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Review article

Check apostasy, from the perspective of jurisprudence and legal

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ABSTRACT

Apostasy, one of the issues in dispute in Islamic law is effective. The word means back and see is used, and the term of its disbelief after Islam apostasy twofold innate nation is divided, that each of them has its own provisions contained. Of the apostasy in the Quran and other sources is taken into consideration, the most important effects of the expropriation, dispossession cleanliness, good deeds Was lost termination of parity, the stripping provinces, and deprivation prices have been mentioned, Section, insults the prophet Imams and also, what has been mentioned, and his reproof, plus Fatima Zahra (SA), the majority of jurists, has led to apostasy in the Islamic Penal Code, Act 2013, the subject of apostasy, there is no clear wording, but Section insults the prophet, in different seasons of the Act, the references, the present study has been examined.

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1. Introduction

Apostasy, one of the most important topics in the political theology of Islam, which is of great importance, the debate today is now considered by scholars, and sometimes lawyers have been heresy, blasphemy ugliest forms, and its judgment is heavier than all of them, and the meaning of heresy, returned after a confession of faith, and accept it, and the term has several meanings. Apostasy from Islam is blasphemy (Amini, 2007, vol 2, page 45, Editing seedbed to explain to him), God has said, whosoever of you (Muslims), the return of religion and die an infidel, their works are disappearing, and in another verse says, everyone except Islam, a religion to choose, he will

not be accepted ; Ibn Abbas, the Prophet (SAW) has narrated that whoever changed religion, kill him, also an apostate people, according to the apostasy type (natural and national), and the renegade sex (male and female), the criminal will vary. With the advent of Islam, no other religion is the acceptance of God's holy nature, and therefore the person who kills the Divine faith, committed an unforgivable sin, and severe punishment awaits him. End, with the advent of Islam, all other religions must stop their rituals, and adherence to Islam's across the board. (Penal Law of Islam, Abolhassan Mohammadi, Religious laws of Islam, Mohagheghe Helli, Malalekolafham, Shahid Sani, 1995) Apostasy is prohibited, and it is the greatest sin and Adults, and The most egregious types of blasphemy, and The most concentrated sins of judgment and punishment in this world and the hereafter is heavy, and it implies many verses and traditions, who with faith infidels, and actions destroyed, and this is one of the losers in the Hereafter (maedeh 5) Surely those who believe, then disbelieved, then believed, then disbelieved, and then increased their disbelief, and God it does not, and they do not lead the way by himself (nerve 137), meanwhile, has been given in the narrative of apostasy discussed in the narrative of the Prophet (SAW), in a letter to High Bonn Republic, wrote a Christian ruler, after sunrise, people have every faith that it was true, then stop until the Islamic faith, in another narration, when the Prophet, the Muslim man in forms visible from the Torah, with anger, he said, to I did my research for your book, bright and clean, I swear to God, if Moses was alive, I had no choice but to comply. (Majlesi, 1984, Bihar al-Anwar, pp. 261, Tehran Darolkotob Aleslamiah). The word apostasy, infinitive, and Section Fabricate, and rejected Triad practitioner, and meant to go back to the past, and in terms of its meaning, the return is a unitary Muslim and disbelief and leaving her Muslim faith, choice (Ibn Askari, the opening of the provisions of apostasy from the perspective of jurisprudence Front), Maghdase Ardabili, the Majmaolfaydeh And Borhan, writes: apostasy, the loss of belief in Islam (Maghdase Ardabili, 1996, vol 12, p 313), Allame Najafi, Javaherolkalam book, he writes, a heretic is one who, after the return of the Islamic faith, has abandoned it, and turned to disbelief, the writer, on the same heresy is heresy, then while still being a Muslim scholar, that is disbelief with the knowledge and authority to accept Islam, and then comes to infidelity.

2. Apostasy and its variants

Great jurists about apostates, which is considered to originate in the Qur'an [Al-Baqarah 217 - Al Imran 85], no specific comment, however, in terms of Expressions, or about the types of apostasy, national and natural, disagree, many jurists, when expressed in a variety of apostasy, writing, or apostasy or Indigenous or non-indigenous, but some scholars like the Sahebe Javaher, the expression of a variety of apostasy, heresy have used more explicit about the two types, and clearly said, the two species is heresy, apostasy innate apostasy. (Najafi, No data., vol 41, p 629) However, different interpretations of the jurists on national apostate, like Allameh in Izaholfavaed writes, the apostates, have heresy is innate, being murdered, and otherwise is invited to repent. (Allama Hilli, 2010, vol 4, pp. 550-548) Innate Apostate is someone who, at the time of his conception, or after its conception until reaching the age of his parents, or both have been Muslims he was a prepubescent consequential Muslims, and after reaching puberty, leaving Islam is a national apostate is someone who, since signing his Of seed until reaching puberty, none of his parents, not Muslim, and his post- puberty Muslims, and later to have abandoned Islam. (Shahidi, Mahdi., inheritance, 2010, p 85)

3. Of apostasy

A) works apostasy in the Qur'an

In one case, merely confusing to those apostates were introduced, such as Surah Al-Baqarah verse 108: "Do you want your Prophet, as do the absurd claim that Moses did before? [And with that excuse, refused faith] who accepts disbelief instead of faith, reason and nature has strayed from the straight path. "

The Quran, on the other punishment in this world and hereafter, to their promises, have sworn to God, that in the absence of the Prophet, who said the wrong words, while certainly say blasphemous words, and the Surrender of infidels have been dangerous to have decided that they are not, they just take the revenge, that God and His grace to them and their wines were needless, however, if they repent, it is better for them., and if they turn back, Allah in this world and hereafter, to the punishment of a painful punishment, and the earth are not the sponsor, nor any helper. (Tobe, Verse 74)

B) Works of apostasy in Islamic law and Jurisprudence

Some of the most negative effects of apostasy are:

3.1. Good deeds Was lost

Was lost, is the destruction and loss, but in terms of good deeds being destroyed by evil deeds, is used, also, is the heresy of toy Acquisitions Was lost because the loss of human deeds, and this issue is dedicated to ensuring the appearance of casting no heretic and apostate is a kind of innate, Was lost his actions, but it is a national apostate, and who does not repent of his actions Was lost. (Open Research Ali Askari - sentences for apostasy, from the perspective of Imami jurisprudence, Year 5, Number 2, summer 2010, page 35)

3.2. Foreclosures

Innate apostasy, led to the expropriation of private Property is, of course, it's here, it's kind of expropriation, which alienated him from Properties know, it means that he assumes a dead man in front of his property, so, Property an apostate, must be divided among the heirs Muslims, and if not The heirs to judge Islam, the transition is, of course, the national apostate, before rejecting the offer of repentance, and also women, apostates, whether innate or nationalization, expropriation is not. The author, a scrutiny of the books of the jurists, death is divided into three categories: a) the actual death b) the presumed death (absent missing), c) a death sentence, it seems, by an apostate, apostasy is Denied tenure the property, and before being executed, and if the heirs of his property, is divided among the heirs, and if no heirs, his property is the legal governing authority, and also the rules of Juridical [Ruling of the Crown has no guardian - and the legacy of the ruling is not the inheritor of his, Were entitled theory is confirmed.

3.3. Termination of parity

If, on the expropriation, the apostates mentioned, in addition to expropriation, dispossession parity also, the work is heresy, apostasy achieved after transplantation [Hollow] renegade parity between man and wife is taken away, and his wife could then Expire number of deaths, to comply with another man unless, of course, dedicated to innate Apostate is death. [Shahid Sani, 2001, vol 1, School Gorgeous explain to him Damascene, and a national apostate, after the call to repentance, and it is rejected, it will be subject to this provision. [Najafi, no data., vol 41, p 615; Khooi, no data., page 331, Imam Khomeini, no data., Volume 2, page 286]

3.4. Disclaimer cleanliness

Terms Untouchables, regarding the excrement is used as a natural, but incidental impurity, which (naturally clean, and be unclean by something else), often called untouchables. [Jaziri, Abdoreza. 1985. Jurisprudence on the doctrines of the four, Volume 1, pp. 68] As such, one of the holy al Islam, blasphemy is a variant of unclean nesses. Accordingly, a person who was a heretic, leaving the realm of Islam, blasphemy and abomination has been entered in the field. Saab is also someone (ie, the ratio of insulting the Prophet and the Imams (AS) approximation) to the Prophet and Imam (AS) approximation, such as a heretic. (Najafi, no data. Volume 6, page 56)

3.5. Disclaimer province

The supervision of parents on their children's, as a heretic, after obtaining apostasy is changed and the negation of the proposition mustache verse, verse 141 of Sura Nisa is inferred.

3.6. Deprivation guardian

Another case in which the law is not clear, but the rules of jurisprudence, it is the guardian of deprivation, apostasy is a gem. If a guardian, incapacitation, or death to a Muslim is a Muslim, Islam loses the bet, and this date is secluded. (Safai, Emami, 2002, p 301)

- Review of legal jurisprudence and insults the prophet

One of the essentials of Islam, Are all prophets bow, because the denial of dignity and uphold their dignity, and their courage, virtue is heresy. (Najafi, no data., vol 41, pp. 437-436), many great scholars, commented on, and some of them also have a consensus on this issue. However, many scholars, the insults and abuse, raises an issue separate from apostasy, which is its own judgment, and do not heresy, even though it is alleged that, between stripping and apostasy, there is no difference. Some scholars, as have been the one Almighty God, to insult the Prophet or the Imams apostates, the death of the jurisprudential consensus, and consensus Both swear by it, this implies in the hadith, whoever intentionally Imam and leader, who is from Allah, to deny him, and religion and antipathy Chew, an apostate from Islam. (Horr Ameli, 2012, vol 18, p 544)

Imam who accepted the gut, but then tries to deny it, and include an Imam who did, did not believe. (Horr Ameli, page 356, Vol 18, 2012; Kolayni, no data., vol 2, p 388)

Also, in insults Hazrat Fatima (SA), and apply this as an insult, and his insults to insult the Prophet returned.

Islamic criminal law, insulting the Prophet talks about God's final season as a change in the new law, the Articles 262 and 263. Expression has also suspended the debate on the tenth season of the year 513, or, as insulting religious sanctities, is presented. It seems, everyone holy prophet of Islam, and all the great prophets of God, to insult, or to Fling, Insulting the Prophet, and sentenced to be executed. The amendment to Article 262, stating that, Fling any of the infallible Prophet (SAW), the prophet Saab sentence, and also had the lyrics insulting the Prophet (SAW) is a prophet in the sub- decree, but in the Article 513 BC. M.. A., Suspended the legislator in question, regardless of insulting the Imams and Hazrat Zahra (SA), subject to Insulting the Prophet and the death sentence is known. Seems to conflict resolution and the amendment of Article 262 and 513, it is obvious, but the result is that, by keeping an eye on the logical interpretation of the rule of jurisprudence, " Combining an understanding of the possible first subtraction ", and that the best word insult Fling surprising Fling insult to Zahra' infallible Imams and the Prophet (SA), Insulting the Prophet and the death sentence is true.

4. Conclusions

- Communication with the Holy Essence of God, along with the creation of something innate to man, and man to God, are tied for the handicapped and his creations, and the effect than the cause of existence, is independent, and therefore man monotheist and believes in God, the love of knowledge, known to its owner, and the fact of its existence are understood, and if you believe this kind of recognition, distance himself, the self has been led astray.

- All schools of Islamic jurisprudence, has been guilty of apostasy, heresy, a form of treason because they are taken into account, because when a person is Muslim, closes covenant with God, the unity and stability of the Resurrection and the necessity of faith, believes

- The legal culture, our religion, which has its basis in its place, the method of rational understanding and dialogue style, away from coercion, in the realm of belief is based on the love of observing certain social interests, and given that, some said such acts of apostasy, and the consequences of fragile social and irreversible, has been sentenced to proceed to the legislation. Blood' problem and narrow interpretation of criminal law, presumption of innocence is confirmed.

- The new Penal Code, concerning apostasy, there is no clear wording of the question of God, and criminalization is not the only legislator to Insulting the Prophet, the alternative of apostasy has pointed out, the only legislator in Article 220 of the Act, stating had " the part that is not mentioned in the law, according to article 167 of the Iranian constitution."

And noting that apostasy is a part of God, and the judge will refer the law.

- Famous fatwa Imami scholars, confirm that the blood Abandoned innate apostate and should be killed, and his repentance is not accepted, but the national apostate repents, he is accepted, the new Penal Code, punishable by a discussion of repentance unto barriers is entitled law in Article 114, two points can be derived:

A) In all of God's crimes, if convicted of the offense proved to repent, be annulled.

B) If the accused, after incriminating confession, the court is at liberty, pardon the offender was asked by the head of the judiciary of the Supreme Leader, End according to Article 220 of the Penal Code, which is part of the apostasy of God, and Article 114 the rule, she lies, including all offenses the extent, therefore repent with the terms of Article 114 is binding.

Also be interpreted in favor of the accused is also confirmed in this case, and the rights Elite believe in the principle of legality of crimes and authorized, in turn, refer to the law, the process is not punishment, and seems to repent, the conditions of Article 114 of the Penal Code in order to move toward an interpretation in favor of the defendant, and caution should be compatible Dma'.

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