

The nature of the veil and its provisions by looking at Islamic penal code and Hanafi jurisprudence

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ABSTRACT: The purpose of this study is the nature of veil and its provision by looking at the Islamic penal code and Hanafi jurisprudence. Research has been conducted analytical and library, the main research hypothesis is that how is the nature of veil from the perspective of Imamate and Hanafi jurisprudence? The research hypothesis is that the nature of the veil in Imamate jurisprudence and its principles has been paid more attention. The result showed that all religions paid special attention to veil issue that this is more significant in Imamate jurisprudence. Thus it is recommended that all officers and administrative system help to promote the veil of Islamic community with appropriate policies and the adoption of implementing rules and regulation.

Keywords: veil, the Islamic penal code, Hanafi jurisprudence.

INTRODUCTION

Legislator considered unveiling as a crime in clause 638 of the penal code in the eighteenth chapter along with crimes against chastity and public moral. The problem is that precise and full definition of the veil has not been provided. Also the law is not being implemented in the country. In this article we have tried to describe the material used in the Act and regulation, express a restricted interpretation of the law and resolve the ambiguity of the law with the discussion of legal and juridical resources.

"Veil" is one of the fundamentals of Islam that the legislator gives the special important for it and considers a crime to leave it. The interpretation of rules is undertaken by certain authorities by the Islamic consultative Assembly of course legislator allow to refer Islamic authentic sources and is undertaken by law science, scholars and the researches to help better understanding by explanation of the legal material.

This research studies the current law for unveiling crime, and does not speak of the former laws (pre-revolutionary). Hence, we try to under prate unveiling crime by referring legal resources. In this article we don't seek to prove Islamic dress. Because it would require another change. We don't describe veil philosophy and is doubts, but we deal to the legal doubts. In addition, since the domestic legislation of each country delicates to the same country, we will comment only to domestic law enforcement.

1. Research objectives

1. A comparative study of the nature and laws of the veil in Imamate and Hanafi jurisprudence
2. New and old perspective of penal code and study of their foundations

Research hypotheses

1. The nature of the veil in Imamate jurisprudence and its rulings has been paid more attention.
2. Enforcement of orders related to veil and legal monitoring decreases unveiling sin and strengthens the foundation of the family.

3. According to the jurisprudence of the penal code, adopted 2013 on contrast to the silence of Islamic penal code adopted 1997, in considered crime as unveiling.

MATERIALS AND METHODS

Research topic is contextual- case and the method is descriptive analytical. To better achieve the objectives, the method of data collection is library. In this method, the researcher studies research topic and data collection by referring the various sources. Library method enables the researcher refers to the different theories and various subjects and proves one or two theories. Because of time and space constraints, it has been tried to study the new theories by referring the legal resources related to unveiling crime, In the legal context.

The nature and reality of the veil

The veil that means hidden female appearance is beyond the veil of Islamic. Veil means ladies dress has two dimensions: obligatory and forbidden. Obligatory dimension is the necessity of covering the body and its forbidden dimension is to forbid to male self- presentation, and the two should come together to happen Islamic veil. The word Veil means to prevent, screen and cover. The use of the word means more to screen. As this word means to cover that screen is a means of cover, but each cover is not a veil, but that cover is veil that accurse behind cover. The veil can has the various kinds one kind is mental, intellectual and spiritual, such as belief in Islamic knowledge's, like mono theism and prophecy, from the examples of mental, intellectual and spiritual it is corrected that can prevent mental and intellectual lapses and sins such as blasphemy and idolatry. Quran has been named other types of veil that manifested in the external behavior of human.

Veil benefits in several dimensions:

A. The advantage of the veil in the individual dimension:

One of the important effects and benefits in the individual dimension is to create mental calm among the people of the society and one of the factors of this calm is the lack of sexual simulation and excitement: the lack of veiling and freedom of irresponsible behaviors among man and woman will increase sexual sensation and inflammation.

B. The advantage of the veil in the family dimension

One of the important benefits of the veil in the family dimension is to restrict sexual excitements to family environment and permissible marriage. This establishes the stronger connection of couples and strengthens family focus and vice versa, unveiling destructs family.

C. Other worldly dimension and using divine reward

Every religion has rules and instructions followers of religions don't rules of religion in act and perform in their life. In Islamic school the observance of Islamic veil is necessary and must be ascertained from the devout persons and Muslims

D. Personal and social dimension:

Security is one of the most important need of human in the individual and social life, because in the shade of security and calm, the situations of attempt and activity, growth and evolution have been provided. In contrast, anxiety and insecurity stop human development activities in the different spheres of life.

The nature of juridical orders and its relation with the moral edicts.

The relation of moral orders is different in terms of what moral theory accepts and what definition of jurisprudence is presented. If we considered jurisprudence as text knowledge that tries to discover divine commands through religious texts such as Quran and hadith and on the other hand, if our moral theory is related to divine affair that considers each moral order including good or bad or must or must not related to divine command, the moral orders and judicial will overlap. But if our moral theory accepts the possibility of independent moral judgments of seasonal and empirical orders that many moral theories, then jurisprudence like text knowledge with moral or like independent rational or empirical knowledge may have different domains or even orders.

An introduction to the public principles of jurisprudence about veil and the responsibility of Islamic government one of the dimensions of responsibility and involvement of Islamic rule execution is to study and analyze juridical foundations of this responsibility. Is essentially this responsibility from Islamic state? If so why and what are its limits?

This paper tries to briefly assess the issue of perspectives on several grounds principles and scope of government involvement.

The relation of the veil with the responsibilities of Islamic government

It seems the most important and at least the most comprehensive foundation in study of the relation of the veil with government is the issue of goals and general responsibilities of Islamic government. We don't seek to answer this question that veil order is government affair or not, but we seek this question: Does veil place outside of scope of

private precincts as the issue of health and environment conservation although it is not one governmental issue, but at least is one of the essential problems.

Legislator view about veiling and unveiling crime legislator considered unveiling as crime, Now we explain some of them.

Article 638 of Islamic penal code:

Article 638 states Every one do a forbidden act openly in public streets and places, in addition to the punishment of acts sentenced to 74 lashes from ten days to two months in prison and if he/she commits a act that the essence of that act doesn't have an punishment but hurts general chastity, will sentence imprisonment from ten days to two months or 74 lashes.

Note of this article also provides: women who appear without property cover in the public will be sentenced imprisonment of ten days to two months and or a fine of fifty thousand to five hundred thousand dollars.

Muslim veil has been expressed for women and men, but this article is about women and does not speak about veil and men dress. Islamic considered necessary the observance of veil not only for appurtenance cover and organs, but also for all member and organs such as eye and ear, but legislator just speak about body cover. In this article, "the presence of women without religious veil".

Veil from Hanafi jurisprudence perspective

Dress discussion and its limits did not have independent position in jurisprudence and is just proposed in two cases, "cover or dress in prayers" that is one of the preliminaries and the condition of prayer and other is "marriage book" to allow man to book at women in visit for marriage. independently the issue of men and women coverage and the issue of looking at each other. In the discussion of prayer coverage, many jurists have asserted, the dress coverage is not limited to prayer and includes non- prayer.

There four religious of Sunnite oblige the coverage of all body of woman except face, hand and feet in prayer and against non- mahram man and jurists gave fatwa that opening face in correct. Velma's mention reasons for coverage.

CONCLUSION

We can study and evaluate the involvement and responsibility of Islamic government in implementation and establishment of veil order in society according to principles. Although some of the these principles cant prove this responsibility at all general examples, but at least on three basic principles, we can prove the responsibility with the public district and other about enjoining the good and forbidden the evil and the third about the goals and responsibilities of Islamic government.

From the reminded cases, it is clear that the necessary of the veil in the general area is in the authorities and responsibilities of Islamic system. If the question is, it relates to implementation and administrative method and does not allocate to the implementation of the veil order.

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