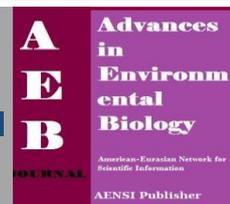




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Status of the Patient in Attached to the Morbid Death in Iran's rights, Turkey and Jordan

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ABSTRACT

The situation on the edge connected to the dying patient's rights in Iran, Turkey, and Jordan is a subject; this paper examines the comparative method and description of it. Since the issue of the comparative chart, it expresses the difference between these systems and what is happening in Iran right can be achieved with a comparative analysis of the strengths and weaknesses of the subject. These differences indicate that the dynamics of Imami jurisprudence is different than what is going on in the public jurists. Some believe that these terms are patient deeds attached to the morbid death is incorrect in any way, and are intended for one year. Due to this, a comparative study was done on the subject and it was concluded that in this situation it is best to be enforced to protect the rights of heirs to third. It is also expedient to closer and more logical it seems that in terms of justice and fairness.

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INTRODUCTION

The Concept of Unconditional Sick:

Terms Monjaz past participle of the infinitive is Tanjiz. It is meant to do, and certainly fulfills the promise and accelerate it [1]. Monjazat sick meant to capture the definitive form will be issued to the patient and decent gratuitous Mahabaty, a gift and forgiveness, freeing a slave, dedicated, glorified owes his religion and the property. There was some disagreement about whether or not one is sick Unconditional. Including buying slaves to free themselves in the hands of the buyer like fathers, mothers, or women who are confident buyer, here, one can say that Mahabati not work and what to buy is equal to the price paid and practices can not be considered a public loss, and therefore does not harm the cucumbers fraud if harm comes to the heirs, it is the legislator's ruling, which had issued a decree freeing them if the default judgment was not such a lawyer in this case there was no harm [2]. On the other hand, this chapter comes from the accounts of the criteria and voids the sale in an amount greater than the third, because of the harm that comes to the heirs. It is also about rejecting a testamentary gift and has another benefit to sick or a charity that is given to sick for eligibility or does the passage where it can be financed with reconciliation instead of retaliation, and the pardon of retribution. In such cases do not attract the interest of the heirs, not harm them [1]. If anyone would waste the property of another person intentionally, he guarantees will undoubtedly lead to losses on guarantees heirs or intentionally his fast in Ramadan obligatory upon him to eat and financial atonement. If so, he should feed sixty poor or the release of a faithful Mamluk (Hramly, 1418, 98). It is so sick all penance Unconditional financial component, such as breaking a promise or an act of atonement for that failure [3]. In short, it means that the sick Unconditional marry Ayqay be issued or the person is sick or implied, as glorified is a matter glorified like the obsessive Mahabaty or Mahabaty Ayqa.

Attached to the Morbid Death:

There is not essentially a definition of patient characteristics that lead to death and credible sources Imami jurisprudence; although the definition of qualified medical illness leading to death, but jurists have deduced solely on the basis of their qualifications for ijthad. However, they have the qualities and characteristics for recognize. However, we have outlined the features of this condition among the various definitions provided based on the definition provided in order to connect the disease to death. These features will be explained in its place. Overall, we can say, the disease is linked to the death of common sense however; scholars have also

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stated criteria and elements because of the importance of relevant jurisprudence and legal work on it and its impact on credit transactions. While many controversies about the concept of illness to death, the definition of death should be attached to the morbid illness, death, disease and illness is said to lead to death. This condition meets certain legal effects including, in accordance with Articles 944 and 945 BC. M. marriage and divorce can affect patient. Some other effects of this disease is controversial as it affects the confession or sick deals as they are often subject to strict conditions.

MATERIALS AND METHODS

Conditions Attached to the Morbid Death:

No definition of the disease leading to death, and it features the authentic sources of jurisprudence. Although the definition of qualified medical science leading to death, but scholars have recognized deduction and *ijtihad* features to its own terms. However, there is disagreement among scholars about the qualities and characteristics that however, for disease features that can be counted among the various definitions provided to be presented based on the definition of illness to death.

Realization of the Customs and Habits of the Disease:

This means that a person believe in conventions disease. Accordingly, the wounded and the serpent is bitten by the illness to death. Such modes are not considered as the norm, even though the disease can lead to death [4]. Disease condition is said to be considered the norm condition when a person is placed in such a situation, people know he sick so not a disease or illness, injuries or cases of snake bites because such a situation is not considered an illness in the customary for example, a person injured by a knife or bitten by a snake not to say, however, may lead to the death of the patient. These seem to be the case that a person said he and morbidity thus, the norm would not say to someone sick snake bitten and injured by a knife etc. Therefore, the judgment is not subject to discussion.

The Inability of a Person from his Routine:

The disease is a condition that can lead to death or inability to perform his normal duties as a healthy person pays them. Common tasks that are related to the job or career person or to do things the usual way like going to the mall and the like. If sick is unable to perform the tasks related to the job or career, this requirement is provided due to the disease, and there is no reason why other accordingly, if a person is unable to perform their normal duties due to aging or due to failure of the leg or arm this condition is not fulfilled. It is a condition that can lead to hospitalization and inability to engage in normal work necessarily.

Overcoming Fear of Death:

Diabetes is a disease in which there is death, the fear of death. For example, it may be a fatal disease, but it is not for an old man to a young, disease or other person has placed his life in imminent danger with the addition of this illness. Therefore, we pooled the criteria to recognize the dangerous condition of a person. The principle is based on the standard form, but in some cases it is necessary to also consider personal criteria. In fit criteria, the diagnosis can not be considered merely as a matter of personal needs and individual goals aside. It should be incorporated as a standard in determining the individual's desires and lust in vain. However, you must choose the mode that is valued by both and it is in terms of each of the values within reasonable limits. This recognition is due to the circumstances of each case, more than anything. Hazardous conditions that are lethal habit as she had hard labor or passenger ship in a storm, or sentenced to death they have been known to die from the disease in order to see lawyers. This is known as the public opinion. Shaykh Tusi Alkhilaf also believes such individual illness to death (Tusi, 1407, 98) and the owner of this jewel has joined the illness to death. But apparently this is not based on the norm of the disease. It is also known as the jewel in my opinion these are not entitled to judgment because as it is known among the companions, they are empty, the name of the disease secondly, the researcher has agreed not to claim that the illness to death [5].

Fatal Disease:

"Jurists believe that the meaning of the illness to death, it is a dangerous disease and the likelihood of death is high because it is usually easily treatable. Thus, diseases such as colds, toothache and sore eyes, there is the fear that perish; it is not a disease leading to death. Also, there are some diseases that are chronic and basically they fear death. Diseases such as pneumonia, polio types of kidney disease are like this. Because the patient does not feel near death in these diseases, under this condition, not a dreaded and fatal disease, even if it leads to death of the patient, it is not an illness to death. Dangerous condition of the disease has been rejected by some writers" (Islami Panah, 1381, 35).

Incapable of BEING Sick:

This means that if the patient is male, it is incapable of dealing with home materials and if a woman is unable to see out of the house like not being able to go to the mosque and powerless leader in the market to shop. It is unable to meet the interests of the individual and the profession is hardly possible to do away with minimal disease helplessness of his condition, but failure is an important everyday tasks. In addition, the realization of a bed and mattress are not as a measure of illness to death. However, this provision applies to anyone who has the strength to leave the house before disease but you will not be able to get out of the house much due to age or cause at his feet, possibility of annihilation criteria that must be overcome frustration about her not leaving the house (Alatasy, 1931,654). At the top of 1595 BC, M. Turkey says: "The fear of death is the death of the disease in its most with the disease, sick is incapable of seeing his interests outside his home and if he is, he is incapable of seeing their own interests inside his house ...".

In interpreting this provision of the Civil Code of Turkey can be said to fulfill this requirement in the case of a woman, he should be unable to perform common household tasks, that is the thing that gives credence to the fact that, unlike ordinary man who pays to work outside the home. In this case we see that a change has occurred in the status of women in society so that it can compete with men employment outside the home to work much the same way a man's position and to demand equality between them.

Disease caused to Death:

In addition to the above, should the disease causes death. So, if you are not in danger of death by disease, the disease is not as serious illness to death [6]. According to well-known disease must lead to death. Article 945 BC, important point is that the effect of the illness to death, the phrase "dies of the same disease," it reflects this requirement. However, we can say, since the stone is exceptional human capacity, it should be interpreted as narrow. So "too sure of illness to death," It is a morbid illness to death, where is hoped that the treatment and recovery and it leads to death or illness, sickness, death does not become a mere prolongation of the disease. So if the patient is suffering from a dangerous disease, but the disease has improved, it is not an illness to death. What is the most important role in determining the illness to death, it is customary arbitration. So only if you can identify the practices connected with death, illness, changes can be controversial sick.

Nobles to Death:

Some jurists feared situations and moments that have considered the sentence of death so that they are deathly ill habitually such a state of war and hard labor and the woman drowned and the like that are impossible in their destruction (Maroof Al-Husseini, BEA, 151). Others, most suspects are believed to have died contingency criterion validity of the diagnosis of illness to death numerous conditions that are free of the disease, it has been classified as like the hurricane-stricken passengers and heavy winds and disposition of enemy captives who are caught so it pays to kill prisoners habitually or who has been sentenced to death and no hope of pardon (Joseph, BEA 137). In short, who has been sentenced to death and his execution is imminent. Late-Isfahani says (Golestani, 1355, 61) there is not the next person to believe that the state of the disease, so it is incorporated in danger and destruction such as war or in a state of war and the dangers of overlooking the sunken ship or a woman is in hard labor.

Iranian Lawmaker's Comments about Capturing Sick:

Search and review of Iran's laws are interpreted Iranian Civil Code and other laws have not issued any warrants against the civil laws of other countries about changes in the illness, sick is connected to death and no mention of it is not the will, nor the stone, so the natural place to discuss it and it is set to silent; thus it becomes clear that it is followed through contemporary scholars Unconditional sick and have force as other changes. However, a general review of the book can be said that civil law first, the legislative silence is not acceptable because the sick free of disease linked to death because silence is because the legislature is not in a position to confirm the expression of the general rules and no limitations. You can see the rich Imami jurisprudence on Article 167 of the constitution and Article 3 BC, A. D. M. and Article 214 a. D. K. To reinforce the removal of restrictions on third and death of the testator's disease can be cited Article 945 BC. M. The expression is: "If a man has married a woman of the disease and the disease die before penetration, the woman does not inherit from him, but if a man dies after intercourse or after verification by the disease, the wife of his inheritance" and also Article 944 BC. M.: "If you're sick husband to divorce his wife to the same disease die within one year of the date of divorce, the wife inherits from him. Although divorce is irrevocable, provided that the woman is not married".

Connected to the Mott Jordan illness defined in the Civil Code:

There are changes in legal institutions and Jordan in the past decade due to the growing needs of the country's economic, social and cultural the government moved to approve the rules of the new strategic direction by providing a better life for their citizens through improving public services and updated community

needs. National Charter signed by the leaders of Jordan in 1990, multiparty democracy returned to the country. This charter seeks to promote political pluralism and promote the rule of law at the same time emphasizing the country's Islamic identity openly. In order to facilitate service delivery, help with legislative developments have taken place at different levels of civil rights jurisprudence has changed widely. Article 543 BC, M. Jordan stated: "Diabetes is attached to the morbid death, man is unable to continue the pursuit of his normal duties and often leads to destruction, and he dies before one year in that case, if the condition persists, and if he is in a situation of no excess of one year or more, is behaving like a normal person's behavior " (Jabbour, 1383, 213).

Critics of the civil law definition of illness linked to the death of Jordan:

First, definitions are provided accurate and complete the lack of precise definitions comes from the lack of clear and precise criteria so it is not clear who the patients are dying so that according to what we described above, clearly the condition of sick's inability to engage in normal activities is only the reason can be cited for it and because it is used to prove the existence of fear itself can not be considered to fulfill the requirement illness to death. Another condition that overcomes the fear of death can also be expected in other disease states and this is despite the fact that the definition has been mentioned in the literature. The second item that needs to be paid back to the intention of it is related to the exit conditions that are defined in the framework. The reason for the illness to death in front of them and it is a certain time. The year begins on the date of the illness. Accordingly, we do not just follow the tying illness to death, to a certain time. It has been established that there was a warrant if there is reason and duration of the disease may take more than one year this is the same argument that occurs in some diseases such as cancer and the patient feels close to death and he will take action to seize your property or donate it or otherwise applied and this is something that may harm the heirs and others.

Critical issue in light of the Civil Code of Turkey and Jordan:

Earlier texts, it becomes clear that the gift is Jordan and Turkey fall under civil law is the Glorified of contracts that are signed by the donor and acceptance requires the donor for her and he will seize your property without a change whereby donor and legal jurisprudence into account donation it has been established as the contract after taking into account differences in the case of intentional capture it. We can say that gift is distinct from other contracts Glorified because the donor is committed to giving something back to the donor wedding gift, but the Glorified is committed to doing or refusing to do something in other contracts, loan contracts and contract attorney Glorified as unpaid. The principle is that the gift is not something to be done without changing the donor versus what gives but this principle can not be prevented by the donor on the donor for his final attempt to commit certain will collapse without donor decent intentions if it took for him to do donor commitment that might be in his favor or in favor of the donor or other interest and it is to his benefit if the donor for example, a donor provided the donor does not object to his capture by the donor for the benefit of interest and it is beneficial to the donor if the donor has provided the donor for her to act like the donor to pay dues. Also, another benefit of the donor when the donor has provided for her for example a person pays a fixed monthly income and ongoing and lifelong.

Judgment in absence of heirs dying fall ill in Turkey and Jordan:

In a comparative study of the issue to discuss the patient's death fall if not, we will pay the heirs at law of Turkey and Jordan.

Turkish Civil Code:

Article 877 stipulates that judicial Journal: "He who has no heirs, if he should give all his property to one person and being attached to the morbid death and he accepts it, it is a true and faithful public funds can not interfere in his bequest after his death".

Jordanian Civil Code:

Article 534 of the Jordanian Personal Status Law has decreed: "It is He who has no debt, so rub and does he have any heirs, which will allow it to rub on all or part of it for anyone who wants and will he runs non-stop and let the public treasury".

RESULTS AND DISCUSSION

Review Thread:

From the literature it becomes clear that the patient is dying person to forgive all or part of their property and there are no heirs to sick and he does not have a debt that must rub before his death, and shall deliver the property to the donor for his gift is occurring correctly. But if the patient dies donor before the donor delivers the property to the donor for his gift is realized as null. The reason for this is that the judicial decisions of the Turkish Civil Code, as if it passed, it is a prerequisite to take the fall (Rustam Baz, 483). Fall back on the

assumption that the true purpose of creating a dying patient changes the heirs and creditors' rights belong to the property of the testator and it is the absence of heirs to the patient and the absence of debt due to him; the cause of death is bound to make changes to the rule and is a true gift. As the heirs to the property awarded to patients dying from the disease dies not since the death of the testator (Sanhory, 324). Article 878 stipulates that judicial Journal that: "If one of the couple and the wife's illness is linked to the death of all rub gift to his wife his delivery is not no other than his heirs, it is correct trustee of public funds and no right to interfere in his bequest after his death". It turns out that the text has been established as a special verdict there is only one case of death of the heir to the patient and the dicky, when one of them are sick and dying, he gives all his property to another there's no heir to his death other than the donor's state of health is the gift and the donor is entitled to his property by the donor. It should be noted that the Jordanian civil law does no text in front of the Turkish judicial this rule will check the patient's death sentence in absence of heirs to donate and complete review of the issue contained in the text of the civil law in personal status laws, after adjusting for the following can be proposed:

- 1) Donate sick to death of all the friction occurs in the absence of heirs correctly Provided that its debts do not include all their property.
- 2) Hebe One couple takes all his property to another attached to the morbid death if there are no other heirs and his Excludes liabilities, including all their property.

Article 789 stipulates that the point of judicial decisions if a person in his condition would donate something to one of the heirs and other lawful heirs know him after his death, is not it true gift. Article 1128 BC, M. Jordan stated that: "Any legal action that may be imposed by the illness and death of a person is going to glorified it is attributed to the capture and death sentences are testament to its current and it does not matter the name on the left".

Hebe review in light of the rights of Turkey and Jordan:

From the literature it becomes clear that the death sentence will donate a dying patient. In this regard, we find that the magazine has stated judicial decree expressly patients dying gift to one of his heirs that is the verdict on what the intestate heirs according to the dictate of Islam. Islam dictate that no heir after the death of the testator's will to inherit permission accordingly, fall sick and dying applicable not applicable to one of his heirs except when the heirs to allow this gift and because of this ruling is that some of the heirs are not offended by the preference of some others, topic that might lead to discord and strife among them (Hanafi, BEA, 182). But if the heirs do not allow gift disappears because it is a gift warrant is valid on condition that it occurred after the patient's death, it proved right in the permit, so let's not count the heirs of the dying patient's life so the signature and approval of the testator's heir as seizing control of the disease, death, so that's it represents the fact that he is permitted to marry; in the Supreme Court of Arabic countries such as Jordan, is confirmed by the fact that: "The signing of the contract of sale issued as evidence of the testator's heirs at death, disease, not to let him date fixed for the signing or verification as it is the inheritor of the sign as failing to meet the terms of his character".

We agree with the opinion of the Supreme Court, Jordan, in this context, since it is established that the right to request and the right heirs of the testator's death proved to be the property of the testator after, not before, so, it does not count heir resignation occurred before the death of the testator. Article 897 of the Turkish judicial decisions has emphasized this point as follows: "But the gift and deliver other heirs if the donor is from the third property, a true gift and if he does not get out and not to the heirs of the gift only what is right for the third out, and he had to be rejected donor frogs". Adapt to changes and measures are issued a decree in terms of the patient dying in addition, the donation is also available including developments in Islamic marriage contract is these changes will be your Sentence. We disagree with this opinion there is such a contract as a result of plaintiff's theory of evolution and there is a void marriage marry other elements and transmitted to it. But fall ill patients dying in vain is not connected to death but it is faced with a blunt heirs and if that is done outside the legal limits, being subtle is as accurate enforcement of the contract nor invalidate the contract.

Conclusions:

Different definitions of key indicators derived from patients in their will provide a definition of the patient so that on the one hand, it has overcome the existing uncertainties on the other hand, it can be considered in relation to emerging diseases based on the indicators used. Although definitions of diseases are linked to the death of ambiguity of the legal system, it seems to reach a precise definition of this phenomenon should be taken into consideration in the first legislator in the Civil Code. Jordanian civil law and civil law set up a special department to fall ill patient in dying are not considered however, the provisions of the Turkish Civil Code has a legal or judicial decisions on the subject. It seems to be more compatible and in harmony with the principles of law relating to writing. While Iran has passed the statute in passing along this thread and the analysis and evaluation has not been linked to disease and death with the precise criteria. Criterion in determining the patient's illness is linked to the death of the individual criteria it appears to rise to the belief that patients nearing death and disappointment of life and not due to its absence. Private standards may be the only encompasses a

small group of community and they do not overcome all their desires. In total, according to what was described, the definition of disease is linked to death, Iran and Jordan, as well as inaccurate in terms of judicial and the reason that the debate has come and we can give the definition of illness linked to death: "Sean is a disease that creates a sense of hopelessness of life and approaching death and the patients are dying due to illness or other reasons and there is a basis for the verdict in the case of illness, death, created the impression of him". What happened, it pays only connected to the death to accurately define disease but the influential issue that arises is dependent on the patient's legal actions. Hence, it appears as the final result can be said diffusion theory is applied to the third best, it is close to both the equity and realized that it would be acceptable to the parties' rights.

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