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In the name of Allah the compassionate the merciful

## Researchs in Jurisprudence 8

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**E-mail: Figh@isu.ac.ir**

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## 8 Abstracts

*Researches in Jurisprudence, Vol.4, No.2, Spring & Summer 2016, Serial 08*

### **The study of subjectology of traditional Jurisprudence in the new subjects**

Date of Received: 2015/06/24

*Mohsen Saeedi AbuEshaqi* \*

Date of Acceptance: 2015/12/16

With the advent of modern humanities and the new social systems, new subjects and issues have been put forward on jurisprudence that not been set out in the religious texts on these issues. When the traditional logic of subjectology is confronted with new subjects, it broadens the reason for the baccalaureate of subjects in traditional specialties into new subjects, and the reference authority identifies such subjects to the expert, and on the other hand, by targeting the general and the Or the principles of action are trying to comply with religious law on such matters. But by examining the nature of the new issues, we find that the current issues of modernism are the result of our civilization's encounter with the modern world and do not have much to do with the past. In fact, we are faced with sub-systems and systems, and ultimately with a large system called modernity. These systems are fundamentally cultural-historical ones, that is, the product of the modern world culture, and this culture as a soul is present in these issues, and apart from it, it is impossible to examine the issues. Therefore, the recognition of the relationship of such a culture with religion is the work of the jurists. On the other hand, by targeting publicity and information, these systems divide into constructive elements and ignore the nature of the system as a whole, and the components, regardless of their relevance to the whole, find their jurisprudential ruling. However, the whole remains valid and neglected. Due to the systematic nature of the issues and the weakness of the traditional topic of logic in analyzing and confronting these issues, the jurisprudence enters a new stage, and it enters into the field of jurisprudence of the systems, an area where jurisprudence follows the inference of social systems of religion against new social systems.

**Keywords:** logic of subjectology, new subject, Social systems, Systematization, jurisprudence of the systems.

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\* Master's Degree Student of Fiqh and Islamic Law Foundation at Imam Sadiq (a.s) University (responsible author) – saeedi1993@gmail.com

## **Invalidity of heavy dowries**

Date of Received: 2015/09/02

*Mohammad SarbazJamshid\**

Date of Acceptance: 2016/01/09

Dowry is property or money will pay by husband to her bride in return marriage. In this article it is attempted the legal nature impossible dowry that couple agreed commitments will be specified. One of the possible instances of non-dowry, dowry is heavy that determining the extent of it, regardless of ability to couple to surrender, the source of many problems in society. For this purpose, competent and ethical legal principles governing the amount of dowry to be recognized that with its actions can be taken to solve the problem of skyrocketing dowries. In this regard, we want to solve the problem of family and social, legal and religious we find solutions. In this paper, the amount of dowry in imami and sunah Jurisprudence and law in Iran and the condition of delivery power of dowry and the possibility of regulatory intervention to amount of it has been investigated and finally we consider the invalidation of such dowries justified and is being correct.

**Keywords:** Dowry, Delivery power, Invalidity, The amount of dowry, Heavy dowry.

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\* PHD Student Of Fiqh and Islamic Law Foundation at Tabriz Islamic Azad University (responsible author) - M.sarbazjamshid@yahoo.com

## 6 Abstracts

*Researches in Jurisprudence, Vol.4, No.2, Spring & Summer 2016, Serial 08*

### **Examining the jurisprudential documents of the rules governing the sanctions**

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*Habib Hajatmand \**

Date of Acceptance: 2015/12/09

*Abdollah HabibiManesh \*\**

The discussion of the punishment of ta'zir, especially the rules governing ta'zir's crimes, is one of the issues whose jurisprudential documents among the contemporaries and contemporaries of the Imams are not coherently discussed; Therefore, in this forthcoming study, the method of analyzing the words of the jurists of Imamiyeh has been tried to examine the scope and scope of the concept of ta'zir and the existing documents regarding the punishment; firstly, the principles and principles of the rules governing the sanctity of ta'zir, Because the issues of sanctions on the one hand are so broadly extended that they do not fit into a particular component, and from the point of view of the multiplicity of criminal offenses, we need to express the principles and principles that we can impose on the punishment of ta'zir in proportion to the practice of ta'zir in the matter of the issue of justice. Because what has been said in the crimes of ta'zir has led us to look at the subject; it is the element of time and place. Therefore, the author, in defining the principles and principles of the rules governing the sanctions, has determined how much the quality and punishment of punishment are imposed on the issues of monotheism.

**Keywords:** Imprisonment, Imprisonment, Islamic Imams, Shi'a ruler.

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\* Graduated Degree of Fiqh and Islamic Law Foundations at Imam Sadiq(a.s) University (responsible author) – Hajatmand.Habib@gmail.com

\*\*Graduated Degree of Law at Judicial Science University – Habibimanesh313@gmail.com

## **Investigation reasons of Non-Muslim's Obligation to Ancillaries in the Religious orders**

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*Seïed Jalal MirAsqari \**

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Hiring as one of the most important social areas in which the relationship between the tenants in the general sense with the hired in the general sense is defined below has always been a topic of interest to specialists in various sciences. One of the most important dimensions in this issue is the transfer of the right to hire from father to child, ie the replacement of a child instead of a father, for the employment of the employer and employment by the employer. In the event that applicants have the qualifications for having a job, profession and position exceeding the number of job vacancies, they have to choose between applicants. Now, in the situation where it is not possible to place a person on other persons who are qualified in one level, is it right that from the point of view of jurisprudence as a supporter of the expression of the verbs of human verbs, one can be right for a person whose father is engaged in a matter, Whether or not priority is given? In response to this question, two major facets can be imagined; First of all, this right can be left to the child in the form of a right or leave with regard to the salary, including the right of priority and therefore the child has priority in hiring. Secondly, this will result in the deprivation of other people from the occupation, and secondary titles, including injuries, are unfulfilled and the ruling will be changed. Or, in view of the interests that the ruler recognizes, in particular, in order not to accuse the Islamic system of inheritance and oppression, he can take such a right with a government order.

**Keywords:** employment, Priority in hiring, Right transfer, Dominate the property, Lose to others, Government order.

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\* PHD Student Of Fiqh and Islamic Law Foundation at Ferdowsi University  
(responsible author) - [Sj.mirasgari@gmail.com](mailto:Sj.mirasgari@gmail.com)

#### 4 Abstracts

*Researches in Jurisprudence, Vol.4, No.2, Spring & Summer 2016, Serial 08*

### **Investigating and analyzing the components of the governmental jurisprudence theories**

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*Ali Khalafkhani \**

Date of Acceptance: 2016/01/04

Governmental jurisprudence arises from a social need in the field of governance. Opinions about the nature of government jurisprudence, despite its wide extension, have been divided into three main approaches; methodological, thematic and fundamentalist theories. Each of these definitions is about the importance and the nature of government jurisprudence. First theories believe that the governmental jurisprudence refers to systematic developments in the field of jurisprudence and jurisprudence. The second theory with emphasis on the common paradigm advert new topics in the area of Governing. The second theories with emphasis on the common paradigm, basically looking for change in its methodology.

The present research is the result of the study in the scientific works of governmental jurisprudence. In this article, the author attempts to categorize the views of governmental jurisprudence theories and examined and analyzed the components of each one.

**Keywords:** governmental jurisprudence, system making, government, system, Ijtihad, permissible area.

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\* PHD Student Of Fiqh and Islamic Law Foundation at Qom University (responsible author) – khalafkhani110@gmail.com

## **The Study of the Rule of the Monarchy and its Flow in the Reign of the Soul and Organs**

Date of Received: 2015/05/04

*Mahdi Shayeq*\*

Date of Acceptance: 2015/10/31

One of the most important and most influential rules of jurisprudence in the field of transactions is the rule of "diligence". This is the theme of the well-known prophetic hadith (PBUH). Although the document of this hadith is mursal, however, the reputation of the narrative and reputation of fatwa, compensates for the weakness of its document. The jurists have also cited it frequently in jurisprudential books. Also, the meaning of this rule can be verified through other proofs such as the rational constitution. There are different opinions on the meaning of this rule and the hadith of the "monarchy". Some have merely referred to the denial of the stooges as legitimate possessions. Others consider it to be an act of public capture. Others, moreover, call it the legitimization of the possession and retaliation of the monarchy for the owner in the application of various monarchies. Others, in addition to these cases, have suggested that the owner is dominant in terms of such things as Arabism and prudence. In addition to expressing the problems in the first commentary in this article, there is an adage on proving that the principle is true and the possibility of solving it at the time of the suspicion of seizing the soul as well as of the seizure. In addition to expressing the problems in the first commentary in this article, there is an adage on proving that the principle is true and the possibility of solving it at the time of the suspicion of seizing the soul as well as of the seizure. Subsequent discussions of the implications of this rule have been proven to dominate the soul and organs of the body.

**Keywords:** The rule of calming, the rule of monarchy, soul, organ

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\* Ph.D. student of jurisprudence and Islamic law of Tehran University -  
Mahdi.shayegh110@gmail.com