

*

) :
(

:

Questions Contained on the Concept of the Offense
Muhammad bin Met'eb bin Saed Kardam

Abstract

This research highlights on what appears on the evidences of foundations of jurisprudence from questions and objections through defining questions, defining the concept, explaining sections of opposition concept, and then the questions that can be challenged by the opposition concept. In addition, the research provides practical examples of controversy's books to clarify these questions, then the conclusion which includes findings and recommendations.

Keywords: Concept of Offenes.

(2800) .

*

.2011/9/13 :

.2011/3/20 :

.2013

©

:

:

:

.

- -

.

:

.

:

:

.

:

:

() ()

:

- -

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

:

.

:

:

:

:

:

:

.(1) () :

:

:

:

.(2)

:

:

.(3)

.(4)

:

:

.(5)

:

:

.(6)

:

.(7)

.^{(9) () :}

.^{(8) () :}

.^{(10) () :}

.^{(11) () :}



(12)

:

(13)

:

:

(14)

:

:

.

:

(15)

:

":

(16)"

(17) "

":

(18) "

:

：

：

：

(19) 。

：

：

：

：

(20) " 。

" 。

" 。

(21) " 。

(22) " 。

" 。

" 。

(23) " 。

" 。

(24) " 。

(25) 。

— —

：

：

：

：

：

：

：

：

:

:

:

:

— —

:

:

:

:

:

(26)

:

:

:

:

(27)

:

(28)"

":

" :

(29) "

:

(30)

"

"

(31)

(32) ."

" :

:

) :

:

(33) (

.

) :

:

(34) (

.

:

:

(35)

:

:

(36)

(37) ."

" :

(38)

.

:

:

(39)

(40) (

) :

(41)

(42) " " " " "

(43)

(44) () :

(45)

(46)

(47) () :

(48)

(49) "

(50)

(52)

(51) "

(53) "

(55) (54) "

(56)

: . :

:

(57)

(58) () :

:

:

:

:

:

" :

:

....

...

...

:

(59) "

(60)

:

(61)

:

(63)

:

(62)

:

:

..."

(64)"

(65)"

:

:

" :

(68)

(67)

(66)

" :

(70)

(69)"

(71)

:

:

) :

(72) (

(73)

) : :
(74) (

) : :
(75) (

(76) :
:

(77)

: " :
(78)"

(82) (81) (80) :
(79)"
(83)

(84)



(85)

:

:

(86)

:

:

(87)

:

:

(88)

" :

(89) "

:

(90)

:

:

" : (91)() :

:

(92)"

(93)

:

:

:

) :

:

(94)(

(95)" " :

:

:

" :

" :

(97) :

(96)"

(98)

:

:

(99)

:

(100) ()

" :

(101) "

(102)

(103) () :

:

(104)

:

:

(105)

(106)

:

:

(107)

" :

.(111)"

()

: (112)

(113) " "

(114)

.(115)

:

:

.(116)

(117)

(118)

" :

(119) "

(120)

(122)

(121)

(123)

" :

(124)"

(125)"

" :

" :

(126)"

(127)"

" :

" :

(128)"

(129)

(130) "

":

(131) () :

(132)

) :

(134) "

":

(133) (

(135)

(136)

:

:

(137)

:

:

:

:

:

:

(138)

:

:

:

:

:

:

:

(139)

:

:

:

:

. :
. :
. :
. :
. :
(140) :

. :
" :
:
(141) "

: " :
(142) "

(143) "
:
:

(144) "
: " :

(145) "

" :

: " :

(146)"

(147)"

" :

) :

(148)

(149) (

) :

(150)

(151) (

(152)

(153) (

) :

(154)

.

:

:

:

:

-

-

:

-

-

:

:






					(1)
			.100 /		
297/					(2)
	1				
			.134-133/6		(3)
			.250/		
		(1992)			
.16/3	1				
		(1420)			(4)
		.198/1	1		
		(1990)			(5)
			.184/11		
		(1996)			
		230/1	1		
			(1399)		
			.69/		(6)
			.25 /		
		(1412)			(7)
		.33 /			
			.(85)		(8)
			.(1)		(9)
			.(10)		(10)

			.(32)	(11)
		.17-16/3	250/	(12)
	(2004)			(13)
19/		21/	1	
			:	(14)
			:	
		(1402)		:
		65-64/3	1	
	(1999)		253	
1				
	(1983)		360/1	
		146/1	2	
		93-92/1		
1				(2000)
			.763/2	
			:	459/12 (15)
	.546/17			
.224/				(16)
	(1995)			(17)
1				
			.197/2	
			.66/3	(18)

		()	:(90/9)	(19)
		1	(1995)	
			.141/3	
(1985)				(20)
.256/	1			
			.69/3	(21)
	(1993)			(22)
	.775/2	1		
			.(98/1	(23)
			.(766/2	(24)
55/	74/2	:		(25)
	(1990)			
555/	1			
			.151/1	
34/		1466/5	:	(26)
		.19 /	40/2	
	(1992)			(27)
	299 /	3		
-74/2	1			
	(1980)			75
	292/	2		
		(1983)		
	66•69/3	335/1		
		(1993)		
361/1	54-53/	2		

	(2002)			
	240/	1		
		(1992)		
	.764/2	90/3	2	
			.255/	(28)
	.298/1		.66/3	(29)
		.143/1	90/1	(30)
			.	(31)
	(2002)			(32)
1				
			.367 /	
			.(23)	(33)
			.(10)	(34)
	(1984)			(35)
	370/1	1		
		(1997)		
	.499/3			(36)
	.2051/5		2	
	(1999)			(37)
			1	
(1409)			3623	41/10

(1398)			4689	316/7	
	.7065	115/4			
	.368/		2051/5		(38)
		.119/3	505/3		(39)
			.(6)		(40)
		.119/3	505/3		(41)
		.506/3	153/1		(42)
(369)		(2088/5)	(85/2)		(43)
			. 484/1		
			.(230)		(44)
			.(100/1)		(45)
	(123/3)		(301/1)	:	(46)
	(100/1)		(508/3)		(153/1)
					.(774/2)
			.(4)		(47)
154/1		107/3	369/1	:	(48)
		.101/1	509/3		
	(1990)				(49)
				1	
		1240	541/3		
1		(2000)			
			.1587	1210/3	

			.780/2	(50)	
	(1995)			(51)	
1	.		":263/		
	(2001)				
	: 	:		135 63/1	
224	204/1				
		:		:	
				..	
	.524/3	133/3	2106/5	(52)	
.2424	904/2			(53)	
.1504	1142/2			(54)	
			.54	30/1	
.1906)	1515/3	: 			
			.(134/3)	(55)	
		.132/3	99/3	(56)	
	.779/2	135/3	2108/5	(57)	
			.(9)	(58)	
	(1399)			(59)	
	.30-29/2		3		

	.86/	(1990)		(60)
			.21/	(61)
			.406/	(62)
1		(1423)		(63)
			.127/	
		(1408)		(64)
			.220/	1
		(1418)		(65)
			.384 /	1
		(1997)		(66)
	.581/1	2		
		(1418)		
	561/2			
			.463/1	154/1
2		(1987)		(67)
			.1151/7	
		(1964)		(68)
	.149/1			
			.154/1	(69)
			.101/1	(70)
"				(71)
.			"...	

	(2001)	:		
141/	1		1151/7	
	(1993)			
54/	1		.155/1	
			.(222)	(72)
	.151			(73)
			.(23)	(74)
			.(36)	(75)
	.170/1		1191/7	(76)
469/2	:	262/	80/3	(77)
	(1988)			
	.(75/2)	129/2	1	
			.220 /	(78)
	.188/2		384 /	(79)
	.371/1	72/3	75/2	301/1 (80)
	(1999)			(81)
232/	1			
	.257/		270/	
			.449/2	(82)
				(83)

	301/1	137/2	455/2	:
			(1406)	
.223/2			1	
		95/3	338/1	
1			(2002)	
	.370/		696/2	(84)
:			:	
86/2	380/1	123/2	122/1	:
(1997)			342/1	
	3			
	.471/1		99-92 /3	122/2
				(85)
			:	
	371/1	2055/5	308/1	:
100/1	496/3		364/1	248/
	101/1		256/	100/3
			.703/2	371/
			.84/3	(86)
			.(376/1)	(87)
		(1311)		(88)
	.238/13			

(1995)

.200-199/10

(89)

.467/2

.(16696) (238/14)

81/3

130/2

469/2

(90)

.262/

.(80)

(91)

.4670

5301/9

(92)

77/2

200/2

456/2

(93)

.111/1

261/

74/3

.(101)

(94)

7/4

(95)

.686

2907/5

(96)

.2287

71/6

.1564

(97)

":

".

.529/3

):7/5	(98)
	-	-
] (
	.[5530 6647/11	
77/2	302+305/1 463/2	:
	.(258-257/ 73/3 344/1	
	81/2 307/1 465/2	(99)
	.258/ 77/3 348/1	
.238/8	: . :	: (100)
		(101)
	.78/5	231/3
(2003)		: (102)
1		
	.486/5	
	.(31)	(103)
		(104)
		(105)
	(2003)	: .
	1	
		.486/5
	(1998)	
.16/2	1	
		.486/5 (106)

		220 /	:		(107)
				(1416)	
		521-517/2			
				.188-187/2	
				.61/3	(108)
	(1987)				(109)
.259/2		1			
				.523/2	(110)
				.	(111)
					(112)
				. 4-2/2	:
		.38/4			(113)
					(114)
					:
		:			
.4/2					
		.523-522/2		:	(115)
					(116)
		.102/2		1	
				(1407)	(117)
		.703-702/2			
		-3		-2	-1 :
-8		-7		-6	-5 - 4
		110/6		:	-9

		.2/3	
		.111/6	(119)
) :	(23:) () :	(120)
		(6/) (
			(121)
		.3-2/3	(122)
			(123)
357/2	1	(1998)	
		.607/4	
		.221 /	(124)
		.233 /	(125)
		. 428/1	(126)
		.221 /	(127)
		.234 /	(128)
		17/3 :	(129)
.37/2			
	(1404)		
		.228/6	
		.149/3	
			(130)
		.(1421) 323/5	
			(131)
524-523/2		:	(132)

		.233/	
		.(53)	(133)
		.162/1	(134)
		.() 254/3	(135)
		.158/1	(136)
	(1991)	52/3	(137)
1			
		.44/1	
		.145/	53/3 (138)
		.54/3	: (139)
	:	66/	: (140)
		.143/	101/
		.221 /	(141)
		. 530/2	(142)
		.189/2	(143)
		.538/2	(144)
		.222 /	(145)
		. 538/2	(146)
		.385 /	(147)
	616/2	143/9	: (148)
.89/2		(1987)	
		.(92)	(149)
	:	.	(150)
		(1370)	

			.20/	
				.107/1
	(1328)		.47/1	
1		(1313)		
			.37/1	
	(1319)			
.37/1				
			.(43)	(151)
				(152)
			.	
	444/2	192/2	:	
	1	(1415)		
			.421/2	
			.(196)	(153)
530/2		222 /	:	(154)
		.385 /		189/2