

Is crime always a sin in Islamic government?

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Abstract

This study aimed to determine whether a violation of the laws and regulations of the Islamic state which has been legally called crime is always considered a sin and the person who committed it is unfaithful according to religious law and shall be punished on the day of resurrection or is it merely "social and civil offenses" that are punishable by law? Investigating various principles about the nature of government orders and laws of Islamic state provides different answers to this question. This paper referred to three principles and outcomes as well as related verses and narrations. Verses and narrations imply that violation of religious laws of Sharia and the government orders of the Prophet and Shia's Imams and also the laws of the legitimate religious government during the period of major occultation is known as a sin, provided that such a violation being accounted as disobedience of God, the Prophet and the Shia Imams. But taking into account the violation of conventional laws such as those enacted in other countries to regulate social relations as sin is questionable, unless violation of these laws includes disturbing social system, harming to others and opposing religious government.

Keywords: crime, punishable, *Sharia*, sin.

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Family *Tkaful* in Attorney model from the views Of *Shia* and *Sunni* jurisprudence and Iran law¹

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Abstract

Nowadays, family *Tkaful* in Islamic societies has been studied as Islamic financing tools and in detail as a legal institution based on the theory of common benefit–common loss and collective cooperation. Likewise in some Western countries, among the UK, family *Tkaful* as risk financing tools has important role beside insurance in society risk financing. It seems to be necessary, *Shia* Jurisprudence and Iran law pay attention in detail to different aspects of *Takaful*, specially, family *Takaful*. It is question for Iranian lawyers whether *Takaful* is implemented in Iran law from view of religious–legal approach. It seems, attorney model in family *Takaful* could be performance as economical effective legal institution in Iran law. So, it's necessary, family *Takaful* and insurance life have to analysis from view of jurisprudence–legal approach. It's hoped.

Keywords: attorney, family *Takaful*, life insurance, *Takaful*.

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Review conditional contract (Avoiding sexual relations)

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Abstract

Like other valuable consideration, marriage contracts are permissible provided the acceptability of any particular problem. Any efforts about it should be welcoming as it is, including conditions that there is no sex. Some respected researchers in the licensing documents such as not warrant deference to be, were considered. We believe that such a condition in terms of the numbers of married life including marriage and examples of sanctions allowed by denying considered rights.

Keywords: conditional contract, docility, marriage's nature appropriate, right or warrant to comply.

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Human dignity inference strategy sharia commandments

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Abstract

This article is about human dignity influencing strategy and positive and negative role in understanding the provisions of the search and expression of its role as evidence and proof. It believes in the concept as inherent feature derived from creation of man as legislation draws red lines that *sharia* should not pass it. Respected jurists must be understood comply with the provisions for its normative

Keywords: human dignity, human rights, law framework, strategy.

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Survey attribute sanction (*Tasvib*) problem to Sunnites

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Abstract

The sanction (*Tasvib*) and the denigration (*Takhtia*) problem is one of the differences of opinions between the Moslems' Usolist. For the answer to this question which religion and belief follows the sanction or the denigration, there is no clear expression. Whatever we see in the principle Imame's writings, they relate the basis of the denigration to Imame and the basis of the sanction to the Sunnites. After referring to the valid principle references of the Sunnites, it is revealed that this relating is not true generally. The Sunnites scientists mostly believe in the denigration basis and among them, only a small group of them follow the sanction.

Keywords: Asha'ri, denigration (*Takhtia*), Mo'tazeli, sanction (*Tasvib*).

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Jurisprudential examination Of wife corporal punishment

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Abstract

The word "beating" (*dharb*) has several meanings that some of which are figurative and some are real. Whereas the husband is allowed to beat his shrew wife according to the Quran and traditions in addition to the jurisprudential decrees as one of the (allowed) punishments in facing such wives; the question is if God intended the corporal by punishment "beating" according to which the most of the jurists tended to it, or He intended the figurative meaning which is 'avoiding'? Based on practicing religious jurisprudence method in addition to some testimonies and witnesses, it is proved that God intended the real meaning of "beating" word in the verse of "beating the shrew wives". So, the doubts propounded in this field should not be heeded. Of course, it should be regarded that the corporal punishment is considered to be selected in the final stage in facing the shrew wife as a non-obligatory alternative however, it is recommended to the husband to forgive his shrew wife. Furthermore, possibility of using another logical approach which psychologists and sociologists recommend all show that the Holy lawgiver regards to real meaning of mentioned instruments and there is no need in this field to understanding contrary to the popularity.

Keywords: avoiding, beating (*dharb*), beating the wife, corporal punishment, shrewish.

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Theft punishment of birds in Imami jurisprudence

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Abstract

Despite the consensus of jurists (*fokaha*) in safe custody of property (*Haraz*) as one of the punishable conditions when the theft happens, some jurists made an exception in bird case. It means that stealing the bird would not subject to punishment namely cut off the thief's hand, even if the bird was in safe custody. Many of *fokaha*, however, believe that if the bird is in safe custody, the one who stole the bird will receive the punishment as cutting off her/his hand, because of insufficient document and narratives to support the otherwise. After reviewing the testimony and evidence received from *fokaha*, it can be concluded that the Ghiyath bin Ibrahim narrative is a valid document and it can be derived from implication that the stealing the bird absolutely is not subject to punishment namely cut off the thief's hand, even assuming the bird is in safe custody according to its appearance. Thus, these narratives, due to separate specific reason, can be allocated to all verses, ayes, about stealing and to all those incoming narratives that the stealing the bird absolutely will not lead to punishment namely cut off the thief's hand, even assuming the bird is in safe custody.

Keywords: appearance, famous abandonment, famous ignoring, Ghiyath bin Ibrahim narrative, narrated by Sokoni, safe custody, stealing the bird.

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Close relationship between Child and owner of womb superseding

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Abstract

There are many questions about the using of superseding womb. Proving or negation of this relationship has many effects. The authors have tried to answer these questions by review some reasons of proving of reverence. None of the reasons are enough to prove of the claim (vast of reverence). Purport of priority according to reverence has been occasioned by the "Rezaa" (socking the breast) and the most important reason can not be a strong argument. But we can not reject the reverence relationship definitely. So, according to marriage and its importance in the precaution would be better in this field.

Keywords: close relationship, womb superseding, vast of reverence.

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Contents

Close relationship between Child and owner of womb superseding	1
<i>Mohammad Adibymehr and Mohammad-Javad Mohammadi</i>	
Theft punishment of birds in Imami jurisprudence	2
<i>Ali Akbar Izadifard and Seyed Mojtaba Hosseinnejad</i>	
Jurisprudential examination Of wife corporal punishment	3
<i>Sayid Mohammad Hashim Pourmola and Hasan Jalali</i>	
Survey attribute sanction (<i>Tasvib</i>) problem to Sunnites	4
<i>Adel Sharifi and Mohammadtaghi Fakhlaei</i>	
Human dignity inference strategy sharia commandments	5
<i>Saeed Qomashi</i>	
Review conditional contract (Avoiding sexual relations)	6
<i>Behnam Ghanbarpour and Seyed Abol Ghasem Naghibi</i>	
Family Tkaful in Attorney model from the views Of <i>Shia</i> and <i>Sunni</i> jurisprudence and Iran law	7
<i>Mohammad Amin Keykha Farzaneh, Mohsen Esmaili and Mohammad Mahdi Askari</i>	
Is crime always a sin in Islamic government?	8
<i>Sayyed Javad Varaei</i>	