



Emphasizing of Strategy on Human Rights: (Islamic Perspective)

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Abstract

Human rights, which is relatively a new term and it entered the everyday communication just after the Second World War and the establishment of the United Nations in 1945. And it is always in the wake of global justice and community reflection upon which every human being can enjoy their everyday life on the basis of equality and human dignity. The history of human rights, refers to the creation of the first mankind who was mentioned as God's Caliph on Earth, and by having the factors of wisdom, determination and dignity, he got the superiority on the other critters. In the Islamic system, worship of only one God, the closeness of mankind to their unmatched creator and affinity with each other, made their position more prominent. It should be said that what has come in the declaration of international human rights regarding the defense of human rights, has been taken into consideration far too much in the Islamic sharia. In this article, the focus is on indicating the indicators of human rights in the light of Quranic verses so that the guarantee tools of human rights are clarified in Islamic religion.

Keywords: human rights, justice, freedom, the Holy Quran, human dignity

Introduction

The phenomenon of human rights which has appeared in the recent late time under the names of declaration, convention, Covenants and different organizations to defend the human rights, and which the modern humans are thinking about is not something new; but it was fourteen centuries ago on the day that humanity was in the darkness of ignorance, and the women because of their womanhood and children because of their childhood were tortured and the women were even buried alive, and the blacks because of their color were considered despised in the community, and the poor people because of their financial poverty were used to be slave and in the service of rich people, It was in such an era that the Prophet Muhammad (peace be upon him) became the leader of the Islamic nation and paid special attention to the value of human rights and related all human beings to a parent, and the principle of the relationship between people and respect for other individuals was announced as their obligations and duties, so the defense of human rights is a long-standing phenomenon that coincided with the rise of mankind.

Hence, the subject of human rights is human beings. Considering the attributes of such wisdom, will, dignity and responsibility, they have superiority on the others. God has put everything in the universe in the service of mankind, and has given them power to conquer the universe. The people are equal in the main creation and no superiority is acceptable in their midst on the basis of color, sex or ethnicity. Excellence and superiority depends on faith, piety and the righteous deeds what the Prophet of Islam stated in his wise sermon in Hajj al-Wadaa:

Tran: "O people! Be aware that your Lord is the same and your father is the same, be aware that there is no superiority

for Arab over a non-Arab nor for a non-Arab over an Arab; also a white has no superiority over a black nor a black has any superiority over white except by piety and good actions" (Ibn Hanbal, 1999AD, p. 474) [2]

Undoubtedly, the hot issues that are posed in the minds of many thinkers of the world and scientists nowadays is the issue of human rights, the rights which define the principle of dignity, the purpose of creation, social equity and social justice. Due to the fact that the present era is in advancement and the needs of society are on the other hand increasing and the disproportion of wealth is not visible among the people of society and in general, the preservation of the interests of the people it has led to conflicts between individuals that have actually led to the establishment of the principles and regulations for the preservation of the rights of individuals of what the religion of Islam parallel with revelation of the Qur'an, has established these rights for mankind. In this article, I am trying to discuss the human rights of human beings in its individual indicators and its means of guaranteeing in the light of the main and secondary sources.

Importance of Issue

The emphasizing of Strategy on Human Rights is one of the most important issue in Islam. Quran and Hadith are encouraged Muslims to implement such Rights and considered as the duty of each believers in many verses of Quran and who do not implement these provisions, considered as a felony for them. Furthermore, Right to life, Respect as a human being and equality between believers and non- believers are the main indicator and it is the key issue. These indicators could play the crucial role of developing and security of the Society.

Objectives

Afghanistan has suffering 40 years of war and finally it's the ground of political competition of the world' powerful countries. Actually, the graph of human rights violation in Afghanistan increasing day by day. The causes would be unawareness of people of the country regarding this issue. Afghanistan is the country which is committed to implement human rights protocols, but some provisions of this protocol contradicted to the provision of Islam; therefore, people are not willing to implement such rules. This article demonstrate the importance of human rights in Islamic perspective. It would be the reason and people will be bound to implement the rules regarding human rights.

Hypothesis

To find out the reality of human rights and Emphasizing of Quranic provisions, the following are the hypothesis of this article.

1. What is the comprehensive definition of Human rights in Islam?
2. Is the Quran clearly emphasizing on strategy of human rights?
3. What are the causes of violence of human rights in Afghan Society?
4. What will be the strategy for fulfilling human rights and what is the guidance of Sharia regarding this issue?
5. Is there any other religion without Islam to respect implementation of human rights?

The Limitation of Research

The limitation of this study is emphasizing on Islamic perspective. Also, the study discuss the main indicators of human rights like respect to human being, equality and liberty of human rights in Islamic perspective.

Research Methodology

Research involved the indicators of human rights in the light of Qur'anic verses which have been analyzed by using previous researches, is in fact the most urgent issues of today's human societies that has a long root in Islam, and Qur'an has guaranteed the preservation of their implementation. It praised their implementers and punished their offenders. Therefore, the research included descriptive, analytical, or scientific look over the previous works. The main focus of these is the Qur'anic verses and Islamic Sharia.

The definition of human rights

In relation to the concept of human rights, it must be said that the experts of law and Doctors of Islamic Sciences have offered different perspectives which, in the whole, refer to human support and observance of their rights. Therefore, it is necessary to understand the right meaning of human rights in Islam. Thus, in the first, it is necessary to study its literal and idiomatic meanings.

(A) The literal meaning of the right

Although various definitions have been provided regarding the right, in this research I will discuss a concept that is close to the human rights.

So, the literal meanings of right are evidence or proof, apposite of void, obligation, fixed existence that cannot be denied, agreement and saying reality. (Isfahani, 1412 AH, p.

(B) The idiomatic meaning of the right

In fact, the right has a common meaning that includes all the aforementioned meanings, but in the term of different sciences, it has been given a special meaning, all of which is related to its literal and terminological sense.

The definition which is presented by juridical jurists is: (Rights are privileges and benefits that belong to a person and the rights of each country that are protected by the administration of justice, and some others also define it as privilege and benefit which the law stipulates). (Sa'd DH, 2002, p. 431)

And some others know it as a power, relying on the law that its owner can get help from the law to take it or prevent others from getting it. (Movahed, 1381, p. 44) ^[12]

In addition to that we discussed the literal and idiomatic concept of the right, in the light of that we can at first introduce human rights, which is one additional combination, from the perspective of the West, and then I will describe this phenomenon so that I can present the due concept of human rights in the light of Islamic concepts.

The universal concept of human rights:

The United Nations has brought in its definition of human rights: "Human rights is generally defined as legal rights that are indivisible from our nature and without which we cannot live as human beings, human rights and fundamental freedoms provide us with the possibility to fully develop and implement our human, rational, talent and conscience traits, and achieve the spiritual and other human needs." (Ghulami, 2008, p. 124).

The Islamic concept of human rights

"Human rights are fixed, permanent and common affairs in all human beings that every human being as being the human has to have and actually possess it, and this right has been put to him by the creator of mankind at the beginning of their birth". (Amoli, 1385, p. 240)

Taking into consideration the given definitions about human rights, it can be said that in the Islamic worldview, human rights are the same as those granted by the owner of Sharia to mankind because they are human beings, and they have been given to them without discrimination of race, color and language, and never can a person give it to another. (Sharani, 1298 AH, p. 84).

Therefore, the religion of Islam has paid special attention to the rights of individuals that belong to the nature of them. In this article, we are looking for rights that can bring a prosperous life to mankind, and the components of these rights are the same indicators we are looking for. Thus, we start with the indicators of human rights and that can be summarized as follows:

The right to live

The right to life as a human right is granted to them, meaning that every human being as the creator of God has this right and no one can cut off this right from them. In Qur'an, many verses have pointed to this right and considered it as one of their indisputable rights that attack on it is considered crime and sin. The respect of human blood and the unlawfulness of the murder of the soul are counted one of the non-controversial matters that both the divine and human legal systems consider murder to be a

major crime since killing one human being is equal to the murder of all human beings and the salvation of one human being from destruction is considered to be the salvation of all human beings. Allah Almighty says in this regard:

Tran: “That whoever kills a soul unless for a soul or for corruption [done] in the land – it is as if he had slain mankind entirely. And whoever saves one-it is as if he had saved Mankind entirely”. [Al- Maidah: 32].

So in accordance with the third article of the Universal Declaration of Human Rights, one of the natural rights of human beings is the right to life, as it has been noted that: (Everyone has the right to life, liberty and security). (United Nations, 1948 HD, p. Article 3)^[1]

Of course, it is worth mentioning that in many verses of Holy Qur’an, this human right is guaranteed for mankind. For example, Almighty God states in another verse of the Qur’an:

Tran: “and do not kill the soul which Allah has forbidden [to be killed] except by [legal] right. This has he instructed you that you may use reason”. [Al-Anam: 151].

Due to the fact that the right to life has been given special attention in Holy Qur’an, we can easily conclude that God Almighty explicitly introduced the human soul respectable regardless their religion, sex, language and culture And the Prophet of Islam (peace be upon him) also says about the dignity of human being:

Tran: It is evil enough for a man to hold his brother Muslim in contempt. The whole of a Muslim is inviolable for another Muslim: his blood, his property, and his honor.”(Nisaburi, 1365 AD, p. 10)^[13]

It is worth mentioning that Islam has paid attention to the right of human life to the extent that it has forbidden killing themselves and tortures, and whoever makes such a statement or commit such for bidden actions, they have been warned sever threat.

Human dignity

another human rights indicator is his dignity, which is a divine right that is given only to human for being human by the Lord of the universe, apart from any other attributes, and that no distinction is made between human beings and all human beings are equal in this regard, and by having this personal and social rights they are safe, and it is not supposed that human dignity is as much emphasized in any religion and school as in Islam. In Islam's view, human being is a noble and respectable that their dignity should never be hurt. Allah Almighty states this valuable attribute in Sura al Israh:

Tran: “And we have certainly honored the children of Adam and carried them on the Land and sea and provided for them of the good things and preferred them over much of what we have created, with [definite] preference”. [Al-Israh: 70]

in the above mentioned verse, Almighty God has outlined the how of human's dignity, through granting them the power of reasoning and distinguishing between right and wrong, good and evil and subjecting the seas, ships and animals to them so that human can reach to his highest human desires which is monotheism and prosperity, and to seek divine grace and provide lawful and good food from the blessings of Allah.

It is worth mentioning that the above mentioned verse is one of the famous verses of Qur’an, which indicates the dignity and superiority of mankind and in another verse also points

to human dignity as God says:

Tran: “O mankind, indeed we have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed is knowing and Acquainted” [Al-Hujurat: 13].

Considering the above verse, it should be said that God has placed piety as the criterion for the human superiority, and based on this principle from the point of view of Islam, racial discrimination is condemned and no tribe, nation, descent has superiority and social excellence over others except with virtue and piety. So, all human beings are the same in their innate dignity, which is the divine right, and there is no difference between them regarding their color, race and language, but the acquired human dignity is something else that can differentiate human from each other, and each human being can acquire some good characteristics which will make them better than others.

The equality of human beings

Equality between human beings is one of the other human rights indicators that has a special place in the Islamic Shari'a, and it forbids all racial and gender differences between human beings and related the creation of all human beings to one male and one female, and made the piety the criterion for superiority between them, as God says:

Tran: “O mankind, indeed we have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is knowing and acquainted”. [Al-Hujurat: 13].

The principle of equality among human beings in Islam can be stated by mentioning an example that took place in the era of the Prophet of Islam about the implementation of the "had" that one day the chiefs and commanders of the nation of the tribe of Bani Makhzoom came before Prophet Mohammad (peace be upon him) for intercession, and asked the prophet to forgive the rich woman of this tribe on whom the stealing "had" was obligated, and asked him (peace be upon him) to save her from the "had" punishment. The Prophet Mohammad (peace be upon him) did not accept their intercession in order that the equality is observed among people. He made the people aware that intercession is not permitted in "Hudud". He made this awareness because the Prophet (peace be upon him) knew that accepting such intercession (intercession in "Hudud") will hurt the equality between the people, and not to lead to the forgiveness of punishment from the rich and influential people and implementation of it over the weak and poor ones. The Prophet (peace be upon him) said:

Tran: O people, verily your predecessors' fall was due to the fact that they connived at the thieves of the nobility but punished the thieves of the poor, and I swear to Allah that if Fatima, the daughter of Mohammad, had stolen, then I would have cut off her hand.” (Bukhari, 1987AD, p. 175)^[6]

Due to the fact that humans are all equal in humanity values and no one is superior to other, except by the faith and piety, the Prophet Muhammad (peace be upon him) got angry at his honorable companion when he blotted Bilal into having his black color. The Prophet (peace be upon him) warned Abu Zar Ghafari and said: (There is still mood of ignorance in you). (Nishapuri, 1365 AD, p. 93)

It must be remembered that the hot topic in all Islamic and non-Islamic countries about equality is addressing the

question and answer, which is the Verde of every one's tongue, and is at the top of the agenda of every international and national human rights conference, and the question is imposed like this: whether Islam has observed the equality between women and men or not? In response to such a question, we will say that if we refer to the literal meaning of the equality, which is sameness and equivalence in the quality and the power, we find that there are differences between male and female in physical power and in some other matters, as God says:

Tran: "and the male is not like the female". [Al-Imran: 36]. Because parts of a woman's body, a woman's skin, a woman's cells, her voice, her brain, and secretions of her body glands, are completely different from the man. For example, a woman sees menstruation every month, while men do not menstruate, a woman can get pregnant while men do not get pregnant, fetus remains nine months in the mother's womb, and after the baby is born, the baby's food is also accompanied with mother. (Hove, 2008H, p. 325)^[7] But it should not be forgotten that the man and woman are essentially equal in humanistic dignity and characteristics, and there is no difference between male and female in the achievement of rewards against good deeds from Allah (SWT), Allah (SWT) says:\

Tran: "whoever does righteousness, whether male or females, while he is a believer- we will surely cause him to live a good life, and we will surely give them their reward [in the Hereafter] according to the best of what they used to do".[An-Nahl:97]

Therefore, a woman has an independent personality, she has the right to own property and can act in all her property, buy, sell, marry and it is not permissible for anyone to give her hand in marriage to anyone without her consent. And she can dispute in this regard and expresses her opinion, and she deserves inheritance and others inherit from her. (Hove, 2008AH, p. 324)^[7]

But in legal matters, such as the inheritance in which the male are having twice of the share of the female, while there are some situations where female's share is more than men. For further explanation of the legal differences between male and female, there are many examples we can give some of them as the following:

1. Like the issue of testimony. In case of witness for financial documents, the Jurists stipulated the testimony of a man and two women with the difference that exist between the jurisprudents regarding this matter, while in some cases only the testimony of a woman without a man is sufficient, for example, in identifying and recognizing a woman's virginity. Of course, this kind of difference belongs to the physical and psychological structure of a woman as a woman's psych is balanced in a way that her emotional power is more than man and the existence of strong emotion sometimes may lead to avoid saying reality, so on the basis of this, for preserving the people's rights two women should be placed side by side and bear testimony.
2. Like polygamy, which Islam permitted it for man in case he treats his wives equally and fairly and do justice among them, while it did not give this right to the woman, because if a woman also has many husbands, can she place the child of each of them in a separate womb? How can she handle the responsibilities of several husbands and how will she establish her relationship with all of them. Therefore, in these

matters it should not be believed that women's rights have been violated, because there is justice between men and women, which is giving the right to its owner, so it can be concluded that in legal matters, the full weight of justice and fairness has been observed. Although, there is no equality, so those who claim the equality did not understand the difference between equality and justice and impose women on things that do not go with their creation and nature. (Hove, 2008AH, p. 324)^[7]

Human Liberty and Freedom

Undoubtedly, freedom in human life is what distinguishes humans from animals, and in fact, the freedom is one of the natural and human rights of human beings. If freedom is taken away from human beings, in addition to that the human dignity which forms the most basic human rights will be cut off, the value of life for human will be meaningless. Therefore, God created the earth and the existence so that human beings can do whatever they want to do of the permissible things, for example, whatever they want to eat, wear or move from one place to another, and wherever they want to choose their residence, and finally create whatever occupation they want to choose for themselves and carry out any other legitimate actions that are commonplace in daily deals; But the Islamic Shari'a, in addition to giving the above freedoms to human, has never given it absolute, but has set a limit to everything and this boundary returns to the prosperity and the good of mankind, because Absolute freedom without taking any responsibilities and obligations, is neither accepted by mind nor nature nor religion nor human societies, because human beings meanwhile being free in the moral, legal, economic, political and military dimensions, they have some limitations and boundaries that they must observe, and if they do not observe them, there are punishments in the laws of all the countries of the world, and if there were no punishments, chaos and corruption would destroy all societies. In this article, we seek to briefly discuss the two kinds of human (individual freedom and freedom of belief) freedoms that can be considered as material and spiritual liberation. Therefore, we first discuss the individual freedom of human beings and then we will mention freedom of religion or belief:

(A) the Individual Freedom

One of the human rights indicators in the field of material freedoms is posing the issue of individual freedom, according to which human in all his personal affairs is able to act in their daily actions and feel safe of any kind of aggression belonging to their selves, Such as unnecessary captivity, aggression on their bodies, honor and property, as it was also mentioned before that God has advised humans not to despise one another, and denied any kind of self-glorification among them, and by granting the power of reasoning, he has been given the ability to protect his honor and never exceed the dignity and property of others. In the case of doing these acts, in the religion of Islam, the severe punishment under the title of "qisas", which is mentioned in the 117 verse of surah al-Baqarah, will be implemented. In fact, the punishment of "Qisas" in Islam is for the sake of protecting the individual's right to freedom of the person.

The Prophet of Islam, regarding the preservation of human honor and dignity in the sermon of the day of Eid in Mina

while performing the farewell pilgrimage said:

Tran: Verily, your blood and your property and your honor are as sacred and inviolable as the sanctity of this day of yours, in this month of yours and this town of yours. Verily! I have conveyed this message to you.” [Bukhari: 50].

(B) Freedom of Religion or Belief

Undoubtedly, religion is a collection of special beliefs that can never be imposed on anyone. Therefore, if the principles of faith are not achieved for anyone based on Islamic foundations, and then religion cannot be imposed on anyone on the basis of compulsion and force. That is why the Holy Quran, in one of its most meaningful verses, states:

Tran: “there shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong. So whoever disbelieves in Taghut and believes in Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing”. [Al-Baqarah: 256]

In the other verse, the same subject is also mentioned, which states:

Tran: “And had your Lord willed, those on earth would have believed – all of them entirely. Then, [O Muhammad], would you compel the people in order that they become Believers?” [Yunus: 99]

The aforementioned verses indeed prohibit reluctance, coercion and force in the adoption of Islamic beliefs, because the Islamic belief is firmly based on faith and credence, and the Lord of the universe has also created the heart of human in the way, that surrenders only to something that is proven by reason and proof. It follows definitive and consistent speeches. Therefore, the human being is prohibited from offering suspect words because the suspect speech does not have any effect on human hearts, as God elsewhere says:

Tran: “And do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart – about all those [one] will be questioned”. [Al-Isra: 36].

Therefore, the belief is of the matters related to the knowledge and certainty not to just actions. If the principles of belief are institutionalized in the human soul, the same belief is also realized, and if not, it cannot be imposed. On the other hand, human thoughts rely on argument and reason. Accordingly, neither human himself / herself have the power to impose a belief on him/her, nor do others have the power to impose a belief on them.

Thus, human reaches to the peaks of perfection and prosperity when he/she accepts the right willingly without force and reluctance, and for this reason the lord of the world made the freedom as the base for belief and does not permit reluctance in religion. Hereby, Allah Almighty declares the duty of the Prophets (peace be upon them) to spread the religion only, as he states:

Tran: “And there is not upon the Messenger except [the duty of] clear notification. [Al-Ankabut: 18]

Hence, the freedom of belief and religion from the perspective of Islam can be explained in a few points:

A: The unlawfulness of reluctance and force on disbelievers to leave their religion or force them to accept a specific belief, as God says:

Tran: “there shall be no compulsion in [acceptance of] the religion. The right course has become clear from the wrong”. [Al-Baqarh: 256]

B: One of the definitive rights of the people of the scripture is the fulfillment of their religious rituals. Therefore, it is not

permissible for Muslims in any way to destroy their churches and temples and this is what the Prophet (peace be upon him) gave the treaty and security to the Jews of Madinah at the time of his (peace be upon him) coming to Madinah, and left the door opened for them to carry out their religious affairs and conduct their religious rites in their temples. [Al- Rahiq ul makhtom: 278]?

A: To preserve the rights and dignity of the people of the scripture in rational conflicts and invitations, without violence and wrath, as Allah Almighty states:

Tran: “And do not argue with the People of the Scripture except in a way that is best”. [Al- Ankabut: 46]

D: Islam has considered food and eating the slaughter of the people of the Scripture and marriage with their women lawful and permissible, as Allah Almighty says:

Tran: “And the food of those who were given the Scripture is lawful for you and your food is lawful for them. And [lawful in marriage are] chaste women from among those who were given the Scripture before you, when you have given them their due compensation, desiring chastity not unlawful sexual intercourse or taking [secret] lovers”. [Al-Maidah:5].

Discussion

Human rights is the subject that many writings written about it, and their findings reflect human dignity and admit to the fundamental and social rights of individuals that appeared in different fields in different ways so that they pave the way to ensure the growth, prosperity and justice between humans beings and ultimately eliminate brutality, oppression and gender discrimination, but what distinguishes this research from others, although it may be same in some cases, are some significant points, such as the examination of the main indicators of these rights are covered based on the verses of Qur'an and the Prophet's Sunnah, and the right to life, human dignity, justice and equality and finally, individual freedom and freedom of religion have been accentuated, And the religion of Islam as the first school in the field of guaranteeing human rights of mankind and the Holy Quran have become the main source of these rights.

Conclusions

Getting to the depths of human rights indicators and opening the way for the study of human rights in Islam is referring to the main sources of Islam, namely the Qur'an and the hadiths (the prophetic traditions) of the Prophet of Islam. Undoubtedly, whatever improves the people's lives, and achieve prosperity for them that is from any institution can be effective in enriching and enhancing the definition of human rights. The subject of human rights either we discuss it from the point of view of Islam or from the point of view of the universal declaration of Human Rights is human. The idea of human rights and voucher of its indicators has a long history in human history. The purpose of its plan is ensuring the material and spiritual rights of individuals. Since the basic axis in the religion of Islam is human nature, the human rights which are illustrated in the religion of Islam also refer to the human nature and on the basis of that Islam is the insurer of these rights to all individuals and is keen to support it, and consider its observance the responsibility of every individual and government. And in the light of human dignity, each individual is looking for the rights given to them in Islam, and no one can override it. Since human rights have a special place in the religion of Islam, the

guarantees of its realization and its foundations have to be found in the main sources of the religion of Islam.

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