

Genetic Fingerprinting Place in Evidence in Substantiation of Wommen's Claims in Jurisprudence and Law of Iran

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Abstract

Nowadays, Genetic technology and its applications have been discussed in law and jurisprudence. Despite the fact that Iranian specialists and scientists have obtained the knowledge of using this technology in our country, legal and judicial aspects of it have still been unclear. Particularly, there is no sign and mention of this modern usages such as Genetic information bank and Genetic Fingerprinting in the Islamic texts and in the law of Iran in spite of huge attention to this kind of information in the judiciary system and courts for proving claims. However, there are disagreements in legal validity of this information in the evidence in substantiation of claims system, These disagreements can be ended if we consider this method as judicial circumstantial evidence in civil cases, specially in parentage proving and considering this as judges knowledge in criminal cases, like rape.

Key words

Genetic Fingerprinting, evidence in substantiation of claims, parentage proving, jurisprudence, law.

Analysis of Fatwa to Mother's Exemption from Punishment of Theft

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Abstract

Islamic penal code in article 278 according to Imami jurists has predicted specific punishment for legal theft, but in interpretation of conditions and specifications of mentioned crime has excepted in several cases from totality, among in case of rubber is father or grandsire of owner (paragraph c of the article 268). but pursuant general rules of Imami jurisprudence, mother of owner is not immune from considered punishment. between primary imami jurists Abolsalah Halabi has opposed with this viewpoint and has generalized mentioned exception to mother. this viewpoint of Halabi is confirmed by Allame Helli and reason of this viewpoint is said, parents unity in "Abavain" title, and need for reverence both of them. this paper wants, with analysis and explore evidences of parties, to prove that this famous viewpoint has more strength and intensity and we could generalize the mentioned exception to mother.

Key words

Theft, exceptions, father, mother, mother exemption from punishment of theft.

The rules governing the population growth

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Abstract

Nowadays, the issue of population decline is one of the novelty issues debated in scientific and social circles, especially according to the 2006 population census, the population of Iran has faced with declining population. So present research was carried out in order to clarify the rules governing the population growth rate by the policies of Iran population increase rate. The purpose of this paper is to spreading and promoting cultural and religious values and promoting scientific society Fqaht. The method for doing this research is analytical attributive. Despite some texts implies the generation growth, it can be realized due to certain reason. Rational rules, principles and jurisprudence governing the reproduction of birth show that limiting the generation of Muslim when make them weaken and endanger national security is not permissible, it is necessary to multiply births.

Key words

Rule, rules of principle, rules of Jurisprudence, rules of intellectual, reproduction, birth.

Conflict between Wife Inheritance Ahadiths and the Method of Resolving it

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Abstract

Sunni Jurists believe that wife inherits from all properties of her husband, but most of immamiya, resorting to Ahlulbeit Ahadiths deprive wife of part of property. Kind of this property is various in this Ahadiths, so there are more than 5 opinions in this subject and this causes that we focus on the methods of resolving conflict. Ahadiths about wife's inheritance divided into 3 groups: absolute Ahadiths concentrate on the share of wife from estate; Ahadiths that express wife is deprive of some estate; and Ahadiths that express wife is inherited from all the estate. First group is allocated by other Ahadiths and cannot be signified that wife inherits from all the estates. Regarding to the preferences in conflict chapters. third groups cannot be preferred only because of accommodating with Quran, moreover this group is allocated by second group. As a result we can say that wife who has child is inherited from husband's whole estates, and wife who has no child inherited from movable properties and the price of immovable properties.

Keywords

wife's inheritance, deprivation, preference, Conflict between Ahadiths.

Foundation Studies of Value Contrast of the Woman's Rights System in Islam & Feminism

Mohammad Reza Kadkhodae

Abstract

We can judge the women's rights status in the "Woman's Rights System in Islam" and the "Feministic Rights" theories, only when we have an accurate measure for the evaluation. All the juristic propositions related to women in the Islam's juridical system, or the feministic theorizations are an aspect of different bases of epistemology, anthropology, ontology and axiology. Judging about being superior or inferior, being tyrannically or justly of these propositions is based on evaluation and judging about these bases. Recognizing the human's reality, the humanity components, the existential dimensions of mankind, begin and end, perfection and affliction, barriers and talents, friend and enemy and ... are from the most important anthological subjects as the bases of these value topics. In addition to this recognition method, evaluating and criticizing these ontological and axiological bases would place a broad domain of epistemological and leader-recognizing subjects in our way, through which passing is necessary for achieving and rational defending the reality.

Keywords

Woman's rights in Islam- Feministic rights- Secular rights- Positivism rights

Evolution of Women's Rights and Family in International, Regional and National Acts

Ahmad Reza Tohidi

Abstract

After the Second World War and the ratification of the UN Charter and the Universal Declaration of Human Rights , a collection of documents (specific or general) with subject of international human rights observers on women had established, including International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against women , Nairobi Programme of Action , the Beijing Declaration and the Millennium Development ... And administrative mechanisms for the attribution of the former Commission on Human Rights (Human Rights Council) , Commission on the Status of Women , the Committee on Human Rights, the International Covenant on Civil and Political Rights and the creation of other supervisory bodies and even in regional bodies such structures in Europe and the EU Africa is established. All this focus on the issue of women and gender equality is discrimination against them .But that attention has been focused primarily on individual rights. While These are necessary but not sufficient condition. Therefore be said to support the " Quality " surround and damaged by " quantity " because attention on " Being a woman " caused that the forgotten " being human ," And in most international human rights instruments to real property , natural and God-given differences between women and protect the sacred institution of the family and family functions with other institutions hadn't looked and instead Basically the emphasis is on individual rights .In this paper, Development And progress protection of the rights of women and families at all levels of national , regional, and international has studied And more critical attitude toward an international approach is taken. Of course due to limitations and avoid a repetition and prolongation, view of domestic law will be mentioned briefly

Keywords

Evolution of women's rights, family support, international human rights documents , family