Use common sense application of the law of general and specific

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One of the topics of discussion in general terms about the principles of jurisprudence and legal general and specific the fruits of a lot of it is applied. When word depending on its context implies gather people and learn all at once, like "everyone" this word calling the general, some people take the common, such as "some scientists" calling the special. Including general and specific traits that may have been the subject of the sentence and circle strive to implement it widely. The general principle with words such: Whole, any, all or gather with the A and Land Lumpish, know in negation and negative that guidance on people limitation with words separated such: part, unless, except, save. The general may different progress and inclusion. That means sometime might speaker of coming to these word general that any one from people complying with independent it calling (Ame ESteghraghy), and sometime the rule general own subject to gather people with obligation society to be steady that means the peaceful people to tally formation one topic consisting that calling the "general tranquilly" and same time general including on the one by one concept people, but not the way surrounding and Esteghragh and not method the council society, but the manner appositive one of the topic people infixed it calling "general appositive".

In some specific situations, which is why some people are meant qualifiers the qualifiers apply the general rule that makes it out. Like: "All the students must pay tuition scholarship students who are not." And that is the reason some people out of the qualifiers. In general qualifiers is twofold: verbal qualifiers and qualifiers labial. And their are two types of verbal qualifiers: qualifiers attached and detached qualifiers, both contextual qualifiers to be desire speaker theologian means to sense or in terms of the evidence is inconclusive, which is known as the suspicion doubt proof and doubt concept. In kinds the qualifiers in doubt proof and doubt
concept believe that most basic qualifiers outlined in all cases (at least in the detached and uncertainty in less or most of the concept), outlined the qualifiers And it will spread to the general synopsis.

Keywords: principles of jurisprudence, general and specific, inference rules, qualifiers, general Altogether, spurious mass, mass absorption

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Introduction

Science of Osole Feghh is a set of rules that result in methods of inference rules supreme in religious orders and judgments elicit jurisprudence will help resolve the problems, since many of our laws are based on Islamic law, is based on the need to infer jurisprudential issues Osole Feghh is, we need this knowledge is revealed. Face many lawyers and law enforcement in general and the general rules are adopted. However, in contrast to them, there are assignments that forced each of them to operate properly without familiarity with Islamic law or ordinances of general and specific inference techniques, is difficult. Thus, learning and recalling sentences for law enforcement, is inevitable. There are several issues that Osole Feghh is very diverse and each of them can help us, and since the general or special law to infer the important issues of law and legal principles, practical application, it is necessary issues and topics that will be fully investigated. Osole Feghh science that is closely related to issues of legal jurisprudence, lawyers in learning it is inevitable inference rules and regulations. rules of science very diverse topics that jurisconsults distinct classification the spoken description. written and broadly defined to study the expression and special general terms (imitation, absorption and tranquilly) as well as a variety of qualifiers (attached and detached) deals. then to express Terms of Use doubts evidence and concept various and the final different aspects of general and specific (during Among the abrogation and allocation) has been analyzed.

Advantage this research than to similar researches for these respect that in present written the in addition to gathering the view principles using in this about scattered under consideration this two words in subject laws the carried to account the new and disprecedent. This topic contains five is written, the first discussion of general and specific issues related to the definition of the expression and properties of these two words have been noted. The second topic we have discussed in specific terms and kinds general propounded. General types that include: general submergence, tranquilly and appositive and kinds of qualifiers has been studied in three threads. Four topics are also briefly described qualifiers and general conditions of Section Five, as well as various aspects of the conflict from the perspective of the general and specific principles proposed allocation Venice is a difference between the versions. Hope this writing using the students, lawyers, judges and jurists be.

First topic - concepts

General concept
General meaning of inclusion and learning, and general that includes and learners, public, general, all people, all are up and down prompter, including otherwise specified, all commonly used, is one of the so-called science of the knowledge Osol is the literal meaning and As common sense than all of the weight that they are applicable, be inclusive, like "all scientists." In other words: general is its literal meaning and the means by which the learner is guided is comprised of all persons the weight of the public as they are true and decency. definition for general is defined verbal and only from subject making clear word and phrase easy otherwise define use not passion and therefore difficult and answer this definition are not full impediment and here not case.

In here may design the question that inclusion and the generally public we understand means what basis that all people under the word general must be trial? Celebrity basic the general public believe that implying with situation the clear wording has imposed a term for the public as a whole, all, all, all of the public and implying that they are for a multitude of conditions. The general case may be, for example, when we say all scientists demand or deny respect to the context and the meaning of the sentence clear, consistent and positive and proportional to the ruling, requiring all the word brings. But such "Nobody can catch your sister's daughter's daughter, brother or wife without the permission of his wife" (3) the negative sentences and the word "no" is also thereby hindering mode. Another example is Article 1210 of the Civil Code is: "This matter requires no one can be after reaching puberty as insanity or lack of growth of the ward to the lack of growth or madness, he proved to be" a matter to note is clear In the matter of the word "no" is a word commonly used and generally is expressed in article

also must tope attention that sometime the word general on own rule release application, that means saying that this rule is general to validity that including subject all people example whole object pure the rule cleanliness general and including total truth in the earth

1 - Dehkhoda, AA, vocabulary dehkhoda, Vol1

2 - Mohammady, disciple Osole Feghh Mozafar. Volume I, page 299

3 - Article 1049 of the Civil Code

Special meaning

With a clear sense and common sense, a sense that at times it is even clearer becomes the
specific opposite and counter general and vocabulary meaning is specific assigned, special ungeneral, privileged and special, chosen, one and single, has been in term: the word inclusion circle is more limited than general- or purpose is verbal that part of the general population, including 0.2 for a specific cause, not the expression of a particular word, though words like unless, except, save and to the exception coming after the general sentence, They are such a common reason for special rest. Thus, specific, applicable to some people involved or some topic individuals or involve owned belonging. In another express relation special with general like relating number smaller with number larger that when subtraction. number smaller depreciated of number large and result circle applicable to be limited from general and some people out of result, like; judges to jurists that the number judges less than jurists 3, such that prescribed in Article 2: "The law 15 days after publication, imperious in all country unless the self-law has come into force across the country, especially when the provisions were be. "Article 569 of the Criminal Procedure Act, adopted on 12.04.1392, which provides:" This Act shall enter into force six months after publication Official Gazette. "Special law is considered.

Qualifiers and qualifiers

Qualifiers, which is why some people make it out the general judgment. Like all university students must pay tuition fees, but students who are on scholarship. And that is the reason some people out of the qualifiers.

Another example for the qualifiers and qualifiers Article 4 of the Civil Code which provides: "The effect of the law is to the future. . . Unless specific provisions of the law have been taken towards this issue. "

It means that in some specific cases, such qualifiers used the example of "scholarship students who are not" of the pre-centence on the other hand, has his own sense of self.

1 - Mohammadi, AH, Fundamentals implications of Islamic Law, pp. 92
2 - Goudarzi, Mahmoud, regulation of legal inference, 79
3 - Mohammad-Hassan, the

Allocation

Some people dismiss the allocation is subject under the rule of reason Ambh After the individual issues are within the general order of 0.1, ie, they are included as general per se, the general order but by the allocation of these people having out such students should do their research to final delivery, unless you have a valid excuse.
Article 46 of the Islamic Penal Code states that: «Drjraym grades three to eight Tvanddr court case sentencing postponed Mqrbray terms of implementing all or part of the punishment of one to five years following the suspension” ta’zir under penalties of all the Above are suspended, but the inclusion of the provisions of Article 47 of this Act be suspended fines are removed.

Legislation bringing in a couple of separate qualifiers, the general rule regarding suspension of the allocation has been sentenced to punishment. The few cases that have been removed as well as the general (jail), but under the general order (suspension) are out.

Specialty

Expertise is defined as the mass of the first level without allocation Faye eats itself would not involve the people leaving are the subject of the public.

For example, say you respect scientists here Tkhssa Fools are out and there is no need to allocate such withdrawal, except that the public has not excepted from the inside. Is like saying all lawyers were present at the Congress, except sociology. Social issues in this case are not entitled to ask their lawyers to exceptions.

As punishment, including suspension and possible retaliation from Dyat are far Tkhssa.

1 - Meshkini, Ali, written Almalm, p 112

General terms

Arabic words such as the whole, gathering, consensus, café universally, demos, Other, accumulating, representing the A and L slide and indefinite noun in course and words solid such as "we", "Matthew", "I" and "respect" 3 words generally considered They are Persian words like: all, full, gather, the whole, any, total for public the positive words and negative words used in public, no password. For example, there are few examples of the laws mentioned in the pledge.

- All of the inhabitants are of subordinate legislation (Article 5 of the Civil Code)
- All the people. . . Have equal protection of the law (Article twentieth Constitution)
- generality abandonment of public rights. . . Virtue of privacy is not dismantled. (Article 10 - A - D - K)
- Each of Cucumber after death, are passed on to heirs (Article 445. BC. M.)
- All the benefits of movable and immovable property and belongings. . . Consequently, the property owner, the property is mentioned. (Article 32 BC. M.)
- All debts. . . Courts are quoted in terms of the judgment (article 20 BC. M.)
- . . . No one is guilty unless. . . (Article Seven of the Constitution)
The concept of proportionality in general and specific

The general and specific is order relative although the label than to oneself below of general people but is specific than to beyond example the caption jurisconsults is general than to own people the including jurisconsult fully qualified and in qualifier but is special than to own above that is scientifically because the jurisconsults are part of scientifically

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Whenever the subject of numerous individuals and applicability but legislator t without the detail and resolution of issues they deal with each other than its original sealed warrant issued subject to, the crack length to say, because of the general rule, in case the judgment shall be to all assumed it was likely to be included in the subject.

For example, in the case of homicide, several ideas come to mind, and likely the murderer of men, women, minors, Great, motion, etc. So if the legislator Abdul probable no alternative given the details, once issued a decree against the who must be punished by death deems necessary to commit homicide and example sentence in this case would include all deems adverse impacts.

General word than a specific event.

It is. See you on the occasion of the murder of innocent verdict is pronounced the verdict in this case would be helpful to the general public. Example, if questioner the relative to the judgement intention murder the in tertian special and legislator expination the death sentence although this order general in regard is specific but including an murders that this properties, because expressed to the pernounce public....

Although the case is taken on the occasion, the general occurrence of a specific event caused rewind or specific question that is not allocated.

The total mass

If the general rule stated gather people with social issues fixed, which means that the sum total
of their combined form a judgment on a subject of their dominant position in the general public will culminate in a The total they, for example peace agreement .1 envisaged that: Parties pledge themselves to exchange all prisoners of war or to evacuate all occupied territory, then swap all of a commitment and an obligation of all land is drained, so if some of or part exchange Land drainage has been implemented and the necessary commitment to all those topics is implemented. Another example: the belief infallible Imam. If only someone would have to believe some of them have been complying. For example, intentional or feed sixty poor the breaking one’s fast Ramazan is a judgment that is necessary for the sustentation complying be considered collectively to be done to feed the fifty-nine poor even if the person is still sinful. Article 6 of the Commercial Code of also Iran general type is used. This Article provides: “Every businessman with the exception of the following offices shall be the shopkeepers.” In this article, first, the phrase "Every businessman" is a broad absorption. But the "office" is the total mass so that every trader should have three offices have told lawmakers and the legislative purpose of the three offices together, so this was not enough to keep one or two offices not be achieved with one or two offices. Another example is the belief in the Imams (peace be upon them), that if someone does not believe in all of them, Amtsal not realized or Article 824 of the Civil Code about getting to preemption, provided: "Whenever one or more persons of their right to inherit He dismantled the heirs can not leave it just to run towards his part and should either ignore it or to run over all sales. "

Imitation General

If the public are bound to include the concept itself, but rather the way around and submergence and no way gregarious board, but manner one of persons subject uncertain be liable for the cost of a father telling his children the poor bear a. Imitation is generally on the order of the sum of their individual, rather than a specific individual is an individual.

Another example would be if the legislator to make a poor food, feed necessity of the judgment in this case, the singular shall feed only one person is required to perform of indigents and bound is can chosen Among all the indigents food they give a person It has done his homework.

1 - Qummi Mirza Abu’ ghasemI-law principle, Volume I, page 223

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1 - the

2 - Ansari, Sheikh Moutazi, Almakaseb book, page 290

2 - Meshkymy, Ibid, p 101

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CHAPTER 2 –KINDS QUALIFIERS

Qualifiers say that the reason some people make it out the general judgment. That is the reason why the public is that it assigns to be overlooked and causes of public emerge, and some people will leave the issue of coverage. Celebrities who say no general, it is allocated unless (see our general I'm Ella and Qdkhs). Because of reasons like materials that are more laws and regulations continue to remain popular and have become the exception of the assignment. However, because most people can not be removed from the public. It appears that the allocation should be at least not for most. Ie, after the assignment, most people remain, so that the norm of the allocation most obscene knows the law, we of such allocation ugly is counted as 1., In some cases, the letter of the law and the evidence clearly indicates that the legislature does not want any Bram is the exception, as Article 145 of the Constitution stipulates: "No foreigner will be accepted into the Army and the police forces of the country." However, it should be noted that these cases are rare and usually known as the rule above, it is now. In general, two types of verbal qualifiers qualifiers and qualifiers labial and their verbal qualifiers are two types of qualifiers attached and detached qualifiers, which continues to discuss, define, difference, sample sentences and they will say.

A) qualifiers labial

Intellect is labial qualifiers such as consensus: the labial Appellation qualifiers is: the brain and the lips by consensus and common sense, judgment is fixed (ruling that the brain is a word) the name of labial dead. The verses and which are literal sentence because it expresses the legislator. Example: If a person says, "I saw all the people" in any common sense of purpose ruled that he saw everyone except himself. After a person excluded from public broadcaster Bob allocation of all people are rational. Example again: that thy Lord hath honored me to always tell their neighbors. However, Mullah Abdul knows that a certain neighbor and cherish enmity and hatred are inconsistent with, and therefore understand that the decision to master the neighbors: neighbors that they have no personal animosity.

B) verbal qualifiers attached to this type of assignment, qualifiers general public with the same word that is induced by the theologian, is associated with 0.2

1 - Rashad, M., Principles of Islamic Jurisprudence, p 156

2 - M, M, Warcraft, Volume 1, Page 12
If no qualifiers attached saying that himself, but by an independent word and its connection to other words snob allocation of five parts.

1 - Allocation to describe: A. Allma Aldvl as another example of paragraph 3 of Article 1312 BC. M says: "It is not common to all the obligations that normally study document."

2 - assignment to conditions like Allma A. Another example of the Kanva Dvla and 949 BC. M, which provided: "In the absence of any heir other than the couple and the wife, the husband of his late wife takes the whole rod."

Moreover, Article 185 BC. 0.1 The Act 75, which provided: "If the road sector robbers and guns on public safety or disrupt road. . . The enemy. This is the case. . . »

3 - Allocation to end like saying the end of the semester, students are required to attend classes. Article 833 BC. We have the same type. The article states: the heirs of the testator is not able to capture long legatee to accept or reject them is not said.

4 - Astna’ assignment online: la ilaha as well as the 1289 BC. In requiring that "other documents other than the documents mentioned in Article 128 of the ordinary."

The amendment to Article 266 BC. M.. 1, provided: "non-Muslims only pretend to condemn alcohol consumption is the limit." (Conceptually)

5 - Allocation to become like Prophet Allma Alfqha the only jurists, scholars tell them dear. .

Qualifiers atthe to the public, such as: "I evidence the GOD is single " at the expression any other documents other than the documents mentioned in Article 1287 is normal. "There is no dispute that the type qualifiers attached. However, in some cases, like the notes of a material that is relevant or two qualifiers matter of law, with a little distance, as a general matter and specifically mentioned in others, it arises that in such cases asked if the qualifiers Again it is connected or disconnected? For example, Paragraph B of Article 1 of the law of tenders, said three branches of the Islamic Republic of Iran, including ministries, organizations and institutions and public companies ... are responsible for holding tenders, comply with the provisions of this Act. Note: The Armed Forces are subject to certain rules and regulations of this Act are excluded. In response, precise and specific criteria and therefore can not be seen, as some have said, the concepts of general and specific nature of each case must be due to the quality of their relevance and purpose legislator and taking his attention to both scales virtuosa measure common be disconnected from the clean qualifiers attached otherwise spend on writing and speaking distance scale is not clear and reliable 0.1

C) dismiss verbal qualifiers: qualifiers, which is independent and separate from the general word is mentioned and to devote himself snob No matter the qualifiers discontinuous (qualifiers) before the public, or the public, and does not care The time interval between the two is high or low 0.1, for example, Article 445 BC. M which stipulate: "Each of the cucumber after death and transferred to an heir, which is universal." And Article 446 BC. M. "cucumber requirement may specify stewardship and assigned to a constitutional Les should be then transferred to heirs do not will.
The fourth debate, Outlined qualifiers general conditions of use

A) briefly qualifiers

We know that the literal or abstract. That implies that the meaning is not clear or in this case signifies that Mobin Brmna explicit. So, qualifiers or survey or would indicate. 's Argument that if we want to be ambiguous qualifiers from all directions, it spreads to the general outline of the Vam qualifiers are also ambiguous and can not be invoked if the qualifiers, only the where is ambiguous in some respects qualifiers to briefly outline the general public passes and where it does not spread? To answer and clarify, first, whether it is ambiguous or the qualifiers for the concept applies, ie doubt proof and sense?

1- doubt proof this kind of scenario, the concept is clear and it is not observed outlined. But in case, there is ambiguity and brevity. For example, someone in his personal library, books that deal with financial Osole Feghh, and he knows not, is a waste. However, the book does not belong to itself the principles of jurisprudence is that the library has the right to sell, or deal with other people and it is called Voyeur. We observed that there is an ambiguity in the concept. It's true that there is uncertainty and brevity. It was said in the discussion before the qualifiers may be attached or detached. Therefore, the question proof will either: there are qualifiers or qualifiers or qualifiers detached and attached synopsis is a brief qualifiers are discussed. In the past, such as the Commercial Law Article 588 states: "A person can have all the legal rights and obligations which the law gives to people, unless the rights and duties that may be the only human nature such rights and duties, Abbott and Bnvt Da'vat and the like Zalek." Although qualifiers there is brief and clear sense of direction. But, in this sense, are dubious examples. So that in article 69 the law judge courts public and revolt in order civil: "If official communication cant documents arrived to person called, should be in address appointment are sufficient to convey ...." the question that arises is that if the officer failed to petition the relevant authorities of a legal person (eg the CEO or board member) is communicated, whether it is to be a servant of the company (employees) to convey? Here we see that there is an ambiguity in the qualifiers attached brief time passes it to the public, and it puts the authority. 1

1 - M, M, Ibid, p 132

Therefore, in this case, the general fast search. Thus the first sentence of Article 588 of the Commercial Code can be properly documented and communicated to the servant of a legal person.

The qualifiers detached (and doubts equivalent) believe that the majority basic qualifiers outlined in this case passes to the public and subject to public citing leaves. One example of this case law, civil law, Articles 5 and 7. In accordance with Article 5 of this Act: "All the inhabitants of both the interior and foreign nationals are submissive to Iranian law unless the rule has an exception." And Article 7 of the said Act stipulates: "Foreign nationals residing in the territory of Iran in terms of issues relating to
personal status and their ability ... to be obedient to the laws and regulations of their respective states.

"Here dowry and dowry she brevity and uncertainty about whether there is an element of personal status or not? As we mentioned, most believe that basic qualifiers outlined in the general case and it passes out of the authority. Therefore, we must resort to other methods to determine assignment.

Thus, we see that the kind memory, only one type (detached qualifiers and uncertainty among the least and most, in terms of concept), and in other cases it does not spread to the general outline of the qualifiers, qualifiers brief synopsis, it will spread to the public.

B) General conditions of generalized

The first condition - there Fahs AND search of Existence Special

In the general practice before the special inquiry is permissible or not? The issue is controversial. Some believe that the common practice of Fazil NARAGHI of Expertise of qualifiers is permissible sentence. Some detail are allowed.

Some believe that general practice is not permitted before the qualifiers Expertise of renowned scholars believe it was the delay who does not believe that the last words have Some claim La opposite of the consensus 1. The rule us "I Alavdqkhs general" than there is any general qualifiers should be considered before surgery in general because the general appearance destroys qualifiers. Accordingly, regardless of whether we have the right to see it fulfilling the following qualifiers must have some idea not should what it but if you will be excused because of lack conscience La yadel Ali Dmalvjvd. This is dedicated to the public were not mentioned but which emerge in a meaningful than any words that will likelihood of the opposite current. The rise and rise of the obligation to act as an absolute prohibition on sanctions that may emerge through the mirror and hate what the recommendation is.

Notably, the basic differentiate between qualifiers attached and detached qualifiers are the qualifiers and qualifiers attached there is universal when it is not connected with the cornea, such as verbal, but the possibility is not attached or condition or trait adverb accompanied and its removal is likely to be weak and Majouh. dismiss the qualifiers must say that most of the public with respect to the allocation eat and our general overview of the science we have separate qualifiers than the general public, however, say she lies the main But the action does not survive a verbal brief and we can not convince the qualifiers Despite brief science. The general public can not be operated. The result is reputed public currently believe that general practice before the qualifiers in qualifiers attached Expertise is impermissible 0.2

1 - M, M, Ibid, p 144

2 - Khorasani, MK, Ibid, p 226

The question arises to what extent is that search Expertise is required in this case there is disagreement between basic believe that some Expertise qualifiers to the attainment of cessation should continue to be non-qualifiers. Others believe that it is sufficient to obtain the suspect., But it must be said that education is the first cut (cut sure to lack qualifiers) is impossible in this case because the final result is that we found attainment can find qualifiers
Not that we do not actually exist, thus ensuring that public Famous As in this case is sufficient.

The second condition other condition for general document to public must before from document general public attention to other technique presumption.

Sometimes it was difficult to be rhetorical techniques (which rely on the general public is one.) said. example - under Article 134 of Civil Procedure states: "After the announcement of the end of the trial verdict is prohibited other than acting." At the trial's end or cause to be sent before judgment is passed major legislation fails in time to vote and another magistrate in charge of the records of the proceedings was not sufficient and verdict may not be her view ASP or of the Peace prior shall regulations and contrary to what his opinion is right and just to vote? Some judges, according to the public under Article 134 of the aforementioned have responded positively, but it should be noted under this Article to enter often and theoretical assumptions rare high and not be an assumption rare instances of silence law that he "entered the most "non-verbal techniques to infer that the way to find a fair solution to this problem, our social worker, in this case it should be appealing to the general public virtue.

2 - conceptual confusion

The conceptual confusion, qualifiers are outlined in terms of concept, so that public confusion will spread and it will leave the authority. In this kind of scenario, the period of time between the least and most, and sometimes the two things are contradictory and the qualifiers or connected or disconnected, so there are four types of conceptual confusion that now at length 2 to each, we will have expression :

This is the first case in the state qualifiers attached and the concept is ambiguous between Mtbayyn Vtrdyd is outlined qualifiers and it will spread to the general authority and can not put in brief, was the general practice. For example, if you say all students must read two units of family law, unless law students, and the students in political science with a college student studying in the Faculty of Law. The doubts arise whether including students of political science, is or not? (Such as the assignment of rights for students is clear.) So here is our specific and general suspicion passes and it can not be fast (unless summary be removed.) Because qualifiers are succinct and to the actual known is not. In other words, when the qualifiers were attached, including the initial rise and the emergence of new general destroys Not true, the word is ambiguous and general appearance is lost and the remaining amount is not known whether those few person Therefore, in brief, was the general practice;

1 - Mohammadi, AH, Ibid, p 104

2 - Hashemi, Seyed Mahmoud, conflict Ladlh Alshryh, pp. 289

In the latter case qualifiers attached to the concept of the least and most succinct and it is time it is. Briefly passes qualifiers to the public and it can not be invoked first, leaving the authority. For example: If it is said: "Ella A. Allma Alfasqyn Menhom" We Fasqyn not know what purpose? Ie, it must honor the world that sin is not sin (minimum), or commits a sin and not insistent on venial sin (mostly)? Here the word "unfaithful " between mortal and venial sin undecided (Con) is. Thus, with the help of the Egyptian General ie venial honored not probable and suspect had
been obvious to the least, leaving the public and cherished having committed a sin, no doubt. The third one is about the uncertainty concept, but separate qualifiers, ambiguous and contradictory between the two is doubtful. Sentence topic sentence qualifiers attached (section 1), equality, since, on the one hand we have a brief knowledge of the general appropriations entered. is Vajmal qualifiers the qualifiers are succinct synopsis of the case, it will cause a general synopsis. For example, at one point saying: "Holy Allma" and the word apart, is that "Zayd Latkrm world" and we are two people named Zayd, have. Therefore, it is unclear what is meant someone who should be honored, which one of the two "Zayd" is the fourth state in the state qualifiers, detached and in terms of the concept of the least and most uncertain, ambiguous, and only the it does not spread to the general outline of the authority does not strike qualifiers for this kind of law can be expressed, for example, Article 2 of the Constitution Act 1356, the landlord and tenant relationship. The top of the article read: "The following are not subject to the provisions of this Act." And in paragraph 2 states: "The enclosed arable land and gardens insoround and their functions and operation of the product that the primary purpose of renting them." However, about What is the purpose of the farm, we doubt whether the farm where wheat and barley plant? Or if the goal is to cultivate the farm? The qualifiers outlined here means not clear, there is at least one magnitude the land of wheat and barley, and certainly in excess of the coverage of qualifiers is not so sure, and are not subject to allocation on the general order surgery. Because, when it is detached qualifiers, has emerged as a powerful manifestation of the general result in severe guidance and the general appearance is preferred. However, if more than a certain magnitude can be succinct, powerful and not appearance to be able to overcome the general, after overcoming the general appearance and the proof will be in the direction that some have said, a public affairs doubts conception fast to the minimum and the Most have been without difficulty. 2

The advantage of this talk of rights issue Iran

. And then act on it .does not exist .we know that more the half century passed the life law in Iran this time appointed the many laws that sure existence general and specific and abolisher and abolished and rules contradictory and many rules by Supreme court the disciple .

C ) a general assignment by the concept

Know, Mantough" There is a sense in which the word comes directly to mind. Like Article 24 of the Civil Code states: " No one Shvar public ways and streets that end, they will not block acquisition." Thus, it is Mntvq words: streets, blocking them is not the end, it does not possess. And " concept " does not mean that the statement. However, due to the compound word, is realized indirectly. Like the article mentioned, the second sentence can be inferred that this is the end of the alley is blocked, it is owned. Is divided into two opposing concepts; swear First, the sentence proposition that Nfyaa and Asbata Mntvq verdict is in favor of the proposition that the rule against it is Mntvq Nfyaa and Asbata disagree. 1 With this explanation and note, you must see the literal and the general conflict, which takes precedence? In other words, it means Mntvq general terms as are assigned by the assignment, they will find? Here must agree with the concept and the general public and the opposition were allowed to
The conflict between the public and agree, agree, Bram is believed that the concept of precedence, and it assigns. 2 because of the wording, or Azhar general public and therefore, it may be preferred. Like that Article 1235 of the civil law in general, "says one molar protect against legal representation in all matters related to the property and financial rights he has remaining." And Article 1241 of the Act provides: "immovable property can not be a guardian molar against sell or mortgage or deal that puts its result against the molar owe unless the approval of the prosecutor against the molar envy." Therefore, grant peace through the first molar against immovable property must be eligible. Thus, while this article is not gratuitous mention of peace, through the first assigns it. About that, it could be the opposite of the general allocation, the issue is controversial. According to some, the concept is not opposed to the general allocation. Because of weaker, but stronger Mntvq it. 3 Nevertheless, the majority opinion Asvlyyn, as opposed to the concept of proof and proof, such as general and customary criterion sum is due, and spoke in opposition to the concept of the primacy of its allocations is Bram. 4 For example, Article 1287 of the civil law otherwise publicly expresses it: "The documents that the Department of Real Estate Registration or official documents or with other officials about the competence and in accordance with legal regulations set to be official."

1 - Mohammadi, AH, Ibid, p 79
2 - strips, MR, Ibid, p 141
3 - Mohammadi, AH, Ibid, p 116
4 - Hashemi, Seyed Mahmoud, Ibid, p 384 onwards

And Article 999 of the Constitution, which stipulates: "Document birthday parties, the birth of the term legally circle Sjahval declared the official document is to be." Meaningful opposition upon which to document the birth of persons who birth at term legal circles Sjahval has been said, will not be considered an official document. Thus, we can say that the opposite meaning of Article 999 of the Civil Code, Article 1287 of Public Law No. 1393 dated 09.04.1337 has allocated a clean sentence Branch VI, it is clear in this matter.

D) Allocation of doubt
If the general and specific (discrete) have entered into a special, wavering between allocation and assignment (assignment or specialty) this is the originality lies is because the principle of allocation, there is certainly the general public, it is excreted if, for example if you are looking for, "Akram Allma" because like "La Tkrm Zyda" enters the lives that are both in and out of one world and the other is ignorant and mean Mtkm in determining the "lives" should not determine the authenticity Almmvm be referred to as the authenticity Mqtzay prosecutor ruled that the necessity for a common person to be fixed and it needs fixing verdict and sentence of the only other constant is, therefore, outlined at the beginning of the there will be dissolved and a general obligation of honor "Zydalm" Kndzahra indicated above should warrant special case, this detached building, but connected to the case, such as "Holy Allma Ella Zyda", likely to Zaid, Zaid ignorant is unreasonable because it lives as scholars ignorant of the issues, except in assuming interrupted exception excludes and exempts me from the possibility that the sexes are not correct about the lives of the world 1

Section Five) Vkhas general conflict (time between allocation and manuscripts)
The first versions of definition and expression differences between the versions are just different
aspects of conflict include allocations of certain general and express their rule and establish:

Conclusion

References

10. Ghomi, MirzaAbolghasem, Regulations of Principles, Islamic Scientific Office, Bita