

Using Constructivist Paradigm in order to feedback on reflections of Human Nature on Hijab

(A study based on the philosophy of Grand Ayatollah Javadi-Amoli)

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Abstract

Constructivist Paradigm is one of the recent learning paradigms and is employed by individuals to organize the structure of scattered subjective information and finding the answer by himself/herself. The possibility exist, however, to extend its application for receiving feedback on reflections of human nature based on existing views on various fields of knowledge. In this paper, first the entity of Constructivist paradigm and its analogy with Socratic Method is examined with an emphasis on Ayatollah Javadi-Amoli's principles. Then, pros and cons of the roots of Hijab in human nature are discussed based on viewpoints of this scholar and finally strategies for development of pragmatics for this paradigm are addressed in order to discover the responses of human nature about Hijab. Based on the philosophical doctrines, we showed in this study how we could help a learner to feedback on the verdict of human nature on Hijab (and its motto) in his/her own observations. Using this paradigm which enjoys special principles as well as significant benefits and philosophical fundamentals, learner would come back to his/her inborn observations and selects Hijab as an approach to attain absolute beauty and inherent craves, not as a barrier that obscures attractiveness.

Keywords

Paradigm, Constructivist, Education, Human Nature, Intuition, Hijab

Basics of Prohibition Sexual Productivity of Underage

Wife in Jurisprudence Emami

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Abstract

comply with the rules of imami jurisprudence is absolute ban sexual productivity of underage wife. But about legitimacy or lack of legitimacy sexual productivity of minor wife, in many of new Jurisprudential books of imami, It can be observed a view, that appears at first glance is illusion controversial legitimation some of Anomalistic sexual productivity of minor wife. the existence of such views excuse has been for accusation existence of kids abuse in authentic islamic teachings and a pretext for The influx of islamic leadership and pure teachings of shia jurisprudence.this article with analysis on the words of the jurisprudents, rejected the above charge with the argument that the mentioned jurisprudents were In a position expression the first ruling, and basically they were not Soughted expression of the issue As secondary ruling. the author then at the overarching research in the documents and evidences of Jurisprudential and with citing the generality of rule of Negating the disadvantage, is followed the fact that the correct word and comply with the rules of imami jurisprudence is absolute ban sexual productivity of underage wife.

Keywords

underage wife, Espouse, sexual productivity, rule of Negating the disadvantage.

A Critical Review of the Convention on the Elimination of All Forms of Discrimination against Women in Regards to the Bill of Socio-political Rights of Women in Islamic Republic of Iran

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Abstract

The European society after the industrial and scientific revolution and the greater recognition of human rights, attempted to enact laws that would provide these rights for individuals. Among these, women that were deprived from their most basic rights, through some conventions and agreements, they were also given some privileges. One of these agreements was the convention on the elimination of all forms of discrimination against women. In this study, by applying the documents analysis method, it has been attempted to perform a comparison between the "Convention on the Elimination of All Forms of Discrimination against Women" and "the Bill of Rights and Responsibilities of Women in Iran". The most important principle in this bill is inducing the concept of right parallels between men and women, which by mentioning this matter, women are sent away from showing-off their power in the family environment and sent to environments where women's rights and dignity has been destroyed Meanwhile, the "Bill of Rights and Responsibilities of Women in Iran" The foundation of this bill is based on this fundamental belief that in Islam men and women are equal to God as far as nature, purpose of creation, access to resources and talents, the possibility to achieve values and to pioneer in values, and rewards and punishments for deeds; and humans, without considering gender, are solely have advantage over each through all-dimensional human growth under knowledge and wisdom, divine virtue and in creating a meritorious society. This bill can be a foundation in the Iranian society and other Islamic countries for women's rights.

Keywords

the Convention on the Elimination of All Forms of Discrimination against women , the Bill of Socio-political Rights of Women in Islamic Republic Iran ,women rights.

Protection of the Physical and Psychological Integrity of Embryo in the Legal System of Islam

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Abstract

One of the initial duties of parents towards their children is observing their rights during embryonic stages like providing healthy environment physically and psychologically. This right appears by the conception based on the value and dignity due to embryo. As a result, triviality in providing suitable security for the embryo or attempting termination of the pregnancy (abortion) is indeed failure in observance of human personality and dignity. Therefore, the present study has been conducted with descriptive - analytic method and with reliance on religious instructions, jurists' views and lawyers, which's purpose is analyzing and reviewing "the nature and bases of the need of protection the physical and psychological integrity of the embryo" for protecting unborn child's rights (embryo). The results of studies indicate that supporting the physical and psychological integrity, even before Spermatogenesis is important and in case of violation of this important issue, an Executive warranty is appointed for that; although there might been some conditions in which abortion is justifies.

Keywords

Embryo, protection, abortion , right, danger factors (Teratogenic).

The Islamic Government Intervention in Family Laws (Capacities and Necessities)

Fariba Alasvand

Abstract

Family issues lie between three sides: the laws of Sharia, the will of the couple, and the provisions of government. In order to prevent difficulties or resolve family problems, the third part could intervene in the two areas of legislation and the judiciary, by means of the governance tools. The capacities and necessities for this type of intervention (the government's interest in the family issues), in the area of legislation includes master legislation instead of guiding statements, substituting extended statements (for the less broad ones), the existence of social necessities and interests, looking for evidences of distress and hardship and updating the statute law for this specific issue, applying the no-loss rule, and finally codifying the non-judicial rules to promote the judicial rule. The approval of religious sentence through the governmental sentence, based on the no-loss rule, the necessity of supporting the weaker party in conventions and developing the judicial methods, are also recommended in the area of the judiciary. The government non- legislative intervention in relation to render more efficient the law institute is also of significance in completion the two above areas.

Keywords

legislation, family, the judiciary, governmental rules, no-loss rule, intervention, expediency.

The Crime of Sterilization and Its Punishments

Mohammad Ali Hejazi/Fatemeh Bodaghi

Abstract

Sterilization, as one of the old issues, has been studied in human societies in the sciences of medicine, law, and jurisprudence since ancient times. Mandatory sterilization of human that was against his/her will and perpetrated usually as a corporal punishment has been gradually abolished. However, indirect sterilization due to dominancy of some political power has been continued and applied for some immigrants or clans. In this paper, the prohibition and deference of involuntary sterilization of human, allowable cases of sterilization, the role of the one who is to be sterilized, the liability of the physician involving in the process of sterilization of a person, the legal and religious backgrounds of this act as well as the relevant legal provisions of punishments have been studied. Furthermore, emergency conditions of medical exemptions for permanent sterilization of men and women in addition to enforcement of this act from the view point of Islamic Punishment Law ratified in 2013 have been assessed in this paper. In addition, the insufficiency/inappropriateness of the punishment of human permanent sterilization has been proved based on laws and legal procedures.

Keywords

Permanente sterilization, fertilization, undetermined blood money, blood money.