

Jurisprudential investigation in use of Drugs

Marzieh Seifipoor¹ (Corresponding author), Dr. Masoud Raei²

¹ MSc of Jurisprudence and Principles of Islamic Law, College of Law, Islamic Azad University of Najaf Abad Branch, Isfahan, Iran

² PhD in International Law, Assistant professor and faculty member of Law group, Islamic Azad University of Najaf Abad Branch, Isfahan, Iran

Abstract: The word of drug means all kinds of drugs, stimulants, hallucinogens mantle that are physical and psychological painful followed by one or more times after taking the drug. One of the important issues of drug sentencing jurisprudence examine contemporary mother, which do not require extensive jurisprudence. Drugs were not known at the time of Islam, so that the question of infallible Imams (PBUH) is not a sentence them to be expressed. General rules and principles of law that came to be known as the Book and the Sunnah and Tafrigh Al Forou Men Al Osoul principle to review the sentence. Islam is a way to access the drug seemed to consist of: Investigate the properties, characteristics and consequences or effects that may arise regarding drugs, such as being harmful to the body, John, corruption and lies, and ... If Islam is clear about each of these features, we can sentence on the drug charge. It seems that the general rules of law and called the Book and Sunnah indicates that the use of prohibited substances that have a gross disadvantage is legitimate and rational prohibited.

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1. Introduction

As you know, the problem of drug addiction, it is a global problem and has widespread and irreversible damages and losses upon the nations of the world, and in recent decades has led to growing corruption. Indeed, what is more important and more pervasive drug that vast, religion, culture, family, science, and ... put his serve? In the realm of religion and culture, and the drug is a tool to prevent the growth of religion and attitude you genuine Islamic religion and culture, especially the youth, with its clear nature, the best of religion and to accept.

Within the family, a deadly substance, loving family and put at risk the destruction of the source of many family disputes, orphans and other children are innocent. And knowledge, is also unfortunately subjected constructed and equipped in such a way that the most effective drug manufacturing laboratories, the latest technical knowledge and advanced techniques, built and launched, and a team of researchers and scholars who have time to advance their knowledge in universities and research spending ourselves entertained production and diversification of the drug and its application have been made.

And thousands of other disorders have brought the drugs to countries and nations.

They are based on judgment jurisprudence Mojtahedi include: books, consensus, and wisdom. We know that alcohol is the alcohol. Before sending Prophet of Islam in many countries including several revelations about the forbidden land of Hijaz consuming and therefore it has been revealed. Such as

"كبير اثم فيهما قتل والميسر الخمر عن يسئلونك" (Surah al-Baqarah, 219) and some other verses.

However, pure opium it Vmdynh in Mecca in the era of Prophet Muhammad (PBUH) is reported, so we should not expect poppy verse explicit about it being forbidden in the Koran.

The traditions, the traditions of the Prophet and infallible Imams (AS) is quoted on the unlawful production of cannabis or cannabis Bnj or bang one of Hindi material, the emphasis has been such narratives "أكل على ولا تسلما والنصاري اليهود على سلموا" "البنج".

Issue of drug use, particularly in the current climate to stress that human life is such that the common fate of each is clearly evident, as are issues that need serious work and research are important.

Therefore, in this article we address this issue by using verses and hadith to the grace of God; we can prove the drugs are forbidden.

1- Verses

1-1- Tahlakeh Verse

الى بأيدىكم لاتلقوا و الله سبيل فى انفقوا و) (المحسنين يحب الله إن احسنوا و التهلكه 2, Ayat 195)

This verse implies that an injunction is two middles namely: (ولا) التهلكه الى بأيدىكم تلقوا ولا), including evidence that a group of Sunni and Shiite jurists sought to infer the document and have argued that self-infliction of death. You said "ولاتلقوا" "الله سبيل فى انفقوا" followed by the "بأيدىكم" states, but because the verbal test and the "Wow" is

turning before they occur in the context of the charity, the charity will result in the allocation of its provisions and verse decree absolute prohibition of all cases to induce Althlakeh their inclusion in Black Holds whether the case is related to a charitable or non-charitable or Althlakeh is caused by excesses or wastage. And as the verse refers, forbearance of charity has included, and indulgence it also includes non-financial matters such fact. It can be argued that (التهلكه الى بايديكم لاتلقوا) states that a general rule of instances, it is a charity affair. (Muhammad ibn al-Hasan al-Tusi, tebyan Commentary, vol 2, p 152).

If "ايديكم" for (لاتلقوا) would object "Crimea G. These provisions are: "In the power of God and their charity toward destruction, and acts on his way to do well, the good Lord loves the righteous."

Under the terms used in the verse, do any of the current realization of the duty which caused the loss of his power, in other words, any action that the common law often provides the capability to destroy the field, will be subject to the prohibitions and sanctions judgment; And that the act of existence, like property or negative action, such as refusing Fasting Jihad and charity, does not matter, in other words the absolute verse and what is causing destruction to the emergence of she and the mean seriously, the real meaning of the G. whether such a thing, is to indulge in the aspect or aspects of waste reduction, as well as avarice and parsimony of charitable causes during the war invalidity and loss of energy, causing the enemy to be mastered, and all assets of the charity, followed by poverty that led to the destruction of lives and destruction of the humanity and dignity of the human. (Tabatabai, Seyed Mohammad Hossein, vol 2, p 65)

The result is that, according to the verse refers to imply that the injunction, harmful actions and behavior towards self-destruction because of such behavior can be brought about, it would be wrong. Drug addiction is one of the largest Msadq annihilation and destruction of the verse: "قواتل ولا" it is forbidden. According to this verse, man must kill and destroy the toy preludes to avoid defeat and destruction, and did not provide its gradual destruction. While today is no secret that drugs are the best examples of the gradual destruction and annihilation and the bitter experience of this drug in the history of mankind has been proven. Drugs are dangerous poisons that gradually into the body at death and ultimately to the destruction and annihilation of his or losses are severe. However, the revelation of this verse about jihad and spend their money, but the case is not qualifiers. And the words of the late Allameh Tabatabai (RA) are known verse forbids the commission of any act intended to cause destruction and destroy the humans. (An article by Ahmad Reza Hosseini)

2-1: murder Verse

تَكُونُ أَنْ إِلَّا بِالْبَاطِلِ بَيْنَكُمْ أَمْوَالَكُمْ تَأْكُلُوا لَا أَمْنُوا الَّذِينَ أَيُّهَا يَا رَحِيمًا بِكُمْ كَانَ اللَّهُ إِنَّ أَنْفُسَكُمْ تَقْتُلُوا وَلَا مِنْكُمْ تَرَاضٍ عَنْ تِجَارَةٍ (An-Nisa 4, verse 29).

1-2-1 - implies verse

This verse Crimea, first, how to seize the wealth of expression and capture it somehow, devouring called to cancel, and prohibit certain types prescribed, then the faithful are deterred from committing suicide. What the Crimea, the argument goes, paragraph "لا و" انفسكم تقتلوا " is a must see, if it can harm the self-esteem is implicated or not?

In the beginning it is necessary to mention the possibilities of the meaning of the verse:

First forbids suicide, and suicide. (R., Rashid, vol 5, p 43)

Second, the prohibition of killing Muslims because Islamic society, are merely a breath. (al-Ansari, Muhammad bin Ahmad, vol 5, p 156)

Third injunction to destroy his spiritual personality of deviations due to committing sins. (Ibn Kathir al-Qurashi, E., E. 1407. G., volume 1, page 491) Fourth deter people from being exposed to dangerous and will kill anything that's causing the field to be their destruction. (Tabatabai, Mohammad Hossein, vol 4, p 320)

Fifth, avoid entering assaults on the body. (Holy, Ardabil, Ahmad ibn Muhammad, p 428). What was observed which was probably set on the verse, by scholars and a commentator is provided.

2-2-1: Exploring the possibilities

Among the several possibilities were proposed, some of them easily and simple verse, the verse is available for use and appearance, they can not deny Like the first and second chances, but another possibility is expressed without the help of evidence and the evidence can not be enabled because the third possibility, deviations, and the fall of man, by which a person's sins do they commit themselves to destroy. And it's probably not relevant to our discussion is off topic (self-infliction, 1374 AD. I., p 44)

A fourth possibility is that the words of some commentators, superposition of the things that led to the murder, including those that result in serious losses to the end and their end is death. (Tabatabai, Seyed Mohammad Hossein, vol 4, p 320)

But it is more likely to be the subject of discussion, we will probability that meant the fifth murder, and any damage or hurts knows that normally would not cause death or being killed, but somehow, man is injured or becomes damaged.

If we can prove the probability of the evidence, then, can this verse is proof of the esteem self harm. However, according to the fourth possibility of harm

to the body any harm but not prohibited, but serious losses and the things that leads to death. (Harm to self, 1374 AD. S, pp. 45-44).

3.2.1 - Shi'ite scholars cite the verse

* The late Sheikh Tusi's discussion الميثة حلية قال، نفسه على خوفاً الاكل وجوب واما "it has:" للمضطرّ المضار دفع لأنّ عندنا الصحيح هو و عليه يجب قوم «انفسكم تقتلوا لا و» تعالى لقوله و عقلاً واجب (Altvysy, Muhammad bin H., 1387 AD. G., c 6, p 285)

* The late Holy Ardabilis after resorting to sanctions suicide verse, Allah says: " اراده يحتمل و " فانّ الضرب و الجرح بمعنى القتل فانّ الضرب و الجرح قالوا و بعيد غير الضرب و الجرح بمعنى القتل " نفسه الانسان جرح بتحرير (Holy Alardbyly, Ahmad ibn Muhammad, p 428)

They enter the body from injury resorting to Scripture, the meeting considered and in fact the word murder, gives a broader meaning that is includes both assaults.

* Such are the jewel in the debate team " السبب من الماء الى وصل ان، المال أو النفس على الخوف، الثالث من عادة تحتل لا التي الاذية او الجرح او القتل أو اللص "فيه اجده خلاف غير

Then, after quoting the words of the jurists stated: " واردة الحرج و العسر نفى و الحفظ وجوب ذلك من و " (Najaf, MH, 1365 AD. Methods, vol 5, p 102) that resorting to evidence and argument positions of an acute attack of one of them, Ayatollah is killed.

4-2-1 - Sunni scholars cite the verse

* Ibn Hazm of Andalusia, القاتل السمّ اكل لايجلّ من الاكثار لا و الاطعمة من يؤذى ما لا و تعجيل او بيطء ولاقتلوا: «تعالى الله لقول منه الاكثار يمرض طعام (Andalusia, Ibn Hazm, 1408 AD. G., vol 6, p 95)

Abu Ishaq, Shafi'i scholars in discussion Atmh Firoozabadi, والزجاج كالسمّ اكله يحلّ لا يضرب فما، « لا و » تعالى قوله عليه الدليل و الحجر و التراب «انفسكم تقتلوا» (Firouz Abadi, Abu Ishaq, Beirut, DaralFkr, vol 1, p 250)

In the fatwas of Sheikh Alish « الدخان تكرار و » داء فتكون الحرارة منه تتولد و به يتعلق ما ليسود تقتلوا لا و » سبحانه قوله فيشملة مهلكاً مزمناً «انفسكم (Islamic Mrsvh coincide, Egypt, Al-Azhar Society, vol 12, pp 68-66).

2 - Narratives

1-2 - Hadith seeks (La Zarar)

Shit Nabi - Muhammad PBUH - « لا و ضرر لا - » «الاسلام في ضرر

To infer Sutra self harm and Adlh sources of jurisprudence, the Qur'an, turn to the second source, the "tradition", and study the traditions associated with it appears.

It may be argued that the first hadith cited, and the self-infliction of a sentence can be used to discover, Noble prophetic "seeks" is. This ancient tradition of special interest to jurists and Islamic scholars and extensive discussions has taken place around him, as far as jurisprudence is concerned that as a rule "rule seeks" it is mentioned.

This rule is one of the most important and most fundamental legal rules which are more chapter's jurisprudence and documented many of the injunctions is just the same rule. Late Syed Abul Hasan Isfahani (ra) in the book Alnjah

Many clerics and jurists citing massive, why drug prohibition has ruled. Under this rule, anything that has a gross disadvantage is prohibited. Imam Jafar Sadiq (AS) said: « بدن على المضرة فيه شيء كل » « حال في لا اكله حرام الثمار و المحبوب من الانسان » «الضرورة

Anything that can harm the human body, it is forbidden to eat except for necessity.

So one should not be doing that work for him are serious disadvantage. Today, according to human experience and scientific discovery, there is no doubt that some drugs severe losses and substantially mentally and physically on individuals and society, causing severe damage to cultural and socio-unfortunately, all human societies are somehow involved with the drug and its adverse effects are and find a solution to this problem, the human mind has preoccupied intellectuals and sympathizers.

It seems that the most important reason why drug prohibition rule «الاسلام في ضرر لا و ضرر لا», to the first grave and severe losses of these materials.

And secondly, its impact is not limited to the individual consumer materials. The family and friends of addicts and the whole society for losses and loss can be severe and irreversible and the power of reason and perception and thinking of the addict loses. There is no soul to become emotional and that is indifferent to all things seem empty of all creation, will govern his behavior. (An article by Ahmad Reza Hosseini)

In short, what about the loss of the drug, and the infliction of harm, and manslaughter Tahlakeh mentioned, the argument is made:

Introduction First, drug use and the harms and losses Tahlakeh and slow murder of the soul. Second Introduction: Gradual loss of self harm and Tahlakeh and murder is forbidden in Islam. Results: Drug use is forbidden in Islam.

If wasteful spending and drug abuse and about fourteen verses in the Quran forbids committing waste and explicitly, we present the argument that we should ask the following form:

Introduction I: The drug is no rational benefit.

Introduction II: The fee for the use of anything that is not rational utilitarian, subject to the revelations of

possible that a general cobra on the prohibition of any harmful objects, and Eccles property is not raised, but as one of the best examples of its use, is outlined.

2 - The second category reads: "فيه كان ما و...المضرة" The word "we" in the literal appearance, and includes anything that is detrimental to the public. But this kind of issue from the beginning, bound Eccles and warrant prohibition on carrying a harmful object that is bound not to eat any harmful, and to include the public, it will definitely be important.

3 - In the third category, such as Category II: both subject and predicate, Kl is bounded, and so the same words, and this is interpreted here as well.

In short, although the subject of this Hadith Sharif is edible, but it is understood that the gauge and the sanctions they have the disadvantage of being harmful to their verdict, the circuit operating losses, and Eccles stated Bob also mentioned the case be. Hadith of position, a general comes from whatever is harmful to the body, is prohibited. (Harm to self (juridical expertise in drug research) in 1374 AD. S, pp. 90-89).

2-3 - In response to a question

It may be said that if Imam - E - induction as a general rule for a prohibition, have been since the very beginning with a general, all no problem, but the mackerel were three categories?

We reply: Prophet - peace - has asked the question of lifting the trumpet, and the sentence can express a variety of seafood traders to be perfectly clear. (As pp. 90)

4 - Fiqh al-Riza Hadith

لا و اكلأ يبيح لم تعالى الله ان الله يرحمك اعلم فيه ما الا يحرم لم و الصلاح و المنفعة فيه لما الا شرباً فيه ،للجسم مقو نافع فكل ،الفساد و التلف و الضرر ،قاتل او بالقوه يذهب مضر كل و ،فحلال ،البلدن قوة ،الدم و الميتة السموم مثل فحرام (Fiqh al-Rida, E. 1406. AH, p 245)

1-4 - indicates the narrative

In this tradition, the subject of the Eccles and drinking, and objects based on the interests and dignity, based on disadvantages and evils in which they are held and then any object that has benefit and strengthen the body, and respect everything that can be harmful and cause destruction or death to humans, it has accessories. But of all traditions, which can be useful for our discussion,

" فحرام ،قاتل او بالقوة يذهب مضر كل و " which raised a total cobras in which each object that is harmful to humans or unable to bring him to destruction, has been sanctioned. Since the original in every latitude, it is avoidance, arguing for the sanctity of the tradition of self-harm is limited to cases where

harmful objects, one of the two properties mentioned in the hadith, possess, or the power the person that caused the damage or destruction and death should not both be used in respect of any damage to the cargo, difficult and unlikely.

2-4 - In response to a question

A question may be raised and argued that the hadith flawed, is that the hadith is the Kl and drinking, so it warrants a sanction, the food and beverage, seafood and alcohol does not belong and theoretical , or in other words, general use, and the inclusion of the hadith is the problem.

The answer to this question is that even though the subject at the beginning of the word, Eccles and drinking, but a more general cobras raised voice and narrative interpretation, suggesting the induction of a general rule is to ban things, Eccles and Drinking also, true to its a whole, is considered.

One thing that tops it is necessary to mention that there is another hadith Fqrh Bzhn may be, it can also be the subject of debate, and its use search Fqrh " لم " الفساد و التلف و الضرر فيه ما الا يحرم . With the approximation that the object of sanctions, loss, loss etc has been proposed, therefore, every object is unlawful, harmful.

But this argument is like this item, it is intended to express the wisdom of sanctions objects and not due to instrumental following the example of the toxins, and the Committee was struck by the tail, while small amounts of the Committee and tail, not harm, no cause is lost and not making mischief, the Islam, eating some of them, have been sanctioned.

From what was said, turned out to be harmless and the convictions of the hadith, as Wisdom has presented no cause, and therefore it can not be convicted, the sentence of self-harm, argued.

But using "and قاتل او بالقوة يذهب مضر كل و " is permitted and can undoubtedly lead to a decline in losses power, or be killed, the Bulls proved esteem and create such damage. (Self-harm (juridical expertise in drug research) in 1374 AD. I., pp. 95 to 94).

Result

1) When the lawyer has not drug vehicle specific reason not about opium, but sensory loss and corruption due to drug addiction has been established. So here Baql their knowledge and a criterion, ie, a necessary vice we have achieved in the field of drugs. So we know what the sentence is harmful to humans and vice are legally forbidden, we conclude that drug addiction is prohibited.

2) Using drugs to the loss of important people puts all individual and social disrupts the normal affairs, religious affairs has also led to impede the

tasks performed by Venice verse Tahlakeh (ولاتفوا) (التهلكه الى بأيديكم) Vthqq perform any of the required current, often destroying abilities provides, subject to the prohibitions and he will be subject to sanctions as well as for its corruption, such as the corruption which is Muslims to permissible any.

Appendix:

About sinful drugs and preparations that need to be religious fatwa and opinions expressed emulation accessible to Mitt citation.

Estftayat:

1 - Ayatollah Seyyed Hossein Tabatabai Jaj Boroujerdi (ra)

IN THE NAME OF GOD

Holy attend Mr. Haj Agha Hossein Tabatabai Msttab Grand Ayatollah Boroujerdi fashion Alaly Zillah,

Use of drugs such as opium and morphine syrup.... including eating and smoking in non-medical cases according to their opinions that smoking is harmful to the body of citizens, what is? (As of 24 / Rabi Awwal 1377)

Fatwa:

* Always have written is appropriate for Muslims, but for all the wise of these toxins are awaiting their rescue.

* "... Whatever the reason is forbidden in Islam ..."

2 - Ayatollah Khomeini (ra), who died in 1368)

Thesis

* "Opium addiction is not permitted"

* "Using drugs is not permitted"

* "It is not permissible to sell heroin"

* Money heroin and feeding it is not permitted is forbidden "

* "It is a conspiracy to distribute heroin"

* "Acquire and diffuse among the people of opium, heroin and lay bringing the youth of the nation would be that, before the punishment comes upon them, before they whip it divine to eat, see they do not, leave it that way, it's a crime, it is our Memorial to the loss of youth smoking, this corrupt generation, a generation of spoiled "

References:

1. Directorate General for Research of Drug presidential campaign, self-harms, the Islamic Propagation Organization, Tehran, 1374 AH. Proj.
2. Holy Qoran
3. Ibn Kathir al-Qurashi, Ismail al-Alzaym Interpretation, Second Edition, 4 Volume Daralmrvf, Beirut, 1407 AH. Reddit.
4. Andalusia, Ibn Hazm, Almhly Balasar, 12 volumes, Daralktb Allmyh Beirut, 1408 AH. Reddit
5. Alqrtby al-Ansari, Mohammad Ahmad, Al Ahkam al (interpretation Alqrtby) second edition, Daralhya', Alter-Arabi, Beirut, BEA.
6. Riza Rashid, Altfisy Bayan, Beirut, Daralmrfh, Lebanon, Altbh Alsanyh, unique.
7. Alhor Ameli, Mohammad Hassan, the means to study issues Shia al-fifth edition, 20 volumes, Mktbh al, Tehran, 1398 AH. Reddit.
8. Altousi, Mohammad Hassan, Altbyan fi Tafsir al, Beirut, Daralhya' Altras Al-10 vol.
9. Altousi, Mohammad Hassan, Almbsvt, second edition, 8 volumes, Mktbh Almrtzvyh, Tehran, 1387 AH. Reddit.
10. Altbatbayy, Sayed Mohamed Hassan, balance fi Tafsir al, second edition, 20 volumes, Daralketab al, Tehran, 1393 AH. Reddit.
11. Alfiroz Abadi, Abu Ishaq, Almhz, 2 volumes, Daralfkr, Beirut, BEA.
12. Moghadas Alardabili, Ahmad Ibn Muhammad Al-Bayan fi ruling elite al, , Tehran, unique.
13. Almansub Alamam Reza (AS), Fiqh al-Rida, First Edition, 1 Volume, Almvsvr Amel Llamam Reza (AS) Mashhad, in 1406 AD. Reddit.
14. Esatzh Alfeqhhe Islami, 20 volumes, advertising (The Azhar), Egypt, BEA.
15. Najaf, Mohammed Hassan, Jewelry Alklam Fi Religious laws of Islam, Second Fchap, 43 volumes, Daralktb al, 1365 AD. Reddit.
16. an article by Ahmad Reza Hosseini drugPapers, Tehran, Islamic Republic Official Gazette, 1379 AD. Been printing.

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