

THE SURVEY OF THE ETHICS AND JUSTICE IN LEGISLATION

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Abstract

In the Islamic system, justice is the basis of the entire and all executive decision making and both the ethics and the law determine a series of limits and boundaries and there is this idea that observing and paying attention to each of them is surely followed by some consequences and outcomes with the difference being in that the ethics are based on the human norms and values which are internal and usually are drawn based on the individual's choices and options and the law is usually specified through individual and social limits and constraints which are compulsory. The present study deals with the survey of ethics and justice in enacting rules and legislations. Firstly, a general definition is provided for the term 'justice' and then we try to characterize ethics in order to investigate the effect these have on legislation.

Keywords: Ethics, justice , legislation.

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Introduction

Literally, justice means discipline and decorum. In Persian the word “dâd” is used as being synonymous to the word just, and the terms ‘dâdmandi’ and ‘dâdgari’ are used as Persian equivalents for the word justice. The term ‘dâdagar’ has also been used as the Persian equivalent for the words just and fair. ‘Dâdgostar’ is also intended to mean the one who serves justice. Among the other relevant words to justice in Persian one can refer to the following terms, court, prosecutor, attorney general, lawsuit, serving justice, trial, investigation about a plea and so forth. The word ‘dâd’ is derived of the ancient Iranian term ‘data’ meaning the ‘law’ and ‘justice’ and jurisprudentially justness and fairness are the characteristics of the person who does not perpetrate dead sin and does not insist on committing minor sins. In Greek ethical rules justice is attributed to a person who is characterized by three attributes of wisdom, courage and chastity. Islamic ethics is comprised of three fundamental parts:

Relation with the one God: the things that the human being should perform for the sake of the God, such as saying prayers, fasting and petition and entreaty to the God.

Relation with the people: the individual’s behavioral style and the way s/he treats the people and the other society members such as family role behaviors and friendship. Generally, this part is more focused on and intended by the Islamic ethics.

Generally speaking, the ethical features and traits are of a great importance in Islam to the extent that it is ordered by the Great Islam Apostle that “I have only been selected and appointed to accomplish and fulfill the venerable behaviors and temperaments (1).

Although in its superior and traditional definition, ethical rules concentrate on the individual and are considered as carnal customs (including the definition proposed by Allameh (peace be upon him) in Al-Mizan “the ethics are the sensual and carnal habits from which the actions and deeds are easily and spontaneously emitted and conducted...).

But can be defined for the society said, social perceptions and behavior in public penetrated and gives its common intellectual and practical commitment. Here's the definition of what is meant by morality and social ethics. One of the most important regulatory and legislative issues that every government claims to ensure the happiness of the people (including Earthly or heavenly) as one of the fundamental issues need to be addressed. Why is this law that the framework of a society towards its goals set. In other words, every society to fit has outlined its goals for action on the legislation in order to achieve them. Structure Democratic House provides fertile ground for legislative ideal, because one of the factors that Creates problems for legislation, Concern of losing power and fewer representatives in their role in making decisions.

Such insights and thinking mainly comes from the democratic nature of the Council and Parliament. The most important and most original element structure of Parliament's legislative and oversight Islamic Republic Iran, which representatives are elected directly by secret ballot. Period of Parliament for four years and during the same time period represented by representatives of the Islamic Consultative Assembly.

Normative and structural factors on the legislation in the Islamic Republic of Iran, one of the most important issues

Is recent. Legislative ideal performance through both normative and structural components can be assessed Is. Most important institutions of good governance, parliamentary (legislative), or the function of the legislative assembly and the legislative body is the duty of utmost importance. Normative and structural factors Legislative Assembly in the Islamic Republic of Islamic Iran as the most important legislative institution in the Islamic Republic, a critical role and a special place, so normative and structural factors indicate its position on legislative consolidation, Consolidate and strengthen the foundations of the rule Sometimes, those in the resistance against the moral law, not because they disagree with the inclusion of ethics in law, but because they like and wants to defend its liberty. It seems they did not understand, however, that death offers them free from moral claim freedom will follow and not keep it. Without the guidance of moral restraint laws, freedom of mere licentiousness fall into that political freedom is not the same. Can not be simply dismissed moral authority in regular international friendly. When people take away

public morality, Brings cultural outlaws, not freedom. Life outside of the moral law, without the wisdom of God, slavery and death will follow. Because human nature, without large amounts applicable law, political freedom, Mini eventually would be impossible. Indeed, no large amounts of applicable laws, the result will be chaos, not freedom. Political freedom credible, if it wants to remain valid and prevent excessive licentiousness, must be based on truth and virtue command apply. Freedom, justice and morality should be restricted. Ethics and Law both a series of measures and sanctions and respect and attention to each of the results is the difference is that morality based on human values and the inner base of social and personal choice and privacy law is mandatory. That's why ethical values and consequences of individual and collective life more convenient and more bold Because the origin of ethics and moral sphere and the real needs of primary and secondary criteria innate human nature, Therefore, the possibility of errors or a point where there is no expiration date And is most consistent with the need and desire of man. In order to achieve the desired result needs to be moving in that direction. If people neglect to collective rules and lack of responsibility towards the rights of other citizens, only behaviors spread tastes and each individual what he sees fit based on their cognitive ability and recognizes acts And chaos, chaos, instability and unrest will arise: But whythe need is felt to law in a public life? On the other hand, why should people be ethical first, then the vulnerability? Priority and importance of moral law can be considered in two aspects: First, the ethics system based on the nature and essence of man's creation the most consistent and best effect will be to meet its needs. Second, ethical incorrectly, complex, heavy or incomplete will be offered in the educational system is obvious and simple that is based on earnings and collective success and the good and move beyond mundane The expiration or interfere with aging and other issues and principles are not applicable to any range you specified Clear and logical reasoning is that if we can without pessimism and stress We will focus on our compelling. Because ethics is an internal matter and is based on self-interest and the desire maximum And its results have a high rate of success and satisfaction with the monotony and mass-long lead and spent the rule of law And the law of life style does not change the form of dry and lifeless.

The issue of justice, with the scale of humanity, the main purpose of all the prophets were common. (2)

Professor martyr Morteza Motahhari In their speeches, discussions and much to the concept of justice and in this sense we can say that this has been a major concern of his. For example, he then narrated the hadith from Imam Ali, the Prophet of "justice" on the "Jude" in a beautiful metaphor for the importance of social justice and the social deals: Justice and charity in society as a foundation for building the community as a coloring and painting and decorating the building. First base is correct, then it's time to decorate and paint and painting. If the "home of the ruins is another" what is that "eunuchs in paragraph role and porch" is. But if solid foundation in drawing and painting buildings can be lived without. May well have painted a wonderful building and looks interesting, but it is broken once is enough to destroy its inhabitants. "(3)

In the literal definition of justice ((Justice and fairness is to give one's wealth and taking what it)) (4): Justice means fairness and that each person is what he does and debt he was everything that it should take. Allameh Tabatabai knows the original meaning of the equality of justice filed. Therefore, the definition of say ((whatever it is what they deserve debt, equal to everything and every one in its place that deserves to be) (5) martyr Motahhari also justice rights and granted individuals the right to his rightful.

(Motahari, pp. 62- 59), depending on the view that Western philosophers have different definitions for justice and have provided somewhat conflicting, for example, Bertrand Russell believes That justice means anything, it just know that the majority of people (6) of Plato, justice is the mother of all moral virtues , and it was In Islam, justice is always a controversial cases was serious. As far as one of the pillars of Islam is presented in schools funeral In philosophy justice as one of the most basic concepts of practical reason, Because the wise men of the division of reason - the authenticity of the documents - into two types: practical and theoretical reason over practical reason to believe that the scope is limited to a few general concepts, such as justice, knowledge and courage admiration and deprecation of oppression (7).

It can be said that the concept of justice within other moral concepts, but basically the way justice can be the touchstone of all other values and the cornerstone of all aspects of human life. Therefore, in an overall outcome could be said that justice is only an equivocal in different

societies and different cultures with no separate meaning, But word is universal and Jahangir and objectives defined at each school is different. Perhaps chart in a general discussion on the periphery of justice and non-discrimination And equality in granting equal rights to holders of allocations, take into account that if the definition of universal not be accepted as the definition of justice, Justice is at least as one of the main industries. The point is debatable term installment is with justice In Islam, the word justice has the same sense of justice and a certain distinction between the two, there is little . At sight some legal scholars deserve justice, respect for the individual, the social role that is In other words, the granting of rights to the size of contracts closed. While equity, grants and individual rights is true that the contract may be more or less. (8) is perhaps dare say most complete definition of justice in the behavior and conduct of Imam Ali is closed. Because the Prophet, with comprehensive all, Only in the form of summary justice, human morality and human definitions, but it's not at all a man Lifeline ranging from politics, culture, individual rights and social, economic and considers ... and flowing. Imam Ali, with an extraordinary account in 1400 years ago believed All that matters and human dimensions, organic and vital, and if any part of the stand and its place is taken by the same proportion, justice and moderation damaged and replaced cruelty and perversity.

Thus, in his erudite and comprehensive theological says ((justice, the four branches: the sense perceptive and scholarly knowledge, and good judgment, and steadfast in patience)) (9). Therefore it can be assumed at a glance that Highness, two branches of justice and human insight into the arena of theoretical and scientific aspects and behavior related to two other branch knows. Thus, in the view of Imam Ali definition of justice, only the circle of human behavior and action is not confined to the fundamentals of human thought and reasoning is concerned. Imam Ali believes that justice is only valuable when has areputation as temporary and casual approach, in human behavior, appearance and does not but sensual properties, in attitude and behavior will become. That's why it's best attributes is that he express ((Adel Afzal Sjyh)) (10) In view of Imam Ali, justice is based on the concept of right, by this account can be divided justice based on the right to be represented in the following cases :

- 1) The rights of man qua man is. Because of the full human equality of humanity, human rights and allocations are equal. This rights-based justice consists in the application and granting equal rights to humans.
- 2) Human rights of membership in the society is, the origin of these rights is wise to manage credit society founded and is the perfect example of legislation. Justice based on the law, the equal implementation of the law.
- 3) Legal and assign their individual business people because of their efforts. Such as the right to work, of course, the granting of equal justice here, but the unilateral granting of rights to the owners of rights.

Discussion and conclusion

Law enforcement is essential for a civil society and righteous actions to comply with a law firm requires a moral principle. In the words of Imam Ali No space between politics and justice and politics knows that the best policy is based on justice. (11) it takes into account the power factor. justice knows best policy to assure the stability of the people in defense of the political system recommends and follow it continued political system knows the power and authority. Imam Ali the best way to draw people's confidence in the administration of justice and the preservation of popular support recommends keeping in view of Ali , beauty and dignity of rulers and stability of the nation's justice As Justice in view of Imam meaning that Jesus addressed to one of his governors said, the work of justice and the oppression Avoid the oppressed, subject to displacement, force and injustice sword among the (12) and Or , In a letter to Zayd ibn abiyah ,Abdullah ibn Abbas that instead of and surrounding towns appointed to the Persian government said)) to spread justice and oppression of the wicked and Abstinence. Because tyranny and oppression led to the displacement of people calling on them to fight and sword.))

He, in a word very rational, the only way to achieve development and to anyone who has considered taking justice for development, justice violates And through oppression, development seeks to ensure that no consequence other than a pinch and do not expect the impasse in. Results of human history that led to the values of compassion, beauty, war, err, heroes and will decline. Law, the performance of a culture. All cultures have the sense that the law is a function of moral values. Law without values, cultural suicide is that those who are calling for a separation

between them will help to produce it, whether they want it or not. In our time, the ethical issues are complex and technological advances the growth and understanding of ethics is surpassed, We need to nurture people wisest and best practices to achieve. We need to make use of law as a moral guide. Need to own the best habitat for the growth of, orderly society that its law is rooted in ethics. Bearing in mind that both the law and the conscience of a nation. As a result, the error that lacks foresight and called for the separation of law from morality to the extent that it is dangerous, it is impossible. Both for our country and for each of us and for our character in the future. Ethics is our destiny.

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