Personal Bond of Emergency

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Abstract: Emergency rule, the rules of Islamic jurisprudence - that law has its roots in the Quran and hadith And is used in most fields of jurisprudence. State of emergency as a legal excuse for committing some of the forbidden is acceptable, and of course, about the size and amount of blame should be respected. Thus, the urgency and desperation in his feet and puts them back on the legal requirements placed. In Islamic law, the emergency rule, the principle is clear and accepted and also many verses and traditions surrounding this rule has been that the owner is very good and important points. In the emergency rule provisions governing the suspension and the distress due to their actions, orders him to be removed. But this rule does not govern the situation warrants and jurists, citing the tradition of being allowed to fix, as the distress of the situation, and assume responsibility for damages and losses resulting from the act as an emergency. The reluctance of emergency Forcibly separated and Each has a different meaning of the provisions and requirements. In this paper, referring to the emergency rule, the Quran and the validity of documentation, the terms and scope of this rule, the difference between compulsion and with reluctance, and the personal bond and its forms, will be expressed in an emergency, personal bond does not. The main responsibility in Islam is that no harm should remain uncompensated.

Key words: Emergency-Personal Bond-Reluctantly-Forced

INTRODUCTION

Jurisprudence and Islamic Law and Jurisprudence in the rules, the rule of emergency care and has a special place. This rule applies in almost all fields of jurisprudence and to the extent and time-consuming because, in most fields of jurisprudence among the general rule is because in most fields of jurisprudence, worship, transactions in the general, special deals, meaning, practices Public and personal details are used. The provisions of this rule is that people see themselves in a pinch to get rid of it, despite the propensity, to be doing something like that to pay for their sick child to the hospital, being forced to sell his house. Certainly, in no doubt the correctness of such a deal. Of state in history, has always been a reason for disagreement. Criminal responsibility is also about the need for everyone to actually be committing a criminal act, punishable and not to blame. It usually is caused by the extreme danger to life or the right person comes.

The law states: "If the transaction would result in an emergency, as detestable and not the deals will be valid emergency." In this matter, but the deal has not expressed the emergency rule and emergency rules in certain Evidence can be found only in the case of an emergency. But according to the lexical concept and the legal precedent that can be said of civil rights, an emergency is a situation that forced the person to get to the transaction, the person or situation that compels him to do something that might make and the personal bond of civic responsibility. In criminal law, while the incidence of extreme danger such as fire, floods and hurricanes, can protect life, property and rights or other rights of crime is inevitable. In other words, an emergency situation, the man forced Gift FQ Bandwidth of the matter is between two or abide by the legislature in the face of danger, harm or substantial damage to property or otherwise violate the rights of others, and finally committing crime, such as drinking wine to save lives. The state of emergency, and having seen a similar look, but the effect on the will of man is the same. Having the power to deprive man of his choice and closes, while the selection is in distress and the desire to ward off danger and wanted to act. So, do not have the will and without distress. This paper reviews the jurisprudence of emergency rule, the substance of civil law and penal code is also the fact that, documentation of emergency rule in the jurisprudence and the adoption of this rule is based on this material. It also examines the types of personal bond and will be dealt with and that person has a personal bond in the state of emergency or not? The personal bond and will express the urgency provisions of the current deadlock, but not in the current situation and the provisions of distress as the condition is responsible, that is. Where the main responsibility of the civil rights, compensation for any loss incurred has responsibilities to fulfill, the causal relationship between subject and verb and be lost.

2 – Emergency:
A - The Word Emergency:

The word emergency means misery, frustration, being forced, desperation, need something, incontinence, coercion, and eventually had to get up and want to find someone. It is a state of necessity and desperation, a man
driven to do something or not, and escape from it. Means poverty, and poverty is difficult. Whether it be spiritual or inward and outward and visible members of the Bodily Posture evident.

B - The So-Called Emergency Jurists:

Urgency in terms of jurisprudence, the circumstances of that person or leave the choice to do something to empathize sometimes forbidden and sometimes it is lawful, such as being forced to eat pork that is forbidden in principle or being forced to do The business deal is lawful.

C - The So-Called Emergency Lawyers:

The law, lawyers have defined emergency circumstances to the person in the circumstances, the action is legal. Jurisprudence and civil rights in a state of emergency in which there is no threat, but the circumstances for doing an act, so that despite the lack of satisfaction and willingness to work, to record the circumstances, it's done Despite their propensity, but the specific consent of the plan and called it a civil rights consent to the transaction or transactions are done and the amount of Reza, Reza, at least, it is a condition of the contract. In legal language the word urgency or the necessity for the French translation of this word is synonymous. The word means a general emergency, when the man finds himself in a corner and be forced to open it would work. Like someone to pay for their sick child to the hospital is forced to sell their home. Certainly not like in the deal.

3 - Personal Bond:

A - Personal Bond In The Dictionary:

Personal bond in the dictionary, means to bail out, and pledged to accept that. Putting something in the object so that it covers, custody, commitment and being patient.

B - In Terms of Personal Bond:

The word personal bond, in the teachings of the Quran is not used, but the lexical meaning of the hadith is found in law texts, as well as its application is very broad. Personal bond and its application in terms of family law is very broad, the personal bond, to take another human being it has meaning. Idiomatic meaning of the word, the meaning of the word far and did not address the meaning of commitment, is to assume the responsibility. This term has different uses. The number of applications including personal bond, which is a commitment. If it is a contractual obligation, the obligation to accept other provisions, such as signing a personal bond and is used to bail contract, draft contract and the contract is based on personal bond.

4 - The Types of Personal Bond:

Personal bond Is divided in two types: personal bond or personal bond force. Signing a personal bond or personal bond contract, which is the expression, personal finance, which is due to be undertaken. Committed by the sponsor or other third party content crushed and say thanks to the original. Personal bond force, is responsible for the consequence of not signing on as a personal bond of marriage has been usurped and corrupted over the personal bond. And in the other division, the personal bond is twofold: personal bond and personal bond Waste. Main personal bond, personal bond that is the main purpose of such personal bond and price. Loss of personal bond means that whenever the loss of contracts, trade waste or waste subject to the law, the personal bond and surety of the personal bond, property is considered wasted. This personal bond, personal bond that waste, such as personal bond salesperson before receipt of waste.

5 - Through Personal Bond:

A - Personal Bond In An Emergency Situation Warrants:

Jurists rely on the Elimination of hadith, including the situation warrants it, the hardship and suffering that this nation should be thanked not comply with it, and now have unknowing. Therefore, the distress of the situation in terms of knowledge, he is responsible for the damages and losses caused by the act have declared an emergency.

B - Personal Bond In The Emergency Suspension Orders:

Undoubtedly, the elimination of the hadith is the difference between these sentences is that the current deadlock, the sentence itself is the subject or the subject of the verb is the task to someone else, such as theft, which brought about the necessity for a ruling should be discontinued. Therefore, it can be said: The hadith cited fixes, the provisions of deadlock and resolve the situation, but in any case, the removal of the restriction and the plight of the Muslims to be thanked by the removal of the hadith, the sentence will not be resolved, including in emergency because of the hardship and overcome the difficult situation the nation is not the highest.
C - Emergency Rule:

Certain rules of the emergency rule that has its roots in the verses and hadith. In many verses, God is great emphasis on the state of emergency and said the verses are used, the solvent is considered unlawful when the desperation and urgency. The word emergency means of desperation, frustration and poverty, and the person who placed this case, the relative lack of will is involuntary. In terms of emergency, state of distress when it is allowed to perform emergency surgery and his practice of his job will suffice. The need for (emergency), which is the excuse, to commit some of the forbidden is permitted. It is necessary for that purpose is to grab the material, make lawful what was forbidden, as are crimes for the purpose of passing on the good and punish Mttrtb they require. With the creation of awareness of self-created, what is that interest him, what is lawful and lawful, and stated that his losses, has said sanctions and prohibited. So, if someone had to be confidential under the conditions used, so that way other than eating is not confidential, can eliminate the need to use it as sacred as the cross-country and the solvent is no more.

6 - Documentation of emergency rule:

Jurists and scholars, according to its normal position in the argument and justify his religious beliefs, the evidence of the four books of theology, tradition, unity and wisdom brought on, his jurisprudential views of the issue and resorting to the evidence, reasonable and justified are. The official justification for resorting to emergency rule to have acted similarly.

6-1 – Quran:

A - what Allah has forbidden you carrion, blood, pork, and it does not name God used when it is slaughtered. So if the choice of eating one of Muharram is so oppressive and aggressive than what he is not guilty. Verly God is forgiving and merciful.

B - who through hunger, forced to eat while not inclined to commit sin, Allah is Forgiving, Merciful.

From the interpretation of the word, the plight of the hunger that has Mjah. It means a matter of right and justice has been betrayed.

C - What is it you do not have the name of God eat? While it is forbidden to you, unless you eat it you'll inevitably have to speak in detail.

D - Religion is no sin on you and not narrowing.

God is gracious to the believers and the religious right and the blessings you have bestowed and every sin, and the difficulty in ruling on behalf of your religion, like Islam, Sharia is not easy in principle, not give it to The petitioner is not at all difficult.

6-2 – Narratives:

In an emergency, imams, many accounts of the Imams (AS) has quoted the Hadith books, including a Shiite means that you can see it. The following are some examples of it. Prophet (PBUH) has said: Not everything has been removed from my community:

A - Error   B - oblivion   C - What are the reluctance    C- it does not tolerate    D - do not know what    E - What are distress    F - envy    G - and temptation in the creation of imagination and thought as long as you are not on the current language.

The tradition is that all sentences (Muharram and acts) that the refusal of the emergency, it will be on duty. This version of the Hadith is considered authentic jurists and Hadith it is considered appropriate and there have been some doubt in the document, but international renown in the Hadith and the jurists believe that the hadith in question and principles of our jurisprudence on this issue will need. Imam Sadiq (AS) has said: Every one of carrion flesh, blood and pork and distress them not to eat to die, {to} the blasphemy of God has failed. Apparently this story, the Imam (AS) as a religious duty to resolve the emergency and refuse it, and blasphemy against religion is taken into account. Sunnis, the Qur'an implies responsibility on the state of emergency, according to their traditions have self-sufficient.

6-3 – Consensus:

It's about as rational as it is an emergency overall, cannot be made to achieve consensus and there has not been achieved. If the time because it is based on reason, not authority, but in particular cases can be consensus on the claims of reason. Although the problem of consensus and consensus can be cited as evidence of the search, but due to the verses and hadith, consensus document, and no independent value.

6-4 - Intellect

One of the reasons and source of ijtihad, it is common sense and think, reason to commit unlawful license in order to keep the larger interest of the ruling. Emergency rule is the intellectual and moral criteria and documentation from various nations and has also been invoked. So, if the period between the two has been warned, if one is odd and rotten than the other, the reason to permit it to commit such unlawful acts, if the
bailout is to stop someone like this person to eat a Myth distress, and in that case, one side is the loss of life and other corrupt acts are forbidden and shall be adhered to both in one sentence, or should not eat meat, the Myth and die or commit the act and its save from death. About the harassment and most important, most important front in here, and the preservation of religious and wisdom is more important than eating Myth, therefore, committed no wrong, forbidden to eat meat Myth. Muslim lawyers, rational principle of the emergency rule has been approved and acknowledged.

7 - Under The Emergency Rule:

Impunity for crimes committed in emergency, because it is exceptional only in social terms and can apply in certain circumstances. For the emergency removal of the fault committed, it must meet the following conditions.

A - The risk of severe:

Article 55 of the Penal Code states: the condition occurs in a state of emergency "threat Severe, "or imminent threat to the lives or property, committed or otherwise. Obviously, the risks, such as "flood" and "Storm" is a parable about the material aspects of the limitative and any other risks such as earthquake, fire, aerial bombardment, starvation and disease are included. Threatened to "when" an emergency operation and should be granted. Hence, there is fear of danger in the event of an indication that the defendant committed the crime, not a lawful return.

B - Need for Crime:

Under another section of Article 55 of the Penal Code, committed the crime should be to protect lives or property or another. France and Britain about the urgency of the issue of refugees who cannot leave the court in France or England to run. (If they return to their country. John them at risk. Other countries do not allow him to enter do), has been proposed.

C – Impending:

Another condition is that the urgency and danger of imminent harm and imminent threat to commit. The degree of risk should be actualized is reached. Like the person before the flooding and the possibility that it may in the future now and slapped him on the way home because the flood has destroyed the wall trying to cope with his neighbors, his act is justified, because The danger is not imminent, and not actualized. Permission to commit unlawful acts is not possible risks. Jurisprudence, the incidence of anxiety and fear through self-knowledge or suspicion of killed and serious danger is likely to be rational.

D - The Deliberate Creation of Risk:

Logic and calls for justice, someone who deliberately created the danger, then forced to deal with the crime is committed, is considered responsible for their actions. Adverb "intentionally" in this Article, the inadvertent inclusion of other risks that are out.

E - The Appropriateness of Existing Risk:

Acts committed with the risk of detection must be tailored to deal with the judge and must state the nature of logic and necessity and custom, and habit of observing the Muslim community and religious and legal norms and standards, the proportion between the act committed and the risk to meet.

8 - The Realm of Emergency Rule:

Of Islamic scholars and imams, permit a close knowledge of the corpse and eating meat is necessary to maintain confidence and a refusal to eat, appropriate action is not done because of refusal as he has killed his breath. When you need to eat forbidden things God has made lawful, but must be earnest enough to block the spirit and needs. Sometimes the danger and urgency to the extent that some jurists committed the unlawful act necessary to escape the danger of self-knowledge and not killed by the necessity of urgent action. If a person committed to the distress was unlawful, it is necessary to commit the necessary amount of disposal is prohibited. Although the conventions, understanding concepts and reference topic in the religious orders, however, jurists have differed in instances of emergency. Perhaps, the criterion of personal urgency, not kind. Thus, the personal emergency may be true and not true for the other person. Emergency measures must also comply with the requirements and needs to be done so;

9 - Comparison of Urgency, With Reluctance, Coercion, Self-Defense and Necessity:

In civil law, and recognized the urgency of the reluctance is no exception. The law states: If the transaction would result in an emergency, as detestable and no deal will be valid emergency. The legislature of a valid word in this matter, to be valid, the transaction if the person distress or other legal action to do the deal or he will be in...
effect. Between urgency and compulsion, there are similarities and differences. Distress and the detestable ways
of the same situation and are different in other ways. The emergency rule has been adhering to prove reluctant
to rule because of an emergency, the general word, but is reluctant to include. Reluctance of scholars to prove
the necessity and urgency is invoked.

9-1 - Similarity Between Urgency and Reluctance:
A. distress and detestable, are at risk and threatening conditions to live. Failure to do if an emergency
action, the realization of the threat, causing harm and loss of self is both.
B. Urgency and compulsion, and changed the name of religious titles are secondary actions are committed
and the criminal responsibility according to the agent, the release of his punishment will be tolerated.
C. Urgency and reluctance, are the lack of self-Reza. That is detestable, and without distress, the action
turns.
D. Urgency and desperation and frustration are reluctant to draw such a position need only be given to the
threat or committing the unlawful act, he remains for a solution.

9-2 - The Difference Between Urgency and Reluctance:
About the urgency and reluctance among jurists and lawyers, there is no significant difference. The
reluctance of the area is not. So if you are reluctant to realize that there is a reluctance of people like the
oppressor, or the person permitted to leave the duty alleged to have temporary marriage, the marriage and the
like. But the urgency of achieving the verb does not stop there.
Between urgency and reluctance towards the elimination of the Hadith, is the contrast. Abhorrent trait that
means he is reluctant to issue But the personality of urgency about the state of emergency, and therefore passive,
reluctant to make any sense of urgency and no communication with each other and the same applies of course
not. Reluctance of both the urgency and resolve the deadlock provisions are the result of adultery or drinking
alcohol or compulsion or obligation has been fulfilled, is forbidden, and consequently, somewhat reluctantly,
and the emergency situation at work, but the sentences are different. Reluctance on the situation but also the
urgency of the situation is not demanded. Some lawyers who have known the difference between the essential
and emergency reluctant reluctantly, is a threat from outside, by the person comes to the urgency of the
economic situation or social pressure that goes into a person.

9-3 - Similarity Between Compulsion and Coercion:
Compulsion and coercion, are of secondary titles, will be changing as a verb, and the fact that punishment is
to fix the meaning of respect as a religious act to alter Abaheh and consequently, responsibility are also eroded.

9-4 - The Difference Between Compulsion and Coercion:
Apart from having an emergency, because when it comes to the judiciary and the irresistible force of an
impact on crime and forced him to make. This has forced someone else to make a free will, or to leave work to
do. Clearly, as the legal act to be valid, the person forced to perform acts that will have no legal effect would be,
because the intent is lacking, or if the force necessary to leave or to commit unlawful, by no means obligatory or
unlawful act of leaving the collar, he will not engage in contracts, intentional crimes, and crimes are the same
species. But the provisions in the plan, has no role. They were no such problems will have on personal bond.

9-5 - Comparison of Urgency and Self-Defense:
In defense of self and honor, despite the possibility, necessity, and it is strong nonetheless give the attacker
is not allowed. But if someone is incapable of defending and can escape, then it is obligatory. But in my case,
if it is distress, it is necessary, otherwise the defense is not obligatory. The legal sources, the state of emergency
should be separated from the self-defense. Some civil rights lawyers also suggested that such differences in self-
defense would have to be someone who is trying to defend others, but in cases of urgency to refrain from the
harm it has not seen the losses he would be be.

9-6 - Compared With The Need For Emergency:
More posts in legal terms (necessary) is used, but the jurists with the terms (of urgency) are familiar.
Urgency and necessity, are different from each other. Desperation and helplessness in the dictionary sense of
urgency and in legal language, with words or a necessary condition for the French translation of this word, is
synonymous. Another view expressed that there is urgency and necessity, are different from each other and the
difference in the appearance factor. There is a necessity due to external factors, but the urgency factor is
internal. Sense of urgency, with the necessary subject matter, at 55. M.. Despite the common lot, to the interior
of the risk factors associated with natural phenomena and events outside of human existence, the state of origin
is necessary to distinguish is because the origin of emergency, it is internal. The mixing between the deep and
true meaning of there with one of the two are (at least in civil liability) is not necessary to separate these two categories. While the majority of instances the urgency of our need to be fulfilled.

10 - Examples of emergency:
Greater urgency in the fields of jurisprudence and legal applications. In this section, some examples of the urgency of the law or the rights of the disclaimer is to be noted.

A - Emergency Purity In Worship:
when illness does not harm the water for his ablution or washing, but does need help, when you need someone to help him in this sense is not about the urgency of Washing Once the can.

B - Emergency Contracts: Rent:
Bob lease, rent and the rent should be commensurate with the conventions of time and place. Now if there's a storm a ship and be at risk of drowning. Rescue personnel, for rescue operations, and pay a higher cost of existing practices and the demands of sailors aboard the sinking may have to make costly commitments. Such a lease is a true emergency.

C - The Urgency of Divorce:
stress and conflict due to his personal, divorce him, or because of unemployment and tight hand of his alimony payments and therefore was unable to divorce his wife.

D - The Provision of Emergency:
Eating and Drinking:
(Eating Myth - drinking wine in an emergency), so much to the distress by eating or drinking is forbidden, should be eliminated to the extent that it adopts an emergency.

11 - Emergency and Criminal Liability:
Responsibility to the fullest physical and mental growth due to an internal factor refers to is not. While the physical and intellectual growth may not necessarily synonymous with responsibility. His responsibilities also make logical sense, and that is based on legal, social and legal discrimination and freedom of will and autonomous human being right there this is not primarily due to the fields of sociology and psychology failed to knows. Authority and responsibility for losses or damage that the person who will care or under protection, he is a person or object into another, and also the personal responsibility of the civil liability of infringement of the obligations arising from contracts to say. The main basis for civil rights in Islam is that no harm should not stay up and realize the responsibility, guilt and danger and need a new theory. And not just the relationship between verb and subject and lost Sebbia t be established. Thus, civil liability is twofold:
A. Contractual liability  B. The responsibility of the Both the common responsibility, commitment and ultimately the first violation, breach of contractual obligation and, second, breach of promise, is legal.

Conclusion:
Urgency of the inference rules of jurisprudence and legal rulings of the Priest is great, and the applicable rules of law and fundamental rights is considered, and the effectiveness and efficiency of its place in jurisprudence, to be seen. And comprehensive scope of this rule, in all fields or in the fields of jurisprudence, this rule is considered among the public rules, because in all the fields of jurisprudence, is used. No doubt the urgency, the fault of the verb describing the action and remove harmful in normal conditions, is forbidden and illegal, make a legitimate and lawful. In terms of flow, the doubts and issue an order, this rule is applied in both cases and is assigned to one of the two, because the rule criteria, in both cases there. Degree of emergency rule, the rules Mansouseh is considered, not rules Mastadeh (taken from the words of Islamic scholars), because the verses and hadith, the rule is clear. Contrary to what most of urgency and reluctance among jurists and lawyers say, there is no major difference and uniqueness, the concept of law and the scene. The only difference that can distinguish between them, this is the reluctance, the threats and pressure, and the urgency of this threat is the distress caused by external events. Also, signing a contract or transaction is abhorrent to the satisfaction of all professors of theology and law in such abominable distress that is defective consent, agree, but as soon as it is urgent to speak of the influence or lack of influence of transaction obey the law, deal with emergencies are valid. The scope of civil liability, as was mentioned, although similar concepts such as recognition of the urgency, self-defense, necessity and coercion, may seem difficult, but it can be confused with legal concepts are not, however, that the legal effect and the judicial procedure is almost identical. There was urgency in the way that, under fault conditions is to eliminate the distress and lack of responsibility is to follow. The assumption that the distress of his or her property, to remove any risk of loss has been seen that his lack of responsibility, the compensation and without due compensation based on the theory possess or will not run off the property.
About whether to commit the harmful act in an emergency, the person is exempt from civil liability or not, there are two views. The group believes that an emergency does not eliminate the civil liability and damage to the lost must be compensated, in which our rights, the rule of liability based on losses would be justified. But others believe that, in the case of losses from disposal or disposed of any third party to take pictures of loss, the person who performed the action, to maintain his or her property has been advocated on the basis of the case (which may be legitimate or is unlawful), or office property, known as non-responsible.

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