Is crime always a sin in Islamic government?

Sayyed Javad Varaei¹
(Received: October 20, 2013, Accepted: February 3, 2015)

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.

¹. Associate Professor, Research Institute for Hawzah and University, Iran
(Email: Jvarai@rihu.ac.ir)
Family Takaful in Attorney model from the views Of Shia and Sunni jurisprudence and Iran law

Mohammad Amin Keykha Farzaneh, Mohsen Esmaili and Mohammad Mahdi Askari

(Received: March 16, 2013, Accepted: January 3, 2015)

Abstract

Nowadays, family Takaful 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 Takaful 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.

1. Adapted from Master thesis, University of Imam Sadiq, Defense in 2012 with Title "Family Takaful in Islamic religions of jurisprudence and Iranian law and its comparison with life insurance"
2. PhD Candidate in Private Law, Allameh Tabatabai University, Iran (Corresponding Author: Email: mohamad_amin110@yahoo.com)
3. Associate Professor, University of Tehran, Iran (Email: m.esmaeili@isu.ac.ir)
4. Associate Professor, Imam Sadiq University, Iran (Email: m.askari@isu.ac.ir)
Review conditional contract (Avoiding sexual relations)

Behnam Ghanbarpour¹ and Seyed Abol Ghasem Naghibi²
(Received: May 15, 2013, Accepted: January 6, 2015)

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.

¹. Assistant Professor, Islamic Azad University, Ghaemshahr Branch, Iran (Corresponding Author: Email: behnaghanbarpor45@yahoo.com)
². Associate Professor, Mottahari University, Tehran, Iran
Human dignity inference strategy sharia commandments

Saeed Qomashi1
(Received: August 2, 2014, Accepted: November 24, 2014)

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 of a 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 understand comply with the provisions for its normative

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

1. Assistant Professor, University of Kashan, Iran (Email: saeedqomashi@yahoo.com)
Survey attribute sanction (Tasvib) problem to Sunnites

Adel Sharifi¹ and Mohammadtaghi Fakhlaei²
(Received: December 7, 2013, Accepted: January 3, 2015)

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 Imamye's writings, they relate the basis of the denigration to Imamye 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).

¹. PhD Candidate, Ferdowsi University of Mashhad, Iran (Corresponding Author: Email: adel11708@yahoo.com)
². Professor, Ferdowsi University of Mashhad, Iran (Email: fakhlaei@ferdowsi.um.ac.ir)
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 recom mended to the husband to forgive his shrew wife. Furthermore, possibility of using another logical approach which psychologists and sociologists recommend all show that the Holly 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.
Theft punishment of birds in Imami jurisprudence

Ali Akbar Izadifard\(^1\) and Seyed Mojtaba Hosseinnejad\(^2\)
(Received: May 23, 2014, Accepted: November 22, 2014)

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.
Close relationship between
Child and owner of womb superseding

Mohammad Adibymehr1 and Mohammad-Javad Mohammadi2
(Received: February 24, 2013, Accepted: October 5, 2013)

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" (sucking 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.

1. Associate Professor, Fara bi Campus, Tehran University of Tehran, Iran (Corresponding Author: Email: madiby@ut.ac.ir)
2. Ph.D. Candidate, Farabi Campus, University of Tehran, Iran
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Close relationship between Child and owner of womb superseding</td>
<td>1</td>
</tr>
<tr>
<td>Mohammad Adibymehr and Mohammad-Javad Mohammadi</td>
<td></td>
</tr>
<tr>
<td>Theft punishment of birds in Imami jurisprudence</td>
<td>2</td>
</tr>
<tr>
<td>Ali Akbar Izadifard and Seyed Mojtaba Hosseinnejad</td>
<td></td>
</tr>
<tr>
<td>Jurisprudential examination Of wife corporal punishment</td>
<td>3</td>
</tr>
<tr>
<td>Sayid Mohammad Hashim Pourmola and Hasan Jalali</td>
<td></td>
</tr>
<tr>
<td>Survey attribute sanction <em>(Tasvib)</em> problem to Sunnites</td>
<td>4</td>
</tr>
<tr>
<td>Adel Sharifi and Mohammadtaghi Fakhlaei</td>
<td></td>
</tr>
<tr>
<td>Human dignity inference strategy sharia commandments</td>
<td>5</td>
</tr>
<tr>
<td>Saeed Qomashi</td>
<td></td>
</tr>
<tr>
<td>Review conditional contract <em>(Avoiding sexual relations)</em></td>
<td>6</td>
</tr>
<tr>
<td>Behnam Ghanbarpour and Seyed Abol Ghasem Naghibi</td>
<td></td>
</tr>
<tr>
<td>Family Tkaful in Attorney model from the views</td>
<td>7</td>
</tr>
<tr>
<td>Of Shia and Sunni jurisprudence and Iran law</td>
<td></td>
</tr>
<tr>
<td>Mohammad Amin Keykha Farzaneh, Mohsen Esmaili and Mohammad Mahdi Askari</td>
<td></td>
</tr>
<tr>
<td>Is crime always a sin in Islamic government?</td>
<td>8</td>
</tr>
<tr>
<td>Sayyed Javad Varaei</td>
<td></td>
</tr>
</tbody>
</table>