

INVESTIGATING LACK OF PENAL RESPONSIBILITY IN ORDER TO GIVE WARNINGS

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ABSTRACT

Maintaining order and restoring comfort and security of the people of the behavior that caused the damage and harm to them, including governments' task is that they should be pursued in different ways to achieve it. But the physical and financial damage to people or behaviors associated with illegal (crime) and not under the conditions may result in legal actions as well. The question is causing injury suffered in such circumstances actions are within the scope of criminal liability or not? There is a rule that broadly defines as a warning, if someone is going to do something legitimate to warn and alert, but not considered injured and damage occur, the warning will not be responsible for damage caused. It can be seen that warn of situations that can be the subject of a damaging action of criminal liability and civil liability as a result of deliverance. In other words, when the current one is doing is legitimate in order to avoid injury or damage to life or property of another while observing precautions necessary warnings to the audience or the audience away from the place of danger in order to escape his ordeal, but ignored because he is in the position of a victim, the damage is not in the realm of criminal law and therefore will not be subject to capital punishment or retribution. Legal, useful and effective, the notification of the audience as well as prior knowledge and the ability to move away from a position of danger ahead, the conditions for referring to the defense in the warning.

Keywords: *Warning, Caution, Criminal liability, Crime, Legitimate*

INTRODUCTION

The Penal Code contains rules and principles aimed at regulating social and individual activities and group. Based on what actions a person can put him in front of the Penal Code and other words deemed responsible shall be clearly expressed. Criminal responsibility in seeking responsive to the actions and words and deeds of the people themselves. Obviously, the person responsible for conditions such as maturity and wisdom and planning authority is necessary and that in the absence or lack of it, will be innocent person from criminal responsibility. However, in some cases, the person from criminal to these conditions, is assumed to be responsible, but to act in certain situations and circumstances, behavior that is criminalized by law, the person no have no criminal responsibility. Alert and warning of these conditions. Warning may be allowed in respect of agents used to avoid prejudicing other one is driver to avoid an accident to his horn. However, despite hear a beep and see the pedestrian car, do not give anything for free from injury. He is imported. Also during the medical treatment of the patient, given her food intake or avoids certain movements, but he ignored advice against it and ultimately detriment and harm comes to him. Whether in this case, despite the original terms of responsibility, can be a driver or seller of goods or physician responsible for the criminal? The present article is to examine this issue. The first part defines alarm conditions have been discussed. The second part of the notice of lack of criminal responsibility mentioned subject and the result is mentioned.

Part 1: Definition of Warning and the Its Conditions

1- Definition of Warning

Warning in the dictionary meanings, words, symbols, or move to caution and punishment and warning and warning and alert the news and understand the applied (Amid, 2009; Anvari, 2009; Dehkhoda, 1987. Then the person who is trying to do is alert and cleaned hurt and harm, both financial and human to

Review Article

expect the person or other people with speech or gestures warning, exposing themselves to danger and damage as a result of an act of entry into the early warning alarm is damage (whether civil or criminal), the signal will not be responsible.

2- Conditions of Warning

To make warning to the notice of the current criminal responsibility that causes harm to others rid sent, warning he would have to check the circumstances in which the topic them.

2- 1- Effect of Warning: the aim of effectiveness of warning is that the audience can as soon as possible after becoming aware of the warning, got rid of the danger. "That warning Terms of risk, risk related to the hazardous environment and the use of appropriate means to those who are at risk of accidents, to be announced, so that we can say with reasonable risk as has been done (Meqdadi, 2012). In other words, this warning in such a way that, if necessary, that can prove that the usual caution should be given to the court by According to the conventional practice of a particular issue that is acceptable to that dispute was that warning (Mohaqeq, 1995). For this purpose it is necessary to place, time and risk issues be considered as warning At night the alarm on, warning alerts demolition with different sports activities. Warning about the dangers of lead to simple and low risk of death is different. Quality alerts for specific contacts, professional contacts different agents. Effective warning is that of the place, time, topic of risk, its severity and the type contacts and consistent with the factors to be considered.

2- 2- The procedures and health protection, the relevance of the warning signs and the extent of the risk to the environment has been identified and noted are sprayed, it is the responsibility of the employer.

2- 3- Note 1: above symptom should be taken before spraying installation and after removal of the risk.

2- 4- Note 2: danger signs should be proportionate to the size or location of the farm or garden is agricultural spraying and to be installed in places that attract people's attention from different angles (Work and health protection, 1997).

2- 5- Article 77 of the Regulations to protect against the danger of ionizing radiation in this regard provides: "All workplaces should be tailored to the type of operations in which it is performed, is easily recognizable by the danger signs, be specified."

2- 6- The transport and traffic regulations, a number of regulations on warning and safety signs and informative predict that respect it is necessary. One of them, according to the day and night time duty obvious warning of cargo by vehicles that carry the load. Article (74) of the Traffic Regulations Act of 18.2.1347 provides "vehicles of material (70, 71, 72) of cargo, should lantern night or two red lights at the last point The parties once installed, so that from a distance of 150 m from the sides and rear of the vehicle to be seen.

Or two days, two flags red cloth surface is at least half a square meter at the end of their hanging so that drivers behind can see it from a distance mentioned in paragraph of this article."

For example, you could get rid of the risk of an accident, and the driver alerting delay and later claimed to be a warning to passers-by, his claim as a defense for his irresponsibility will not be as effective for although the warning can be proven; nevertheless warned could affect the quality and prevent the accident.

2- 7- The Victim's Knowledge about Warning: What is considered an alert and warning informing the person or people who are at risk of injury and victimization are a legitimate act to seek to avoid and escape from it and not damage or financial loss..

Therefore, if the alarm so that the audience should hear it, the audio alarm, if no hearing or hear it as incomplete, a condition of receipt of the notification to contacts and liability will not be achieved. Also, if the alert, visual alert for signs warning signs, the audience should be able to see them and become aware of their content, meaning that the content of the warning message and understand and be understood aspect of risk because to hear or see signs is not sufficient to understand the meaning and purpose it is also a necessary condition for the Disclaimer warning regular and accessible fails. Like the alert and warning, to be announced in writing visible. But sometimes warning just ordinary things done, but this is affected in terms of their special status and are available from ordinary consciousness fails. Like the alert and warning, to be announced in writing visible. Although such warnings are insufficient knows the strict

Review Article

attitude with regard to the legal principles may be sufficient but a warning was biased. However, I must admit that whenever an alert to unusual and incomprehensible way for the majority of the audience to be performed, such as text or a foreign language is specialized, it is common medical of some of the brochures, drugs, of I do not think it can be considered a warning to them. Except that such warnings by the medical staff or the pharmacy or written form is understood to be explained (Meqdadi, 2012). On the audio warnings should be added that the warning should effectively and with every possible means to eavesdrop on people should receive the warning for risk. If the audience is deaf and deaf will not suffice in this case, the audio alarm and visual warning necessarily need to exist. For example, in Notes 1 and 2 of the law of 10.18.1373 approved the use of weapons by the armed forces has been highlighted:

Note 1: These officers are required to be measured at stations checkpoints warning devices (such as barriers, panels, revolving lights) are embedded.

Note 2: If the officers can fire vehicle that in addition to the Note 1 to the driver audibly and long-Stop vehicle and the driver has not Warning significant Stop.

As can be seen, the legislator being able to hear warning sounds given by the audience, warning of the type of visual warning is required. In case of occurrence of damage and loss can be a warning of criminal responsibility rid of it.

2- 8- The possibility of avoiding the risk - including the other provisions of Rule warning of criminal liability, it is the audience after hearing or seeing warned away from the position risk is feasible.

For example, in the construction of a mine explosion destroyed part of it, it is necessary for the audience sufficient time and physical ability needed to be away from the danger. Therefore, if the time needed to get away from the danger, but two minutes interval between the warning and the demolition of one minute, or in the audience, someone whose ability to leave the place and not deviating from risk (the person who is paralyzed or legs broken) in the event of an accident or damage, the warning is still in charge.

Moreover, if enough time and ability to deviate from risk, be sure there are no obstacles in the way or hinder the audience, because the audience may not be enough time and physical ability to deviate from danger, but the obstacles to his way (like river water filled valley wide and impassable) cannot leave the danger area (Najafi, 1983). Because in this case is the norm, and failure to include the injured person's own risk and under effective warning, warning calls free of charge (Mohaqeq, 1995).

2- 9- Legitimate act of warning - the first condition of the lack of criminal responsibility to individuals in the community in terms of current performance, is that it is an act of criminal law is not applicable to any of the ingredients. In other words, to fulfill any legal element of the crime, the definition of certain conduct as a criminal act, is necessary preconditions. When the action from the authority to legislate criminal penalty is not known, it is permissible for people in such a condition can be enjoyed from the base of the alarm to fix criminal liability. Obviously, for actions that violate the law and causes damage or loss (including financial and human) has assumed responsibility for committing it is always conceivable whether the harmful act is given to the victim warning or not. For example of an accident ransom, ransom makers to warn the police if they are approached, they will be fired and subsequently of their action if arrested, the court had to rely warning for failing to defend their own responsibility. It is obvious that such liability shall gunshot warning to law enforcement that are on duty cannot be considered legal defense. In other words, their crimes committed the act (its mass), regardless of whether it was due to the fault, the liability would be deemed to be committed. This could be approved by article 512 and 516 of the Criminal law stating that

If someone in your neighborhood who stop in they are not allowed to stop, or animal or object in such places or things based on that slider and another without regard to their effect on the attitude of the injured or dies, or slip or see compensation, stop the person or someone who has deployed its object or animal or the way the slider, the guarantor is blood and other damages unless the Passer by widening the roads and the location of the person dealt with in this case not only the damages awarded to him for their contributions but also be responsible for damages if someone something on your property location, such as a wall or balcony, which put the objects in it is permitted, and the effect on the outcome of events to

Review Article

another property or a public ferryboat happen and cause injury or damage the liability is ruled out unless it's so. The injury-prone to be laid typically or damages.

2- 10- The entry requirement of damage without the knowledge of commitment: what caused the admission notice and warning to remove the criminal liability of the importer, the injury is that he doesn't know victims of neglect and disregard for their action and their per capita suffered damage. What if they hear the warning despite his warning, the audience in a State of neglect and have been unleashed, its verb must not attempt to do so and this notice satisfies his criminal responsibility (Khoiyi, 1975). Because it required that he make the audience away from the scene of danger or knock of your time losses. Because if the subject know that the verb he causes damage to the contact entry will not necessarily must avoid the verb. In the same case that warrants a warning to know the audience, despite the awareness of warning given deliberately exposed to this damage, as well. Because the main purpose of scams to the arrival of the damage and losses and in more recent subject with knowledge and awareness of this cause damage to the verb her audience will commit it to be in terms of criminal law, such a person is responsible for the criminal acts of their time will be known losses.

For example, when holding military maneuver for the blasting operation or widening the road, though military officials or road construction company regarding placement of warning and notice to avoid potential injuries to adopt all the necessary measures have, nevertheless, if you see approaching the person or people to the danger zone, military operations are required or to stop the blast. What is otherwise assumes, deliberate damage to the contact problem will be the topic of discussion was that this would cause is responsible for knowing it will be committed.

Part 2- Warning in Iranian Legal System

Criminal and legal rules in Iran, although explicitly to discuss warning and alerting is not mentioned, but there are many regulations that contain some sort of issue warning and Disclaimer subject it is that some of them can be mentioned:

1- Article 507 of the Islamic Penal Act 1409: "whenever a person in public places and thoroughfares or property of another without the permission of the owner of a well, digging, or slippery things in it and or any other practical actions that caused the damage, unless the person is the sponsor a child damaged by it and the possibility of avoidance, deliberately dealt with."

2- The Islamic Penal Code, article 508: "If a person is one of the tasks mentioned in article (507) this law in one's own property or location where capture and his discretion, do other damage, and does not sponsor unless the person is not aware that it is there and to invoke it, a crime to enter the country.

Note 1: If the injured person without the permission of the owner or with the owner actions taken before, enter the property owner is not aware of his arrival, the owner is not guaranteed unless injury or loss due to the suasion, negligence and as it is documented notice to the owner.

Note 2: When someone else's property without his permission, to commit one of the acts referred to in Article (507) of the Act and to third parties without permission to enter the property is damaged, the perpetrator is responsible for the blood money unless accident and injury to the injured documentary in which case the sponsor did not like that you have committed a warning sign or lock the door, but the injured regardless of symptoms or break the door to enter."

3- The Islamic Penal Code, article 501: "whenever a driver having skill and speed and sure and observe the other provisions is moving while the vehicle is not able to control and presence in that place to anyone that is not allowed, without liability, suspend, and encounter the fault, otherwise the driver.

Note in the above if non-compliance of some of the regulations does not affect the driving in the accident in such a way that the fault is not the cause of the resulting crime committed, the driver is not the sponsor. Although the alert rule will reveal the criminal legislator not implicated mandatory to Iran of the provisions of the above-mentioned materials to accept this legal system in Iran suggests.

4- Article 4 of the Law "road safety and rail" is clearly the theme of the rule of "avoided to speak" and its reliability has been demonstrated that the legislator in the government of society and urban issues, does not recognize the warning. The article states: unauthorized entry and passage of pedestrians and vehicles and transit of livestock on highways, as well as stopping vehicles in the lanes is prohibited. If these

Review Article

directions, an event occurs that leads to death or injury or death or property damage, the authorized driver, the vehicle he will be allowed to move the king way, will be responsible to the above, but in any case required In case of an accident, the vehicle stopped on the right and injured by his vehicle immediately to the clinic or hospital or other device and shall notify the law enforcement officers. The driver said the use of third party liability insurance regulations will not be (Code of Criminal Procedure sets / 2/69).

5- The law also stipulated in article 9 States: the passing of the railway and the station yard and arriving at the factory and technical installations-rail shipping, except platforms and sites and the paths and roads permitted stations located at along the lines, is prohibited, except for those of the railway staff, according to which the entry is allowed to pass. In the event of the violation and the occurrence of the incident, Iran's State railway shall not be liable (Mohaqeq, 1995).

6- Also, in article 10, such as the same content regarding the prohibition of passage review carrier vehicles and non-motorized and explicitly, that the offending lyrics are from event and this is responsible for any damages, i.e. not only to train officials and so on guarantor, but victims are in addition to the possible damage was responsible for the accident, suffer a cross (The same groom, researcher/216). It is clear that the damages stipulated in the article passer mentioned is parties and if not to rail-rail trains are damage or movement of passengers, will be responsible for the compensation. With the mentioned article, the comments in the protection can be accurately applied in the legislators mentioned rule download. Legislator here and alerting, compiled to passer's responsibility to make her own unauthorized is returned.

7- Note 2 article 10 may: whenever a passing transport vehicles pursuant to damage or the diversion of rail and other boat-related and sand rail, driver by vehicles to pay the criminal cash from 1000 to 5000 Rials and compensation for damages shall be condemned.

How to deal with traffic offenses as well as offenses under the law and obtain interesting content can be found.

8- In Article 8 of the Act states: If the roadway pedestrian walkways and streets, except for the points which lined and pedestrian (where allowed) from the unauthorized crossing known offender and required to pay a fine is prescribed in the regulations, and if in such unauthorized parts, motor vehicle-pedestrian accident, the driver of the vehicle in the event that all traffic regulations to be observed, cannot be held responsible. The use of third-party liability insurance policy will not be the driver (Mohaqeq, 1995).

9- The mentioned Article reads in Tehran, in the streets that are pedestrian safety and is equipped with the following provisions by the municipality for public announcement, the pedestrian shall cross a pedestrian only areas, expert of traffic accidents three of these ways, the lack of responsibility of the driver's certificate, driver's criminal liability would be recognized and the driver will be released and the case will be sent to the appropriate judicial authorities for action. Lack of criminal responsibility of the driver to prevent the affected person from the accident, the insurance policy will not be a third (Mohaqeq, 1995).

10- In Article 3 of the regulations, labor inspectors came: Labor inspectors are responsible for supervising the implementation of the rules and regulations adopted by the Supreme Council of the technical safety of the workshop to conduct safety inspections.

11- Article 5 of this Regulation may: inspectors working in the items that act or part of a device to recognize dangerous workshop have to far have written and through their respective Bureau in order to work and fix the bricks of risk is communicated to the employer (Rules and regulations and providing work/3/292).

12- In article 27 legal Bill technical protection passed in 11/1/1957, States: all workshops should be sufficient to alarm the means equipped, so that conditions in all work, so instead of the enclosure (Jahangir, 2000).

Of the provisions of the above materials, understanding that the previous employer could be warning to managers or workers compensation and liability resulting from failure to eliminate pay attention to warnings

13- Article 12 of the Law "civic responsibility" explicitly, employers subject to "work" as if all the necessary precautions, the circumstances of the case make it necessary, be brought into action,

Review Article

irresponsible recognizes employers who are subject to labor law compensate for the losses that are responsible for the administrative staff or their employees during work or on occasion it has been entered, unless it is confirmed that all precautions are taken and the circumstances of the case requires, or if the precautions It would have taken to avoid language was not possible. Importer compensation if the employer can be liable under the law refers (Khosravi, 2005). On laws relating to the principles of protection and safety in laboratories, hospitals, medical centers, law clearly states that the legislator's attention to the warning and safety of its parts. The safety standards for radioactive section, mention must be given to the necessary training. Laboratory managers should be training these people, for they issued certificates and the certificate shall be recorded in the archives conservation. In the use of radioactive, eating and drinking is prohibited (Zarifi, 1987).

14- In article 12 the legislator with the disposition of this article, a kind of alert and aware of the previous will is: all people who work with radiation have employment has to use the means of protection against radiation predicted to myself and represent the and instructions related to run.

15- The regulations ban smoking is also something that can be given effect in the rule of law than legal warning, depending on the case, received. Article 1 states:

In order to protect the rights of individuals and to the detriment of their health and disease caused by smoking and other tobacco use of any kind of smoking in public places roofed, to any type is prohibited. In Clause 2 of this Article, the authorities are required to sign a ban on smoking in public places to install the appropriate number is visible in places that ban smoking in public places are mentioned.

In Article 2 of the law also states: Iranian Tobacco Company must be alert to the hazards of smoking on cigarette packs announce.

The material was referred, relating to the impact of the rule of "avoided to speak about" the rules of the internal situation in Iran. In addition to the above-mentioned laws, could be examples of the warning and the need for prior notice, emanating from the principle of "avoided to speak," a frequently cited in international law. For example, one of the authors and experts in the field of international law, writes: One of the known functions of the government against the political representatives of other countries and, in general, foreigners are allowed to stay in the country, supporting them in special sections and Among the tasks of the government, warning to diplomats and foreigners are allowed to stay or to leave the country because of war, civil unrest or international conflicts that is when the warning and notification responsibility for any occasion Examples of this, the Spanish Civil War (1936 1939) and War of Egypt (1956), respectively (Mousavi, 2000).

In legal systems "common law" such as the US and the UK, there are rules that indicate the extent to which the nature of the rule "avoided to speak" and to what extent its provisions in the legal system of justice are effective.

For example, in The Times, 24 October 1972, on one of the cases, a qualified person for the post office was hired to serve in the work of changing phone numbers. The person in the elevator room, which was closed most of the time and can be seen on the warning by saying, "Just lift the competent authority has the right to enter this area," with the intention of going to the roof and for a while to rest and sunshine arrived, but as soon as you enter this zone, the hole opened and it fell and was killed. His family on the grounds that the first post office, in accordance with the principle of "common law" committed by carelessness and secondly, to Article 16 of the Law "offices and shops and railway premises approved in 1936» was responsible for building the firm's employees, the right to know and the question of liability to pay compensation in damages.

Court of Appeal of England consists of three lords, the appeal shall be dismissed and the applicant's ruling stated that firstly, in terms of "common law" has not assumed office called the deceased entered the room without any functional lifts, since deceased was planning to go for a walk through false roof and explicit warning read to the tactless persons allowed to enter to win your attention and have not been guilty of carelessness. Secondly, in terms of the law of 1936, the deceased had been hired to do the work in the elevator room and on this occasion, is a normal way. Therefore, there is no ignoring the read side has been done to be worthy of compensation (Mousavi, 2000).

Review Article

Part 3- Principles of Admitting Warning in Lack of Penal Responsibility

3- 1- Action rule: One of the important reasons to accept the warning and notification fixes criminal responsibility, rule actions. According to the rule, when adult, sane and Rashid with the knowledge and against their will and to property damage or physical injury cause, no one but he is not responsible, as in the case of a person acting prejudicing money or your life, "the wise as we reasonably Ho" regardless of external conditions no responsibility for the other person not care (Mousavi, 2000). Case where the injured after the accident and deliberately harm themselves and no attention to the warning and deter (shooting) or other persons not put himself in a perilous situation and risk the loss of his own action, prevents damage to the other (Legal events / 98) thrown in the street, is responsible (Imam, 1985).

Meaning of the "action rule" as the name implies is that if someone with knowledge and intent and consent to accept losses or guarantee, no guarantee he would not be. The strongest evidence of the principle of "action" rational arguments, or in the Qur'an and the traditions based on the interpretation of the late Sheikh Ansari reason in this regard cannot be found, some experts in the field of law and jurisprudence, write: if someone with the necessary precautions, so that would be a disservice to not be responsible for, as well as make personal and specific signs installed guidance on the when human or animal unusual, since it falls pass. After the wells will not be responsible as stipulated in Article 504 of the Penal Code, the lack of responsibility and allowed the driver of the speed of the moving track and the pedestrian accident, the That is why he is what you observe caution and not of the provisions relating to traffic violations.

According to this paragraph of Article 158 sports operations provided in accordance with Sharia principles and rules of the sport and is a cause of crime is modal. According to many lawyers in this paragraph of Article 158 of the Penal Code shall be civil liability. To verify this idea can be studied jurisprudence.

One of the fundamental principles of the legal clause in the civil responsibility of the legislator's permission Scholars have discussed the principle of civil liability is incompatible with the legal permission. Since paragraph (e) of Article 158 permission legislator on the basis of the sport with the conditions prescribed and sports operation usually damages and damages the body is, leave the legislator as it was given to waste concomitant and leave the object permission is needed. Therefore for civil liability and the liability of such a conflict permission and sports injuries will be no civil liability. Another rule that apply in this is the rule action. Accuracy in the works of jurists indicates that they have been taken in some cases to such development. The athlete with the knowledge and awareness of the risks and damage to participation in the games and sports events, in case of physical damage, liability and civil liability will fall. "Premonitory rule also rules that take advantage of the above is the issue. To select and can step down from the race, the alert condition is met. So if players continue racing despite receiving warnings during the race and in the framework of the rules of the sport suffered damage, the civil liability and liability will support him.

3- 2- Causal rule of criminal involvement in the process of a verb can occur in different forms. These forms include: stewardship, partnership, assistance and causality and damaged ". In causality, the basic principle is that the sponsor is responsible steward in the first place. But in some cases, cause is the steward. Therefore, it is said because of the damage and he should be held accountable and victims should be addressed. Jurists "causality" in the sense of being stronger view was expressed because of the steward. So that as a result of an act attributed, not to steward such as a child or an adult, sane, and not mad, stone and glass down and he would say, it's broken, and glass. In this case, the causality of an adult guarantor damage

Waste, committed, in any case responsible, although not the fault of such precautions necessary with snow from the roof of the shed, however, to harm human or animal. But if the necessary precautions are not responsible for the damage caused, for example, do well and put pointers, human or animal, unlike the usual passage is not liable (Lotfi, 1995). In the waste Causing element of "blame" for their involvement and causality situation, "fault" are mentioned in the sense that the patient does not observe standard precautions about and neglect the consequences of a fault and short.

Review Article

Scholars, mentioned the issue of the "fault" are resolved. Therefore, the analysis of a number of legal scholars, damaging the warning precautions have been observed and thus, any failure or negligence and fault away from its realm. Therefore, it can be said of any fault attributable to his not-faceted In contrast, the other side is guilty in the case and indeed, alarming though losses were caused as a steward, but the marriage injured him. It is necessary to recall the legal texts, on the question of "waste" and the discussion of "causality", the element of "fault" is emphasized, both in waste, because the guarantor of offending his fault, as well as being the cause, the cause Because of his negligence and procrastination is subject to the provision of compensation. But it seems the Civil Code, a defect in which there is only causality, the element of "blame" for their involvement, but on the question of "waste", believes that the element of "fault" is not concerned. Wastrel In any case, the sponsor is responsible.

The great scholars cite the linchpin of responsibility, communication. If you damage the relationship between a verb is so strong that it causes damage to be documented will be his responsibility, and in some cases the damage done to stewardship and the other factor is not only responsible steward because loss attributable to steward, absolutely clear, whether guilty or not guilty. If the damage is due to the operating losses attributable to this factor, while it is true that the element of "fault" is achieved. Otherwise, citing damage to his assignment and will not be established. The steward and community causes, of each assignment would be his responsibility. We'd talk, despite hearing damage warning and the possibility of escape, which is the principal provisions Disclaimer, applied to enter the danger area and, therefore, blame and damage to his assignment.

It seems that warning and notification rule based on the principle of causality steward involved in the event itself. But the party warned the lack of attention to the danger and warning, and enter the realm of risk, compared to operating loss phenomenon is stronger view of the steward in charge of and responsible for the act committed by the agent, thus not deemed harmful.

3- 3- Rational and Common Basis: Wise and common law rule could be the most important and the most basic rules of evidence for the warning or alarm, he said. Including source documents wise and strong, non-distorting and denying that features a durable and comprehensive (in terms of time and location), and is reliable in all societies. Rationalistic communities person to perform dangerous (but legitimate) to warn them so effective and proportionate to the danger, fear and avoid that, in case of lack of contacts and create an accident and loss of life and Financial exempt from civil and criminal liability. And on the contrary, the mindless and ignorant person who perform their task in relation to warn others of the danger of failure is punishable by criminal and civil history.

The wise, this tradition is common practice that whenever they want to do, if you suspect possible damage and inflict harm on others. Before proceeding, with words of warning, such as attention, avoid, standing in such a way that the warning action, if the damage of their actions do not damage established themselves responsible. This tradition is apparent rational in practice.

CONCLUSION

Alert and warn an important role in resolving criminal and civil liability. Various classes of work (medical, pharmaceutical, life, sports, etc.) on a daily basis in the course of their work, in order to avoid the entry of injury and damage to the person or people from the community to do warn resort and Legal Affairs and unions are legitimate. Because in some cases the danger of warning so intense that any reasonable warning and not acceptable. If the warning with the words and phrases, scientific jargon used and the warning of the meaning and concept of scientific knowledge, and as a result he suffered the losses or crime is caused, the use of not warning be the subject of legal defense to criminal and civil responsibility. The legitimacy of the act committed and the support of the other provisions is to invoke the warning is necessary.

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