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Kinds, Conditions and Means of Marriage Portion in Hanafiyya

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(Received: 8 March, 2016; Accepted: 14 March, 2016)

Abstract

Marriage portion is divided into suitable dower and definite mahr. Suitable dower is a kind of mahr that is determined during marriage or after marriage contract is signed (in case no suitable dower exists) on the part of both wife and husband. Definite mahr is a kind of mahr that is designated by referring to wife's likes. Definite mahr becomes obligatory in the cases below. 1. Mahr is not specified during validly concluded marriage contract. 2. No mahr is specified during marriage conclusion. 3. Determined mahr contains impurities. 4. In case intercourse is done in doubt. What is designated as mahr must have the following terms: It must have financial support; it must be pure and truly profitable; it must not be disfavored and it must be known. Mahr might become obligatory because of accurately concluded marriage contract and it might become obligatory by means of intercourse as a result of matrimony in validity or invalidity or in doubt. Mahr has been emphasized in five instances and it is unlikely to fall: Intercourse, complete privacy, death of wife or husband, re-marriage during waiting period, disappearance of maidenhood. In the following cases where divorce takes place before intercourse, the whole mahr ceases to be valid: wife is cause of divorce; wife's father is cause of divorce; husband cancels marriage before intercourse; wife decides not to receive mahr from husband and husband is being acquitted from charge of mahr. In two instances, mahr is divided in half: pre-intercourse divorce, husband decides to divorce his wife before intercourse.

Keywords

Definite Mahr, Dividing Mahr in Half, Marriage portion (Mahr), Suitable dower.

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The Contracts Depends on the Intentions

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Abstract

The nature of a contract is an intentional matter and without that, it is not ascertainable; in other words, intention is a part of the nature of contract and the substratum of the contract depends on the intention. The rule (the contracts depends on the intentions) is intended that when the contracts whether they are pecuniary or non-pecuniary, exchangeable or non-exchangeable, in fact, are the links and nexus of obligations and considerations which have been set between the offer or and acceptor and this matter is an intentional and material affair, so ,as long as the parties have not intended the title of the contract ,their considered contract will not be substantiated and the realization of the parties' considerations, positively or negatively, depend upon the parties' will and intention. Similarly to realize a bilateral legal act, mere voluntary declaration of one party is not sufficient but both parties' will must cooperate and coordinate in creating the contract .This coordination is available when what is thought for by one party, is intended the same by the other, otherwise, no contract is created. The voluntary declaration of two parties should be in accordance with external instance and applied with the contract and the nature of the instance and agreement of their intention.

Keywords

Contract, Intention, Subordination, Unilateral legal act.

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What is Intellect in the Eyes of the Fourteen Immaculate Imams (‘a)?

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(Received: 7 March, 2016; Accepted: 3 April, 2016)

Abstract

The term “Intellect” has found specific definition in every discipline and based on different views. The differential senses of the term have resulted in misconceptions. One of the views is the opinion of the Immaculate Imams (‘a) about intellect and the place it has, which is the most complete and comprehensive one of all others. This article follows an analytic-descriptive methodology taken from religious sources. Religion of Islam gives a great value to intellect and approves its proof and disvalues the faith not reliant upon intellect. Intellect and knowledge have been largely given value as the Immaculate Imams (‘a) believe; at the same time, the descriptions made for intellect stand in contradiction to self-centered and profiteering intellect. Intellect is being interpreted as internal prophet in the Islamic narrations and the Shiite jurists see intellect as one of the four-folded evidence for making inferences from religious ordinances; both science and experience necessarily become efficient when blessed with intellect and the role intellect plays remains undeniable in modulating the human instincts, emotions and feelings. The narrations cited in this article are in charge of expressing such facts.

Keywords

Intellect, Meanings of intellect, Types of intellect, The fourteen immaculate Imams (‘a).

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The Study of Predestined Satisfaction in Islamic Jurisprudence and Law

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Abstract

“Predestined Satisfaction” is included among the issues not being discussed by the ancient scholars. Perhaps, Sheikh Ansari is the first scholar who has dealt with the subject-matter (In Makaseb). Modern scholars have always raised disagreements over its sufficiency and insufficiency in two fields of Islamic jurisprudence and Law. The above concept is applied to issues such as: Officious sale, surety, matrimony, mortgage and bequest and...in this article, effort has been made to discuss similar institutions and implications so that the issues posed about elucidation of the main subject-matter might not be confused. With the studies conducted, it has become obvious that there are no separate researches in the shape of books, articles and dissertations such as the present title at hand. In current research, we have tried to adopt a critical study of the role of “predestined satisfaction” by virtue of jurisprudential and religious principles as compared to Islamic jurisprudence and law. The main question raised is that whether the mere predestined satisfaction lawfully and jurisprudentially takes effect on worships and transactions.

Keywords

Predestined, Predestined satisfaction, Satisfaction, Silence.

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Seb judgment (curse) to the Prophet and Imam in Shiite Jurisprudence

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Abstract

Seb (cursing) the Prophet and the other Imams in Islamic culture is strictly prohibited and condemned. In this regard, the prosecution has a particular style. In Islamic law, a man Dshnamgvy men, women if they have to insult innocent men executed, ie, the curse, the curse of death ,but in the general population (non-innocent) is done according to the judge who is eighty lashes sometimes leads to punishment. It is noteworthy that the law Dshnamgvy should be entrusted to divine law about to be implementedTo avoid any chaos in this regard must be prevented. Repentance is not vector style, the style of Adam Dshnamgvy if he repents, forgive him does not fall . It is noteworthy that the law Dshnamgvy should be entrusted to divine law about to be implementedTo avoid any chaos in this regard must be prevented .Repentance is not vector style, the style of Adam Dshnamgvy if he repents, forgive him does not fall.

Keywords

Cursing, Execution, Swearing, Judgment, Ta'zir, Too.

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Study of Civil Rights Writs for Illegitimate Children in the Eyes of Imamiyya Jurisprudence

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Abstract

The present research has dealt with civil rights writs for fraudulent children in Imamiyya jurisprudence by using authentically jurisprudential books with a look at two topics of non-financial and financial civil rights. From the legal and religious perspective of Islam, illegitimate children are the ones who are born as a result of free sexual intercourse of legally unmarried man and woman; therefore, illegitimate children lack legal and legitimate parentage according to Imamiyya jurisprudence; they only have naturally blood relationship and they are not regarded as adulterer and adulteress. Since religion of Islam considers purity of lineage as one of the basic conditions for taking advantage of many of decisions; consequently, such children are deprived of legal privileges like testimony, inheritance and judgment as Imamiyya jurisprudents consensually agree on this. Also, Imamiyya jurisprudents say that these children are qualified to receive alimony because of unproven lineage, but based on decision of the state Supreme Court judicial precedent no. 617 dated 4/3/1376, the adulterer is known as natural father of the child and he is in charge of all obligations including alimony, guardianship, custodial, the right of having first name and family name and citizenship of parents. As for matrimony, it is prohibited between the illegitimate child and his parents in terms of blood relationship and he like legitimate children is eligible for prohibited marriage with his parental and non-parental relatives.

Keywords

Born from adultery, lineage, Civil Rights, Illegitimate Children.

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