



UNIVERSITI PUTRA MALAYSIA

**HUMAN RIGHTS ACCORDING TO
ISLAMIC REFORMIST JURISTS IN IRAN**

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ISLAMIC REFORMIST JURISTS IN IRAN**



**Thesis Submitted to the School of Graduate Studies, Universiti Putra Malaysia, in
Fulfillment of the Requirements for the Degree of Doctor of Philosophy
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Abstract of Thesis Presented to the Senate of Universiti Putra Malaysia in the Fulfillment of the Requirement for the Degree of Doctor of Philosophy in Politics and Government

**HUMAN RIGHTS ACCORDING TO
ISLAMIC REFORMIST JURISTS IN IRAN**

By

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September 2012

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This research has studied the subject of *Human Rights in the Thoughts of Islamic Reformist Jurists in Iran after the Islamic Revolution*. The objectives of the research is to present an in-depth understanding of the framework of reformist jurists approach to human rights, to elicit principle of human rights in the thought of reformist Jurists in Iran, and to formulate interpretation of Shari'a in thoughts of Islamic reformist jurists with respect to human rights.

The primary data are selected among speeches, interviews, verdicts and the books that are written by the main reformist thinkers. Qualitative content analysis is the method of the research for analyzing of information.

The Islamic reformist jurists try to present new ideas and interpretation by using

ijtihad in principle and reduce the conflicts between jurisprudence and human rights as much as it is possible. The finding demonstrated that it seems even these new ideas are still far from human rights. The Islamic reformist jurists try to demonstrate that, there isn't any discrimination between the human, but they do not accept the freedoms of opinion, changing the religion, speech and the religious and sexual equality and democracy through which they indicate the purpose of human rights.

Moreover, the finding also shows that, those ideas which were stated under the title of dynamic Jurisprudence are still not the viewpoint of the majority of jurists and in fact, these decrees are not the ideas of all jurists. The study also demonstrated that according to the gained result from this investigation, they merely pay attention to human rights on account of the problems caused in the Islamic societies.

Abstrak tesis yang dikemukakan kepada Senat Universiti Putra Malaysia sebagai memenuhi keperluan untuk ijazah Doktor Falsafah Politik dan Kerajaan

HAK-HAK MANUSIA MENGIKUT ULAMA REFORMIS DI IRAN

OLEH

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Penyelidikan ini mengkaji hak-hak *manusia mengikut pemikiran Pakar Undang-Undang Reformis Islamik di Iran selepas revolusi Islam*. Objektif kajian ini adalah untuk menerangkan kefahaman yang mendalam tentang kerangka pendekatan ulama reformis terhadap hak-hak manusia, untuk menghuraikan prinsip hak-hak manusia dalam pemikiran Ulama reformis di Iran, dan untuk mengolah interpretasi Shari'a dalam pemikiran Ulama reformis Islamik yang berkaitan dengan hak-hak manusia.

Data utama telah dipilih daripada ucapan, temu bual, verdik dan buku yang ditulis oleh pemikir-pemikir ulama. Analisis kandungan kualitatif merupakan kaedah kajian bagi menganalisis maklumat.

Ulama reformis Islamik telah cuba untuk mengutarakan idea baru dan interpretasi menggunakan prinsip ijihad dan sedaya upaya mengurangkan konflik antara sistem perundangan dan hak-hak manusia.

Hasil kajian ini menunjukkan bahawa idea baru tersebut masih belum berkesan bagi memenuhi tuntutan hak manusia. Pakar Undang-Undang reformis Islamik cuba menerangkan bahawa tidak terdapatnya diskriminasi antara manusia, tetapi mereka tidak menerima kebebasan memberikan pendapat, pertukaran beragama, serta kesamaan gender dan amalan demokrasi yang melaluinya sejauh mana yang mungkin, membentangkan idea-idea baru dan pentafsiran mereka memperkatakan matlamat hak manusia.

Tambahan lagi, hasil kajian juga menunjukkan bahawa idea tersebut yang tercatat dalam sistem perundangan majoriti pakar Undang-Undang dan sebenarnya, fatwa tersebut bukan merupakan idea ke semua akar Undang-Undang. Kajian ini juga menunjukkan bahawa pakar Undang-Undang hanya menitikberatkan masalah hak manusia yang melibatkan masyarakat Islam.

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- My wife Azadeh Kheiri who encouraged and supported me in time of difficulty.

I would like to dedicate this research to all my family including my parents, wife and my brother Hussein whose memories and presence have made life more beautiful for me.

APROVAL

I certify that a Thesis Examination Committee has met on 25-9-2012 to conduct the final examination of Alireza Najafinejad on his thesis entitled "Human Rights in Thought of Islamic Reformist Jurists in Iran" in accordance with the Universities and University Colleges Act 1971 and the Constitution of the Universiti Putra Malaysia [P.U.(A) 106] 15 March 1998. The Committee recommends that the student be awarded the Doctor of Philosophy.

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DECLARATION

I declare that the thesis is my original work except for quotations and citations which have been duly acknowledged. I also declare that it has not been previously, and is not concurrently submitted for any other degree at full name or other institutions.



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