
Study of Denying the Necessary of Religion and its Impact on Jurisprudence

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Abstract

The denial of a few affairs in the Islam results in atheism, i.e. denial of each has the same result. For instance, denial of the existence and oneness of God, denial of prophecy of Mohammad (pbuh) and denial of resurrection which causation of each has been proved. Another affair which results in atheism is denying the necessary of religion which about its impact many views and opinions are expressed.

In this article it has been tried to explain the criteria of necessity of decree and then make it clear that whether or not denial the necessary of religion results in atheism or knowledge of the necessity of decree is essential. Another question is that whether or not the necessary denial results in atheism independently or only when results in denial of God or Prophet.

Keywords: Atheism, Necessary of Religion, Necessary of Faith, and Necessary Denier

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Study of Jurisprudential principles of Drug Use

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Abstract

Regarding that drug was an unknown phenomenon in early Islam, there has not been a clear wording on the decree for this material. Therefore, it is not expected that its decree to be expressed specifically in the narrative. Since there was not first decree for the issue in hand, scholars of religion have studied the decree of drug referring to the jurisprudential general principles and the Qur'an and Sunnah and have been prohibited any unauthorized occupation of the material (drug). This paper endeavors to analyze and evaluate the views and opinions of Muslim jurists and Islamic scholars.

Keywords: Drug, Jurisprudential principles, Narrative principles and wisdom

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Study of Criminalization of "Efsad fil Arz" (corruption on the Earth) in the Law System of Iran

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Abstract

The "Efsad fil Arz" (corruption on the Earth) is a term which introduced into law system of Iran after Islamic revolution. Since there has not been a definition of the term in the jurisprudence resources, the legislator also has not provided a definition. Therefore, the state of formulation of the law, indicates severe ambiguity in the nature of the term "Efsad fil Arz" and its relation to "Moharebeh" (enmity with God).

However, in article 284 of Islamic Penal Code ratified in 2011, the crime is considered as different from "Moharebeh" and distinct punishments introduced for. It seems that broad and irrelevant definition for the crime resulted in disagreements of jurists and judges and inappropriate interpretations also. This paper endeavors to study the aforementioned theory.

Keywords: Efsad fil Arz, Norm of crime and punishment, Islamic Penal Code ratified in 2011 and Law system of Iran

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A Critique on Quantitative and Qualitative of Social and Juridical Researches

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Abstract

The application of research methodologies, nowadays, in all sciences such as Basic, Humanities, and Experimental sciences has become more obvious. The methodologies of which using result in no perturbation in the subject, and accordingly it takes the principles and logical form. Regarding the issue, social and juridical researches are not the exceptions. In this paper social and juridical researches are studied on quantitative and qualitative methodologies. After explanation the principles of each, they will put in examples in order to make the differences clear. Finally, the study has reached some results in research options, quick and practical ways to access to data and researches.

Keywords: Social and Juridical research, Quantitative and Qualitative methods, subject selection, Data Analysis

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**Study of Blood Money (*Diyeh*) as Penalty Provision or
Compensation from the viewpoint of Scholars of Religion and
Lawyers**

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Abstract

Anyone, who would financially or bodily damage someone else, must be responsible in court. One of the topics that are relevant to this discussion is the issue of blood money (*Diyeh*) and it is one of the laws adopted after the Islamic Revolution. The law was conducted as trial in 1983 for five years; revised in the 1992 and with amendments passed the parliament and the expediency council but from the starting of its enforce, there was a question that: what is the nature of blood money (*Diyeh*)? Is the blood money (*Diyeh*) a kind of compensation which has civil aspect, or punishment and penalty, or a nature between compensation and penalty? The controversial viewpoints of the issue were the reason for this research.

Keywords: Blood Money (*Diyeh*), Murder, Compensation and Punishments

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The Importance of the Personality of Contract Party in Signing the Beneficence Contracts

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Abstract

The contract division which has many applications in 'Imamiyeh' jurisprudence is *Aleatory contract* and *Beneficence contract*. The purpose of the contract parties is the base of the divisions. In aleatory contract the purpose is to make a fortune but in beneficence contract it is kindness and altruism. In beneficent contract, the personality of contract party is the main reason for signing the contract because features of contract party are the stimulus for charity and altruism. Therefore, in beneficent contract mistake in the personality of contract party results in cancellation of contract, while in aleatory contract, the purpose is making fortune and it does not matter who is the contract party. Yet, the personality is the base of beneficence contract but in aleatory contract the personality does not affect.

Keywords: Mistake, Personality of Contract Party, Main Reason, Aleatory Contract and Beneficence Contract

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Presentation and Analysis of the Model of Necessity-required Criminalization

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Abstract

An individual has fundamental rights and criminalization as most severe interference in rights and freedoms of individual, should be limited and must be within the context of peaceful coexistence necessities. Based on the principle of necessity in the criminalization, involvement in a criminal act that is necessary to control and also has the ability to control and monitor, would be justified if criminalization is necessary. Necessity makes sense in the appropriate form of criminal involvement and usability of criminal tools about the action. When an action could be criminalized that other tools has no efficacy in the control of it and also criminal tools could limit and monitor the action. Accordingly, some behaviors have inalienable features into the realm of criminal law. It requires the analysis of the estate of criminal involvement in the form of criminalization model and on the base of internal and external constraints on the use of criminal tools. In Islamic Criminal Law the issues such as the limitation of Hudud¹ and punishments, minimum range of sanction and criminalization, emphasis on the principle of non-provincial, dominance rule, the principle of moderation, principles of Tadrij and Tadadroj, avoiding the wastage and prodigality and avoiding extremes.

¹ some part of the Islamic penal code that applies penalties against acts incompatible with chastity and morality, and punishment is fixed

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