

Imam Khomeini's Jurisprudential and Legal Views on Purity and its Difference with Retribution and Guarantee (with Emphasis on the Supply and Sale of Artworks)

Abstract

In Imami jurisprudence, purity has been considered as a means of dominating other people's property and is similar to intercession. Some consider it as a cause of falling obligations and others consider it as a sale and its rulings are attached to the rulings on the sale of faith to religion and guarantee. However, some have considered the use of purity instead of vengeance to be correct, because if the conditions of purity exist, each of the two religions will reject and abrogate each other. Imam Khomeini's view is also based on the fact that purity is one of the causes of falling commitment and is not considered as a guarantee. The research method of this paper is descriptive-analytical, and information is gathered by the study of books, articles, publications, reputable legal sites in main and secondary sources. The research findings indicate that due to the lack of differences in nature between contractual, judicial and statutory purifications, all of them eventually return to coercive purity. The final result of the research indicates that the jurists in their interpretations have often described purity by force. Therefore, from Imam Khomeini's point of view, purity is also coercive, and in the presentation of works of art and products, this act becomes elementary, and finally, there is a difference between purity and retribution.

Research aims:

1. Examining the theories of jurists and judges with emphasis on the view of Imam Khomeini on the issue of purity with emphasis on the supply and sale of works of art.
2. Creating insight, awareness and enlightenment of public opinion, as well as with the aim of examining the views of jurists and jurists about purity as one of the causes of falling obligations.

Research questions:

1. How is the truth of purity and its types analyzed from the point of view of jurisprudence and law with emphasis on the opinion of Imam Khomeini?
2. What effect do the views of jurists and jurists have on the supply and sale of works of art, with a special emphasis on Imam Khomeini's view on purity?

Keywords: purity, retribution, jurisprudence and law, Imam Khomeini, works of art.

Introduction

In social systems that are based on rational and scientific rules, commitment in any field is not permanent and after a while, it may disappear for some reason. Execution of a commitment is the most common means of breaking a commitment, but the persistence of a commitment does not always end with execution. There are also cases in which the obligation is fulfilled and purity is one of these cases. By analyzing the applications of purity in jurisprudential and legal texts, jurists and legal experts have divided it into three types: legal or coercive purity, contractual or voluntary purity, and judicial purity. Purity is basically coercive, which means that as soon as two religions are eligible for purity, without the need for the will of the parties and even without the knowledge of the two religions, they are forcibly abolished simultaneously due to purity, and other forms of purity eventually nothing is coercive purity; With the realization of purity, the creditor gets his right because purity is in the order of paying the debt and fulfilling the obligation by which the debtor's obligation to the debt is released; hence, in the importance and necessity of this research, it is enough for the security that exists in the purity for each of the parties to reach their demands. Today, purity is widely used in most legal, commercial and economic issues and relations between banks with each other and their customers, and an important part of global exchanges and transactions is done in a pure form. Imam Khomeini distinguishes between purity and retribution, and has stated conditions for purity and retribution that well explain the difference between the two.

Regarding the research background, it should be said that several dissertations have been compiled on the subject of purity. The dissertation by Ahmadi Behnam (1968), a postgraduate student at the Faculty of Administrative Sciences and Business Management, University of Tehran; criticizes the fact that some people think that purity is only in socialist countries, he writes in his dissertation: in international trade relations, when it comes to purity, there may be trade exchanges between governments since at present more pure and partial transactions are made in very exceptional cases only with the socialist countries and the so-called Eastern Bloc, and because in socialist countries because of the special regime, all transactions are done through the governments themselves. Thus, the impression is created those pure transactions are necessarily the same as government transactions, while when we look at the other side of the issue, the two sides are not always the deal of the socialist countries, and it is not necessary that the other side is the deal of the

government. Another dissertation entitled "Purity in the Principles of International Trade Contracts and Its Comparison with Iranian Domestic Law" has been prepared by Davood Soltanian (2012), a graduate of the Faculty of Economics and Administrative Sciences of Allameh Mohaddes Nouri Institute. In this work, purity is mentioned as one of the methods of falling obligation in Iranian law and the principles of international agreements. Another dissertation entitled "Jurisprudential and legal study of purity and its types" has been done by Zeinab Ahmadi (2012) at the Azad University of Tehran, which has an overview of purity, its types and effects. There is no new word in these two dissertations. Several articles have been published in various journals on the subject of purity. However, in these works, each topic has been examined separately; for example, Majid Sabzian and Seyedeh Fatemeh Zabarjad (2014) have written a work entitled "Purification of effective institutions in preventing the prolongation of the reciprocal payment process." When two people owe each other a sum of money or the fulfillment of an obligation of the same kind, they can clear it in return. For the occurrence of purity in international trade law, it is necessary for the parties to be indebted to each other, enforceable without certainty and reaching the due date. The types of purity in international trade law according to the method of implementation are: unilateral purity, procedural purity and contractual purity, and according to the source of obligations, it is contractual and independent. There is legal, contractual and judicial purity in Iranian law. In Imami jurisprudence, the word retribution is mostly used and forced retribution is called purity. Conditions and purity have many similarities in these three systems; However, there are some differences between them, especially in the way it is performed and its effects. With these interpretations, the present study intends to study the purity and its role on the sale of works of art in a descriptive and analytical method, relying on the data sources of library resources.

Conclusion

Purity in the word means to invalidate a claim against each other, and the literal meaning of purity with its literal meaning is the occasion of the mutual fall of two religions from two people. In jurisprudence, purity has been mentioned as the cause of the fall of debts and its conditions in various chapters of jurisprudence, and it has been interpreted as the word retribution and in other cases as "purity" or "forced purity". In the civil law of Iran, there is no definition of purity and only the conditions and rulings related to it are sufficient, but in general, the legal view of Iran regarding the legal nature of purity according to the laws and judicial procedure and jurisprudential sources of such he considers it a means of fulfilling his obligation, but he also accepts the aspect of guaranteeing religion for it. In terms of the legitimacy of purity, according

to what has been said, the authority of purity can be said as follows: The main basis of purity is human intellect and reason, which, if the two religions were together, would be abolished under certain conditions, without each being paid.; In fact, purity is a kind of fulfillment of an obligation, and a means of fulfilling a debt as well as a kind of guarantee that can be applied and enforced only in the case of our general debts. Purity in terms of benefit is the provision of debt and fulfillment of obligations, and also prevents the repeated payment of debts and spending time on the fulfillment of mutual obligations. In purity, there is more security for each party to get what they want, and it avoids the dangers of transferring property, such as theft and loss. Hence, a "clearing room" has been established for exchanges between banks; In addition, purity has the benefit of providing for both parties to reach the demand. Works of art as works that have a high existential value and sometimes its financial value is difficult to determine, the use of purity can be effective in the exchange of goods.

References

Books:

Quran

Ashtiani, Mohammad Ibn Hassan (1404 AH). Kitab al-Qada ', second edition, Qom: Dar al-Hijra.

Institute of Encyclopedia of Islamic Jurisprudence, Encyclopedia of Jurisprudence, Library of the School of Jurisprudence.

Ameli, Seyed Mohammad (1410). Documents of rulings, Qom, Al-Albayt Institute.\

Amid, Hassan. (1388). Farhang Farsi Amid, Tehran: Amir Kabir Publications.

Ameli, Mohammad Taqi (Without). Kitab al-Makasib wal-Ba'i, Teachers Association, Qom, Bina.

Amini Jazani, Mansour. (1371). Coercive Purity, Tehran: Shahid Beheshti University.

Ansari, Morteza, (Sheikh Ansari), Bita, Makaseb, Qom: The legacy of the Great Sheikh.

Isfahani, Mohammad Hussein (1383). Margin on achievements, knowledge base, misplaced: unbelievable.

Barati, Parviz. (1389). Major Actors in the Iranian Art Market, Farda Art Quarterly, No. 1, pp. 197-194.

Behjat, Mohammad Taqi (Beta). Clarification of Persian issues, Qom: Library of the School of Jurisprudence.

Pourghasemian, Mohammad Ali (1374). Purity in Iranian Law Islamic Azad University.

Haeri, Ali (Shahbagh). (1327). Description of the Civil Code, Tehran: Ministry of Justice Publications.

Khazem, Ali. (1413 AH) Alam al-Fiqh, Beirut: Dar al-Azba.

Khomeini, Ruhollah (1403). Tahrir al-Wasila, fourth edition, Tehran: Etemad.

Khomeini, Ruhollah (Beta). Kitab al-Bayy, Tehran: Institute for Organizing and Publishing the Works of Imam Khomeini.

Khoei, Seyed Abolghasem (Beta). Misbah al-Fiqah, Qom: Ansarian.

Jafari Langroudi, Mohammad Jafar. (1388). Wasit in Legal Terminology, Second Edition, Tehran: Ganj-e-Danesh Publications.

Dasoghi, Mohammad ibn Ahmad Al-Dasuqi margin on Mughni al-Labib from the books of Al-Arib for Imam Ibn Hisham, Dar Al-Muktabah Al-Hilal.

Dehkhoda, Ali Akbar. (1379). Dehkhoda Dictionary, Tehran: University of Tehran.

Davani, Ghulam Hussain (1379). Commercial Law Collection, Tehran: Kiomars Publications.

Zabidi, Mohammad Taqi (1306). The crown of the bride from the jewel of the dictionary, Beirut: Publications of the School of Life.

Sabzwari, Abdul Ali (1417). Madhhab Al-Ahkam, fourth edition, Qom: Ayatollah Sabzevari's office.

Shahidi, Mehdi (Beta). Falling Liabilities, Tehran: Majd Publications.

Sadr, Seyed Mohammad (1420 AH). Beyond Jurisprudence, Beirut: Dar Al-Azwa.

Fazel Lankarani, Mohammad (Beta). Tafsil al-Shari'a, Qada, Qom: Center for the Jurisprudence of the Imams.

Katozian, Nasser (1381). Iqaa (general theory, certain Iqaa), Tehran: Mizan Publishing.

Katozian, Nasser (1390). General Rules of Contracts, Volume 3, Sixth Edition, Tehran: Anteshar Co.

Meshkini, Ali. (1379). Terms of jurisprudence, second edition, Qom: Al-Hadi.

Mansour, Jahangir. (1392). Rules and Regulations of Civil Procedure, Tehran: Doran Publications.

Muridi, Mohammad Reza (1393). Art as a Collective Work: A Sociological Study of Iranian Painting, Mashhad: Badakhshan.

Mohammadian, Mahmoud et al. (1397). "Marketing Model of Modern and Contemporary Visual Arts in an Institutional Context: A Data Study of the Iranian Bazaar Foundation". *Business Management Quarterly*, No. 4, 742-713.