

***Aglancing review to political legitimation on viewpoint of
Sunnite jurists Summarize of article***

Farag Mohammadgholizadeh

Abstract

Meanwhile by referring to concept of political legitimation, look type of Sunnite scientists and jurists to holding political power by governors and preservation, repartition, style of using it, role and kind of Muslims relationship with dominance's power reviewed at this article.

This research shows that the viewpoints of Sunnite jurists, by some reason, in duration of the time, seriously to involved in mutation and variation.

But totally, it may be summarized this mutation in two phase, "Precedent and modern".

In the first phase, two elements "dominance and obedience" and in the second phase, "limitation of political power range, situation rank, place and, people freedom and rights's will be prominent gently.

Keywords: Legitimation; Caliph; Muslims; Government and Power

An Introduction to the concept, origins, and the consequences of human dignity in criminal law

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Abstract

Inherent human dignity is a kind of dignity and honor that all human beings due to "ability to think, reason and choose", "moral autonomy" and "divine face and spirit" enjoy equally and inherently. This kind of dignity is inherent and inseparable and in spite of what some philosophers and scholars believe, is not a thing which can be removed or annihilated by committing crime and felony against himself (or herself) and others. Although the idea of Inherent human dignity has often been raised as a natural- human reaction against oppression and injustice that humanity has experienced in the length of history, specially during the two world wars, however it is not simply the product of human affections and feelings. It has very important rational and of moral autonomy" and the "Theory of Dignity based on Revelation". philosophical foundations. The theoretical foundations of this idea must be searched in "Theory the Dignity in this sense, which is against "Obtaining dignity", has so importance in International Law of Human Rights that regarded as the basis of human rights and duties and the fulfillment of values such as justice, freedom and equality is not possible without it. This dignity has also vital importance in the field of criminal law. It has components which play very essential role in shaping, changing and amending, interpreting and justifying the legitimacy or illegitimacy of criminal rules. The inherent dignity of man prevents criminal law from unauthorized, unnecessary and discriminatory interference in the sphere of individual liberty in the process of criminalization. It, indeed, limits the absolute and exclusive criminal sovereignty of the states by presenting criteria such as equality, justice and freedom and by prohibiting treatments and punishments such as using cruel, inhuman, arbitrary or disproportionate punishments, torture,

trying and punishing twice and, generally, using the offender or victim as a means in the process of criminal proceeding. So, this idea paves the way for more convergence in the process of the "Globalization of the Criminal law". In this article we, pointing to the concept and theoretical foundations of inherent human dignity, explore it's requirements in the substantive and procedural criminal law. The Iranian criminal justice system approach to the idea of human dignity is another issue which is being analyzed.

Keywords: Human Dignity, Criminal law, Human Rights, Iranian Criminal law.

The globalization of economy and the implications of the principle of human dignity in the development right

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Abstract

The development right identification of every one,s fair enjoyment of the spiritual and materialistic facilities accessed by global society, includes:

Nutrition, education, sanitation, shelter, art, communication, freedom, security and all prerequisites or means which induce sustaining human life and his spiritual, materialistic growth. such an extensive perception of the development right highlights the principle of human dignity, the principle which should be considered throughly in the stages of defining, implementing and evolving of the development right. As a matter of fact, ignoring the human dignity through the above-mentioned stages would be left the development right its desired goal and cause an unbalanced development as result of liberal economy in the process of economic globalization which has created much more tangible and increasingly mutual dependence among governments and nations in recent decade. This process has rendered both opportunities and challenges for progress of human rights especially development right.

However the economic globalization is an offset of a philosophy based on which, the prosperity of market should be allowed and the role of government should be limited to the protection of this prosperity. Therefore any ramification of economic globalization protecting the development right based on dignity principle, should be limited, incidental and fragile. The present paper, approaching the economic globalization, attempts to evaluate the development right from the implications of the existing conflict between the requirements of liberal economy and the requirements of the human dignity principle.

Key words: Development right, Principle of human dignity, Economic globalization, liberal economic implications, Constantly developments, Unbalanced development.

The Right of Plaintiff under protection of Criminal system

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Abstract

Right of having fair trial is international norms of human right that steps in way of decreasing some unlawful to crucial rights and freedoms of people. These rights that defined by law is about all process of courts and cover plaintiff as one of two bodies of case. therefore he/she have some important rights as one of two people of case.

Role of plaintiff start by case. Plaintiff in each course of case as prosecution, examination, hearing and punishing have some rights. These rights is tools of fair trial that behave by officials and unlawful acts diminish this process.

Legislator try to define criminal policy protecting rights of people and criminalize unlawful acts about plaintiff. This reaction is not about all cases but can create some components of fair trial.

In this article we try to show and examine the rights of plaintiff in criminal system and their protecting tools.

Keywords: Plaintiff, Criminal protection, Defending rights, Protecting rights, Fair trial.

Paucity and its Position in Emamiyeh Religioin and Subjective Law in Iran

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Abstract

The words paucity and deprived have been widely used in civil laws by law makers and legislators. As the approved laws of insolvency and paucity of 1310 (1931) were later repealed in 1313 (1934) and hence no courts issued the paucity judgment for anyone, meanwhile the above words have been maintained in the civil law although they have been revised in that law after the Islamic Revolution. What has been the ambition of legislator? Can one say that those groups of civil laws in which the above words are used, have also been repealed according to the abolishing insolvency or we should interpret it in such a way that the repealing action not to be assigned and we can find practical archetypes for that. In the present research, we have attempted to answer the above questions alongside the review and study of paucity concept and the effects of repealing if the insolvency and paucity law through pinpointing the religious, legal, and legislative texts.

Keywords: Pucity, Poor, Insolvent, Bankrupt, Bankruptcy.

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Investment security under regulation

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Abstract

Investment law like other young branch of law, is a toddler field and has his special principles and fundamentals, which at his place needs to consideration. Investment security is possible under expertness regulation and execution of laws. Regulation, whether about direct investment or indirect, can make security in the field of investment. After Islamic revolution useful regulation, in this field, has acted but it is not satisfactory, at the field of marketing, However this areticle, first, explain about acting investement regulation specially after vevolution and so make attention about low attention to marketing.

Keywords: Security, Regulation, Internal investment, Foreign investment, marketing

A Semantic Study of Human Dignity in Holy Quran

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Abstract

Human generosity is one of Islam's basic recognition values about humans which should be observed closely in Islamic education and especially in citizen education and rights. Generally, finding generosity is for all human beings and is not allocated to any specific nation or group. Hence all humans are from the same origin and are all nobles, so there is no superiority among them, because they are honored with the same essence.

The word generosity is used in Quran in a broad sense and needs to be discussed extensively. Thus this article aims at studying and analyzing the recognition concept of human generosity from Holy Quran's view.

Keywords: Human generosity, Holy Quran.

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Comparing shiate and sonni viewpout about the conditions of talion

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Abstraet

Although there is a belief that many talion, related commandment, are of religiously imperative nature and exists no reasoning approach to such order, the fact remains that talion cannot, as a punishment, be classified under such a category: it is instead among the first place and the philosophy of development of such orders has its roots in material world. Therefore, it may be discussed from the viewpoints of both religious law and reasoning. Majority of religious jurists believe that such an Islamic commandment may be justified and discussed from a logical point of view.

From the viewpoint of Islamic philosophy, talion has been provided for not only because of the fact that guilty person would deserve it, not only because of the necessity for realization of justice in penal proceedings and not merely for the realization of personal and social consequences from such punishment, but also for the prevention of the occurrence of offences against physical safety and integrity of individuals.

Keywords: Talion, Talion obstacles, Infidel, Mature, Wise, Outlaw