

ABSTRACTS

The reparation of corporal damage in the Islamic jurisprudence

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The reparation of corporal damage in the Islamic jurisprudence one of the important legal subjects is the reparation of corporal damage in the Islamic jurisprudence and legal system, because nowadays, from one side the consequence of pecuniary loss of this kind damage is very heavy than the past and in the majority of modern legal system, the wrongdoer is responsible for all of it's pecuniary loss.

From other side, there is blood – money (Diay) in the Islamic jurisprudence and legal system which there is not in the other legal system.

Therefore, this question will be supposed that, if in the Islamic

jurisprudence and legal system, the injured party has right to recover compensations other than blood- money (Diay) or his or her responsibility is limited to payment of blood – money, or if the sum of expenses of injury is more than the sum of blood – money, the wrongdoer is responsible for this excessive sum.

In this Article, the compensation of corporal damage in accordance with legal principle of Islamic jurisprudence has been considered.

Keywords: Islamic jurisprudence, Money – blood, Compensation, Legal principle, Corporal damage.

Hanafi jurisprudence in the time of Ilak Khans

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Hanafi jurisprudence has been popular in Transoxania more than any other Islamic territory. The greatest Hanafi jurists have emerged from this area, who have written many books on Hanafi jurisprudence, making this school of jurisprudence known in and spread to other regions in the Islamic world. The present article is an attempt to study the status of Hanafi jurisprudence in the time of the rule of Ilak Khan. It challenges the claim made by Bartold, the Russian orientalist, about the general trend of the decadence of culture and science in the time of the rule of Ilak Khan.

Keywords: Ilak Khans, Transoxania, Hanafi jurisprudence promotion qulaity

A comparative study of the views of Naeeni and Imam Khomeini on the legal theory

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One good way to boost the position of two sciences of jurisprudence and legal theory is to understand correctly the views of the theoreticians. This is better achieved by a comparative study of such views. In this article the writer's purpose is to introduce the innovative jurisprudential views of two great contemporary theoreticians in law; that is, Ayatollah Khomeini and Mirza Naeeni.

Keywords: ejtihad, revealed prescripts, legal address, verity proposition, conventional understanding, argument.

“No second marriage condition” set when marriage contract is made

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To most Muslim scholars, the “No other marriage condition”

concluded at the time when marriage contract is made is invalid. Some Sunni scholars have argued that marriage contract does not necessitate the condition and some others have argued that since in contracts and transactions, corruption is taken for granted unless proved otherwise, have reject the condition as invalid. Most Imamiyeh jurists have also considered the condition as being against the teachings of the Qur'an. In this article, the writer discusses the arguments offered against the condition, claiming that none of the arguments provides no clear and acceptable proof. The writer then argues that, by virtue of the well-known hadith "Muslims are loyal to the conditions they set" and other arguments, the condition must be met if the couple make such a condition at the time when marriage contract is made.

Keywords: Condition, marriage, concluding a contract

**A comparative study of the views of Imamiyeh and
the Sunni scholars on the question of
hesbah and hesbah issues**

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Hesbah (censor, Islamic inspector of the market) and hesbah issues are among the most important questions discussed in the Shi'ate

and Sunni jurisprudential books. These questions, however, like many others, were overshadowed by the theological differences between Shi'ite and Sunni scholars. As a result, Sunnis, who believed in the velayat of the caliphs and kings, paid more attention to the governmental aspects of hesbah, whereas Shi'ite scholars were basically concerned with non-governmental aspects of hesbah. This study deals with the question of hesbah with regard to the differences between the views of Shi'ite and Sunni scholars on this question.

Keywords: hesbah, hesbah issues, mohtaseb, enjoining the good and forbidding from doing the evil.

Intensified Blood Money

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According to jurisconsults and article 299 of Islamic punishment law if the crime is committed; whether inadvertently or deliberately, in one of the sanctified months (Rajab, zel – Ghadeh, zel – Hadjah; Moharram) or in the holy area of mecca, the perpetrator must pay an additional one-third as well as the whole blood money as intensified blood money. So committing murder in one of these months causes an increase in the amount of blood money But, does this intensification apply to absolutely inadvertent murder cases, too? Can the

punishment for murder in the holy area of mecca be generalized to other cases of murder ? what are the juridical procedures in this regard? The explication of the jurisprudential and quotational bases for this intensification and the analysis of different aspects of the issue from jurisprudential and judicial points of view are the main concerns of this article.

Keywords: murder, blood money, punishment law, intensified blood money, sheer error, juridical procedures, member blood money.