citizenship is a privilege for a person in relation to a government, which is also internationally respected. Dignity of citizenship is determined by the laws of each state and usually depends on the following items: 1. Hometown 2. Nationality of the father and mother, citizenship of a country can be also granted through the marriage to a woman or man, who is the citizen of that country. Usually, this kind of citizenship does not entail all citizenship rights, such as the right to obtain state jobs (Ashuri, 2003: 221). Some lawyers say that all people who live within the geographical area of a country, as well as those who live as a citizen outside the borders of that country, are regarded as citizens. Today, a citizen is a person whose duties determine his rights, and due to this reason, the desirable citizen is a citizen who behaves responsibly, i.e., a person to be held accountable for his rights. With regard to the above, "Citizenship Rights" is a law that by its implemented, the physical, psychological, cultural, moral, political, economic and social health of the citizens are guaranteed and promoted, and it includes the personal and individual, social and civil, religious, economic, political and judicial rights (Rostami, 2014: 145). Anthony Giddens considers civil rights to be the legal rights of all citizens who live in a given national community (Giddens, 1997: 795).

### **Citizen and Citizenship Rights**

Lexically, a citizen is said to be a person who is from a city or a country, meaning someone who has been tied a city. The word "citizen" is equivalent to the Greek *polites* and English *citizen* and French *citoyen* (Enayat, 2006: 17). In Persian literature, a citizen is a person who is from a city or country and has the rights belonging to it (Afshari, 1996: 52). In international law, in the idiomatic sense- citizen is only a natural person who has the full political and civil rights in the political unit of the state (Gold: 1995: 552).

In the ancient republics of Rome and Greece, the citizen was told to be someone who he had the right to participate in the community, and did not refer to anyone who was just a resident of the city. In fact, not every resident who had the character of citizenship, was a citizen. The person who was considered a citizen, had the necessary conditions for participation in the public administration of the city. Aristotle states in his book, 'policy', that a citizen is not a citizen because he lives in a particular place, because there are aliens and slaves are also residing there. Aristotle believed that the particular characteristic of a citizen was that he had a share in the government, the administration of justice, and public administration (Abbasi, 2017: 13).

Citizen is one of the most important socio-political (legal) concepts that has always gone through ups and downs throughout the history, and has been discussed and challenged by thinkers and scholars interested in social and legal issues of ancient times. Social rights is one of the central issues of contemporary law, which according to some scholars, can be traced back in the Declaration of Independence of the United States and the Declaration of human Rights. They believe that, in order to be able to interpret the concept of citizenship rights, this concept must be studied in the legal literature of the countries that claim to achieve democratic maturity. However, the concepts of social rights, in the general sense, might have always been the focus of attention since the time humans emerged from the primitive form of life (Abbasi, 2017, 11).

Although the above consider the civil rights as a concern for socio-political thinkers, it is clear that citizenship rights are one of the permanent demands of lawyers, which is also confirmed in the Islamic Republic of Iran, by the constitution, in which the legislator has considered the rights of the nation in the Third Chapter, in the article 23.

## **III. DISCUSSION**

### **Citizenship Rights in the Nahj al-Balagha**

Focusing on the human being, regardless of tribe, race, and religion, was the center of the policies of Imam Ali (AS). Only in his letter to Malek Ashtar, there are thirty sentences containing all human beings (citizens) of every nationality, race, class, and religion. "Al-Nass" meaning the people (citizen) is repeated nine times, the term "Al-Raya" meaning the citizen is repeated thirteen times, the term "Al-Ammah" meaning all people is repeated three times, "KolAmr" meaning every human being is repeated two times, the term "Ebadollah" meaning the servants of God is repeated one time, and clearest of all, the phrase "Nazir Lak fi Khalq" meaning your associate in creation is repeated one time, in Imam Ali's letter to Malik Ashtar (Jafari, 319). All of this shows the attention of Islam and Al Masumeen (AS) to the important issue of citizenship and its rights, since only one of the letters of Imam Ali (as) to one of the most famous rulers under his authority, contains thirty cases of observance of the Citizenship rights (human beings), regardless of ethnicity, tribe or any other distinction. It is here that we should be proud of this Islamic culture and humanitarian spirit, at full strength.

The viewpoint of Imam Ali (as) is based on the principle of human equality, and not on the naturalistic or conservative approach, or not an egalitarian approach to justice, despite accepting the equal creation of human beings. He has stated in Nahj al-Balagha: "And between the thin and the huge, and the heavy and the light, the mighty and the weak, there is nothing but analogy in creation ... "(Fayz al-Islam, sermon 227: 736). On the other hand, he departs from egalitarian view, and particularly considers the granting of the right of people (in

the absolute sense of the word) according to their suffering and endeavors of: "respect the suffering and endeavor of anyone and do not attribute to someone else" (ibid, 1006). By examining the theoretical foundations of Imam Ali (as), we find that his attitude toward citizenship and his rights and obligations related to it, are in accordance with the principles and attitudes of monotheism based on religion (Arabi Far: 2010: 77). When he states that you do not attribute the efforts of a person to the others (the endeavors and efforts are made by someone, and someone else is acknowledged) and to appreciate and each person in proportion to his efforts, do we behave like this? Or, we appreciate a person based on his social status and position? One of the citizens' rights to which we should pay more attention is to thank and acknowledge all efforts and endeavors beyond the social relationships and position of the individuals, in order to ultimately create a motivation for all, and to increase the growth of society and prevent the corruption and the so-called 'interest'. The kind of relationship between the rulers and citizens is one of the most important aspects of government, which indicates the content of citizenship in any society. Imam Ali (AS), considered the relationship between the rulers and citizens, the government and the nation, the governor and the king, to be a two-way and mutual relationship based on the relationship between the two owners of the right, and put all his efforts in this direction to correctly determine this bilateral relationship based on the mutual rights. The reciprocity is well and properly explained, and tried to set the law-order, instead of tyranny, as the basis and axis of government relations. In this case, the government finds a humanitarian nature (Delshad-Tehrani, Mustafa, the rule of wisdom; the rule in Nahj al-Balagha, 115-117). Imam Ali (AS), at every opportunity, familiarized the people of his community with the mutual rights of the rulers and citizens, and explained its extent. Many oppressions and tyrannies arise from failing to recognize the mutual rights, or not to accepting such rights or adhering to it. Directing the society and government into right-orientation was one of the most important policies of the Imam Ali (ibid., 125) ) Another right of the citizens is the citizens' awareness of their rights and the rights of their authorities and rulers; If the rights of citizens and rulers are well-determined and they can easily hear the demands of each other immediately, they will have a great role in preventing corruption, deviations, and economic and political crimes, and the social environment of the community will enjoy a kind of general liveliness. From the perspective of Imam Ali (as) in Nahj al-Balagha, the rights of citizens upon the ruler, are summarized as follows: "Establishment of security in the country, provision of the economic aspect as well as economic prosperity of citizens, education and guidance of the community, kindness and affection to the people and not departing from them, not obliging them and avoiding exaggerations, not lying to them, development in cities and towns, and ultimately establishing social justice in the Islamic society " (Arabi Far, 2010: 79). The presence and participation of citizens in various areas alongside rulers and officials is another right of the citizens; if this right is properly considered, such as recent cases in the country where citizens and people themselves confronted with sedition and chaos alongside Police and security forces, and despite the criticisms and demands, defended their government and their system, and consider themselves alongside the sympathetic rulers and officials; Now, if this right were not taken into account, there would be other conditions.

"The best government, the most powerful and the best policy would not lead to anywhere without the support and participation of the people, therefore, Imam Ali (AS) believes in the active participation of citizens in the political area of the society, and he believes in the decisive role of people's will and demand in determining the type of government and sovereignty " (Arabi Far, 2010: 82). Amir al-Mu'minin (AS), in the letter 53 in the year of 38 AH, with the appointment of Malik Ashtar to the Egyptian governorate, explains, with an excellent approach, the correct way of dealing with people: put the kindness with the people as your heart cover and be kind to all, lest you ever become a hunting animal to eat them (people) because the people are of two groups: some of them are your religious brother, and others are like you in the creation. (Abbasi, 2017: 14). The Islamic ruler's recommendation to his authority, to respect the rights of the people (citizenship) is stated in such a way that even the attention to the small affairs and behaviors have not been forgotten and it is demanded from the Islamic Authorities to observe it. It is not just limited to saying, and it has not been neglected in practice; if we consider only a percentage of Islamic citizenship rights in practice, then we will see an esoteric unity and attachment between the people and the authorities.

One of the human rights is the acceptance of a particular religion and practice, which is recognized in some verses of the Qur'an. In verse 29 of Surah al-Kahf, it says: "Say, the truth has come from your Lord, so whoever wants, comes to faith, and whoever wants, disbelieves". In verse 99 of Surah al-Maedah, it is stated that: "There is no message to the Prophet except the divine commandments, and Allah knows what you reveal or conceal." Accordingly, everyone has the right to accept any religion and faith, but he would bear the responsibility of denial of the religion of the truth in the day of resurrection. Other rights of citizenship are the right to housing and security, which is stated in verses 27 and 28 of Surah Nour: "Those who believe in Allah, do not enter others' homes, unless you introduce yourself and get the permission of homeowners to enter, and say hello to the residents of the home while you entering, and if nobody is present at that house, do not enter it until you are given the permission, and if you are not allowed, go back".

Islam respects the privacy of individuals, and does not allow anyone to enter someone's home without his permission, and also respects their right to housing. In verse 12 of the Surah Hujarat, it explicitly emphasizes the necessity of non-inquiry in the private life of individuals.

Citizenship rights are also raised, even in relation to government employees and clerks, as Imam Ali (AS) writes in letter 53 on government agents: "Think about your employees' affairs and employ them after testing them, and do not force them to do different things with personal desire and without consultation with others, because it is a kind of oppression and betrayal. Choose the government agents from among the experienced people, with a mundane and a clean and dignified family with a brilliant history in faith in Islam, because their morals are more honorable and they are more credited, they are less greedy and more provident, Then pay them a great deal, since having received enough salary, they will try more to improve themselves, and they would not need to encroach the *Beit-ol-Mal* (public wealth), then check the behavior of the brokers and tell the truthful and responsible spies to take care of them. And your secret inspection of their work will lead to trust and kindness with the people (Abbasi, 2017: 18-17).

Given some of the rights of citizenship in this section, we find that these citizenship rights are far beyond what some politicians are addressing, so that even in the government sector, there are some rights entitled for the people and citizens of the community, such as who should rule them, and what characteristics he has to have.

In the end, there are some of the most prominent characteristics such as:

- 1- Having sufficient experience,
2. Nobility and having chastity,
3. Having good ethics.

After selecting and employing, one should not neglect monitoring them, but constant monitoring and supervision of the work of the officials by the citizens is among their rights, which should not be ignored, maybe now, most of the questions of the citizens on some offending and emulatur officials, with huge salaries, and some briber and bribee officials, are answered. However, as long as these cases are not considered for appointment of officials and the of merit and nobility are replaced with the political and partisan interests, and the committed and experienced observers are not employed, we will not see much expectation of improving the performance; rather, on the contrary, we have to see further offences and repeated violations of citizenship rights in its original sense.

Among the most pomeinet and best Islamic rulers is Imam Ali (AS), when he comes to the rights of the people (citizenship), he does not look at religion and ideology, and pointed out to the responsible person under his authority, in the letter No. 19 that was given to Umar Bin SalamaArhabi- the ruler of Fars – he states: "Indeed, the peasants of your provincial governorate complained of violence and cruelty and humiliation by you, and of your grudge; I thought of them; I neitherfound them worthy of closeness, for they are pagans, nor worthy of cruelty, grudge, and mistreatment, for they are our allegiant.

Therefore, in treating them,combine the kindness with acerbity, and behave with intensity and gentleness,and follow moderation in approaching or moving away (Abbasi, 1395: 18).The kind of the authorities' treatment is another legitimate right of citizenship of Islam. An official in the Islamic Republic, whose laws are based on Islam, should never ignore this permissive right of citizenship, i.e., the kind of dealing with people, and under no circumstances, neither in speech nor in behavior, should not exceed the limits of moderation and respecting people's rights.

### **Education and Civility**

The issue of education and civility is among the other citizenship rights that rulers should consider for their citizens and their people, because the higher the level of social awareness and education of individuals grows, the risk of social damages, deviations and other crimes and offences, becomes less harmful to the citizens, and it is effective in preventing irregularities or even deliberate offenses and crimes.In the viewpoint of Imam Ali (as), the general education and the development of the ethics and virtues of morality and civility of the people, are among the rights of the people upon the state; the correct education is the basis of everything, and nothing in the society is properly organized, unless the proper education is realized; This goal and duty in the Islamic government is among the highest goals (Feyzul Islam, Seyyed Ali Naghi, Nahj al-Balagha translation, Sermon 104: 311).

The fact that in some cases, an individual or authority may consider himself superior to other people in the community due to the blood nobility or intelligence, or other factors, is against the Islamic teachings that in that the citizens are distinguished in two categories, either equal for the sake of religion, or the equality in creation; Therefore, citizenship rights require that itshould be respected by the authorities and others (people), and they should pay attention to it. In the orders of Imam Ali (as) to MalekAshtar, it is said about the citizens: "So they are two groups: they are either your religious brother, orare like you in creation".

He has given value to public satisfaction and the nation, and to the spread of justice, and the fact that the criterion of popularity is moderation is in the right, and the ruler must pay attention to what satisfies the public, prior to what satisfies the elite and his relatives (Arabi Far, 2010: 83). When it is spoken of citizenship rights in Islam, its scope does not merely comprise the material rights of citizens, but includes all material and moral rights, such as social, political, economic, security, etc. Even with regard to the Muslim ideology of believing and faith in resurrection, paradise and hell, such cases should also be taken into account in their citizenship rights, of which some are already foreseen in the constitution of the country.

### **Prevention of Crime**

John Braithwaite (1989) believes that in preventing and confronting the crime, one can use the shame of the perpetrator to achieve reintegration (Kaldi, 2009). Tonry & Farrington (1995) put forward four main strategies for crime prevention: (a) Prevention through law enforcement, so that the existence of a criminal law prevents the criminal acts from occurring. In this context, deterrence, incapacitation and rehabilitation are used. (B) Developmental Prevention, in which interventions are designed to prevent the development of potential criminal offences, including the reduction of the probability of crime and the increase of supportive factors. (C) Communal or interventional prevention designed to change the social conditions that affect the occurrence of crime in local and residential communities. (D) Situational or interventional prevention designed to prevent crime, particularly by reducing opportunities and increasing the risk factor (Kaldi, 2010: 69-68).

Bottom et al (1996) identified crime prevention activities as four types: first, defensive strategies such as personal care of property. Second, protective strategies such as the use of Closed-circuit TV. Third, the creation of new forms of social order. Fourth, Criminal Prevention such as special programs for the youth at Risk (Kaldi: 2010: 69). The results of a study (Home Office, 1999), on a sample of 16,348 people aged 16 and over, about the most effective ways to prevent crime, suggests that 36% of respondents believed that the increase in home discipline, 25% of them believed that reduction in unemployment rate, 20% of them believed that more intense punishments, 9% of them believed that the increase in the number of policemen, 8% of them believed that the increase in discipline at school, and 2% of them believed that the increase in the use of penalties such as fines or denial of service, can be effective (Kaldi, 2010: 69).

In analyzing each crime, three different categories are examined. These categories are as follows: 1. Studying the geographic location of the given crime; 2. Analyzing the structure of crime, the criminals, and the victims; 3. Evolution of the fluctuations of the crime in the specified period. The ultimate goal of preventative measures may be to reduce or limit the crime or prevent it from growing. (Mohammad Nasal, 2011: 319).

The pattern of preventive medicine that has been widely used in crime prevention offers three approaches to targeting interventions: 1. Initial Prevention - By focusing on the whole population or potential offenders, potential offensive situations, or individuals and entities targeted by crime, 2. Secondary prevention - focusing on individuals at particular risk of victimization, and on the targeted places at risk of becoming a crime scene. 3- Third prevention - focusing on sentenced prisoners or previous offenders, or existing targets and scenes of crime (Connection with the concepts of repeated victimization and crime points, which is generally a very effective approach to targeting financially scarce resources) (Mohammad Nasd, 2010: 320-319).

### **Methods of Crime Prevention**

Increasing crime in communities, in addition to the feeling of insecurity that is being discovered by other people in the community while observing it, also causes other direct harm. For example, a) increase in the cost of protective measures; b) increase in prices of goods; c) increase in insurance fees by insurance companies. Can the problem of crime be fully solved and is it possible to create a society completely free of crime? The answer is probably negative. Until reaching to a utopia, there is no possibility of complete emancipation. So the maximum job that can and must be done, is the relative prevention of crime, and in other words, crime reduction and controlling it. It is intended to take measures that reduce the possibility and position of crime committing and thus act like a vaccine, and not like treatment after illness. It can be said in the definition of crime prevention: "Investigating, recognizing and assessing the risk of crime and taking steps to eliminate or reduce it."

Sometimes this process is referred to as "managing the risk of crime". This management includes:

- 1- Complete elimination of some risks;
2. Reducing some of the risks or reducing the scope of damage;
3. Reducing some of the risks by security measures, such as increasing the number of policemen and the like, in order to control potential offenders (deterrent measures).

Regarding the fact that in the Article 156 of the Constitution, the responsibility of the prevention of crime is upon the Judicature, the proper administration of this duty requires the cooperation and assistance of other systems with the judiciary, which must be approved by the appropriate laws, and other organizations and systems should cooperate. However, it seems necessary to enact the necessary rules for the enforcement of the

above, which can explain the scope and manner of implementation of the article. Also, the use of experts' views will help legislators in this regard.

Crime prevention programs should be carried out at three levels.

First, the individual level: that is, every individual, whether real or legal, should reduce the chances of committing crime by potential offenders.

Second, collective level: What people in a neighborhood or a business or a shopping center are required to follow?

Third: the national level; what the government departments, such as districts, municipalities, governorates, ministries, and, in general, trilateral forces should do in the scope of their duties.

In this way crime prevention is in fact part of the task of all governmental and non-governmental organizations. In order to achieve the goal of preventing crime it is better to identify the factors of its occurrence and to address it, among which, the human rights may be one of the examples in this regard.

### **The Constitution and Citizenship Rights**

The Constitution of the Islamic Republic of Iran does not use the term 'citizen'. The words Ummah, nation and people are valuable words used in the legal texts and especially the constitution of the Islamic Republic of Iran. "Iranians" is also a familiar term that refers components of the nation, which has been used in principle 13 and other principles (Rostami, 2014: 144).

Citizens' rights can be regarded as fundamental rights, and fundamental rights mean that: "The fundamental nature of some rights is because the existence of those rights, the consistency and absence of them, causes the loss of a person or personality"; Citizenship rights are among the rights that, if not present, the citizenship would not be formed; Therefore, the rights that citizens have are fundamental right, and the abandonment of them means to neglect the citizen and his rights (Rostami, 2014: 142). Another citizenship right mentioned in the constitution and the Qur'an is 'promotion of virtue and prevention of vice', and this should also be taken into consideration by the people and the authorities. The promotion of virtue and prevention of vice is one of the effects of cooperative criminal policy, in which people directly and through public supervision, monitor the actions. Mentioning the titles and examples of promotion of virtue and prevention of vice in the Holy Quran is the introduction of the path of guidance and prosperity, as well as the exit from the direct path and entering the path of deviation and delinquency.

"The historic civil weakness is being treated only in the light of the active participation of the people. Among the results of the strengthening of civil society is the emergence of citizenship, which is the foundation of the formation of citizen-oriented cities" (Piran, 1997: 27). Promotion of the virtue, that observance of justice is one of its examples can have an effect on the continuity of sovereignty and prevent the withdrawal of people and sovereignty from the right path in accordance with Qur'anic standards, through observing social, economic, and judicial justice.

Imam Ali (as) states: "Whoever wants to lead the people and invite his people to follow his path, before he wants to teach others, he should address himself and teaches himself, before he wants to educate people in his own language, he should teach himself with the practice and the good morals, and the good faith, and the one who educates himself, is more worthy of respect than one who teaches the others" (Moghimi, 1983). The concept of citizenship rights and its relation to human rights can thus be considered as it is referred in Islam, as it points out, firstly, the rulers and legislators should address themselves before doing anything, and instead of speaking, and the examples of speeches should be felt and observed in practice.

The relation between citizenship rights and human rights can be conceivable in four forms: 1. Human rights including social rights, 2. human rights equal to citizenship rights, 3. Citizenship rights, including the human rights, 4. Human rights apart from citizenship rights (contrast). Some, by the division of citizenship rights, have pointed out constriction and amplitude, and the relationship between the human rights and citizenship rights means constriction, because in the first case, citizenship rights are limited to the territory of the land and do not have a universal dimension. In the second case, it has a vision similar to the human rights based on the rights of people (Ghorbanzadeh, 2006: 29).

A major part of the citizenship rights is the same as human right which has found meaning in implementation. In this perspective, mutual tasks, such as taxation by the citizen are important; then human rights are more relevant to the rights, while the citizenship rights are also concerned with the assignments and responsibilities (Arjmand, 2006: 10).

### **IV. CONCLUSION**

Citizenship is based on the attitude to citizenship and the rights and obligations associated with it. Examples of citizenship bases are: citizenship based on traditional attitudes toward legitimacy, citizenship based on religious teachings, and citizenship based on social contract. The discussion of high/low citizenship and

elitist/democratic citizenship are also based on citizenship. The question of the content of citizenship refers back to the relationship between the obligations and benefits, or rights and tasks.

The depth of citizenship is related to the importance and involvement of citizenship in the private and public domain. Modern systems consider the citizenship to be more of a public domain, and the individual-private domain is at the disposal of the individual.

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