Jurisprudential Solutions for the Religious Correction of the Legislative Manners of the Intellectual

(Case Study: National Citizenship Law)

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Abstract

Today, legislation in various fields, relying on newly established rational manners, is one of the common practices in the world as well as in Islamic countries, and national citizenship is accepted based on this notion. The question that arises in this regard is whether, from the religious / jurisprudential point of view, the legislative practice of the intellectual and the legalization and acceptance of the national citizenship have legitimacy or not and that is it possible to correct it

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according to the shari’a or not. There are the two ideas of denial and prove in this regard. The idea of prove believes that the newly established rational manners and the statutory principles written by mankind, including the law of national citizenship, have legitimacy, provided that it does not contradict with the rules and necessities of Shari’a and is within the framework of narrative or rational Shari’a criteria. Actually, for making these types of laws legitimate, solutions such as "proving the authority and legitimacy of the newly established rational manners", "analyzing, history analysis, analysis, future analysis of the newly established rational manners" and so on have been provided. Using the descriptive-analytical method and based on the jurisprudential-ijtihad method, the present study has come to the conclusion that it is possible to have a religious justification of the rational legislative manners. Therefore, based on jurisprudential principles, the legal justification and acceptance of national citizenship as a first law is possible.

Keywords: Legislation, Rational Manners, Newly Established Manners, National Citizenship.

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