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Review article

Conflict and jostle review the rules and regulations of Imami jurisprudence essay

S. Kheradmandy*, M. Hariri

Department of Law, Kermanshah Science and Research branch, Islamic Azad University, Kermanshah, Iran.

*Corresponding author; Department of Law, Kermanshah Science and Research branch, Islamic Azad University, Kermanshah, Iran.

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ABSTRACT

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Conflict and Jostle talk always of Islam, is taken into consideration; conflict, as Contrary, two reasons are known, in some cases, if not the sum of two reasons, the judgment Fall it is applied, and the simple and complex forms of conflict, and conflict -based and non- resident, is considered. Jostle also been said about the place Contrary, consider two sentences, and in fact, the legislation is enforced. Evidence generally divided into two categories, legitimate and persuasive, persuasive reasons on the legal front, and the new Penal Code, the judge's complement other evidence is considered.

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1. Introduction

Jostle debate and conflict, since infallibles exist, because some companions, has great presence, and raised the issue of differences in traditions, and it wanted a solution Majesty, and the gentlemen, their solutions having said that, with Noting that, shari'ah law is divided into two categories, rules and provisions of the state withholding and withholding provisions, including five kinds. Obligation, prohibition, abomination, recommendation, Legalization, and state laws, including issues such as guardianship, power of attorney, is parity.

Therefore, when the shari'ah law or conflict in the evidence Jostle case or issue should happen in this case, Fundamentalists, the case will proceed to resolve ambiguities, therefore, discuss and Jostle conflict,

the most important principle, because less happen, Bobby jurisprudence is found in the chapters in which both the religious conflict that each priest is obliged to fix it, is not there, the priest had to be solved. Conflict, the word means the opposite of news coming together, and sent it, and the opposition has come up with another one (Dehkhoda, Ali Akbar, 1993, p 5948), and the science of Logic, conflict and contradiction synonymous, and it is simply the difference between the two cases, so that the truth can be another false one itself (Khonsari, Mohammad, 1994, p 125). And the science of jurisprudence, as well as define their conflict is, conflict between signified two reasons for inconsistency or conflict (Ansari, Sheikh Morteza, 1991, p. 429), from the perspective of jurisprudence and legal, because when two or more competing against each other are, so that they can gather the mystics, and if one excludes the other, in this case, the conflict is achieved (Mohammadi, Abolhasan, 2008, page 349).

A) Fulfill the conditions of conflict

1) There are at least two reasons.

2) Contrary and deny each other

3) Unity Thread

4) Validity evidence (positive power)

1) There are at least two reasons

In contrast, cited two reasons indicate the minimum evidence necessary for the realization of the conflicting evidence, or two arguments against it, and conflicting with each other. (Mohaghegh Damad, Seyed Mostafa, 2004, p 125)

2) Contrary and deny each other

To realize the conflict is necessary, partially or wholly, for any reason, the other reason to deny so that a consensus together, it is possible. (Mohaghegh Heli, Abulghasem Najm al-Din Abu Jaafar ibn Hassan, 1991, pp. 897)

3) Unity Thread

The most important condition for the conflict between the evidence claim, this unity is, therefore, the third condition, the realization of the conflicting evidence, it is subject to both reason and common units, in other words, every two reasons to prove it directly to the unit, provided for example, if a person has, by virtue of the ordinary document, claim your car, and person B well, according to witnesses, and the evidence seized legally claim ownership of the vehicle, at the same time be the referent of each 2 behalf of Guides, ownership of the property at the time, and the condition of the unit, so the Guides the conflict there. (Amrovani, Rahman, 2011. pp. 35-34)

4) Proof of evidence (proof required)

The fourth condition, the conditions for the realization of the conflicting evidence argument is that, because of either or both the cross, having authority, and are attributable to the subject of dispute, to infer the above premise, we would like to mention one example suffice; if you want to invoke an immature control, the litigation, and the research community to benefit, in this case, the testimony of witnesses, and local research, there is no conflict because the minor 's testimony lacked credibility.

B) Types of Conflict

1) Conflict deployed and non- deployed

When really, the referent for two reasons, Contrary and conflict exist, based conflict, say, on the contrary, if only at first glance, seem to contradict the evidence, but after a little reflection will reveal that, due to lack some cases four above, there is no conflict, conflict, conflict is Non-pseudonym. Personal example, claims her lawyer with the knowledge of his dismissal, he sold the property, and accordingly requests the Court to invalidate the transaction, so in this example, the survival Rooming client property than the property is sold, the Rooming conservation law, until the time of the sale, are in conflict. Rooming conservation law, in relation to survival Rooming property, Rooming causal, because certainly impressive client representation induced survival is in doubt, and thus exert a causal Rooming (survival of attorney), the causative Rooming (conservation property), will be excluded. This conflict is a conflict Non-pseudonym.

2) Conflict of simple and compound

If the conflict is simple, just only one reason, the other reason could be, for example, favor a Bachelor parties and witnesses, in the interest of the other party, but if two or more reasons, against one or more of other place, it is called a composite conflict, for example, if the evidence demanded in a single

subject experts, and witnesses, and to reason on the subject is an ordinary document, in this case, for two reasons: one reason is the which is composed of the conflict. (Amrovani, Rahman., *ibid*, pp. 39-37)

C) Mandates the conflict

If, for two reasons seem to be contradicting each other, it can be seen from the allocation or expertise, or Login or state law or conflict they resolve together or not? If possible, have one of the above ways, the conflict was resolved, and both reasons, applied, as stated, I have two reasons to be gathered together, the better it is, the next one we, and the conflict in this way does not work here, because the conflict of two reasons, either because it is void. These solutions, fall rational solutions, which can be solved in terms of the law, and the Sharia, on the base could be accepted, but there are sharia three solutions: 1) Stop 2) delay; 3) caution (Mohammadi, *ibid*, p 250)

D) Jostle

Jostle of the trouble, and so, when the two sentences can interfere with each other, so that one can, as it did both Jostle, and the two sentences Intruders call (Valai, Essa, 2010, page 139- Valai, Essa, 2010, p 190) in other definition, when the referent, because of two reasons Four jurisprudence, legislation and legislation in the Mind defensive, is not there, but Conformity implemented and, in some cases, the problem arises, it means that it is possible to run two sentences together, and running obstacle to the implementation of one another. (Jafari Langroodi, Mohammad Jafar, 2001, page 155), for example, if a person has poor parents, who should pay the costs of both, and he is only a whom has the ability to pay, in this case, say, the necessity sentence give to my father and mother spend the necessity sentence Jostle there.

D) The sentence imposed Competitor

If, between the two sentences is Jostle, if one is more important than another, it is the front, and otherwise shall be at liberty, if the assumption lifeguard save one of the two parents, and the other is an alien, prior to his father 's sublime, both are outsiders, it is liberty. (Mohammadi, Abolhasan, *ibid*, p 351)

C) Conflict between Jostle

1) Conflict situation is for two reasons, and two sentence imposed Jostle.

2) The conflict between the two because, as legislator and Jostle two sentences in the implementation of legislation.

3) The implications of the conflict, and Jostle because the place is like homework.

2. Conclusions

1) conflicts in the evidence Contrary if Jostle discussion, the Contrary two- sentence.

2) It seems that the current law applicable to the case on conflict evidence is more Jostle, also in the new Penal Code, where the conflict is seen also in Articles 212 and 213 BC. M... Indicating that, at variance with other evidence, transposition is: a) knowledge of the judge, b) admit c) Divisions religious martyrdom.

3) The conflicting evidence in the event of a conflict between the requirement gathering capability, is of both practical and otherwise, both because it is void. But Jostle first and most important rule is considered, and End Given a choice the rule is applied.

4) Jostle process, the provisions of law and legal, financial and no financial, and Contention right people and the right of God, and it seems, in discussing the conflict with Contention right people and the right of God to know the truth before God, unless a valid reason, rational or traditional, exist.

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