

ABSTRACTS

Security and its Dimensions in the Qur'an

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The present writing is a heuristic study to arrive at the concept, dimensions, and different types of security on the basis of the Holy Qur'an, attempting to clarify, expound, provide chapters for, and formulate this issue on the basis of Qur'anic evidences and from the spiritual, individual, social, political, military, economic, legal, and judiciary

points of view and to demonstrate that this Revealed Book possesses a modern outlook concerning the evolving and complicated concept of security. Faith and spiritual security is, on one hand, the main source of all dimensions of security and, on the other, there exists a deep association and equilibrium among these dimensions. In the meantime, any kind of security in each of its dimensions is originally rooted in faithfulness and spiritual and divine beliefs; whereas, any insecurity in any realm originates from unfaithfulness and attributes contrary to faithfulness such as polytheism, heresy, oppression, arrogance, etc. Similarly, the faithful, and

the attributes of faith are the main sources of producing security functions. In a final inference, it can be stated that: laying the foundation for a pure and upright spiritual life in order to train and foster human beings, both in their individual and social behavior, and to keep them away from evil and unfaithful life is the main mechanism for providing security in the Islamic system.

Keywords: the Qur'an, faith, social security, political security, economic security, judicial security, goodly pure life, peace, Islamic rule.

Examination of the Legitimacy of Undetermined Contracts in Islamic Law

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Article 10 of the Iranian Civil Law states: "Private contracts, if not explicitly unlawful, are valid by those who have concluded them." Jurists have implied from the content of the above article the principle of sovereignty of will, freedom of contracts, and the validity and authenticity of undetermined contracts.

The main discourse of this writing concerns the legitimacy of undetermined contracts in Islamic Jurisprudence and Law. The writer presumes that such contracts are legitimate and valid as long as they meet the basic requirements of the

authenticity of contracts. The research method adopted in this essay is "inferential" and based on the examination of the topic in the four sources of Islamic Law. To prove this hypothesis, we first review the generalities of the Book and the related verses. Then, we proceed to the second source of the Islamic Law, i.e., traditions. Further on, we examine the significance of rational reasoning and consensus. In conclusion, the present article has been able to document the legitimacy of undetermined contracts with the first three sources and respond to the problems raised in this respect. Consensus, however, was not recognized as an appropriate reason for proving

the hypothesis. At last, relying on the primary conditions (preserving specific circumstances) is a suitable approach to legitimizing such contracts. But contract by compromise, due to its discrepancies with undetermined contracts, is not applicable to them.

Keywords: undetermined contract, the generalities of the Book, consent, negation of distress and constriction, rational reasoning, compromise, primary conditions.

**Examination of the Rights of
Translation and Translators
in Jurisprudence and
Statutory Law**

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Fascination with knowledge and achievement of unknown sciences and arts has prompted man to carry out research and caused expansion of knowledge in all fields of mankind's sciences and knowledge, the most manifest representation of which is the supply of scientific products to human society by scientists.

Nowadays, in the age of information and communication, such products and writings go beyond the dominion of the producers and authors and in a short time disseminate throughout the world.

But since many of these scientific and literary products are written or presented in a particular language, others who are interested in the product but are not familiar with its language are unable to enjoy it, which, in itself, is a great obstacle to the development of human knowledge. Translation, as the best means for intellectual transaction, can remove this obstacle and open the way toward the exchange of human knowledge.

In order to support the invaluable and exhausting efforts that a translator undergoes in rendering a work or a book, the legal systems and governments have since long ago devised policies and

regulations that on one hand would prevent profiteers from plundering the products of the translators' endeavors, and on the other hand, encourage and protect them as significant intermediaries for the transmission of human knowledge.

In the Islamic law system and the present Iranian statutory law, certain rulings and regulations have been formulated for protecting and encouraging the translators and the translated works. The present writing addresses these regulations.

Keywords: translation, translator, material rights, intangible (non-material) rights, different types of

translation, legal persons, scientific trustworthiness.

**A Legal Deliberation on
Article 268 of Islamic Penal
Law**

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On the pretext of challenging the content of article 268 of the Islamic Penal Law, this essay intends to legally examine the issue of the murdered person's option to retaliate or pardon prior to being killed. Upon examination of the views of great Imāmī and

Sunnī jurists and accurate evaluation of their arguments, it is concluded that in deliberate murder the right to retaliate, blood money, pardon, and financial compromise are the primary and original rights belonging to the avengers of blood and the murdered person has no right in this respect, except for what is specifically related under the rubric of fulfilling the obligations and last wills of the murdered person on the credit of the blood money. This writing is also examining, in the course of criticism of the proofs, such issues as damage to self and the physician's exemption from liability before medical treatment.

Keywords: retaliation, blood money, murder, extension, acquittance of what is not obligatory, waver of another person's right.

Pardon in the Iranian Penal Code and its Legal Examination

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Pardon is one of the factors in the lapse or commutation of penalty as well as a means for showing kindness and affection to the convicted which is granted by the most high-ranking official of the country

or the legislation authority. The pardon granted by the most high-ranking official is called private pardoning and the other is called general amnesty. The qualifications for granting pardon had been predicted in the law before the Islamic Revolution. However, it has been neglected in the penal code after the victory of the Islamic Revolution and it is only by detailed interpretation on law 71 of the IRI constitution that granting general amnesty may apparently be regarded as in the jurisdiction of Islamic Consultative Assembly. Nowadays, there is disagreement among the experts concerning the types of pardon and their quality; and it is still

unclear whether the pardon granted by the most high-ranking official is of the public (general) or private type.

According to clause 11 of principle 110 of the constitution and article 24 of the Islamic penalty law, pardon has to be proposed by the head of judiciary and confirmed by the Leader; the nature of the stipulation "within Islamic standards" in the above-mentioned clause and article is not explicated in the codified laws and it is inevitably required to refer to reliable jurisprudential sources and legal judgments of the renowned jurists. The research presented in this article may remove the ambiguities and brevities

regarding pardon, since no comprehensive and independent investigation has so far been made in relation to this issue and the jurisdiction limits of the authorities granting pardon as well as different kinds of penalties in which granting pardon may be feasible are not specified in the statutory laws, thus suffering certain shortcomings.

Keywords: general amnesty, private pardoning, formula (□īqa) of pardon, pardoner, pardoned, guardian (*walī-yya amr*).

**An Introduction to the Legal
Fundamentals of Treatment of
Infertility**

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Inclination for the continuity of one's progeny, although a non-physical need, would be unachievable without enjoying physical health. Naturally, if the wife or husband or both of them are lacking such healthiness, they will lose the chance for reproduction.

There are three approaches to solving such a problem: 1. uplifting the tolerance threshold of the couple; 2. adopting children; and 3.

preparing the ground for fertility.

Inefficiency of the first and the second approaches on one hand, and the physicians' attempts for fertilizing the infertile persons, on the other, have created new problems in various legal, social, and ethical fields so that experts on different disciplines are to prepare themselves to deal with them.

In this article, it is attempted to answer - with a glance at previous researches - to the legal questions brought up concerning treatment by means of Assisted Reproductive Technology (ART), such as permissibility and impermissibility of the conception process and the

legal relation of the child begotten this way to the wife and the husband.

Keywords: insemination, artificial insemination, sperm, ovum, donor of sperm, donor of ovum, parents, parentage.