

***Pazhuheshnameh Matin***  
*Journal of The Research Institute of Imam Khomeini and Islamic Revolution*  
*Volume 25, Issue 98, Spring 2023*

**Need to Accept Financial Compromise with Avengers of Blood by Qisas for Life  
Convict with an Eye on Imam Khomeini's Opinion<sup>1</sup>**

Mohammad Reza Hamidi<sup>2</sup>

Amin Rezaee<sup>3</sup>

Research Paper

**Introduction and Explanation of the Problem.**

Preserving one's life and that of others is one of the most important moral values and is one of the important interests on which many religious rulings are based. Killing oneself or others, whether in action or omission, are considered among the greatest sins of all time. According to verse 178 of Sura al-Baqarah, heirs may request retribution for the murderer or murderer if there are any conditions required Or to forgive. The important thing about this is that if the heirs, in exchange for compromise, are willing to give up their rights And the murderer can also repay it, whether or not it is obligatory for the murderer to accept it. Becuz Staying alive is a duty and suicide is forbidden and On the other hand, forcing the murderer to compromise appears to have a jurisprudential problems. In the eyes of the Imam Khomeini , this is not obligatory on the criminal. In this article, the arguments of supporters and opponents are criticized by the approach to the principles of Imam Khomeini's viewpoint.

**Research Background**


No independent book has been written about the killer's duty to compromise heirs. At the same time, many books and articles have been written on the religious verdict of suicide; But the question in this article is whether it is possible to consider the refusal of the murderer to compromise with the heirs as a form of suicide. There is no doubt that

---

1. DOI: 10.22034/MATIN.2021.263561.1797

DOR: 20.1001.1.24236462.1402.25.98.6.8

2. Assistant Professor, Department of Jurisprudence and Principles of Islamic Law, Faculty of Theology & Islamic Studies, Shahid Chamran University, Ahvaz, Iran. (corresponding Author)

 0000-0002-1753-7205

Email: m.hamidi@scu.ac.ir

3. MA (Quran and Hadith Studies), Tarbiat Modares University, Tehran, Iran.

Email: a.rezaei9574@gmail.com

there is a difference between the concept and the discussion of case.

### **Research Method**

This article is written with a descriptive-analytical approach. For this purpose, by referring to jurisprudential and principled books and softwares, research receipts have been obtained and Arranged in logical order. Then the reasons for those who agree with the theory and those who disagree with it are stated. After discussion, stronger reasons have been chosen.

### **Discussion**

#### **Reasons Against Forced**

The most important reason for the disagreements is that the heirs only have the right to execute the murderer. for the verse only expresses the right to kill the murderer. So if the heirs want to change their rights, It means forgiving the killer for money, the murderer must be satisfied. So The heir cannot compel the murderer to pay (lankarani.2000: 288. Tabreezi. 2005: 240). This argument seems to be incorrect. No one can make a deal with the killer without the consent of the killer. But is the murderer's consent a jurisprudential Obligatory? So one part of the transaction should not be confused with a legitimate duty. Some jurists say that compulsory compromise has unacceptable consequences. When an argument has incorrect results, it is also logically incorrect. For example, if it is necessary to save one's life in any circumstance, then one must never admit to a crime that would lead to the death penalty. But we know that confessions are not prohibited Such a confession may even be a sign of repentance and purity In. (jazayeri. 1987.3: 381) in rejection this argument can be said When a person commits a crime that carries the death penalty He has no obligation to save his life. Because it is the right of others. But if he can persuade the heir to forgive him, is it necessary?

#### **Reasons for those who find agreement necessary**

Suicide is prohibited according to the Quran And all the religious expert accept this. If it can be said that not agreeing is suicide so Rejection of the agreement would be prohibited. In this case, the payment will be obligatory. This is the most important reason cited by the Scholars. The second argument is that paying for blood money is reasonable. If one does not pay, then it is a fool. On the other hand, irrational actions are prohibited from religious point of view. So that it is forbidden not to do it. But it can be said that any unreasonable act is not necessarily prohibited. though the refusal to pay the blood money is condemned in the eyes of reason and morality. especially if it is due to being stingy or stubborn.

### **Conclusion.**

None of the reasons for the proponents and opponents of the two theories is flawless. No one is easily proven. But each can frustrate the competing theory. The first theory seems to be more correct. And less objectionable. And the The Principle of Innocence also confirms it. But as it is likely to be suicide, there is doubt about its acceptance. In this case, even small possibilities must be considered. Caution should always be taken when it comes to human life. As a result, the reasons of believers to the lack of obligation are more acceptable. Based on some rules and principles, caution is good in the above-mentioned issue. In this way, a middle way can be selected between the positive and negative opinions.

### **COPYRIGHTS**



This is an open access article under the CC-BY 4.0 license.