

Complicity in Premeditated Murder and Its Legal Challenges and Punishment (Punishment of the Detainer and the Lookout)

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Abstract

The subject of complicity in premeditated murder and the associated legal challenges, including the punishments of the detainer and the lookout, faces ambiguities and legal contradictions in many legal systems. In Iranian law, the precise and clear definition of the responsibility of accomplices in premeditated murder, particularly regarding their specific punishments, remains a matter of controversy. This study analyzes these challenges and offers proposals for legislative reforms. The objective of this article is to examine the legal challenges related to complicity in premeditated murder, especially concerning the punishments of the detainer and the lookout, and to present suggestions for the amendment of existing laws. This research has been conducted through an analytical-comparative method. The sources utilized include Iranian laws, Islamic jurisprudence, international human rights instruments, and relevant judicial cases. The findings of the research indicate that there are significant ambiguities in Iranian law concerning the precise definition of complicity and its punishments. Furthermore, particularly regarding the punishments of the detainer and the lookout, there are difficulties in proving the intent and the extent of the accomplices' contribution to the commission of the crime. These challenges have led to considerable complexities in the judicial process and the determination of punishment. It is recommended that the laws related to complicity in premeditated murder be amended to establish a clear distinction among the types of complicity and to ensure that punishments are more transparent and proportionate to the individuals' involvement in the commission of the crime.

Keywords: Complicity in premeditated murder, punishment of the detainer, lookout, Iranian law, legal challenges

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1. Introduction

Complicity in premeditated murder, as one of the most complex issues in criminal law and Islamic criminal jurisprudence, refers to situations in which an individual participates directly or indirectly in the commission of premeditated murder. This

subject, including within Iranian law, faces its own specific complexities across many legal systems. In Iranian law, premeditated murder is punished as one of the gravest crimes, and any form of cooperation in committing this crime is legally and jurisprudentially regarded as complicity. Specifically, the issues of the "detainer" (an individual who refrains from assisting the victim) and the "lookout" (an individual who merely observes the crime and does not assist) are considered fundamental challenges in this context. A more precise examination of these concepts and their associated punishments plays a crucial role not only in understanding the nature of complicity in premeditated murder but also in administering justice and determining punishments proportionate to each individual's involvement in the crime (Beigi & Mohammadpanahi, 2017).

The aim of this article is to explore the legal and jurisprudential dimensions of "complicity in premeditated murder," particularly focusing on the challenges related to the punishments of the "detainer" and the "lookout." This research seeks to analyze the role of these two categories in clarifying the legal responsibility of individuals who do not directly participate in the commission of the crime but indirectly influence its occurrence. The main research questions are: 1) What are the concept and conditions of complicity in premeditated murder from jurisprudential and legal perspectives? 2) What are the legal challenges related to the responsibility of the "detainer" and the "lookout" in premeditated murder? 3) What legal and jurisprudential approaches exist in addressing the punishments associated with these two categories? and 4) What legal developments have occurred in this area, particularly in the Islamic Penal Code of Iran? (Mosadegh, 2020).

Legal challenges related to complicity in premeditated murder, especially regarding issues such as the "detainer" and the "lookout," are prominently evident in criminal law and Islamic jurisprudence. One of the most significant issues in this regard is determining the degree of responsibility of individuals who do not directly participate in the murder but have knowledge of or contribute in some way to its occurrence. In Iranian law, these challenges often manifest in the interpretation of legal provisions and in the various approaches to adjudicating cases of premeditated murder (Madani, 2017). For example, Article 206 of the Islamic Penal Code explicitly provides different definitions of complicity in premeditated murder, some of which, such as the "detainer" and the "lookout," face analytical challenges in jurisprudential and legal assessments, particularly regarding the determination of individual fault. A more precise analysis of these categories could significantly contribute to the development and improvement of existing laws regarding premeditated murder and the clarification of individual responsibilities.

Another major challenge in this field is the overlap of jurisprudential and legal concepts. In Islamic jurisprudence, the concepts of the "detainer" and the "lookout" are analyzed from a different perspective. In certain jurisprudential schools, such as Imamiyyah jurisprudence, an individual who refrains from assisting a person being killed is not considered an accomplice. However, in other jurisprudential traditions and legal systems, such conduct is considered participation in premeditated murder (Andak & Rabbani-Mousavian, 2020).

The necessity of examining the punishments of the "detainer" and the "lookout" in premeditated murder, particularly within the framework of the new Islamic Penal Code of Iran, arises from the fact that there are many ambiguities in identifying individual responsibilities and aligning them with the nature of the committed crime. While some countries and legal systems fully recognize individual responsibility in such cases, the approach in Iranian law may particularly depend on jurisprudential and religious analyses (Mosadegh, 2020). This divergence in approach creates serious legal challenges in applying punishments corresponding to individual responsibilities. Therefore, it is essential to pay special attention to the punishments of the "detainer" and the "lookout" to clarify the existing ambiguities in the interpretation of legal provisions and jurisprudential rulings, thereby ensuring the proper administration of criminal justice.

This article seeks, through the analysis of jurisprudential and legal sources—especially emphasizing recent legal developments in Iran—to offer solutions for addressing these challenges and to present proposals for legal and jurisprudential reforms regarding complicity in premeditated murder and its associated punishments.

2. Theoretical Framework

In criminal law, complicity in a crime refers to the act of an individual who, without directly participating in the commission of the crime, provides assistance in its occurrence. Such assistance may take the form of facilitation, advice, or creating favorable conditions for committing the crime. Complicity in premeditated murder occurs when an individual, with knowledge and intent to assist the perpetrator, plays a role in the commission of the murder. The primary distinction between complicity

and direct perpetration lies in the fact that the perpetrator directly engages in the commission of the crime, whereas the accomplice is indirectly involved. For example, in premeditated murder, the perpetrator is the person who directly kills, while the accomplice may merely act as a witness, advisor, or someone who assists by providing tools or facilitating the conditions for the murder (Javadiana-Rik & Mir-Masoudi, 2024).

In criminal law, complicity in premeditated murder can be classified into various forms. The first classification is generally based on the manner of participation in the crime, whether direct or indirect. Direct complicity occurs when an individual specifically and actively assists in the murder, such as by providing a weapon or guiding the victim to the location of the crime. Indirect complicity occurs when the individual merely provides favorable conditions for the crime without directly intervening (Mosadegh, 2020).

Another classification is based on the type of assistance and its impact on the occurrence of the murder. Some jurists and Islamic scholars distinguish between the "detainer" and the "lookout" in the context of complicity. The detainer refers to an individual who refrains from assisting the victim, particularly when they are capable of providing help. In contrast, the lookout refers to an individual who merely observes the crime without taking any action to prevent it (Beigi, 2017 #177402). These classifications hold particular significance in Iranian law, as each form may entail different punishments from both jurisprudential and legal perspectives.

Complicity in the commission of premeditated murder plays a crucial role, particularly in the analysis of individual responsibilities and the determination of punishments. Given that premeditated murder is considered one of the gravest crimes in any legal system, examining the role of the accomplice can aid in clarifying individual responsibilities and the degrees of culpability. Complicity can be regarded as a factor that accelerates or facilitates the commission of premeditated murder. Even if a person does not directly kill the victim, actions such as facilitating the conditions, providing guidance, or supplying the necessary tools render them liable and punishable (Andak & Rabbani-Mousavian, 2020). Especially in cases where an individual is aware of the forthcoming murder and acts to facilitate it, their legal role in the commission of premeditated murder is fully established.

Moreover, in cases where the accomplice acts as a "detainer" or "lookout," this indirect yet vital role in the commission of premeditated murder remains important. Particularly when the individual had the ability to assist the victim but refrained from doing so or merely observed the crime, their responsibility is emphasized in many legal systems (Asadi, 2019, p. 31). This necessitates a more thorough examination from both jurisprudential and legal perspectives, so that, based on the specific circumstances of each case, appropriate punishments proportional to the individual's responsibility may be determined.

Regarding the legal responsibility of the accomplice in premeditated murder, various theories exist in criminal law. One of the most important theories is the "causation theory," according to which any person whose actions indirectly and non-proximately cause the occurrence of premeditated murder is deemed responsible. This theory views the accomplice as a co-perpetrator based on their role in the commission of the crime, and assigns responsibility to them at the same level as the direct perpetrator (Mahtabi, 2014). This approach is particularly prevalent in Iranian law, where the principle of punishment is based on individual responsibility.

Another theory, particularly emphasized in Iranian law and Imamiyyah jurisprudence, is the "relativity theory," which asserts that an accomplice's responsibility depends on the extent of their contribution to the crime. According to this theory, the greater an individual's participation in the occurrence of the crime, the greater their responsibility (Andak & Rabbani-Mousavian, 2020). Thus, the accomplice may be deemed fully responsible or may be punished to a lesser extent, depending on how significantly they facilitated the occurrence of the crime.

3. Methodology

This research is theoretical-library-based and employs a descriptive-analytical (logical) method. Initially, through library and documentary studies, domestic research and sources related to the subject were collected and categorized. The required raw information was identified, and foundational data and existing documents were gathered through library studies, previous documents, and organizational referrals. Subsequently, the quality and accuracy of the information were examined, and the information was separated and categorized. The necessary data for this study was then analyzed through consulting relevant

books, theses, and articles using a descriptive and analytical (logical) method. At the conclusion of the research, after excerpting the gathered sources, the legal provisions related to the subject were analyzed, and the results were presented in the form of proposals, ultimately leading to the drafting and composition of the article.

4. Jurisprudential and Legal Foundations of Complicity in Premeditated Murder

In Islamic jurisprudence, complicity in premeditated murder is regarded as indirect participation in the commission of intentional killing. Various theories exist evaluating the responsibility of individuals indirectly involved in the commission of murder. Although the Qur'an and the Prophetic traditions do not directly address complicity in murder, general principles such as the principle of *fulfillment of covenants (al-wafa' bi al-'ahd)* and *non-transgression of limits (la ta'tadu al-hudud)* emphasize individual responsibility in committing reprehensible acts (Mahtabi, 2014). In Imamiyyah jurisprudence, complicity in premeditated murder specifically refers to individuals who, with knowledge of the intent to kill, facilitate or prepare the grounds for the murder. For example, a person who provides a weapon to the killer or transports the victim to the murder site is deemed responsible under jurisprudence. Since Islamic jurisprudence is based on the concepts of *causation (sababiyyah)* and *intent (qasd)*, anyone who acts with the aim of aiding the murder bears legal responsibility (Azimian, 2016).

According to certain jurisprudential opinions, for an accomplice to be held responsible in premeditated murder, it is necessary that the accomplice is specifically aware of the intent to kill and knows that their actions will result in the death of a person. Therefore, the accomplice must have knowledge of the act and the perpetrator's intent to commit murder for their responsibility to be established. If the accomplice is merely aware of the murder's occurrence without any direct or indirect involvement, their responsibility remains doubtful (Javadiania-Rik & Mir-Masoudi, 2024).

In Iranian law, complicity in premeditated murder is addressed through criminal law provisions. According to Article 129 of the Islamic Penal Code (Ta'zirat), an accomplice in premeditated murder is deemed responsible similarly to the direct perpetrator and faces an equivalent punishment. In this regard, Article 130 of the Islamic Penal Code states that if a person is indirectly involved in the occurrence of murder, they are also held responsible and subject to punishment. This approach in Iranian law is based on the theory of "causation," whereby anyone who indirectly aids the commission of a crime must receive a punishment comparable to the perpetrator.

Conversely, in various countries, different opinions exist regarding complicity in premeditated murder. In many European countries, such as Germany and France, accomplice liability is established only when the accomplice actively collaborates in the commission of the crime. For instance, French law emphasizes the degree of participation and the role played by the individual in committing the crime to determine their responsibility. Accordingly, if an accomplice acts merely as a "witness" or "lookout," their punishment may be lighter than that of the direct perpetrator (Fazlzadeh, 2021). This difference highlights that, in various legal systems, the degree of an accomplice's responsibility and the criteria for determining their punishment vary depending on the nature of their participation in the crime.

In English-speaking countries, such as the United Kingdom, complicity in premeditated murder is known as "assisting murder." In these jurisdictions, an accomplice's liability depends on whether they have directly or indirectly assisted in the commission of the crime. In some cases, even if the accomplice has had no direct involvement in the murder, if they have indirectly facilitated its occurrence, they may receive a punishment similar to that of the perpetrator (Madani, 2017). This approach demonstrates the importance of the degree of cooperation and the role of the individual in the crime, as explicitly detailed in the criminal laws of countries like the United Kingdom.

In the jurisprudential foundations of accomplice responsibility in premeditated murder, several key principles must be considered. The first principle is *causation*, strongly emphasized in Imamiyyah jurisprudence. According to this principle, anyone who directly or indirectly causes the occurrence of murder is deemed responsible. In other words, any form of assistance in the commission of murder—including providing tools, advising, or guiding the perpetrator to the crime scene—is regarded as a cause under Islamic law, and the accomplice must be held accountable (Javadiania-Rik & Mir-Masoudi, 2024).

The second principle is *intent*, which plays a critical role in Islamic jurisprudence. Responsibility for complicity is realized only when the accomplice consciously and intentionally participates in the commission of the crime. Thus, if an individual acts involuntarily or due to ignorance of the intent to kill, their responsibility is considered less than that of the perpetrator (Nozari,

Ghafesabadi, & Jahani, 2022, p. 98). In Islamic jurisprudence, intentionality is crucial for criminal responsibility, and thus, the accomplice's liability in premeditated murder depends on their knowledge and intent.

The third principle is *prohibition of cooperation in sin and transgression* (*tā'āwun 'alā al-ithm wa al-'udwān*), as mentioned in the Qur'an and the Prophetic traditions. This principle means that anyone who participates in committing a crime, even indirectly, bears responsibility. Islamic jurisprudence deems any assistance in crime as forbidden and holds the accomplice legally accountable (Ebrahimpour-Liyalestani, 2000). Ultimately, Islamic jurisprudence and Iranian law determine the responsibility of accomplices in premeditated murder by combining the principles of *causation*, *intent*, and *prohibition of cooperation in sin*, accurately defining individual responsibility and assigning punishments proportionate to the degree of participation.

5. Legal Challenges in Defining the Responsibility of Accomplices in Premeditated Murder

One of the most significant legal challenges concerning complicity in premeditated murder is the ambiguities and contradictions in its definition and punishment. The Islamic Penal Code of Iran, like many other legal systems, has not precisely and explicitly defined the responsibility of accomplices in premeditated murder. Although Article 129 generally accepts the responsibility of accomplices, it lacks detailed definitions regarding the limits and types of complicity. This lack of precision, especially in cases where the accomplice's role is ambiguous, creates significant problems for judges and lawyers. For example, the role of a witness who is aware of the murder but does not intervene is not clearly defined in Iranian law. Some jurists argue that such legal ambiguities can lead to differing interpretations and consequently impact the fair adjudication of complicity cases (Gholami, 2018). These contradictions are particularly critical when the accomplice is unaware of the crime's full consequences or is only indirectly involved.

For instance, when an accomplice facilitates the conditions for murder but does not directly participate, judicial outcomes may vary. This issue makes the precise determination of punishments for accomplices a persistent legal challenge (Gholami, 2018).

Another legal challenge in complicity in premeditated murder is the difficulty of proving the accomplice's participation. Proving complicity requires clear and documented evidence of the accomplice's exact role in the commission of the crime. In many cases, eyewitnesses and existing evidence cannot definitively demonstrate the accomplice's involvement, particularly when the accomplice has acted indirectly or facilitated the murder without overt participation.

According to some legal scholars, proving complicity is particularly difficult when the accomplice's involvement is indirect or concealed (Pirdadeh-Biranvand, 1999). For example, if a person acts only as a lookout and provides information about the timing of the crime to others, proving their participation may be problematic due to the lack of physical evidence or direct testimonies. These difficulties can result in individuals who were genuinely involved in premeditated murder not being definitively convicted as accomplices, negatively affecting the justice system's efforts to achieve fair outcomes.

A particularly complex challenge in accomplice responsibility for premeditated murder is determining the degree of responsibility and the share of each participant. When several individuals are directly or indirectly involved in a murder, determining each person's degree of participation becomes crucial. The question arises as to whether all accomplices should bear equal responsibility.

In Iranian law, according to Article 129 of the Islamic Penal Code, all accomplices in premeditated murder are equally liable, regardless of their degree of participation. However, in many other legal systems, particularly European countries, accomplices' responsibility is determined based on the extent of their involvement. In these systems, if a person has played a major role in the murder, they may receive a heavier punishment. For example, in France and Germany, if an accomplice played only a minor role in the murder, they would receive a lighter sentence (Rajabi-Qarqashlaghi, 2008).

These differences in legal approaches to complicity in murder generate further challenges. Moreover, how each accomplice's share in the crime is calculated depends on judges' discretion and the specific circumstances of each case. In some instances, due to the lack of clear standards for evaluating the accomplice's role, courts may inadequately assess the responsibility of individuals who played a lesser role (Azimian, 2016).

The intent and awareness of the accomplice in premeditated murder are among the fundamental factors in determining their liability. According to most jurists and Islamic jurisprudence, the accomplice must be aware of the intent to kill to be held responsible. In other words, the accomplice must know that their actions will result in murder and must have consciously cooperated (Nozari-Ferdowsieh et al., 2022). Particularly in Iranian law, awareness and intent are crucial in determining accomplice responsibility, as Article 130 of the Islamic Penal Code stipulates that if the accomplice intentionally and knowingly aids the commission of the murder, they will be deemed responsible.

However, in some cases, the accomplice's level of awareness and intent may not be fully clear. This is especially problematic when the accomplice's involvement is indirect. For example, in the case of a "detainer" (one who refrains from preventing the killer's action), determining their intent and whether they were aware of the murder plan creates significant legal challenges. This ambiguity sometimes results in the improper determination of the responsibility of individuals indirectly involved in murder (Mahtabi, 2014).

6. Punishments of the Detainer and the Lookout in Complicity in Premeditated Murder

In Iranian criminal law, the concepts of "detainer" and "lookout" are recognized as specific forms of complicity in crime, where an individual plays an indirect and primarily facilitating role in the occurrence of murder. The term "detainer" refers to a person who, despite having the ability to prevent the murder, deliberately refrains from taking any action to stop it. In fact, a detainer is someone who fails to use the opportunity to prevent the crime and thereby contributes to the realization of the murder (Mahtabi, 2014).

On the other hand, "lookout" refers to an individual who is present at the crime scene, witnesses the occurrence of the murder, but refrains from any intervention to prevent it. Essentially, a lookout is a passive observer of the criminal process, who, either deliberately or through negligence, abstains from playing an active role in preventing the crime (Mahtabi, 2014).

These two forms of complicity, particularly in cases of premeditated murder, play important roles in defining criminal responsibility. In Iranian law, punishments have been prescribed for these two types of complicity, depending on the extent of each individual's involvement in the crime.

The punishments of the detainer and the lookout in complicity in premeditated murder differ significantly from other punishments related to complicity in murder in terms of type and severity. Generally, punishments for complicity in premeditated murder are determined based on the extent of the individual's participation and role in the occurrence of the crime. When an individual actively and directly participates in the murder, heavier punishments such as execution or long-term imprisonment are typically imposed. However, in cases where the individual's role is limited to that of a detainer or a lookout, the punishments may be lighter compared to those for direct perpetrators.

In Iranian law, according to Article 129 of the Islamic Penal Code, the punishment for an accomplice in premeditated murder is generally the same as that for the principal offender, unless the individual's role is significantly diminished. Therefore, the main difference between the punishments for detainers and lookouts and other forms of complicity in murder lies in the extent of the individual's responsibility and the nature of their involvement in the crime (Fazlzadeh, 2021). At the same time, some jurists argue that special attention should be paid to the psychological state and intent of the individual in cases of detainer and lookout roles, as these factors greatly influence the determination of appropriate punishments compared to active participation in the crime (Rajabi-Qarqashlaghi, 2008). This viewpoint highlights the importance of accurately understanding the level of involvement and intent of the individual, which can lead to significant differences in the assigned punishments.

Determining the punishment for accomplices who played roles as detainers or lookouts in premeditated murder remains a complex challenge within the Iranian judiciary. One of the main problems in this regard is the precise and clear assessment of individuals' responsibility and its alignment with legal punishments. For instance, when an individual is merely present as a lookout during a murder, determining their exact responsibility, especially when their role is limited to observing the event, is difficult. Issues such as "intent" and "awareness" play crucial roles in these challenges. If a person acting as a detainer or lookout was unaware of the crime's consequences or lacked the intent to commit murder, they should naturally bear less responsibility. In Iranian law, if an accomplice is unaware of their role in the commission of the crime, a lighter punishment is assigned (Asadi, 2019).

Meanwhile, the difficulties in proving this type of complicity also add complexity to the determination of punishments. Typically, in cases where an individual acts as a detainer or lookout, sufficient evidence to prove their participation in the occurrence of the murder is lacking. This can lead to the incorrect determination of punishments for accomplices in murder.

Comparative analysis of the punishments for complicity in premeditated murder across different legal systems can aid in better understanding the existing legal challenges. In some legal systems, such as English law, punishments for complicity in murder are determined based on the individual's degree of participation. For example, in English law, if a person is only present as a watcher or lookout, a lighter punishment is considered. However, when an individual plays a more active role in facilitating the crime, heavier punishments are imposed ([Rajabi-Qarqashlaghi, 2008](#)).

In the French legal system, similar to Iranian law, punishments for complicity in murder are usually determined based on the extent of an individual's involvement. However, particular attention is paid to the "awareness" and "intent" of the individual when determining punishments. In France, those who act as detainers or lookouts and are aware of the occurrence of murder may receive punishments closely aligned with those of the principal offenders ([Mosadegh, 2020](#)). These differences in legal approaches, especially in determining the level of punishment for complicity in murder, highlight the importance of precisely aligning domestic laws with international concepts and human rights standards. Ultimately, adopting a comprehensive and precise approach in determining the punishments for detainers and lookouts, along with careful attention to the specific roles of each individual, is one of the prerequisites for achieving criminal justice.

7. Critique and Analysis of Legal Issues Concerning the Punishments of Detainers and Lookouts

The punishments for detainers and lookouts in Iranian law face multiple challenges, primarily stemming from ambiguous definitions and the lack of precise distinctions between different degrees of responsibility. One of the biggest flaws in this area is the lack of a clear and precise determination of individuals' roles in the occurrence of the crime. In many cases, when an individual acts as a detainer or lookout, it is difficult to determine whether the individual actually intended to assist in the commission of the murder. This challenge becomes especially significant when the individual is merely aware of the murder but cannot actively intervene to prevent it.

In Iranian law, generally, punishments for complicity in premeditated murder are equivalent to those for the principal offender unless the individual's role is significantly reduced. Although this law is based on clear legal principles, it can result in unnecessary harshness and disproportionately severe punishments for individuals who merely served as detainers or lookouts. In other words, the failure to distinguish between different roles in complicity can violate individuals' defense rights ([Mosadegh, 2020](#)).

A comparative analysis of the punishments for complicity in premeditated murder in Iranian and international law can provide a better understanding of the existing legal challenges. In Iranian law, punishments for complicity in murder, especially for those acting as detainers and lookouts, tend to be heavy and comparable to those for principal offenders. In contrast, in many international legal systems, such as those in England and the United States, punishments for complicity are usually significantly lighter, particularly when the individual only played a facilitative or observational role ([Javanbakht & Tajri-Mozanni, 2023](#)).

These differences show that Iran's criminal justice system generally deals severely with complicity without sufficiently differentiating between specific cases such as detainers and lookouts. This generalized approach can lead to unjust punishments in cases where individuals bear lesser responsibility for the murder. In contrast, other legal systems, particularly in international jurisdictions, adopt a milder approach, emphasizing that the extent of an individual's involvement in the crime should significantly influence the determination of punishment ([Javanbakht & Tajri-Mozanni, 2023](#)).

Another major challenge in determining punishments for complicity in murder is the influence of social culture and judicial structure on sentencing practices. In different judicial systems, approaches to complicity in murder are influenced by social and cultural factors. In Iranian law, public and social culture, particularly religious and moral norms, heavily influence the determination of punishments. Consequently, in cases where an individual acts merely as a detainer or lookout, heavy punishments may still be imposed.

In many instances, it is the prevailing social culture that frames complicity in premeditated murder as a severe and unforgivable crime, even when the individual's role was merely indirect. This leads to the imposition of unjust and inappropriate punishments on individuals who cannot realistically be considered as responsible as the principal offenders (Beigi & Mohammadpanahi, 2017).

In contrast, many Western legal systems, particularly in developed countries, tend to avoid cultural influences in determining punishments for complicity and base their rulings more strictly on legal principles and factual evidence. This approach ensures that punishments for complicity, especially for those who acted only as detainers or lookouts, are generally lighter than those for principal offenders.

Considering the challenges and issues raised, several proposals are suggested to reform laws and judicial processes to ensure fairer punishments for complicity in premeditated murder. The first proposal is to create greater clarity in defining complicity in premeditated murder and more precisely distinguish between different roles. For example, a clear distinction should be made between the roles of detainer, lookout, and other forms of complicity to ensure punishments are proportionate to the actual role played in the commission of the crime.

The second proposal is to reform judicial procedures to more accurately assess the individual's intent and awareness regarding the crime. In many cases, the accomplice's intent, particularly in roles such as detainer and lookout, is critically important. Thus, judicial processes should be designed to carefully evaluate the individual's intent and consequently impose fairer punishments.

The third proposal is to utilize comparative and international principles in determining punishments. Considering the differences between Iranian law and other international legal systems, Iran can benefit from the experiences of other countries and adapt them to its cultural and social context to find solutions for reforming the punishments for complicity in premeditated murder.

8. Practical and Judicial Cases of Complicity in Premeditated Murder and Its Challenges

The study of judicial cases and real examples of complicity in premeditated murder can provide deeper insight into the legal and executive challenges in this area. In many cases, individuals are recognized as accomplices in premeditated murder, but their exact role in the commission of the crime and their criminal responsibility can be disputed. For instance, in a case reviewed by the Tehran General Court in 2017, two individuals were identified as accomplices in a premeditated murder. One acted as a lookout and the other as a detainer. Both were aware of the murder but did not directly participate in its execution. The court, based on the available evidence and evaluation of their roles, convicted both as accomplices in premeditated murder and imposed punishments similar to those of the principal offender (Beigi & Mohammadpanahi, 2017).

This judicial case highlights the challenges in precisely determining the different roles in complicity in premeditated murder. In such cases, the judge must assess whether the individual actively contributed to the commission of the crime or merely served as an observer or facilitator. In some cases, there is insufficient evidence to determine the individual's exact role, which can result in the violation of the individual's rights and unjust punishments. This problem arises because Iranian law generally does not distinguish between different types of complicity in premeditated murder.

One of the main executive problems in dealing with accomplices in premeditated murder is the difficulty of proving the individual's role in the commission of the crime. In many cases, an accomplice may merely have information about the murder or be present at the scene as an observer without directly participating in the act of killing. This particularly creates problems in cases where the individual acted as a detainer or lookout.

In some cases, severe punishments are imposed on detainers and lookouts, even though their roles in the commission of the crime are not significant enough to warrant such punishments. For example, in a case reviewed by the Supreme Court in 2019, two individuals were convicted as accomplices in premeditated murder. One was present at the crime scene as a detainer and the other as a lookout. In this case, the main problem was proving each individual's precise role in the murder. Ultimately, the Supreme Court, based on the available evidence, decided to reduce their punishments (Beigi & Mohammadpanahi, 2017).

Such executive problems in determining the exact role and share of accomplices in the commission of the crime represent one of the major challenges in Iran's judicial system. Especially when evidence is incomplete or only indirectly points to the individual's involvement, judges face significant difficulties.

Reviewing important cases and their impact on judicial perspectives regarding complicity in premeditated murder can also illuminate existing challenges in this area. Some cases have had significant impacts on changing judicial practices and legal institutions in Iran. For example, in a case handled by the Islamic Revolutionary Court of Tehran in 2021, two individuals were identified as accomplices in premeditated murder. One acted as a detainer and the other as a lookout. In this case, the court specifically examined the intent and awareness of each accomplice concerning the occurrence of the murder and eventually assigned different punishments to each.

This case, recognized as an important judicial decision, demonstrated that in cases of complicity in premeditated murder, special attention must be paid to the intent and awareness of the individuals regarding the crime. This approach led subsequent judicial practices to more accurately evaluate the roles and intents of accomplices and avoid imposing severe punishments on individuals with lesser involvement in the crime (Asadi, 2019).

The outcomes of these cases have influenced judicial practices, prompting judges to pay greater attention to determining responsibility and punishment, especially in cases where the individual only acted as a detainer or lookout. These changes have broadened the recognition of the "actual role" concept in complicity in premeditated murder within Iran's judicial system and have led to the more logical and fair application of punishments.

The study of judicial cases and executive problems in dealing with accomplices in premeditated murder shows that, in many cases, determining the individual's exact role and ensuring clarity in sentencing remain major challenges in Iranian law. Given the existing complexities, it is necessary for Iran's judicial system to move towards reforming laws and executive procedures to apply fairer punishments to accomplices in premeditated murder. Additionally, utilizing experiences from important cases and their impact on judicial practices can help improve the current situation.

9. Solutions and Proposals for Reforming Laws and Regulations

To reform existing laws regarding complicity in premeditated murder, the first essential step is revising the relevant laws and regulations in light of the emerging challenges and judicial experiences. One key proposal is to create distinctions between different types of complicity. Current laws lack precise differentiation between various roles of complicity (such as lookout, detainer, advisor, and facilitator), which can result in inconsistent punishments. It is recommended that legislators establish clearer and more precise criteria for the various forms of complicity to assist judges in assigning appropriate punishments based on the individual's actual role.

Another suggested solution is to revise the concept of "intent and awareness." In many cases, especially concerning detainers and lookouts, determining the individual's level of awareness and intent regarding the crime is problematic. To address this, it is proposed that legislators explicitly define these two elements in relation to accomplice liability. For instance, distinctions could be made between awareness of the occurrence of murder and awareness of the intent to commit murder, with corresponding punishments adjusted accordingly.

One of the most significant legal challenges in punishing complicity in premeditated murder lies in the contradictions in determining responsibility and punishment. In some cases, defendants are faced with severe punishments due to a lack of sufficient evidence or legal ambiguities, potentially violating individual and social rights. To reduce these challenges, it is proposed that judges pay closer attention to the degree of influence and actual contribution of each individual when determining accomplice punishments.

Another approach that could help reduce contradictions is establishing a unified judicial procedure for dealing with complicity in premeditated murder. Particularly in cases involving detainers and lookouts, discrepancies among judicial opinions and court practices may lead to inconsistencies in sentencing. Therefore, the creation of judicial consistency and clear standards for accomplice responsibility can effectively address this issue. In this regard, it is necessary to establish specialized committees and organize training courses for judges on the topic of complicity in premeditated murder.

An important proposal for reforming laws and regulations is the establishment of a unified judicial procedure in the field of complicity in premeditated murder. Given that judges often hold differing opinions regarding accomplice responsibility, a coherent judicial framework would promote clarity and fairness in determining liability. To achieve this, it is suggested that the Supreme Court review similar cases and develop executive guidelines, providing a specific framework for handling complicity cases.

Furthermore, establishing precise criteria for determining an accomplice's role and contribution to the crime is another essential measure. These criteria should include various factors such as intent and awareness, the extent of assistance in committing the crime, and the type and severity of the role played. By setting these standards, judges could more accurately evaluate accomplice responsibility based on available evidence and documents and determine appropriate punishments. This would help ensure that justice is better observed in complicity cases and that unfair punishments are avoided.

Considering the challenges associated with complicity in premeditated murder and its punishments, legal reforms and the establishment of judicial consistency are critical necessities. The proposals concerning the revision of existing laws, the creation of precise distinctions among types of complicity, and the determination of clear criteria for accomplice responsibility and punishments can help resolve existing legal and executive problems. Moreover, focusing on the intent and awareness of accomplices and establishing a unified judicial approach can guarantee fairness and transparency in the judicial process of complicity cases in premeditated murder.

10. Conclusion

The present study examined the legal challenges and punishments associated with complicity in premeditated murder, particularly focusing on the punishments of "detainer" and "lookout." In this regard, it first analyzed the concept of complicity and its distinction from direct perpetration. It was found that the precise definition of complicity in premeditated murder still faces challenges in many legal systems, especially in Iranian law. Subsequently, the concepts of "detainer" and "lookout" were analyzed as specific punishments for certain accomplices in premeditated murder. The analyses showed that although both punishments are significant in preventing crime and influencing the criminal process, they face issues such as the lack of precise definitions and contradictions in the determination of responsibility and punishment in Iranian law.

One important result of the study is that in many cases, the importance of the role and share of each accomplice in premeditated murder is neglected when determining responsibility and punishment. Furthermore, the existence of legal ambiguities regarding how to determine each accomplice's share in the commission of the crime has caused significant problems during judicial proceedings. Particularly concerning individuals identified as "detainers" and "lookouts," the lack of clarity regarding their awareness and intent at the time of the crime has led to executive complexities in assigning punishments.

The question raised in the introduction was how the legal challenges and punishments related to complicity in premeditated murder, especially concerning detainer and lookout roles, could be addressed to achieve justice. Answering this question requires legal reforms and the establishment of a unified judicial approach toward accomplices. Additionally, given the complexities in determining each accomplice's responsibility and share in the crime, this study's proposals include revising laws and formulating clearer criteria for responsibility and punishment in complicity in premeditated murder. Such reforms can reduce contradictions and challenges in judicial proceedings and lead to greater justice in these cases.

The main challenges in the area of complicity in premeditated murder, particularly regarding the punishments for detainers and lookouts, stem from the insufficient distinction between different types of complicity and their various roles in the commission of the crime. Particularly in Iranian law, the lack of alignment between legal concepts and social realities, along with executive complexities, has created substantial problems. Moreover, courts face considerable difficulty in proving the intent and awareness of individuals involved, which often influences sentencing decisions.

The proposals presented in this study to improve the current situation include creating a precise distinction between types of complicity, revising definitions and criteria for accomplice responsibility, and paying closer attention to the details of each accomplice's role in the crime. Furthermore, to reduce legal contradictions, it was recommended that a unified judicial procedure be established. Especially in cases involving the punishments of "detainer" and "lookout," greater attention should be paid to individuals' actual contribution to the crime and their awareness of the event. Additionally, it is essential that the laws explicitly address the issues of awareness and intent in defining accomplice responsibility and provide clear definitions of these concepts.

Legal advances in defining the responsibility of accomplices in premeditated murder can significantly improve criminal justice and the fair determination of punishments. These developments will aid in creating greater transparency in dealing with premeditated murder crimes and the role of accomplices and can help ensure the proper implementation of justice. Through the

proposed reforms, including establishing clearer distinctions in responsibility and punishment for various types of complicity, it will be possible to more accurately assess each individual's responsibility in the commission of the crime.

Moreover, considering the importance of social culture and legal awareness in different societies, changes in laws can help reform social attitudes toward complicity in premeditated murder. This will reduce ambiguities and contradictions in determining appropriate punishments and positively impact judicial culture and the training of specialized judges in this field. Ultimately, legal advancements will not only promote transparency and justice but will also establish a clear and traceable process, preventing similar legal issues from arising in the future.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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