

Rules governing a policy relationship

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Abstract: Islamic rules efficiency is one of important and essential options. In this research concept of policy and source of its detection and the rules of it in legacy analysis and different types of policy were discussed. In conclusion we find out that policy isn't the cause of unruly and we find use of policy in legacy legal source and it's based on exact professional elements.

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1. Introduction

Using the policy and possibly rejecting the governing of rules base don it is one of the important elements that can harm counting rules and legacy so we can express this question can we use policy and absence rules.

In Islamic view:

Using policy in society governing and legacy is not cause of imitation of rules governing and it's not the reason to take actions by your own idea in Islamic government and interrupt the decipline of different society's organs. Using policy is based on regular basis and can help to solve the problems of Islamic society. We discuss the rules governing and policy relation to clarify this item.

Part one: policy concept and source of its detection.

Rules efficiency is based on religious. Religious rules is to arrangement and move the human's relations whit gether and provide their benefits in this world and hereafter. By this reason when is lanic society face with unsolvable problems that society policy? The question is policy is an independent rule or it is a side action.

It's seems policy is independent and we can see it in every part of juratory and it's a juratory rule and all of this part are main rules can we use policy to create new rules or this rules are in contrast whit other rules? Is policy away beyond rules that omit countries rules and away for escape from rules and reject rules and help unruly? Is the Islamic governor policy __ to reject rules and destroy the elements of power in country?

The interference of Islamic governor as name of policy cause to unefficiency of the other parts of the governments and make them useless.

What is the measure of detection of policy? Is this measure is typical or personal? For sure it is in governments should be in befits of all people this policy should be based on what kind of rules. Is the governor detect the policy and what he said is the

policy? Are expert detect the policy or the society dace with the problem and after that the element of policy will show up and try to solve the problem? We will answer this question.

The concept and the meaning of policy

Note one:

Policy is derived from an Arabic root. This work is a root by the meaning of consideration, Policy in contrast with crime and means good action. (Dehkhodda v 12. P 18541). Policy is what can cause good things and we can see (this sentence by Iman, detect the policy in this way) it means the action and works that gain them benefits.

Shahid Beheshti in the meaning of policy said: policy is work with a vast meaning by this regard governor policy has different types. The best type of it is that the one contain the benefits of this word and the other and the religious benefits for all people and all nation in every time and generation. Policy is a kind of action by the Islamic government to make the public benefits in Islamic society based on the religious aims, that taken place.

Policy has vast means like emergency, essential or the other meanings, it means without any emergency action and just by this reason it can because of the Islamic society improvement, we can order this kind of action or we can stop it by term of policy, for example this kind of action or comfort and without any emergency case we can destroy flats. Any natural phenomenon that benefit use is policy and any to cause harm is crime. Good actions are things or actions whit benefits and crime is an action whit harm. So each policy has two elements like benefits and goodness and each crime contain the harm for people. Policy is in natural phenomena or in the human actions we have two source: goodness and benefit those who equals policy we benefit thinks that every action has benefit in or mind.

Base on this some policies contain benefits and some others to avoid harm ghazali descript policy in term of rule provides aims. In ghazalis idea legacy

aims are support religious keep human life, mine time of mind and support of generation or properties are briefly expressed for sure policy in religion if it can provide rules or it can use as a part time governor order should be an element to get peoples to aims by all of this we see the result that said:

Policy is to provide religious, temper and the benefits of all the peoples in society regard to the religious aims.

Note 2: policy detectors:

In the first glance for religious juratory (sonnet) or Shia it seems policy responsibility given to imam. Ebn abdolsalam says: as god goodness and badness and in knowing what is good or what is worst we have different ideas. All the features of imam is put in one person to provide benefits and avoid harm and stop difference and this notice to imam idea.

In sonnet ideas the way and program of imam is an undeniable and it was said: as governor selected away it's not true act against it. More ever the ideas of sonnet is a public way and in some part of history in this example the selection of the ways is given to imam or governor by bite difference.

In valuable religious texts emphasize on using experience logic and express ideas in Imam Ali's letter to malek ashtar, his genius governor is been mentioned: to make your basis of your country and to what makes your people benefits talk with experts.

To do such a kind of activity the governor should select some concealer to help him in his responsibilities and used their ideas to solve the Islamic society's problems.

Note two: the rule of policy in legacy:

Policy in the most of the times directs to legacy. That one of them is to

First paragraph: keeping the Islamic system.

The means of keeping Islamic system is to keep independents and have an Islamic governor that usually called baizatoiesalm in the other definition it contains ideology and religious and it's organs that's how the Islamic rules in the outwork of society.

Enfact every action by person or society in Islamic system that help this system is "vajeb" and each action interrupt the aspect of religious is "haram" and forbidden. In the keeping of Islamic system it can make rules is second parts and each (Mobah) action like education-teaching and research in religious fields and different thoughts is "vajeb" and each action like culture transition is "Haram" and in whole in the politics.

There is a new measure to keep them politics problems like mojaz or for louden or necessary and by this base analysis of the problems and the rules of Islamic is defined policy as them of keeping the Islamic system and support the religious that clergy call it baizatoiesalm for sure is an important action

and usually use them as an important base for the other parts for each proved rules in Islam as a omitted rule and base of the proved governing of juratory is the base to make rules in concept of governments rules.

Paragraph 2:

For sure in Quran and other religious speech we have a bunch of rules that we cannot measure them as valuable in the other worlds, but you have a question have is that can we use this problem and connected out with other so call problems like deals and search about the measure of rules to prove them in the progress of society?

Measure can be used as the meaning or a cause of something.

In religious it is mentioned that don't eat against

About something you lo alive in it. Ebn manzor says, the measure for the options is its' consisting sonnet is one of the oldest religious follow that talks about the philosophy and the measure of rules like detection. Aboabdollah Mohammad Ebn tormozi in his book (sallat and maghasedha) try to express the aims of pray and good actions and his important work it was a book by name of <<ellal al shiva and allal obodia>> that there is no trace of it following the rules by the benefits <<asheare>> don't believes this and said god has no intend in actions, as we says rules need a result depend on that good actions base on peoples on their benefits but it seems this things is not <<vajeb>> for good if we say rules have cause it means that good have intended in his works or actions that it is not true about good because it clears that god needs some things and need to prove this rules to be complete.

Intention is action against god power because god powers absolute option and it does not means that good create an order by some intention.

Beside of this matazele and adleyeh says that it is vajeb too good to create orders by intention, because it does not means good doing a job without philosophy behind it, and it is for god is impossible. As we say good is sage and his actions is not without philosophy and policy and its means that good thinking produce such a kind of orders and we can't say he has been limited or forced to do so we can't detached good philosophy of him and by this reason his action has philosophy every time and has reasons this means he doesn't create order without benefits of people or to avoid a harm from them and by this his force Is not limited as we say the philosophy for god is vajeb, it is not a rule or order but is inform a complementation because we count order or make rule for god when we say god is philosopher it is impossible for god to do action without philosophy.

Preferring a thing without priority that it is needed to be perfect in rights. God is philosopher and

his philosophy is forever that his rules and orders are reasonable and without policy (Ayes P 177-174).

There is clear Ayes in Quran that proves reasonability of goods actions and order and having reasons is undeniable in Islamic thoughts can be cause of logic and quotation relation between good action and philosophy and policy is not supported.

More ever this relations exact of policy and philosophy and a separation of this kind is just about speak and talk not in the real situation and all of Muslims believes this. (Sadi Bitar p 339-403).

There is lots of quotation that prefer that orders followed policy at least in deals and we bring an example, Imam Reza Says:

Good does not called any drinks or eating Mobah expect there was a harm on it. Sometimes there is no benefit or harm in things but the harm or benefit viewed and decided. Orders are in this types orders to Ibrahim to his son while there is no policy in it but the policy is in the testing Ibrahim in type of obedient of the leader. This test prepare him to be a prophet and it is a policy that it is common in logic orders.

Part3: types of policy

First paragraph:

Policy is changeable or fixed by this category action order divided to fixed and changeable too: because this follows benefits and harms, is juratory divides the orders the division of policy depends to policy itself. This division has been expressed in parties' books. Shia philosopher accept to it and prove some rules for it but some sonnet philosophy rejected. As hammed Hessen after this division by Mustafa shalabi says it is difficult.

Mustafa shalabi divides policy to two types, changeable policy that changes herder of time, placer person and fixed policy that it is fixed in every time and places and after this division he concluded that changeable policy has priority in term of deals and habits and fixed policy has priority in term of parts. The reason of changing rules in time is for that changeable rules basically depend on rules of public and their benefits and this types of benefits we can't be right fixed rules <<booti 1412 p 253>>. The feat is that the religious rules changes in time and this rules in the root are the one and it is to reach right and attract benefits and avoided harms and the meaning of changing rules is nothing expect changing is instrument to achieve judge aims. In fact this in strumming are not defined by judge and judge leaves them. To select an exact instrument that provides better result in public system and solves the society system.

Rules are two types:

First, the rules that are same and have no change neither in term of time nor place like measure for the crimes. So for this type of crimes there is no change

and rules that act against religious rules second types are the rules that change in term of time, place and situation like measure goods and tea lures. So the judge based of policy.

Changes them for example the rule and pray was expressed exactly a Quran and equation but in case of deals just the whole rules expressed. Prays have fixed rules but deals as people benefits changes the rules of deals can change by the time. (Tavakoli 1384 p 117 and 118).

You can't find a rule without paying attention to policy or harm, it means before the judge order things or cautions have benefits and harms and this option cause to an exact order for that action.

Holy prophet says: my people, I order you to do what keep you close to paradise and to keep you away of hell and pro habit to do what make you close to hell and away to paradise (Hor Amoli 1381 V 17 p45).

Imam Baqer has been asked why god pro habit pig blood and alcoholic drinks? He answered this pro habitation an allow for some actions was not because of god in tersest to hallal options and it is cause of that the god creates the people and has good knowledge about our body needs and about what can benefits it us has the result it was haram (Sadegh 1408 V2 p196). In the other quotation by imam Sadegh: god didn't make any drink or eat hallal expect there was a policy and benefit in it and didn't make any thing haram expect it was harmful a cause to death.

Second paragraph: changeable policy

In contrast of fixed policy we have another policy that it is not for all the times and it is change based on time and place so each order based on this policy like the policy itself not fixed. This type of order depended on timely benefits and depend on the idea of juratory that knows the situation rules that come from this policy are called governor rules and depends on juratory idea, the holy religious give this right to them so we can divide religious order in two types:

- 1- Fix order that depends on benefits or harm.
- 2- Changeable orders that depends on situation.

This are changeable rules and orders that declare the realm of juratory government because this type of benefits depend on jurator idea but in fix order we have limitation in jurator idea as government rules that proved by governor to provide decipline and benefits of public based on time situation and we can change them but secondary orders are for and event or solve the problem like tobacco order and soon that it is not formal and legal and after the problem it has been cancelled automatically (Marefat 1377 p 174).

While in this shiat jurator ideas for innocents in fixed and on governed rules there is no right to use policy bating government rules they have a fixed right to detect because rules and orders always depends on

times and situation so change and temporary are the features of government rules .

We have lots of Ayah and quotation that exactly proves the right of innocent in government selections (Mollazadeh 1388 p239) base on this reasons innocent have some right in government and people should have to obey their decision.

For example in holy ayah obey to holy prophet is beside to obey of god (Nesa 391) or ayah (Ahzab 6) that plummet in medina (Makarem Shirazi 1363 v 17 p183) is emphasize on human right in the selection, this right can be mentioned as a limited factor in legacy.

We can say the policy should be in frame of rights justice as an element of logic plays a crucial rule in legacy based on this. We can clued that policy in not a reason for unruly but use of policy in legacy is based on rules and base on exact experts measures.

4. Discussions

- 1) The first and only source in Islam legacy is god.
- 2) Law is the same in different situation of Islam for all and just in some cases different for government.
- 3) Islamic laws provide bless for people in this world and the other.
- 4) All the choices of Islamic governor is by the law he has to do his works based on law and we have no person more than law.
- 5) The Islamic governor saves the law to avoid mistake.
- 6) Inside calmness, justice and freedom are of the result of law governing in Islam.
- 7) Changes in religious have this faces:
 - 1- Example change
 - 2- Performing change
 - 3- In charge situation change
- 8) Using the policy by Islamic governer is not mean of law governing but it means law is important.
- 9) Justice is the measure of exact law and injustice law is not in the god and Islamic law.
- 10) Prophets aim is it to prepare justice rules that all of people use it, justice doesn't come from religious rules but it's come from a fast the tithes the self-value.
- 11) Equivalence is the base and essence of justice and its need to freedom.

- 12) Peoples in Islam are equal and differences is to identify.
- 13) The main result of law governing is to avoid personal decision and to law governing that provided in Islam.
- 14) Islamic laws are public, forcible and clear and the hypothesis of law governing had been provided.

The obstruct idea of law governing is based on humans right value, guarantee the personal freedom, based on justice in law and emphasis on that this options provided in Islam completely.

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