

The Scope Of The Right Of Parents To Rearing Children (Comparative Study In Iranian Legal System And International Instrument)

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Abstract

The parents' right in child education has been recognized in Imamie jurisprudence, Iran's legal system and international legal documents. As any other human rights, this right's fulfillment domain is not absolute and it faces some legal restrictions. In this research we have firstly explained the general concepts of the problem including right, parents, education, child, and parents' right in child education from the view point of jurisprudence and law. Then, the most important kind of restrictions in parents' right in child education have been studied from the viewpoint of Imamie jurisprudence, Iran's legal system and international legal documents. The restrictions were categorized as those due to contradiction to child's physical rights and to spiritual rights. The subject of the child physical punishment under the first title (to contradiction to child's physical rights) and problems as child's privacy, child's belief and expression freedom and child's education right under the second title (to contradiction to child's spiritual rights) were studied.

Keywords

Right, Parents, Rearing, Child, Rearing Right

A Survey on the Mother Custodial Role in Facing Father Abuse in His Guardianship and Custody Role

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Abstract

Natural guardianship and custody are two crucial legal institute derived from Imamie Jurisprudence with a dual nature of right-duties. They are considered as supportive instruments for upbringing and educating the children as the most vulnerable and decisive segment of each society. The two institutes have a wide spread domain and conditions which led to their conceptual and legal discrepancies, despite of their similarities. Mental relinquishment toward the term custody cause us to concentrate on the meaning of educating and up-bringing in divorce period; however it embraces in fact the marital status as well. Mother's custodial role is realized in executive and supervision aspects. This role is of great importance, concerning the wide guardianship and authority of father and the possibility of his abuse of the child's physical and mental weakness as well as refusing to conduct his custodial and guardianship duties. The importance is rooted in achieving the child happiness and avoiding the child trauma. Therefore, in this paper we are going to explore and explain the main characteristics of the natural guardianship and custody according to Imamie jurisprudence and law in a comparative method. Then, we have presented solutions for probable contradictions in parental decisions for the children in marital period as well as evidences and proving ways for mother and judicial officials to resort, when they face father's harmful and corruptive decisions for his child.

Keywords

Natural Guardianship, Custody, Child, Expedient, Rights And Duties.

Testimony Differences Between Men And Women In Islamic Jurisprudence And Rights

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Abstract

The goal of explaining testimony differences in Imamiyah jurisprudence is reminding the points which indicate that the type of gender is not a superiority in creation and also the testimony value does not mean expressing the role of gender in testimony validity. So, in this essay, this problem will be studied that whether being a man or a woman can affect testimony or not? The deprivation of women of testimony is not an absolute affair, but they are not dismissed from testimony basis and their testimonies are accepted sometimes. The significant point here is that testimony is not a right of which women have been deprived, but it's a duty and women's duty is easier in comparison with men.

Keywords

Testimony, Islamic Jurisprudence, Rights, Man Testimony, Woman Testimony

Working Women Issues: A Case Study of Women Working in Judicial Systems

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Abstract

Women face issues and challenges in their working environment, for the reason of which this study aims to find the legal rights and the mechanisms for promotion of their social conditions. With the absence of the necessary cultural infrastructure, women who enter the public arena in-jure vulnerabilities most of which have roots in the weak legal culture and social capital of the society. The main question in this paper is how women can enjoy legal rights without any violence and discrimination against them. As a case, women working in judicial systems are studied.

Keywords

Islam, Work, Rights, Families, Violence, Women, Culture, Judicial Systems.

Study of Changes in the Islamic Punishment Code (approved 1392/2013) Concerning Women Retaliation and Blood-Money

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Abstract

There are certain differences between women and men concerning retaliation and blood-money. For example, blood-money for a woman is half the same for a man; and if a Muslim man premeditatedly murders a Muslim woman, the heir of the slain woman should pay half of the blood money of the man to him; and, if they want to receive blood-money from him, according to most jurists, it may be received if the murderer is content to do so. If a woman murders a man premeditatedly, however, she will be retaliated without payment of blood-money to man's heirs. Following Islamic jurisprudence, the Islamic Republic of Iran Law has reflected the above points in articles of law. Because of presence of these articles and the like, [the Punishment] Code had been criticized. The verdict about blood-money and difference between verdicts concerning men and women are not based on the Text of Quran but on hadiths and there are contrasting hadiths as well. And the Punishment Code (approved 1392/2013) has been revised on the basis of the latter group of hadiths. Some attempts have been made to find solutions for some of the above problems. Concerning blood-money, it has been precited that when the victim is a woman, the difference between her blood-money and the blood-money of a man shall be paid from the Fund for Compensation of Bodily Harms; and, concerning retaliation- following other juridical opinion- a criminal man may forced to pay the blood-money of a woman and the difference may by paid from the Public Treasure. As a result, the heirs of the murdered woman may be helpedto retaliate the criminal man. These are among the above-mentioned solutions. Though attempts made by the legislator in this regard may be admired, in some cases they may be criticized as well.

Keywords

Retaliation Of A Woman, Blood-Money Of A Woman, Public Treasure, Fund For Compensation Of Bodily Harms

Criticism And Study Of Opinions About Eightieth Sermon Of Nahjolbalage

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Abstract

The issue of women wisdom deficiency in eightieth sermon of Nahjolbalage, although it has weakness in document but with due attention to repetition of content in fourteen letter of Nahjolbalage, it's place of hesitation and pondering. There are different opinions in description of mentioned sermon. Writers disturbance in this context is that while criticism and study different opinions about this item, they make it clear that the opinion of women wisdom deficiency Doesn't have any important base in direction of the Quran words but by pondering on some of Quran verses, it seems that in spite of many differences in Creation of men and women, women don't have any deficiency compare to men; therefore incorrect opinions about inherent wisdom deficiency of women can't be documented to Imam Ali (peace be upon him) word. Base on inspiration words that told about forlornness and oppression of ignorance age women and narrated about burying alive girls, inherit women and... so inference of women acquired wisdom deficiency of that age seems logical and wise from Imam Ali (peace be upon him) word. Furbishing all forlornness and privation need to time and guides for guiding to truth and Imam Ali (peace be upon him) purpose was call society thoughts attention to this kind of deficiency and it was the only way for pathology of women of that age and finally the society thoughts was directed towards modifying. And reflect this fact that lack of intellectual and scientific growth in any age is the position of accuracy and caution.

Keywords

Karim Quran, Holiness Ali (Peace Be Upon Him), Deficiency, Acquired Wisdom, Inherent Wisdom, Women, Men