

A Comparative Study of Crime Frequency and Repetition in the Penal Code of Iran and Egypt

Alireza Alizadeh Arand,
Faculty of Law, PNU University, Kangan, Iran
Zahra Najafzadeh Moghadam,
Department of Criminal law, Amol Science and Research Branch, Islamic Azad
University, Ayatollah Amoli, Amol, Iran
Maryam Taghi Gozari
North Tehran Branch, Islamic Azad University, Iran

ABSTRACT— This study has conducted a comparative method to investigate the frequency of the crime in penal code of Iran and Egypt. Also there are some similarities in definitions of plurality and repetition in penal code of these two countries, but this study indicated that Iranian legislature deems the maximum penalty or death sentence necessary on the court of punishments on frequency and repetition. But the Egyptian legislator deems it due to the options of the judge. In Egyptian law, some crimes are introduced as repeatable. Article 134 of Iran Penal Code interfered that suspension is not grantable. But Egyptian legislator deems not to apply the discount in the frequency of the crime.

Keywords: crime frequency, crime repetition, simple plurality, multiplicity and repetition.

Introduction

Aggravated penalties of the world criminal system solutions for the fight against crime. Iranian legislators have developed their multiplicity and recidivism in criminal law in compliance with the criminal law and, in particular, France that even if regardless of forgiveness a criminal commits a crime, legislator's attitude will change. Therefore, the alarmed society, culprits picks more heavily than usual, that which is frequency or repetition. Basically logic and justice pertinent that one who has only once committed a crime is not the same as the one who has overlooked the social regulations frequently and it therefore can be said that the crime frequency and repetition regulations are of legal entities risen from the individualization of punishment and the point of it is if a person committing a crime has experience of committing crimes in the past, the punishment must be heavier and more, comparing to someone committing a crime without experience of committing. "Frequency and especially repetition of crime and also its reason and approaches to oppose it, are of basic concerns of criminology. Because criminals sentenced to punishment and enduring it, will get immune to social reactions and committing crimes will get easier for them than the first time. Enforcement of Penalties system is not ineffective in this area, because most of the punishments do not provide their effective goal, especially imprisonment which causes the noble individuals mixing with villain criminals that would make the path to commit crime much easier. Therefore, the legislators try to put an appropriate social reaction in front of the repetition of the crime and toughening penalties for recidivist is a personal factor because the level of the crime's power will not change in the first place or the next, but it is the crime that is revealing its dangerous inner state, for the previous punishment has not been effective on him and he has not been guided to the path of righteousness." Therefore, it is seen that the philosophy of employing this legal entity, is to fit and balance the amount of punishment with the culpability or danger degree of the criminal, by exacerbating punishment, which the legislators consider the its repetition and frequency of the reasons of the crime and compliance of intensification in these two categories is mandatory for the courts. Considering the importance of the two issues of frequency and repetition of crime in the legislation of the two countries of Iran and Egypt, we have described the categories of "crime frequency and repetition" from their punishment law point of view, will be explained in the following chapters.

- According to article 134, if the decrees issued by courts with different competencies, which is the competent court to issue the maximum penalty? Main question
- What similarity and differences regarding frequency and repetition, the Egyptian legislation has comparing to ours?
- Is suspension penalty applicable in the case of frequency or repetition?
- Isn't title frequency a better replacement for credit frequency?

Definition and concept of multiple offenses in the Penal Code of Iran

Multiplicity of a crime is a collection of many crimes that are attributed to a person without a definitive warrant being issued about them. Multiplicity or collection of crime is based on three basis. Unity of the convict, multiple charges and lack of verdict to one of the crime before subsequent offenses occur. (Zera'eat. 2013)

Anyway, the prescription of multiple crime rule applies to any person who commits a number of separate crimes all of which are topically or subjectively different and varied from one another and no investigations were taken place according to any of these crimes before and the person is not under prosecution and no punishments are executed toward him or commits another crime, although the verdict has been clear and before enduring the punishment, such a person is under prosecution for multiple crimes and is subjected to a number of penalties. (Shambayati, 2011, p.p. 204 and 205).

Multiple types of crimes punishable by law

Topical Plurality according to act 131

Material Plurality according to act 134

Topical Plurality Concept

By studying the history of credential plurality, which was published by the experts, we conclude that since 1925 a definition of credential plurality or topical plurality consistent with the rights of other countries was developed and hasn't been changed but some literary structures that were corrected; and that the triple classification was gone. "According to articles 46 and 47 of Islamic Penal Code 1991, two types of plurality are predicted which consist of topical plurality, which is also referred to as credential plurality or mental moral or provisions plurality, and real plurality, which is also called physical or objective plurality." (Mal Mir 2005, p. 111).

"This article was reflected exactly in article 46 of the IPC in 1991. If we compare the regulations of this article with regulations of the General Penal Code of 1304, it can be understood that in article 31, the expression of punishment is only referred to a crime, the penalty of which is maximum." But it is said in article 46 that "the penalty is given to a crime with maximum penalty." In fact, the phrase "penalty" is repeated twice which is not literary correct. This error was fixed and removed in article 131 of the IPC enacted in 2013: "In case of the crime caused by chastising whenever a single behavior, is related to multiple criminal topics, the criminal is sentenced to maximum penalty." (Shambati, 2013, pp. 206 and 207).

The moral or topical plurality means when multiple criminal attributives are referred to one action, in a way that one action contains multiple legal articles or criminal attributive such as forgery, deceiving another and obtaining property, which is forgery and fraud; therefore the occurrence of criminal moral plurality is based on two basis:

1. Multiple actions exist.
2. The number of criminal attributives is the basis of moral plurality, so if one criminal attributive cancels others in a way that only the criminal topic remains, no criminal plurality will exist. For instance, when an action remains included in a general and specific topic. Many cases have been witnessed in which the moral plurality is mistaken with other factors such as general and specific or absolute and bound and government or entry and the moral plurality regulations are considered as crime" (Zera'at, 2013, pp. 190, 191).

Realization conditions of topical plurality

Some lawyers consider it with three conditions:

1. The legal element of the crime, which is plural, i.e. whatever comes true regarding material action, is no more than a material action, in a way that the plurality of the crime is considered is crime due to material element but due to legal element, it is a multiple crime and in fact topical plurality is always the occurrence of a single criminal action.
2. Suspension of this behavior is single and with this bound that the rest of the crimes are out of article 131 of the IPC in the sense of retribution and compensation.
3. Distinguishing the maximum punishment is in a way that in the case of suspended crimes, the legislator often determines imprisonment or fine or whipping as the punishment and the magistrate of the court has options in choosing the amount of the penalty according to circumstances, history, spirit and individual aspirations and social charges, and in fact, determination of the maximum penalty is the highest punishment for multiple crimes that he has committed." (Shambati, Houshang, 2013/ Zera'at, 2013, pp. 189-190).

For criminal plurality, existence of the following circumstances is necessary:

1. The criminal must have committed plural crimes of the least of 2 crimes. This shall not be mistaken with ongoing crimes or crimes of mass, which are considered as one crime, for crimes of mass are the kind of crimes that are caused by continues actions, which are all know as one, and have a certain punishment determined for. A clear example can be found in note 2, article 134 of the ICP (2013).
2. Time plurality is only considered when no certain penalty verdict is announced for the crime, and if the criminal has the history of commitment it is not considered as plurality anymore. This circumstance is shared among topical and material plurality, but topical plurality has a third circumstance, which is possible according to article 131 approved in 2013.
3. A criminal action has various titles in the sense of criminal matters and is included in various criminal attributives in the sense of law, but is caused by a single criminal behavior. So it can be said that the law must consider the criminal attributive code, plural and the action that leads to plural attributive, is single. Therefore, in this case it is considered as real plurality.
4. Occurrence of topical plurality is exclusive suspension sentence according to article 131 of the penal code is not of the retribution and deterrence kind.

Material plurality concept

“In IPC 2013, the ruling regime is completely revolutionized based on material plurality.

1. Relatively detailed provisions are allocated to crime plurality in the sense of limitations and the sum of execution and chastising.
2. Discrimination among the criminal material plurality of the single type or (similar) and material plurality of various kind has been gone.
3. Instead of the collective punishment system (in material plurality of various kinds), a single punishment is considered.
4. If the count of the crimes are two or three, the maximum is determined for each of these crimes and only the maximum penalty is executed and if the crimes committed are more three, more than maximum penalty, the punishment is determined at the amount of 1 and a half maximum penalty. If the maximum penalty is lighten or non-executable for any reason, the next maximum penalty is executed.
5. In case of level seven and eight suspended crimes, regulations of criminal plurality are not observed, but collective punishment system is executed.

(Salimi, 2013, p. 228)

In this case, article 2 additional to Code of Criminal Procedures, material plurality is divided into two categories:

1. Sum of committed actions is considered as a specific criminal in law.
2. Or a crime being forefront of the other.

“Crime plurality is sometime in a way that all the committed crimes have a single criminal attributive and is idiomatically are called “Similar crime plurality” and sometimes have different criminal attribution, and is called “Different criminal plurality”. Former legislators have considered the manner of toughening penalties different in the two cases, which was a logical matter and therefore this distinction was removed in the new law. Of course in the new law, this distinction was worthy of execution. Criminal material plurality is related to the material element of the mass, because criminal plurality means physical behaviors leading to different results.” (Zera’at, 2013, p.198).

Realization condition of a plurality of material

1. the committed crimes are not more than three, the court determines maximum punishment for each of these crimes and whenever the crimes committed are more than three, the punishment of each is determined more than the maximum penalty determined by law considering the fact that the punishment does not exceed half of the maximum penalty. Therefore, the legislator sets the characteristic plurality as the toughener of penalties’ criteria and is included in one verdict, which eventually is the maximum penalty of one the crimes as long as the criminal has committed one crime; and the criminal who has committed more than three crimes is sentenced to the maximum punishment plus half of the most severe crime.
2. The trial judge in determining the most serious offense punishable is up to task and is in charge of determining it but after that i.e. is free in determination of half of the maximum. For instance, if the punishment of a crime is level six suspension imprisonment, of which the imprisonment is six months to two years, the judge is required to sentence the maximum penalty which is up to two years but is free to choose 1 day to 3 years of 2 years for determination of half of the maximum.
3. The legislator has limited the options of the court in reducing the convicts accused of the crime’s penalty and has not let the court to reduce the remission to the least or less that the least punishment of the original crime, in case of exacerbations of punishment. Therefore, on one hand the legislator states that the punishment lacks minimum and maximum. if the crimes committed are no more than three, down onto one forth and if the crimes committed are more than three, up until half of the legal set punishment is added to the original punishment and on the other hand, in case of existence of the mitigations rules: in the case of crime plurality, in case of existence of the aspects of remissions, the court can reduce the punishment of the criminals down to the mean of minimum and maximum and if the punishment lacks minimum and maximum, down to the half.” (Shambiati, 2013, pp. 216 and 217).

Remission of the punishment in crime plurality

One of the discussable issues in the case of crime plurality and similar circumstances is the manner of simultaneously intensification and remission of the punishment; i.e. the person committing the plural crimes benefits this remission of punishment from several aspects and in this case, it shall be considered that whether the possibility of simultaneously intensification and remission of the crime exists or not, and in the case of existence, how the execution manner is going to be. Second note of article 22 of the Criminal Law approved in 1991 explained this verdict “In case of crime plurality, the court can also observe mitigation aspects.” But the current Criminal Law in article 133 of Deals of the Penal Code, talks about plurality” and in the case of mitigation not existing, the court can reduce the punishment down to the mean of the minimum and maximum and if the punishment lacks minimum and maximum, to half of it” (Zera’at, Abbas, General criminal law 3, Punishments and Safeguarding measures, 2013, second volume, Javedaneh publication, p.575). According to not 3 of article 134, contrary to note 2 article 22 of the IPC 1991, execution of remission in the case of crime plurality follows certain limitations. This note says: “In crime plurality and in the case of existence of remission aspects, the court can reduce the punishment of the criminal down to the mean of the minimum and maximum and if the punishment lacks minimum and maximum, to half.” Therefore if the punishment of a crime is 2 to 5 years of imprisonment, with establishment of crime plurality and remission aspects, instead of the maximum

punishment i.e. 5 years of imprisonment due to crime plurality, the judge can set 3.5 years imprisonment and if the punishment is 3 years of imprisonment, he can reduce it to 1.5 years.

The exact same regulations apply in crime plurality according to article 139 of the Punishment Law 2013. Anyhow, contrary to the previous conditions, the judge cannot sentence to a punishment less than the minimum or at least the legal minimum punishment in the existence of crime plurality or repetition. (Salimi, Sadeq, 2013, The General Criminal Law abstract, Javedaneh publication, Jangal, third issue).

The question that rises is that can the suspension of punishment, which is a kind of mitigation aspects and in favor of the convict, be place in crime plurality? It is worth mentioning in the answer that suspension of crimes is only applicable in level 3 to 8 crimes meaning that it is not applicable in level 1 and 2 crimes and in the cases of these crimes, the criminal's punishments will not be suspended; and suspension is an agreement which is issued following a verdict and in the case of crime plurality, intensification of the punishment by the court is mandatory and how to disobey a imperative law and apply remission, which is optional, in plurality. Of course if we were considering the previous law approved in 1991, we could have applied the suspension rule in plurality. But according to the lack of existence of the past effective criminal conviction in crime plurality and by acknowledging the conditions of act 40 and its note of the IPC, the crime suspension can be applied in crime plurality, but in crime repetition, according to the conditions of repetition, suspension is not applicable.

Plurality in Hadd

In laws according to the Islamic Penalty 1981 and the Islamic Penalty 1991, plurality in Hadds have not been mentioned generally, but the verdict of plurality in each crime is to be found in the detailed rules of the same crime. While in the recent Penal Code (2013) in these crimes, firstly the general verdict of plurality is mentioned and expanded explanation is provided where necessary, this regulation also applies in execution and wergilds. Article 132 of the IPC (2013) goes in this manner in the case of general plurality verdict, that various crime pluralities in Hadds leads to plurality of punishments, but if the crimes are of the same nature, the penalty is not included in punishment plurality. In the latter case, if the punishments are not of the same nature, like one is whipping and the other is execution, the criminal is sentenced to both forms of punishment and the punishments must be conducted in a manner that none expires the influence of the other. Note of article 132 if the criminal is sentenced to execution or imprisonment or execution and exile, only the execution sentence is conducted.

Manner of setting punishment in crime plurality

the committed crimes are not more than three, the court determines maximum punishment for each of these crimes and whenever the crimes committed are more than three, the punishment of each is determined more than the maximum penalty determined by law considering the fact that the punishment does not exceed half of the maximum penalty. For each of these crimes and only the maximum penalty is executed and if the crimes committed are more three, more than maximum penalty, the punishment is determined at the amount of 1 and a half maximum penalty. If the maximum penalty is lighten or non-executable for any reason, the next maximum penalty is executed. If the crimes committed are no more than three, down onto one forth and if the crimes committed are more than three, up until half of the legal set punishment is added to the original punishment.

Sometimes many actions conducted at the same time, have a specific punishment, for instance breaking into the house of another is a crime. Stealing the property of another is a crime; harassment of another is a crime. In an independent topic in article 651, the legislator has given each an independent criminal title and has considered an independent punishment for the criminal, five to twenty years of imprisonment and up to 74 times whipping, which the same punishment is not independent and is sentenced to the doer. The verdict of this issue is mentioned in note 2 of the IPC 2013. (Zera'at 2013, pp. 227, 228, and 229)

Repetition of crime in the Iranian Penal Code

Especially repetition of crime and also its reason and approaches to oppose it, are of basic concerns of criminology. Because criminals sentenced to punishment and enduring it, will get immune to social reactions and committing crimes will get easier for them than the first time. Enforcement of Penalties system is not ineffective in this area, because most of the punishments do not provide their effective goal, especially imprisonment which causes the noble individuals mixing with villain criminals that would make the path to commit crime much easier. Therefore, the legislators try to put an appropriate social reaction in front of the repetition of the crime and toughening penalties for recidivist is a personal factor because the level of the crime's power will not change in the first place or the next, but it is the crime that is revealing its dangerous inner state, for the previous punishment has not been effective on him and he has not been guided to the path of righteousness. (Zera'at, 2013, p. 216)

Concept and definition of crime plurality in the Egyptian Penal Code

"The plurality verdict is mostly for intensification of the crime of those who have committed a crime before or in the past and committing the same again. In the final conclusion: individuals who have committed a crime before and a verdict has been issued on them, and then they commit another crime; in which case the verdict is a tool to intensify the punishment against the convict. "The plurality verdict is deterring the criminal of committing another crime" and the concept and reason of crime intensification is obvious in plurality, i.e. where an individual has committed a crime in the past and has received a verdict for it and the verdict is not deterring the villain, this verdict is used. In conclusion, no positive reaction has been received by the verdicts issued against the criminal in the past, therefore in order to avoid committing possible crimes, this plurality verdict is used to intensify the punishment." (Mustafa Muhammad, 2013; p. 497)

General circumstances of plurality occurrence

1. The villain commits one or more other crimes before the verdict is issued.
 2. Committing a new crime and in other words the crime plurality verdict, is based on a regress that includes committing a previous crime plus issuing certain verdict plus committing a secondary crime in general plurality or returning to another crime by the individual under a certain verdict among the crimes; and issuing a verdict is based on the whole story documented in the villain's files, meaning that the judge issues verdict according to the history of the criminal. (Al-Zomorode, 2013)
- Therefore in the Egyptian Law, crime plurality is considered as intensification causes of an action that a convict has conducted in the past and commits another crime after the execution of the verdict. So it can be said that the concept of plurality is occurred under two circumstances:
1. A history of issuing a certain verdict that punishes the criminal exists and that certain verdict has been executed and counts as the criminal's background.
 2. And committing a new crime.

Types of plurality

Simple plurality

Individuals who have committed a crime before and a verdict has been issued on them, and then they commit another crime; in which case the verdict is a tool to intensify the punishment against the convict, which is simple plurality; and according to the Egyptian Law, occurs under three circumstances: with committing a crime in the past and an issued verdict against the villain, if the villain commits a new crime; if the two afore mentioned circumstances occur according to properties or conditions of act 49 of the punishment code. (Mustafa Muhammad, 2013). Simple plurality is a plurality containing many conditions that are mentioned in article 49 of the Egyptian sanctions law.

Repetitive plurality

The number of repetitions includes the individuals, whom the issued legal verdicts have introduced as the convict and the criminal has been punished for one type of related or dependent crimes and has committed another crime of the same family later; the judge acknowledges the number of verdicts issued against him. Also the types of the verdicts issued for the type of crime, shall be acknowledged.

States of simple plurality

First state; issuance of a verdict against the villain that has led to his conviction in the past. This verdict is issued when the villain has committed a crime of criminal nature in the past and a certain verdict was issued for it; and this is the reasoning that will lead to punishment intensification against him. If he commits another crime and this prudential verdict has not deterred the villain or convict from committing crime and that he continues to commit criminal actions, here the criminal commits another crime shortly after the issuance of the verdict and before the due of it. In the case of the verdict that has been issued before, the following circumstances shall be considered:

1. This verdict shall be issued when the convict has committed a criminal crime; for according to article 49, the Punishment Code is only applicable on those who commit another crime; and therefore the verdicts issued outside this set and condition are not included within the crime penalty law.
2. No criminal punishment shall be within the issued verdict and no remission must be conducted on the punishment against the villain, because in order to comply article 49 of this code the punishment is the condition, and in this article, criminal punishment has been issued for some and imprisonment verdict for some.
3. The verdict issued in the past shall be certain, i.e. it shall not have been violated by any Egyptian court of appeal or higher court of Justice. Before committing the next crime and certain verdict – is a verdict that has not the capability to be eliminated or modified by a higher judiciary – and the certain verdict is only called certain when is not modifiable, and this verdict (the certain verdict), unless not objected due to issues or conditions or has been issued for the final use from the convict for wrongdoing, is issued for the convict only because he has lost his time to object.
4. Just because no objections are subjected to the issued verdict, it must be applicable and the effects reflected of it must be obvious and tangible, for it is recorded in the convict's criminal background. Although the convict might be subjected to amnesty or be able to prove his innocence, but the punishment code must follow its legal procedures. Or a new law applies in which that the convict is not subject to punishment for this crime.
5. The verdict must be issued by the national court, otherwise if the verdict is issued by foreign courts against a citizen or vice versa, this verdict is not the verdict of crime plurality and is not applicable in Egyptian legislation and although it has been issued by civic, criminal, or normal courts (Al-Zomoroda 2013, Mustafa Muhammad 2013).

For occurrence of simple plurality, the first condition or state is that a verdict of criminal nature has been issued against the individual; and he commits a crime a criminal or misdemeanors nature. This criterion needs two conditions to occur:

1. The previous verdict is of a criminal nature which might be execution, chaplain, aggravated, or simple imprisonment.
2. The fact that after committing the previous crime of criminal nature, the villain's new crime can be of the misdemeanors or criminal nature, similarity in the nature of the previous and the recent crime is not a condition.

Second state: the convict commits a second crime. One of the conditions of crime plurality is committing another crime by the villain that can be considered as the next or repetitive crime. And what covers the verdict of the plurality, is not a simple crime, but it is a crime for which the Baat verdict (certain) has been issued; and this verdict must have happened previously; and in the sense of crime, the second crime must be completely independent of the first crime and must not have any relationships with it; and this crime does not cause the convict to escape from his previous crime, which causes the convict's not to intensify due to crime plurality, for the second crime (and escaping from the punishment of the first) is not independent of the first crime, and in this case only the behavior and attitude of the convict can lead to avoidance of plurality verdict and removing the intensification of his punishment; and after that the manner of conduction of the next crime is not important, even if the crime is stopped in some places. From the point of view of (Al-Mohazereh Al-Rabe Ashar, 2013; Mustafa Muhammad, 2013; pp. 294 and 295).

Therefore for occurrence of plurality, a crime other than, and independent from the previous crime must be committed with the comment that the secondary crime shall follow the previous, for instance if someone is committed to a previous crime, commits another crime in order to escape from the enforcement of the verdict, this is not considered as a second crime.

Third state: Fulfill the conditions of Article 49 of sanctions law; article 49 of the punishment code, divides the forms of crime plurality into three unique categories; meaning that in order to issue a verdict of plurality, the emergence and fulfillment of one of these forms is necessary and we shall discuss and analyze all three of these forms while searching for conditions; and these criteria do not seriously collide with the plurality verdict unless while the existence of these fundamental elements that are passed with the issued verdict and the second crime: first state: issuance of permanent general plurality, because article 49 of penalty considers the punishment of this individual as proceed of the crime. First condition, one who has received a judicial verdict and later has been proved to have committed a different crime; these sorts of criteria can be listed as a subcategory of this crime i.e. general crime plurality and crime plurality in this case needs not similarity of the first crime to the latter. Crime plurality is not certain and does not need time compliance from the start of verdict issuance and this verdict is only fulfilled when we shall take a look at the issued verdict in the sense of previous and the new crime:

1. Previous crime: in this verdict observing this principle is mandatory, because the verdict is certain and not reversible and breakable and criminal punishment have been issued within it and are imprisonment and aggravated life imprisonment. Aside from the fact that if a murderer is forgiven by the family of the slain, he must spend a period of time in prison for the issued verdict, for the effects of crime plurality is known to such individuals. The lesson that is seen here, is the punishment of the villain for the crime that he has committed and the other is in the manner of verdict issuance and for that crime shall not have enough comment time and everything will get clear here, that a general crime plurality has occurred here in this case and the repetition of crime does not need to comply with the first crime, for the first crime is considered as a heavy crime; and a heavy criminal verdict shall be issued for it and this verdict acts as a warning for the criminal not to commit another crime in the future; and the latter crime plurality does not need new crime evidence because a certain verdict has been issued for the former crime of the criminal and he has passed the punishment period, even if the punishment of the new crime is heavy and he has to pass the issued verdict.

2. In case of subsequent offense, evidence of the villain committing the crime shall be presented to him and he shall not only be convicted of criminal background.

3. Whoever that has received the verdict for punishment or misdemeanors has been issued for at least one year imprisonment or is sentence to fine and it gets proven that he has committed a crime similar to the former crime, before the 5 year expiry date of the mentioned verdict. Misdemeanor crimes of theft, fraud and malversation of the plurality of crimes are considered the same. Also crimes such as Libel and defamation and slander and extrusion are considered similar. (Servat, 2013, 732; Mustafa Muhammad, 2013, 497, Al-Zomre, 2013)

The above mentioned points are of conditions of the general simple plurality. Whoever that has committed a crime and received a criminal verdict and commits another criminal crime or misdemeanor. Whoever that has received the verdict for punishment or misdemeanors has been issued for at least one year imprisonment or is sentence to fine and it gets proven that he has committed a crime similar to the former crime, before the 5 year expiry date of the mentioned verdict.

Effects of simple plurality

According to the text of the punishment intensification law, crime plurality for is a permitted issue for the judge, he is free to issue a normal punishment or a punishment stated in law for that crime. Even in the case of plurality, or if the judge deems the intensification necessary due to simple plurality or in other words, is free to determine the maximum punishment for the villain for the new crime with the condition of not exceeding maximum amount. However, determines more than 20 years for aggravated or normal imprisonment and article 50 of penal code according to article 49 of the penal code has allowed the judge to determine the maximum amount for that crime. With the condition of verdict period not being more than twice the amount of the set period by the court, of which the maximum is twenty years. If one of the three mentioned conditions in plurality becomes clear to the judge that the convict has again committed a crime, the judge can intensify the punishment and even issue more of a verdict than the set verdict. But this is related to two other issues, one: that the judge does not exceed the set amount of time for the verdict and this issue is only true in the latter crime. If the time period and set verdict for crime plurality is one year and the basis for plurality exists, the judge is allowed to issue a two-year verdict. Two: the punishment and the issued verdict shall not be

more than twenty years. If the judge deems the circumstances for crime plurality and decided to intensify the punishment, and issue the maximum punishment, he is forced not to issue the maximum amount of verdict and not issue twice as much as the set verdict but to issue for less than twenty years, at least 15 years, and the reason for that is that the judge does not want to turn the criminal plurality verdict to permanent plurality, and this verdict harms the convict and that the judge considers some humane issues and reduces crime intensification. (Mustafa Muhammad, 2013, pp. 500 and 501)

So it can be said that the effects of simple plurality is divided into two types of temporary and general. It is as such that the intensification of punishment is an optional issue in the case of fulfillment of one of the three states for the judge. And he only can determine normal punishment for the plurality villain.

Plurality of the repetitive crime and getting used to committing crimes

Repetitive plurality is subjected to individuals whom have been convicted by judicial verdicts many times and these criminals have been convicted for one type of related crimes. And after that, have also committed a crime of the same subcategory as the judge acknowledges the number of the verdicts issued against him, and reasoning and evidence does not affect these people and the verdicts issued against them, the court again issues the maximum punishment possible for them, and in article 51 of the penal code for repetitive crime plurality it is stated that if an individual about whom crime plurality is true, for the two times in which a verdict for the period of 1 year is issued, or that has committed a crime for three times the punishment of one of which is has been 1 year imprisonment or more. These crimes are subcategory of fraud hiding lost or stolen property, or malversation or etc. according to the recent crimes, the villain is issued a verdict of two or five years of imprisonment for punishment intensification; and this article of the criminal code is replaced with the previous article, which is article 51. According to article 54 of the penal code, the judge shall decide on the text of article 51; and the crimes that have been mentioned in articles 355, 356, 367, 368 and are about killing animals and destruction of agricultural fields. If the convict is issued with a verdict twice and one of the verdicts have been for one year, or the convict has committed three crimes of the same and a verdict have been issued against him, then his crime is included in articles 355 and 367. (Mustafa Muhammad, 2013, pp. 501 and 502; Al-Zomorode, 2013)

The repetitive plurality is the state of an individual against whom various verdicts have been issued in the case of the crimes of a certain sort and after that committing a similar crime that their plurality has their own special circumstance, the convict has committed simple plurality that according to the conditions mentioned in the Egyptian sanctions act which is article 49; and refers to some punishment verdicts that have been previously issued for the convict and also to some conditions of the new crime.

Necessary conditions for fulfillment of repetitive plurality are as follows:

1. In the sense of the punishment that has previously been issued for the convict, it must be of the freedom taking punishments, like chaplain and normal imprisonment.
2. In the sense of the number of the crimes previously committed, which according to the Egyptian legislator is two or three crimes, of which if there were two punishments, it is necessary for two of them to be endured; and if there are three punishments, it is necessary for one of these crimes to be less than 1 year and the other is that one of the three punishment is more than 1 year or more for one issued verdict.
3. To the type of crime for which two or three punishments are issued, the law is based on the similarity of the previous committed crimes. These limitative crimes can be said to be in two types of crimes that the first set is: Stealing and hiding the stolen objects, fraud, betrayal of trust, forgery and start the crime. The second set consists of: Killing animals, destruction of crops or to any of them.
4. For fulfillment of repetitive plurality in the subsequent or new crime, the condition is for the crime to be of the misdemeanors and not the criminal type and must be alike the previously committed crimes.

Attorney for the delivery and maintenance of the perpetrator will be released in the institution for more than six years.

Article 53. If the verdict issued about the convict is imprisonment with hard labor in compliance with article 51, or with credit to the fact that the criminal has committed a crime out of habit. Then in during the two years that have passed from his freedom, commits one of the crimes mentioned in the article, the court would vote on delivering him to the related organizations mentioned in the article, his freedom is conditional to the order of the Minister of Justice agreement with the prosecutor's office. It is obvious that the period of custody by the organizations would not be more than 10 years. (Mustafa Muhammad, 2013, pp. 500 and 501; Hussein, 1989, pp. 409- 5048; Hajarian, 2011, pp. 37 and 38).

Conclusion

In the Iranian Penal Code distinction made between multiplicity and recidivism, and for each has determined separate regulations, but in the Egyptian Penal Code only frequency of offense is intended and repetition is considered as instances of a plurality of components. In the Egyptian Penal Code, the court is allowed or permitted to determine upper maximum frequency to commit; but in the law of Iran, under Article 134, if offenses committed are not more than three crimes, court determines the sentence and collective punishment contribute in the recidivism. In the Iranian penal code remission in the plurality and repetition is considered, but in the Egyptian penal code no such thing has been spoken of. In the Iranian penal code, the political, media, and children convicts are excluded in the case plurality or repetition, but not in Egypt; but the similarities that can be mentioned are that in the Iranian code the crimes are classified from one to six and so is in the Egyptian code. They both are relatively similar in the concept definitions of plurality and repetition, i.e. in cases and examples of plurality, one can guess the meaning

and concept. According to article 49 of the Egyptian code and articles 137 and 131 of the Iranian penal code, the code is divided into suspension, Hadds, execution, fines, and limitative punishments, but the Egyptian sanctions code is divided into criminal, misdemeanor and violation crimes; and crimes, the repetition of which is true on plurality, are suspension crimes of 1 to 6 which include fining and whipping, but in Egyptian law, some crimes and misdemeanors are introduced as repeatable.

Repetition and plurality of a crime is fulfilled only when there is a verdict issued or not issued, suspension is an agreement which is issued followed by a verdict aiming to intensify the punishment of the criminal. Therefore, suspension has the criteria of remission of the crime and is not addable to these two categories. Of course with regards to the recent law and the intensification of the punishment being mandatory, suspension is not possible in plurality and repetition. So it can be said that although granting punishment remission are is to the court, but contrary to the current law, intensification of punishment in the case of repetition of the crime according to the text of article 138 is mandatory and the court is to intensify the punishment within the lawful boundaries. The condition to use punishment suspension is fulfillment of the mentioned conditions which are written in the last paragraph of article 39 of the current punishment code of existence and non-existence of effective conviction in order to receive suspension and with regards to the condition of application of crime repetition regulation is having a certain conviction, basically according to the registration of the past conviction in repetition of the crime, suspension is not grantable. In the case of article 134 of the IPC, the competency of the court issuing the maximum verdict or the punishment intensifier court must be acknowledged for it is contrary to potential and relative competency.

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