

The Acceptation of Reproductive Right in Islam

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Abstract

One of the Human rights which are paid attention to it now is the reproductive right. Considering to this right is more wide spreading by introducing new reproductive technology and new means of contraception. To understand the view of Islam about this issue we consider quality of legislation in the issue of this right and the way of legislator's demonstration. Our method in this paper is the last way and by reviewing Quran to prove that reproduction is one of rights of couples in Islam. In this paper, we use the documentary and descriptive- analytical method. In conclusion, by the only one of Quran's verse is proved the reproductive right in Islam not God's judgments. In Our view it is better to say the human reproduction in one aspect is a right, also it can be God's judgments in some condition. In replying we can say in performance of rights we must consider the divine orders. In addition, In Family system, discoursing only about rights is not useful, so the divine legislator in this area prefer obligations then rights to guide the small cell in society.

Keywords

reproduction, Fertilization, right, Quran and Islam.

Positive discrimination of women and their citizenship rights

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Abstract

Men and women shouldn't be treated equally. They are not truly equal; there should be a need for a particular legislation to classify them as such. Women require positive discrimination (1) because maybe in the past they were considered slaves in a patriarchal society. Presently, they are still dominated by men or governments in a lot of social environments: family, work, on the street, and many others environments. (2) Because of their psychological and physiological situations. For this reason women should have more benefits in society as an attempt to even out their disadvantaged status. Rights of women during their menstrual cycle, including the natural rights of women is necessary for positive discrimination in their civil and citizenship rights in all modern legal systems.

Keywords

women's rights, human rights, civil rights, Psychology, positive discrimination, Islamic jurisprudence, the natural right.

Change Imperatives in Legislative Population Policies of The Islamic Republic of Iran

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Abstract

The population is considered one of the topics of interest to planners and policy-makers in any community. Nowadays, the population is not only as a single subject but it is a vast and complex political, social, economic and security matter that must be seen its all aspects comprehensively and accurately. Iran's demographic problem is not only in growth rate but there are also inappropriate distribution of population and high population density in urban areas and we claim that this matter is the main reason for reducing of the growth rate of iran's population. Thus, in policies should be attention to this point. The importance of indirect legislative policies concerning the population is much more than direct policies; which of course did not pay attention to it, and both of these policies should be made with a focus on the principle of proportionality and regionalism. In fact, according to the government's limited financial resources and the need to take effective measures to increase the population, what should be of interest to legislators and politicians, is the attention to the public acts and regulaions. So the success rate of these policies will increase and in addition to population increase, it will also help to harmonic and proportional distribution.

Keywords

population, population policy, demographic imbalance, growth rate, regionalism.

Juridical-Legal Study of Crimes Committed by Discerning Minor with an Eye to the Islamic Punishment Code of 1392/2013

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Abstract

Sometimes a minor independently commits a crime against some other person (crimes against bodily integrity such as murder, assault and battery, injury, disenfranchisement ...) and some other times she/he is forced to do so. According to the Islamic Penal Code (1982) and the previous Code, intentional or unintentional crime committed by a minor is regarded as a sheer mistake; in the Islamic Punishment Code (2013), however, the term 'as' has been eliminated and crime committed by a minor is, according to this Code, just a sheer mistake. On the other hand, both in the previous and present Codes and according to the opinion of majority of jurists, if a non-discerning minor is compelled by another to kill the third person, the compelling one shall alone be liable to Qisas. As for discerning minor, however, murder is not attributed to the compelling one but to the discerning minor, and her/his Aqilah (close relatives) shall pay the Diah (blood money). In the Islamic Punishment Code (2013), the same idea (making a distinction between a discerning minor and non-discerning minor) has been somehow accepted for being compelled to commit a theft. The present article makes a juridical-legal study of the same point aiming to criticize two ideas of 'regarding a crime by a minor as a sheer mistake' and 'making distinction between discerning minor's being compelled and non-discerning minor's'.

Keywords

discerning minor, sheer mistake, as a sheer mistake, 'the intermediate cause has a greater share in the commission of the crime than the direct cause', compelling a discerning minor to commit sheer mistake murder.

Application of Abstention Rule due to Deprivation of Rights in Family Law

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Abstract

Whenever the obligated individual abstains through disobeying orders and associations, any opposition towards the legal associations could not negate his/her obligatory, for example demonstrating financial hardship for alimony payments, while their recital is taken as intentional and the civil and criminal suit will pursue. This rule is known as the rule of “voluntary denunciation without negating authority” in the law and religious books, which is a rational rule discussed in many jurisprudence and applied greatly in the obligation assignments. This paper aims to focus on the capacity of this rule to improve the family law by using the jurisprudence and legal resources and studying its relationship with the many concepts of the jurisprudence, thereby its applications in the family law are investigated and thus this rule could solve some problems in the field of refusal on family duties (couple/parental duties).

Keywords

abstention, denial, parents, husband, wife, Compulsion ,impossible

Privacy in Couples' Relationships in Interfering Cases in Conjugal Rights with an Emphasis on Family Con- solidation

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Abstract

Privacy has received a special position and importance as an ethically fundamental principle nowadays so that it can be classified as one of the most central human right subjects. This right to privacy is also addressed in matrimonial relationships and the family as the most basic important social foundation. With regard to the importance of the issue, this paper aims to answer the following fundamental questions: what is the position of this right in couples' relationships, considering family specifications? Which instances can be considered in couples' relationships? What is the solution if some of these instances interfere with conjugal rights, and which one is preferred? Through scrutinizing the concept of privacy, researching into its documentaries, analyzing the instances in couples' relationships, and studying its interfering cases in some conjugal rights, it is indicated that privacy is a principle in marital life; however, this right is limited or violated in some cases regarding special family requirements when it interferes with conjugal rights. If it interferes, the limitation or violation occurs so that the most important or prior right is identified and measured against the family consolidation criteria regarding the domain and reasons for each right. Therefore, the very family consolidation interest indicates which right, the right to privacy or other conjugal rights, will be the prior one as the most preferred or the most important right in special cases.

Keywords

Privacy, Couples' Relationships, Family Consolidation, Interference, Conjugal Rights