Study the Jurisprudential Basics of Security right (Article III of the Universal Declaration of Human Rights)

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ABSTRACT

Security in Islam is one of the basic needs and introduced very valuable blessings. study and research shows that security is a fundamental and inalienable right of every person around the world and is the essential rights of man. In the present era, this right from two views of universal declarations of human rights and Islamic were discussed and considered. Explanation of Jurisprudential Basics and addressing the issue of faith, causing security in the area of personal and social around the world, security is very important in Islam. To the extent that it referred to as blessings and rewards. This paper intends to use the legal resources (books and tradition) and Islamic scholars and by consider the evidence by providing documentation and legal principles mentioned in Article III of the Universal Declaration of Human Rights, the right to security in the expression, And hope that the outcome of the comparative law and its practical result of relaxation and feeling of safety for human beings around the world.

INTRODUCTION

Universal Declaration of Human Rights in its third article stated that "Everyone deserves the right to life, liberty and personal security." After World War II, the manifestation of the tyrant and curb of power was appeared. Humanity was thought to inhibition its and the Universal Declaration of Human Rights in December 1948 by Resolution No. 217, and with an introduction and thirty articles in the United Nations General Assembly adopted. It can be said that the "Declaration of Human Rights" is a document and international legislation that aims to support, dignity, equality and human security throughout the world. One of meaning word, which underlie the basic ideals of modern human is «Security». But these categories with the exception of Period of government of Imam and the Prophets, That Represents a divine rule, always has been under the yoke of any "threat" and "fear". Islamic scholars.in the famous declaration of human rights and citizen of France, dated 1789, security is one of four great value of human has been introduced. In the first article of the Declaration of Human Rights, objective of political community to preserve the natural rights of mankind. This Law in the view of this announcement, including the right of freedom, the rights of property, the right of security and the right of resist against oppression. [14] The most basic of human needs that is essential and have an undeniable sensitive is security, as it to consider as the prime importance. If man enjoyed all the necessities of life, but his security is lacking, he has nothing. So to say, that security is a fundamental and inalienable right of every individual. It is important to note that without security, fear and terror are ruling on people. In such a situation, life for people becomes bitter, harsh, and intolerable. Thus, humanity will have to try to provide security, and remove the security barriers. Security is root from "safe" means " Being safe " and "Beign protected" of any aggression and in "peace" and "comfort" [15] of any "threat" and "fear" [22], but should stated explicitly that this concept in Islamic sources, have a broad area and covers the areas of personal and social, intellectual and spiritual, moral, theological, Worldly and otherworldly.

1- Security from Quran point of view:

Security from Quran point of view is introduced a basic requirement, very precious gift from God and very useful. The widely use of a "safe" substance and its derivatives (faith. Believer. Trust...) and the various

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meanings of this substance in Quran verses show the location and great value of security and Humans need it. For example, faith as a term derived from "safe" has many functions, but the most important function is to secure the believers. Based on this function, it was he who sent down tranquility into the hearts of the believers: (Victory / 4) Tabatabai writes: "The believer is one who offers Security." [13] this word is about 897 times used in the Qur'an [11].

2-Security and its valuable place on Narratives:
Value and place of security in In the tradition of the Prophet (pbuh) and Narratives of Immaculate Imams (AS) is clearly visible, to the extent that it existence is a great blessing and lack of it is considered unfortunate and cause loss of human life, And establishing it, is introduced as a part of features of ideal age after the emergence of Imam Mehdi (aj).

The Holy Prophet (pbuh) said: Whoever his body is healthy " [8] and safe in their community, and has his meal, has the whole world, the value of security is to the extent that this narrative, knows the world for someone that has a security. The Holy Prophet (pbuh) has said in another narration: security and safety are two blessings which many people doesn’t appreciated [8], for the outstanding importance of security. This point is sufficient that the security in this narrative is among one of the blessings that man does not appreciate it, unless they are caught in a disaster, " [20]. Imam Ali (AS) knows one of the features of the Age of Ignorance is the lack of security and intrigue of this period, an era that in his interpretation, intrigues, trampling People and with his strong hooves, had destroyed them. Confused People, Ignorant and deluded, along with the best House (Ka'bah) and worst neighborhoods (Heathen) living and their sleep is waking and their eyes kohl was tears. In such a situation, Islam with nature of bringing security, was sent and introduced by the Prophet[2]. It was then that "God placed Islam as the security tool for its believers" (ibid. sermon 106) and he says that " [7]. There is no palatable blessing exist than security. Imam thence in Malek Treaty taken into account peace as holy and acceptable that is the way to achieve security. [2] rightly warriors comfort and peace of your mind and security in the country are provided in peace. [2], Narrated from Imam Hassan (AS) that the Prophet (pbuh), between first of two rakat of noon prayer read: "." [20] God, Implore of you the comfort, security, Adequacy, and safety. Imam Sadiq (AS) said: "[20]; five thing is that even if one does not exist, life is incomplete and unpleasant; Reason is destroyed and causing concern. The first of these five things is health and the second is security. in the Islamic Narratives, one of the main features of an ideal era after the The advent Imam of the Age is establishing security, so that called Imam Mahdi Security Source of people of the world " [20] and rightly I Am Source of Security of the earth, As the stars are source of security of skies. When the Joseph family arrived in Egypt, the Prophet of all the gifts and blessings of Egypt, emphasizing security and says to his father, brothers and mother enter the Egypt, that hopefully you will be safe. This suggests that the security blessing is root of all blessing, because whenever security is eliminated, defense and other material and spiritual blessings to the risk of falling. In an unsafe environment, it is not possible to obey God nor live with dignity, comfort, and effort and strive to promote social objectives [23].

1-2 Types of security:
In recent years, researchers and scholars who worked on security issues, have divided Subjects in this issue in different categories including the spiritual security, social security, personal security, political and military security.

1-1-2 Spiritual Security:
Spiritual security monitoring mental relaxation, Intellectual and human psyche that in the Quran Referred to it. Those who do good deeds and faith in God and the Resurrection are not afraid and do not be sad, and for them is a double reward for what they have done and that is security.

2-1-Verses Monitoring the Spiritual Security:
those who believe, jews, nazarenes and sabaeans whoever believes in allah and the last day and does good deeds shall be rewarded by their lord; they have nothing to fear nor are they saddened. (AL-BAQARA, 62) . Indeed, whoever submits his face to Allah and does good works shall be rewarded by his lord; there they shall have nothing to fear nor shall they be saddened. (AL-BAQARA, 112). Except who believes and does good work. For those their awaits a double recompense for their deeds, they shall live in safety in their lofty chambers. (SABA, 37). Is he who is cast in the fire better than he who comes in safety on the day of resurrection? (FUSSILAT 40). On that day, you shall be questioned about the pleasures. (AT-TAKATHUR, 8), about this verse Imam Sadiq (AS) said: "The purpose of the blessing that in the the resurrection will ask you is the safety, security and ruling of Imam Ali (AS)." [20]. (AL-ANAAM / 81) God says: which of the two parties is more deserving of safety, if you know? Translation: those who believe and have not confounded their belief with harm security belongs to them; and they are guided. ' (AL-ANAAM /82). In this verse, security, introduced as the reward of Righteous, a reward that can be used to distinguish righteous from falsehood.
3-1 Narratives of Spiritual Security:

"Prophet (PBUH) said that God says, "I swear to my honor and Glory that I don’t give my servant two security and two fear, if in the world is safe from me, I am on the day that I gather servants, save him and if in the world he fear of me, on the day that I gather servants, secure him "”. Narrated from the Prophet and Imam Sadiq that the believer, is called believer because ask the God safety and God give him safety [20]. The Holy Prophet (PBUH), presented hopes and fears for the believer as a source of prosperity and security follows:, the one who has hope to God will be victorious. In addition, who has a fear of God is safe. In addition, one who has hope except of God, and feared except of God is arrogant person and he is in destruction.

Imam Ali (AS), considered security as the fruit of faith and Promises to those who have made the God their refuge and Shelter 'O people! Everyone who consider God as an adviser and benevolent will be successful and Everyone who consider his promise as his reason and guidance will be guided to the steadfast way. One, who placed themselves under the protection of God, will be in security and peace and whoever is an enemy of God is frightened and fearful. Imam Ali (AS) as well as considered faith as a result of security [20], the fear of divine is a factor to achieve security and recommends people to considers their soul , insights and learning that interacting with each other in one direction. Imam Musa ibn Ja'far (AS) Considered belief in the oneness of God as the eternal security of the believer [20].

2.2 Social Security:

Social security means the security of life, property, and the person position of the social factors. The public feeling free of the threat that the illegal actions of the government or the individual or group bring all or part to the community. In the new legal system, it is assumed that the law, with the definition and Specifying the liberties and individual rights and punishing those who have passed beyond the limits. In Islamic thought, social security should with piety, justice, dignity and respect for human rights, defending the oppressed, dealing with corruption and criminals, alleviate poverty, welfare and livelihood of the people, protect the legitimate rights and freedoms, the rule of justice, individual and social rights and in general, human and divine standards be probed.

1-2-2 Verses of Social Security:

“” (AL-BAQARA / 126) Translation: and when abraham said: 'my lord, make this country safe and provide its inhabitants whosoever of them believes in allah and the last day with fruits. This verse in prior context “i have appointed you as a leader for the nation.”(AL-BAQARA / 124) providing Security, welfare and the appropriate fields are the demands and duties of religious leaders. Knowing Ka’bah is Secured by the God in fact shows the importance of security, that this sacred building is described with it. This attribute of Kaaba is repeated in many verses. As in tin, Mecca and the Kaaba as the “Balad al Amin” were described. Allameh Tabatabai in this regard has said, is named Balad al Amin because the security as the property is considered for shrine and did not considered elsewhere in the world, and this land is sacred land that Ka’ba is located there [13]. With God commands, all humans and even animals are safe in this country. It is forbidden to hunt animals and even prosecute criminals who fled to the Mecca is also not permitted. Only for administration of justice to such offenders closed their food to come out and surrender. Allah strikes a parable of the village that was safe and peaceful. Its provisions came in abundance from everywhere; but it was thankless for the favors of Allah. Therefore, for what they were doing, Allah let it taste the garment of hunger and fear. (AN-NAHL -112. In the above verse for this frequent, lucky and blessed area, three character is mentioned. the first of them is security, then make sure to continue living in it, and then it is attracting a lot of abundance and the food, That in the natural order, as it says in verse has a ring chain of cause and effect, because until is not security, no one sure to settle in any place,In addition, until these two does not exist, no one is interested in the production and reintegrate living conditions. and This is a lesson for all of us and all those who want to have a independent and flourishing land, first of all must consider the security,

Then promising people for their future in the region, and then move the economic wheels [13].

2.2 Narratives of Social Security:

In many Narratives, the security of other people, in other words, no harassment and Abuse are signs of believers, As far as characters such as aggression, violence, dishonor others, creating insecurity and terror in contrast with the faith and faithful behavior is considered. As an example, we refer to several Narratives:

The Holy Prophet (PBUH) said: 'I'll tell you why the believer is called the believer, because the lives and properties of the people (Offensive) are safe " [20] also said:” No allowed that a Muslim scare other Muslim, don’t scare the Muslim, scaring a Muslim is a great injustice. Those who believe in Allah and the Last Day do not scare the Muslims. Whoever scare the believer, for God is obligatory that in doomsday not safe him” [8]. Imam Hussein (AS) said: "The believer is one who his neighbor saves from evil. Narrator asked from Imam: What is the purpose of evil? Imam said that it means that from the oppression and His wrath [Be safe] "[9]. These kind of narrative are fully and explicitly emphasis on individual dignity and social security. Such a view
to respect the security, not only for Muslims; but also all those who live in a Muslim country, whether Muslim or non-Muslims. The best example of this kind of attitude is in the Imam Ali (AS) ruling and his generous bevior with non-Muslims.

3-Individual security:
A condition in which a person is free from the fear of damage to life, property, reputation, or loss of his own lives. This form of security is highly regarded in the Koran, in which a group of verses, indicating the importance and value of the security. Many criminal statutes of Quran to create financial security and ensure the safety and security of people reputation is revealed, and personal security in three types, safety, security, reputation and financial security is examined.

2.3.1 Security of life:
Humans have a Fundamental right to live. Since it depends on the viability of human rights, the right to life has priority over other rights, because without life, other rights or value is not applicable [12] and the original owner of the man is God and His soul is trustee of the divine, hence should protected this trustee and removing it is seen as betraying the divine, Right to live is the Fundamental gift that God has given man, verses that prohibits suicide and murder and harming others. Witnesses of these claims. These verses puts a heavy penalty for murderers and those who make others injured that to be an important factor in providing a sense of security of others.

1-1-3-2 Verses and Narratives based on the sanctity of deprivation of life (suicide, abortion, murder):

Suicide is forbidden in Islam and is doomed. As the Quran says, (AN-NISA / 29), do not kill yourselves! God is Merciful to you. The word “do not kill” is a temporary injunction and indicate the necessity of leaving the act and Prophet PBUH said: whom suicide with something from this world ” And in another narration says: who choked himself, choked himself on hell fire and who strangled himself and who hit himself spear, be on fire.” (ibid, p. 35.). Abi Vlad says I heard from Imam Sadiq (pbuh) that said: whoever intentionally commits suicide, always will be in hell.” [17]. (AL-ISRA / 31): do not kill your children because you fear poverty. We will provide for you and them. Killing them is a great sin! One of deprivation of life, which has a long history and sadly today is extremely common, although deformed, is issue of infanticide. Today for the infanticide, there is no corresponding penalties and deterrence laws, and the legalization of abortion, questioned the pretense of human thinking and has uglify the face of human civilization. However, this phenomenon is condemned and forbidden in the Qur’an and in Islam is strictly prohibited and the Point is that fetus in the womb is alive, has same sentence the for live human, And his Abortion is murder and Cause blood money. (Fiqh and medical issues, Mohammad Asif Muhsini, 59 ff.) Do not kill the soul whom Allah has forbidden except by right. If he is slain unjustly, we have given his heir authority. (AL-ISRA /33). He recompense for he who kills a believer deliberately is Gehennam (hell), he is eternal there. Allah will be angry with him and will curse him and prepare for him a great punishment. (AN-NISA/93). Quran is considered severe punishment and deterrent retaliation for murder, believers, retaliation is decreed for you concerning the killed. A free (man) for a free (man), a slave for a slave, and a female for a female. (AL-BAQARA /178) owners of minds, for you in retaliation are life, in order that you are cautious. (AL-BAQARA /179) we have written for them a life for a life, an eye for an eye, a nose for a nose, an ear for an ear, a tooth for a tooth, and for wounds equal retaliation. (AL-MAEDA /45)

Islam, by legislation, such as retaliation defended the right of human life, retaliation in Islam, in addition to the prevention of crime; with true measure prevent personal, ethnical and tribal revenge, to ensure the safety of people, in retaliation, aspect of Inhibition of murder is considered. It should be noted that Islamic law have an Intellectual support, and Common sense is confirmed. That is why the Holy Quran in verse 179 of the AL-BAQARA Chapter spoke of Retribution, And accosting people of wisdom and said: o owners of minds, for you in retaliation is life, in order that you be cautious.

In numerous Narratives, the Prophet (pbuh) and the infallible Imams (AS) have stressed the safety of individuals and have discouraged people from murder and bloodshed, the Prophet (pbuh), Prohibited Muslims from unjustly shed each other’s blood and unduly violate other property and stated that: ”O people, blood and your property until the Day of Judgment, is forbidden on each other.” (Ibn Hisham, Bi ta, p 603) .Ali (AS), know the result of unjustly bleeding as descent of torment , decline of blessing , Shortening of life and that if the government attempt to do this, it will cause weakness and nihilism and decline of itself. ”Beware that unjustly, Shed someones blood, nothing like unjust murder, caused torture and punishment and decline of blessing and Shortening of life. God, in the resurrection, first in his servants will be judge about the shed of the blood. Do not build your government based on illegitimate bleeding that the government lead to weakness, nihilism, deterioration and destruction, and to God for murder, no excuses are unacceptable.”(Nahjolbalaghe, 53) Imam Sadiq (pbuh) says: (Sheikh Saduq, 138, H-27): Sin that change blessings, is violate the rights of others. In addition, sin that brings regret is murder. Islam, as well as considers responsible the one who with his words shedding someone bloods.
2.3.2 Security of reputation and honor:

Character, dignity, honor and reputation of people are the most important personal and social factors. Therefore, the honor of people is very important in Islam. In addition, in some verses, prevent the people for suspicions, spying on others, gossip, slander, and the intrusion into their house that show this is important. Allah says in the Holy Quran (AL-HUJRAAT / 12): believers, abstain from most suspicion, some suspicion is a sin. Neither spy and in the light Sura warns about entering without permission and impair the safety of residents (Noor / 27): and if you do not find anyone there, do not enter it until permission is given to you. and if you are told ‘return’, so return, that is purer for you. The importance of this type of security, cause the jurists to consider necessary to ask permission to enter the house even the owner of the house is not in the house; Sanctity of the home position in a way that if someone without permission enter the house and be blinded by the homeowner will have no right to retribution and compensation. Imam Sadiq (AS) says: "When a man reaches the top of the group, or a hole in something, such as doors or walls, look to [the house] and they shot him, hit and kill him or blind his eyes, they are not in compensation, And said: A man from the hole [wall] within the chamber, looking at prophet, and Prophet came to him with an arrow to blind his eye, but see he has escaped. Then said the wicked! I swear, if you stayed, I blinded your eyes “(al-Kafi, 1407, p. 291.) If the people reputation with accusations is damaged, divine order will happen. " those who accuse chaste women, and cannot produce four witnesses, you shall lash them with eighty lashes (Noor/ 4 ). This verse implies to avoid accusations and protect people reputation and honour and also verses that Interdiction the absence, denunciation, invective: (AL-HUJRAAT / 12), one another would any of you like to eat the flesh of his dead brother! This collection of verses show that Muslims must consider safety, security and prestige of others do not distort their security.

3.3.2 Financial security:

Verses from the Book of Allah that located at the number of Islamic penal laws have demonstrated the value and importance of financial security. Such as verses which indicate the divine order for stealing: (AL-MAEDA. / 38): as for the man or woman, who is guilty of theft, recompense them by cutting off their hands for their crimes. (AL-BAQARA / 283), if any of you trusts another let the trusted deliver his trust; this verse recommend to back your trusts to its owner and condemned Malversation (AN-NISA / 58): allah orders you all to hand back trusts to their owners,( AL-MUMENOON / 8) (prosperous are those) who preserve their trusts and pledges, these verses indicate the position and value of financial security, Especially considering that the trusts is borrowed from the root of "safe" and truster to entrust their wealth to others seeking to achieve financial security.

3.1 Political and military security:

Special attention of infallible Imams (AS) is significant in political and military security. Necessity of political and military security so that Imam Ali (AS), consider rakish ruling is better than Lack of government and say that, Indeed people need good or bad govenor, that the beliver working at government shadow, and unbelievers enjoy their work, And People live in the government. By government, treasury is collected and with this can fight the enemy, Roads were safe, the weak rights is taken from the strong and benefactors In prosperity and will be safe and comfortable from the wicked (Nahjolbalaghe 72-73) as well as in discussing the great goals of govement, one of the reasons for accepting the rule from himself is Providing security for poor and disadvantaged people and support them and, And states that:

God you know the purpose of our rebellion, is not love of power or achieve world Commodity, and it is only to bring back your religion signs to where it was, And improvement your cities that Oppressed servants be safe and oppressed you lost order is presented. (Same Sermon 131). Imam Ali says: Worst country, is countary that its residents not safe Imam Ali in military area introduced soldiers as a source of dignity of religion and Rulers ornament, Soldiers, by the permission of Allah, are fort of people, Rulers ornament, source of dignity of religion and security and people work not consisted except by them., From an Islamic perspective, maintaining and securing is the obligations of the Islamic state, so overall, Imam Ali (AS) has announced three things as a task of the government: 1. People modification, development of land, and third countries maintain boundaries.2. People reform; 3- Maintain boundaries. People modification means the progress and development of human beings and generations. Evolution in human talent is among this task, development of cities primarily concerned material progress in Islamic lands. The third Government duty, maintaining boundaries that protect the country's borders, in the notion of Imam Khomeini, Not only security of Muslim people and national security and the security of the Islamic Republic were not separated; But related to security and other interests of the Muslim world. According to this view, as the interpretation of Islam, the nation will be replaced by the concept of nation. In political debates and in practice, the concept of security is inseparable from the concept of power in Islam, and in Islam, resorting to war and the exercise of power just to protect life, property, honor, freedom, independence and beliefs of other citizens is permissible and acting on it, or on the defensive, or in a situation of freedom depends on rape and assault or attempted assault and hostile action by the enemy.
Therefore, it can be inferred that the military doctrine of Islam is inherently defensive and not aggressive and Offensive. Another problem in the field of political security is a broad circle of security that Imam Ali (AS) gave to his opponents; for example, the Khawarij until they do not use sword, and did not waging war, they were benefited from treasury sha
ds, And Finally; we can
es, Imam (AS) ensured Many opposition figures of his time who did homage to him, and didn’t force them to swear allegiance that such famous people, Abdullah ibn Umar, Sa’d ibn Abi Waqqas, Hassan ibn Thabit, Ka’b bin Malik, Musaylimah bin Mukhalad, Abu Sa’id al-Khudri, Muhammad ibn Maslamah, Nu’man ibn Bashir, Zayd ibn Thabit, Rafi’ bin Khadij, Fzalh ibn Ka’b ibn Ubaid and Kaibn hojreh can named (Nahjolbalaghe).

Conclusion:
Although in the jurisprudence and religious books, there is not an independent chapter or book about Security, but in the realm of topics such as faith, believer’s characters, Jihad, Enjoining good and forbidding wrong, personal and public defense, establish justice, execution of God order, honesty and trustworthiness, etc., have been proposed.

Security in Islam is basic needs and invaluable blessings and inalienable right of every individual has introduced, this concept in Islamic sources, covers a broad area and the areas of personal and social, intellectual and spiritual, moral, theological, spiritual and otherworldly. Islam guarantees this right to all. In addition, for intruders and abusers to this right, God has decreed most severe punishment and penalties, And Finally; we can say that Islamic law is totally for creating safety margin in personal and social life of human beings.

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