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The role of the law approvers in its interpretation

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Abstract--Law is seen to have several qualities, including conflict, conflict-freeness, clarity, directness, and absence of ambiguity. Such a measure is also anticipated to receive legislative approval. However, the legislation must be construed without the aforementioned qualities. The courts, the Parliament, and the Guardian Council are, respectively, the competent authorities for interpretation in settling litigation, ordinary legislation, and the constitution in Iran's legal system. Many standards have been laid down on how laws should be interpreted. However, in the interpretation provided by the approvers, the standard is to ascertain the meaning of the legislation since the approvers are more cognizant of their objectives than judges and inexperienced new members of parliament. Every researcher wonders why the members of the legal commission of the parliament, who are not present in the parliament, do not have the right to interpret the regular legislation in light of the regulation above. The previous query is posed in the disciplines of criminal law, civil law, and public law. However, due to the unique position that criminal law occupies in comparison to other fields and the fact that criminal law not only deals with financial issues but also with the life, dignity, and freedom of individuals, the present study, which was written using an analytical-descriptive writing style, has examined the question mentioned above and its resolution in the context of criminal law. Studies reveal that the structure of interpretive norms (principles, hermeneutic data, comparison of priority, and revision of manat), as well as the legal foundation of interpretation, are significantly influenced by how law approvers interpret regular laws in criminal

situations (Kashf Murad Moqnan). Many issues with conflict, brevity, ambiguity, and silence of criminal legislation will be resolved if lawful. Only its directing and emphatic character is supported by evidence elsewhere.

Keywords---*approvers, interpretation, hermeneutics, principle 73 (Al-Massadeghoon, Al-Tafsir, Al-Taawil, Original 73).*

Introduction

One of the axioms and needs of human life is the creation and establishment of laws, which dictates how people behave according to a system of commanding norms. Because the legality of the dos and don'ts and the legitimacy of the tactics and strategies of the system depend on the legislative authority, the legislative institution in the political system of any country is regarded to be the fundamental and primary pillar of that system because of how important this matter is, no legislator should pass any legislation. Instead, the legislation should be implemented by trained individuals with scientific and technical training. Understanding the language of the law and adhering to its formal principles (text and legal order, clarity, and clarity) and substantive principles (fundamentalism, rationale and legal documentation, comprehensiveness) are the two most crucial aspects of developing the law. This legislation can address societal demands and requirements. But if legislation is passed without any guiding principles or without any of the qualities listed above, it must be interpreted.

Each country has a particular type and frame of reference for interpretation. Principles 167, 73, and 98 of the Iranian Constitution provide that the Guardian Council, the courts, and lawmakers all have the power to interpret. Articles 121, 130, and 131 of the Afghan Constitution provide that only the courts in Afghanistan have the power to interpret. The interpretation used in France historically has been diverse. Today, however, the Shura Council and the Senate have access to only legal interpretation, and the courts are in charge of enforcing it (Omid, 2014: 26). As a result, the legislature is regarded as one of the key sources of interpretation in many nations' legal systems. This topic is also covered in this article. However, because legal interpretation in its broadest sense has such a broad definition and range, the research's primary interest is in examining the role of approvers—both official and unofficial—in the interpretation of the law. The research's inspiration and starting point are found in Article 73 of the Iranian Constitution. This concept states that only those who are present in the parliament have the power to interpret the regular legislation and that those who are not present in the parliament have no such power. On the other hand, questions like "What is the role of the approvers in the interpretation of the law?" have arisen as a result of the preservation of the relationship between the law and the legislator as well as the generality of the criteria and the basis of the interpretation of the law (discovery of the legislator's meaning) to the present and absent members of the parliament. Is it a necessary or recommended aspect? Can the ratifiers' pledges lead to a peaceful resolution of the conflict? Does it have the power to place the interpretation in the event of influence? These issues come up in the areas of civil, criminal, and general law. However, as criminal laws deal not

only with financial matters but also with people's lives, dignity, and freedom, they hold a distinct position and significance among other domains. The issues posed in the area of criminal law have led to analysis and investigation. For instance, the Islamic Penal Code's Article 729 is unclear. "All laws opposed to this legislation are abolished," the article states. What does "contrary" actually mean? Any sort of difference? Does it even include broad and particular applicability and limitation, or is that just part of the basic description of the laws? How persuasive and true is it if a member of the Law Commission who is not in the parliament says that the goal is a complete contradiction? And what is the judgment about the hermeneutic information, basic laws (such as priority comparison and manat modification), and legal interpretation's legal foundations? As a result, the current study, which employs a descriptive-analytical approach, looks for the answers to the issues raised above. But first, it's important to look at the ideas that are key to comprehending the issue.

1. Semantics

Understanding the definitions of the terms below can help you find the answers to the questions above:

1.1. Hermeneutics

The word "hermeneutics," which has Greek roots, comes from the names "Hermina" and "Hermes," which are translated as "messengers of the ambiguous message of the gods," and from the Greek verb "hermenein," which is usually used to refer to interpretation or the theory of interpretation (Akremi, 2016: 4; Zad-Garan, 1989: 17).

Hermeneutics refers to the study of methodological principles of interpretation and explanation, particularly comprehending the fundamental principles and norms of interpretation of the Bible's text (Palmer, 2011: 10). Understanding the ambiguities of any text is necessary for the study or practice of hermeneutics, which is not just applicable to religious literature (Qorbanzadeh Savar, 2016: 71). To put it another way, "hermeneutics" is typically associated with the notion of absolute interpretation, text interpretation, and more especially, text interpretation of religious texts (Haji-Bigelow, 2010: 81). This idea encompasses actions, events, desires, and even voice states in addition to written and spoken texts (Ahmadi, 2014: 61). Consequently, some consider it to be "the art of interpretation" (Mokhtari, 2011: 22). The character of a text and the significance of comprehending and interpreting it, then, appears to be the basic axes of hermeneutics.

1.2. Article 73

According to this theory, the House of Representatives has the power to interpret common laws, and the Parliament can accept any interpretation as long as it does not conflict with Sharia law or the Constitution because the legislator is the best source for legal interpretation because they are more conversant with the language and meanings of the law (Homad, 1983: 430; Omid, 2014: 27). Such an

interpretation can be subject to certain conditions and positions (Katouzian, 1981: 19).

1.3. Interpretation:

To uncover, express, and find meaning, the word "interpreter" is employed in the definition of interpretation (Dehkhoda, 2015; Al-Firouzabadi, 1981: "interpreter" article; Ibn Manzoor, *Bitā*: "interpreter article"; Al-Suyuti, 1984: 36). However, the term "law interpretation" is used to refer to the method or art of ascertaining and elucidating the meaning and implications of the law, as well as elucidating the words and expressions used in the law and expressing their meanings, as well as elucidating the legislator's intent and establishing the law's scope of the application using rules, assumptions, and guidelines (Omidi, 2015: 18). Some authors said that the definition of "law interpretation" is to ascertain the intent of the legislator by using rules and regulations that are either literary or logical or by using historical records (Jaafari Langroudi, 1979: interpretation article). According to another viewpoint, "law interpretation" refers to the use of a set of techniques that enables the judge to determine the outcome of each case's individual issues (Qiyasi, 1980: 20). In general, the aforementioned definitions demonstrate that "law interpretation" is founded on a number of concepts, including ascertaining the legislator's intent, resolving ambiguity issues, avoiding conflicting judicial rulings, and refraining from continually modifying the law.

2. Explaining the necessity of the interpretation of the approvers

Perhaps the researcher's initial thought is, "What is the necessity for the approvers to interpret the law given the availability of multiple authorities of interpretation, including courts and judges?" The answer to this question hinges on how well you can explain why the courts, parliament, and guardian council are given the responsibility of interpreting the law. If the lawmakers' knowledge of the law is the cause, then the ratifiers share that trait as they were the main legislators. If the legislative body gave two non-legislative institutions (courts and the Guardian Council) the power to interpret the law because the representatives were slow and overworked (Deylami, 2003: 28) or because their unfair goals and considerations threatened the fair application of the law (Tony Honore, 1995: 89), then this did not result in speed because the Guardian Council and the courts are the same in this situation. This indicates that the Guardian Council and courts may also consider the aforementioned factors. If the reason is the composition and formality of the representatives, it is incompatible with the necessity and purpose of the interpretation and is seen as a kind of preference because the necessity, purpose, and meaning of the interpretation are to eliminate the law's brevity, ambiguity, and conflicts, to ascertain the legislator's intention, and to clarify the law's inner meaning (Mirzaei, 2011: 172; Nasahian, 2012: 61). Because the legislator, whether formal or informal, is more knowledgeable about the aim of the legislation than any other authority or organization, the aforementioned elements and components are pertinent and need to be interpreted by the approvers (Deylami, 2003: 29; Taghizadeh, 2015: 2). The representatives' connection to the law is not lost because they are not officially or currently members. The law retains its link with the legislator, according to certain legal scholars (Qayasi, 1980: 284).

3. Analyzing the interpretation of the approvers in the structure of interpretive rules

Whether the approving speech adheres to the interpretation standards, including the legal foundation for interpretation, basic principles, and hermeneutic facts, was one of the queries. What do these laws entail? It is required to look at each of them independently in order to provide a response to the question.

3.1. Requiring a legal basis for interpretation (discovery of the concept of legislator)

The most significant and essential legal foundation for its interpretation and regulations is understanding the legislator's purpose. As some jurists have stated, the goal of law interpretation is to determine the legislator's purpose, even when the legislation is silent (Qiyasi, 2011: 67). It is also supported by the Guardian Council's theory: The purpose of interpretation is to convey the author's meaning (Mehrpour, 2011: 2, 2). It is also implied from the statements of certain other jurists, who say that interpretation refers to the entire process of comprehending and determining the meaning of the legislator (Deylami, 2012: 60 and 160). However, some legal principles apply and are demonstrated. Legal principles demand that the law be read in accordance with its objectives (Taghi Zadeh, 2014: 8). Nevertheless, what really is meant by goals? Does that imply the lawmaker? Or the way the law's text appears? Perhaps a third objective? But it is clear that one of the purposes of interpretation is to clarify the legislator's intent (Omidi, 2014: 96). The German attorney Eyring underlines that hundreds of requirements of the time, causes, and external conditions that existed at the same time as the legislation was enacted allowed the legislator's intent to be realized in any scenario (Osoli, 1962: 41). Another author rejects the court record, conventions, and unrecorded habits as a replacement for the law in her speech, claiming that the legislator's desire is the basis of the law (Tanagh, 1974: 750).

In addition to the aforementioned justifications, the basic foundation of interpretation is the identification of the meaning of the legislator when it comes to sources, techniques, instruments, and schools of interpretation. For instance, some interpretive theories argue that the court must interpret the legislation in accordance with the legislators' intentions (Yavari, 2017: 269). The interpreter must ascertain the meaning of the legislator by the precise form of the parliament's debates or the works completed prior to the passage of the legislation to be interpreted as its preparations, such as the records of the bill's drafting; it is also stressed (Babaei Mehr, 2009: 182). Similar to the linguistic or literary method, finding the law's meaning is emphasized. The aim of this strategy is to achieve the legislator's objective even if it concentrates on the common and conventional interpretations of the law's phrases and expressions (Padfield, 1989: 39). The significance of determining the meaning of the legislator is made obvious by the fact that even "obedience to the will of the legislator" falls within the independent school of interpretation if it is discussed in terms of interpretative schools or trends (Qiyasi, 1379: 34). Finding the legislator's purpose has been shown to be one of the key legal grounds for interpretation up to this point. However, a number of people have disputed this fact, arguing that, contrary to conventional wisdom and established methods, legal interpretation is more closely tied to writings that are the result of a particular will than the will of the legislator. In other words, interpretation serves as a means of determining the

intent of the legislator rather than the purpose of the law's provisions. The role of interpretation serves as a nurturing environment for intelligence and reasoning. What is discovered via interpretation is the outcome of the commentators' comprehension and knowledge (Mirzaei, 2010: 181). Additionally, the lawmaker does not want to tackle the issues since he has a future-focused perspective (Qiyasi, 2019: 40). Another issue is that, because so many persons were engaged in the law's formulation, it is unclear who is meant by the lawmaker (Dworkin, 1978: 320). These arguments and issues contend that, despite the existence of the law's language and references to it, there is no justification for ascertaining the legislator's intentions because the legal bases for interpretation do not specifically pertain to doing so. The first criticism is unfounded since demonstrating something does not make it true. The debate centers on the crucial legal foundation for interpretation, as stated at the outset. Second, the Guardian Council emphasized in the earlier theory that the purpose of interpretation is to ascertain the intent of the legislator, which is in conflict with the aforementioned position. Thirdly, knowing the text and words of the law by determining the meaning of the legislator is possible, but no intellect accepts the alternative (understanding the text and words of the law by determining the meaning of the legislator). Fourth, it appears that there is a direct connection between the legislation and the legislator's aim. The author's aim may not be clear from the text, as was previously noted, but it always results in the identification of the author's intention. Finding the author's meaning is more crucial and should be a top priority if we reject this relationship and the author's meaning conflicts with the meaning of the text (Nikunhad, 2015: 27 and 33). However, the issue is: Given the significance of this foundation (the finding of legislator), how can it assist the approvers in their interpretation of the law? This foundation and the evidence supporting it must be found by any institution or channel; therefore, it is free from restrictions and legal issues. Instead, it improves the standard of legal interpretation and prevents ambiguity for both the law and the courts. Without citing a specific law or authority, several jurists have stated that: "The best approach to interpret the law is to discover the meaning of the lawmaker and follow it. Additionally, keeping the law current with society's needs while upholding justice and fairness is a good thing" (Qiyasi, 2011: 73). Its superiority is thus established when the function and efficacy of the approvers, particularly the members of the legal commission, are contrasted with the literary, verbal, philosophical, and even personal techniques of interpretation even by the legislators, the official members of the parliament. Due to their understanding of the necessary timelines, skills, and experience, it is doable. It's possible that some of the official members of the parliament are individuals who don't fit the description above.

What does the legislator imply, for instance, in the Islamic Penal Code's Article 638's phrase "pretending to do a banned act"?" What sort of behavior is prohibited? Is there shariah or legal prohibitions? If any former members of the parliament's legal commission expressed an opinion about whether the intent behind this statute was to impose legal restrictions or the reverse. Does this professional judgment have any legal weight? It makes sense that it has a big part

* "Anyone who publicly pretends to commit a haram act in public and in public places and on the roads will be punished with imprisonment from ten days to two months or up to 74 lashes..."

to play. However, the theoretical and guiding component of the job is established because this member of the legal committee of the parliament is not an official. Similar conflicts exist between Article 170's Paragraph 3 and Articles 238 and 239 of the Afghan Penal Code[†]. According to Article 170's Paragraph 3, a crime that places all or part of Afghanistan under the control of a foreign authority is punishable by death[‡]. This act is regarded as an instance of national treason according to paragraph 2 of Article 238 of the Penal Code[§]. While the Penal Code's Article 239 specifies that, depending on the situation, national treason may result in a lengthy prison sentence. Because the word "act" is given by paragraph 3 of article 170, paragraph 2 of article 238 of the Penal Code is universal if a person or individuals from the unofficial members of the parliament express an opinion. Alternatively, provide a remark stating how paragraph 2 of article 238 repeals paragraph 3 of article 170. It is only natural that the law has an impact, or even acknowledging that the legislation was created in error. However, it lacks a legal guarantee because it is not legalized.

2-3 Requirement of fundamental rules

A collection of guidelines utilized to create secondary Shari'a judgments are known as jurisprudential principles (Mirzai Qomi, Bita: 5). Some claim that it serves as a source of information for the regulations that are the basis for determining judgments (Khorasani, 1409: 9). Principles are organic norms that are utilized as cobras in extracting broad secondary divine decrees or compulsory practical responsibilities, according to Imam Khomeini's definition (Khomeini, 1981: 51-75). As a result, understanding principles is regarded as a means of achieving a divine mandate. Due to the fact that many criminal laws are drawn from jurisprudence and that jurisprudence is regarded as one of the sources of law, this knowledge holds a high position in the field of jurisprudence, in addition to holding a specific role in criminal law (Shibanifar, 2016: 32). In this way, understanding jurisprudential concepts play a crucial part in criminal law.

Although it is impossible to apply jurisprudence to law and, of course, to compare how the law is interpreted with its implications in all respects, because of their similarities and significance, they may be contrasted and evaluated in a variety of contexts (Qiyasi, 2011: 71). For instance, finding the concept of legislator which was previously described, serves as the basic foundation for interpretation. All scholars think that the meaning of words is influenced by the speaker's condition and rational custom in the science of principles and that it is necessary to infer the will of the Shariah and theologian from the appearance of words (Isfahani, 1985: 126). They demonstrate their loyalty to the meaning of the law even when they utilize practical principles that only serve to create uncertainty; that is, when there is a disagreement, silence, or ambiguity, use practical principles as a legal

[†] "Crimes as a result of which the lands of the Islamic Republic of Afghanistan are completely under the rule of a foreign government or harm the national sovereignty, territorial integrity or independence of the country".

[‡] "An act that results in all or part of the lands under the government of the Islamic Republic of Afghanistan being removed from its administration, his act is considered national treason".

[§] "According to the circumstances, the perpetrator of national treason will be sentenced to life imprisonment".

reference (Qayasi, 2011: 71). Therefore, the knowledge of jurisprudential principles is available to the jurist in this situation where the law is unclear, extensive, or contradictory. The jurist can use these principles and rules to ascertain the legislator's intent, ascertain the meaning and scope of the legal articles, as well as resolve conflicts and other flaws. And the judge claims that employing them makes it feasible to decide legal disputes and aids in doing so (Faiz, 2014: 246). However, the major focus of the discussion is on how to justify and reconcile the principles and regulations with the ratifiers' perception of their position in this situation. All legislators agree that the validity of the conclusion, even if it is derived from the crow's jump, is one of the issues of the science of principles (Ansari, 1377: 1). With the exception of Akhbaris, many jurists and fundamentalists believe that its legitimacy is inherent (Hosseini Behsoudi, 1412: 53). The identical difficulty exists (certainty and its inherent validity) in that the judge's duty to act in accordance with his knowledge is unaffected because his judgment constitutes his knowledge (Qiyasi, 1379: 186). The judge is required to openly describe the evidence and the emirate between himself in the verdict, as stated in the note and under Article 211 of the Penal Code: "... in circumstances where the document of the verdict is the judge's knowledge." "... and other evidence and emirates that are typically scientific can be submitted as records showing the judge's knowledge," was added to the article's note. As a result, if the judge's choice is what is meant by the judge's knowledge and the judge is required to incorporate his own evidence in the ruling, there is no question that the words of parliament members who are not present in the parliament, in cases of ambiguity, abridgment, conflict of law, and judge perplexity, taking into account the judge's knowledge of the purpose for the establishment of laws and the experiences of several years of presence in the parliament and understanding the general situation of the society, are instructive and for the judge of knowledge is a source, or it is a subset of the same evidence that according to the mentioned evidence. Similar to this, one of the other subjects covered by the science of jurisprudence's guiding principles is the consideration of contradictory evidence. The principles seek preferences when there is a dispute between two or more reasons, and they act on any reason that has a strong preference. The same disagreement might arise between two laws, and the court or any other legal interpreter will follow preferences to determine the legislator's intent and will do the same for everything that results in the identification of the legislator's intent (Hosseini, 2009: 122). Therefore, it is obvious that it will resolve the issue if a former member of the parliament speaks about one of the laws and explains the justification for the purpose of the legislation.

It may not have a required component because it is not legal, but at least common sense demands its favor. The subject of abrogation is another one covered in the science of principles. Basic texts do not examine copying under an independent title, but general and particular subcategories have been explored (Kazemi, 1404: 733). A decision that was obeyed for a particular amount of time is said to have been abrogated (Meshkini, 1985: 268). It doesn't matter if two laws' approval times are the same or different when there are general distinctions between them; this topic is also of particular importance to the legal profession (Qiyasi, 2019: 243). Now, if two laws are in conflict or unclear about something, and the unofficial approver said at the time of approval that one of the laws was implicitly repealed by the other law, doesn't that opinion lead to the determination

of that law? For instance, under a statute, the minimal punishment set forth in the same scenario will be the penalty for commencing fraud^{**}. According to different legislation, if someone starts to commit a crime with the intent to do so, but the planned crime is not carried out, the activities they do are still illegal, and they will be punished accordingly^{††}. Now that we have read the two items above would beginning a fraud offense result in punishment? The question is whether Note 2 of Article 1 is revoked by Article 41, which is broad, or if Note 2 is reserved for Article 41. Is Article 41 unconstitutional if a former member of the parliament who supported the measure at the time says so because Note 2 was added too late? It is clear that it significantly affects and plays a part in deciding the aforementioned law.

Or, in comparison to Note 2, Article 122 of the Islamic Penal Code, adopted in 2004^{‡‡}, which has taken the place of Article 41 of the Islamic Penal Code from 1981, how can it be resolved, and what is the remedy for that? For instance, in Note 2, the punishment for initiating a crime of fraud is regarded as the minimal punishment appropriate to the situation, and its assessment is left to the ruler in line with the judges' direction, yet in Article 122, it is specifically stated: He will get a fourth-degree jail term if the punishment includes a crime, life imprisonment, perpetual incarceration, or imprisonment in the first through third degrees. If they receive an amputation or a fourth-degree sentence, they will receive a fifth-degree term, etc. What rule applies between the aforementioned two articles—the general rule, the special rule, or the abrogation rule? If the approver, who is not physically present in the Islamic Council, states that he has revoked Note 2 to Article 122, his statements are not offensive given his experience and previous position unless we treat the first clause in Comment 2, which solely refers to the beginning of a fraud crime, as the latter general clause in Article 122, which makes the beginning of a crime in general.

3.3. Requirements of hermeneutic data

The definition of the term "hermeneutics" was given in the conceptual discussion; the hermeneutic information presented here only pertains to a few examples of how approvers read laws and ascertain the text's meaning and the author's or legislator's intentions. It justifies it and demonstrates that those who do it are being compensated. But first, a quick introduction to the fundamental topic and goal of hermeneutics.

^{**} Note 2, Article 1 of the Law on Intensifying the Punishment of Bribery, Embezzlement and Fraud, approved in 1978.

^{††} Article 41 of the Islamic Penal Code 1370.

^{‡‡} Anyone who intends to commit a crime and begins to carry it out, but his intention remains suspended due to an agent outside of his will, will be punished as follows: a) In crimes whose legal punishment is deprivation of life, permanent imprisonment or Imprisonment of degrees one to three is imprisonment of degrees four. b) In crimes whose legal punishment is amputation or imprisonment of the fourth degree, to imprisonment of the fifth degree. c) In crimes for which the legal punishment is whipping or imprisonment of the fifth degree, to imprisonment or flogging or a monetary penalty of the sixth degree.

The science of hermeneutics examines the conceptual underpinnings of interpretation and comprehension. The first discussions of this information concerning the interpretation of biblical texts took place in the West. However, it was gradually spread in its modern form to the knowledge of all forms of understanding and everything that needs interpretation, such as the social sciences and humanities, by hermeneutics like Schleier Macher and Diltay until the beginning of the 20th century, and it discovered a non-religious aspect (Hosni, 2014: 1). This western author claims that the primary goal of hermeneutics is to understand the crystallized and evolving life in the text and that the interpretation should reassemble the author's modern environment and the mental world by looking at historical records and facts so that he is aware of the author's innermost thoughts (Ahmadi, 1983: 2, p. 534). He continues: The basic objective of hermeneutics is a deeper comprehension of the author (Ahmadi, 1983: 531). Interpretation the author's aim to get at the main understanding of the text through this paragraph is the objective and topic of hermeneutics.

Therefore, two important achievements are extracted from hermeneutics, which correspond to the subject at hand; first, according to the opinion of the majority of hermeneutic authors, the understanding of the text depends on the understanding and description of the author's intention. The meaning of understanding the text is comprehending the author's goal; according to Schleier Macher's quotation, "In order to understand the text, the interpreter must put himself in the place of the author in order to grasp its aim" (Valdes, 1991, pp. 159-161). According to Diltai, the fundamental meaning of the text is the author's intention, the manifestation of his soul and spirit, the expression of his personality, and, generally, a full-view mirror of him. This is in line with his teacher Schleier Macher, who views the meaning of the text as the author's entire life (Hadavi Tehrani, 1988: 159). American author Hersh, a proponent of modern hermeneutics, says that the author's aim should be taken into account when interpreting a book since it indicates the author's meaning and goal (Cozens Hoy, 171:73). Only Heidegger, in contrast to Diltay, thinks that understanding others and their works isn't more achievable than understanding oneself (Heidegger, 1962:55). Similarly, Gadamer believes that the work of hermeneutics and the goal of understanding the text are not the same as knowing the author's mindset since a text might have meanings that go beyond what the author intended. Understanding is explicitly connected to the text's meaning (Gadamer, 1994: 372). Heidegger and Gadamer appear to have believed that the written text was not intended by the author, rather than that current historical circumstances are incompatible with the author's period. According to Ricoeur's perspective, which is regarded as one of the most significant contemporary points of view, the written text's independence from the author's type and the distinction between spoken and written text demonstrate the effectiveness and significance of the author's mentality and intention. He is aware because he always has a goal when he speaks or writes (Hosni, 2006: 95; Hosni, 2014: 141-144).

Second, the understanding of every text that is required is included in the knowledge of hermeneutics rather than only the comprehension of a particular text. What point on the subject in hand do these two discussion-related findings match? The answer is obvious because, notwithstanding the legislator's accuracy and precision, interpreting the law and legal documents is essential (Garne. 2004:

420). Now, how can this hermeneutic information—which includes the author's intent as well as pure textualism in the interpretation of laws—be disseminated and modified? Does hermeneutics qualify as an interpretation? Hermeneutics is implied to be an interpretation by the majority of hermeneutic theories. According to certain thinkers, hermeneutics is an overview of interpretation in terms of belief and application (Yol, 2010: 56). There is also a piece in this area titled "Hermeneutics of the Science of Exegesis." However, despite the fact that it is regarded as an interpretation, there are two main viewpoints that may be expressed on the relevance and appropriateness of hermeneutics in the interpretation of laws. The first point of view is based on the Constitution's principles 73, 98, and 167, which are subject to interpretation by the Parliament, the Guardian Council, and the courts, as was explained during the Guardian Council's presentation of its judgment. According to the majority of writers, the primary criteria of the author's aim is expressed in the science of hermeneutics. Until the author's intention is established, it is impossible to read the text. For instance, the broad concept of legal hermeneutics, which first appeared in the 18th century, was founded on the idea that there are two ways an interpreter might get to a complete understanding. Determine the author's goal first, and then interpret the text to the degree that the author prepared it in a reasonable manner (Parvin, 2016: 388). The Guardian Council and the majority of writers hold this point of view, which contends that because they are more knowledgeable than one another, the unofficial approvers in the parliament can also assume the function of the law's authors and offer commentary on how it should be interpreted. However, the second viewpoint contends that the foundation of legal hermeneutics also calls for a definite interpretation since it reflects the author's lack of faith and exclusive attention to the text (in light of the time). Because not all the facts are with the author, the author should not be considered in the interpretation (Parvin, 2017: 389). In accordance with the aforementioned Constitutional principles, which outline the commentary authorities, informal approvals also have no legal significance, even if the person involved had previously been an official member. However, outside of the position, as someone with knowledge and experience in the area, he or she can remark on its interpretation using an analogy based on priorities. He hasn't entirely disregarded the author's function, though, as can be seen from legal hermeneutics in a certain sense, as it is noted in this sort of hermeneutics that not all the facts are with the author. As a result, based on both points of view, we will draw the conclusion that, if the authorship criterion is merely the authorship criterion, the role of the authorized as the author, the text of the law, and the consciousness of his or her goal in time cannot be disputed. If textualism is the criterion, then the approval of the text's interpretation will also factor into the text's interpretation to some extent because the main characteristic of the text is the search for the same meaning at the outset of the work, at the time of its approval, and in the absence of transparency. It must be included in another criterion (Yavari, 2017: 267). It is obvious that when approvers are present, the meaning of the time of approval is established, and further criterion is not required.

4-3 the requirement of the analogy of the priority and basis expurgation

The "requirement of principled rules" is a topic that is covered in the science of principles as well as syntactic science, jurisprudence, principles, and logic. It is

required to give an overview of the situation before describing it and relating it to the analogy of priority and base expurgation. The comparison is made between the concepts of admiration and equality (Ibn al -Mahd, Beta: 6, 187; Nahj al -Balagha, sermon 2).

The principles used by scholars refer to the equality of the principle and the subordinate in the sentence's cause. Specifically, shifting the sentence's focus from one subject to another while maintaining the two problems' commonality as the sentence's causes (Majlesi, 1414: 7, 275; Sobhani, 2004: 91). Manasus-al-ala, priority, revision of manat with the cancellation of characteristic or analogy with revision of manat, and mustanbat-ul-alah are the four categories under which analogy is classified (Janati, 1979: 269). But the comparison of Manat's priority and revision is compatible with the present topic. The diffusion of decisions from one topic to another in the form of clear priority is the analogue for priority (Makaram Shirazi, 2013: 213). Manat revision in the context of the Usulis refers to the ijthad process of finding what is said in the text as a reason by eliminating qualities that do not conflict with the decision, without the cause having been established by the text (Amadi, Bitu : 3, 279). As a result, the traits that should be eliminated are covered by the judgment, but they have no bearing on it, therefore its application may be broadened. According to certain jurists, the subjunctive and the plural of the original are often difficult to differentiate (Hali, 1403: 185). The majority of legal experts and legislators agree that the comparison between priority and manat revision is accurate (Zanjani, 1421: 2, 221). Asala-al-zohor serves as the foundation for the legitimacy of both of them, while other people believe the legitimacy of both is based on reason and general agreement (Muzaffar, 2006: 2, 200). (Vahid Behbahani, 1475: 147).

As was previously said, understanding jurisprudential concepts is essential for comprehending and interpreting legal texts. Selecting a fundamental concept from among several grounds has a significant impact on how laws are interpreted, as some jurists have also noted (Qayasi, 2019: 254). The aforementioned justification states that the comparison of priority and revision of manat, one of the subjects of the science of principles, plays a significant part in explaining and interpreting laws as well as confirming the efficacy of the ratifiers' interpretation of laws. The interpretation of laws and the determination of the legislator's intent share many elements and characteristics with manat revision because it is in some ways similar to how words and legal texts are to be interpreted. In manat revision, the cause is distinguished from extraneous attributes, and the text does not interfere with the verdict and the cause. Lack of comprehension of the intent of the legislator and the purpose of the law is the primary cause of interpretation. Since the text of the law (Article 73 of the Constitution) is only a guide for interpretation, it cannot obstruct the search for the motivation (understanding the intent of the legislator or the reason for the law's introduction). The official and present members of the parliament are to be revoked, as stated. To reach the common goal of law interpretation (the elimination of abstractions, conflicts, and ambiguities through the discovery of the meaning of the legislator), the scope of the ruling has been expanded with the elimination of this attribute, and the competence of interpretation also extends to the unofficial approvers. This is in accordance with the rule of revision of Manat. The authority to interpret the law can be moved from the current members to the members who are not present in

the parliament and have priority, even though the analogy of precedence is not employed in the interpretation of the phrasing and text of the legislation, like the revision of Manat. It does not follow that the newly elected members, who lack experience, are ignorant of the meaning of the legislation and the justifications for its passage and adoption, as well as the mere formality and will that led to their election, have the right to interpret. The first approach to interpreting the laws should only be made by those who are competent and have sufficient knowledge and experience. Particularly if, in accordance with the logical interpretation, determining the legislator's aim requires consulting the explanatory reports, prepared materials, and minutes of regulatory meetings at the time the government was writing the laws, etc. The past members of the Parliament have more and stronger information about them than the new members, even the judges, because the drafters of laws and legal plans are constantly attempting to be clear (Emami, Beta: 12). The interpretation of the previous law by the unofficial members of the parliament, who had the role of the author and author, is undoubtedly given priority over that of the new members, according to the hermeneutic point of view, which believed that understanding the text was dependent on understanding the author's intention.

5-3 Requiring the relationship between the rule of causation and the legislative action

To make the situation clearer, it is necessary to give a general description of the situation before stating whether the requirement of the relationship between the rule of causation and the legislator's act and the position of the law approvers in its interpretation is appropriate and in compliance. Cause and effect and the link of causality are regarded as legitimate minor philosophical notions, but the rule of causality is one of the most significant philosophical subjects. This rule describes how the effect and cause are unrelated, connected, and necessary in a way that makes it difficult for the effect to materialize without the cause. When anything requires another thing, the first item is known as the cause, and the second is known as the consequence (Sabzewari, 1977: 117). Causality signifies existential cessation. In philosophy, the term "cause" refers to the entity that determines whether an effect exists (Sadr al-Maghsilin, 1981: 1, 160). The nature that depends on the cause for its existence is what is meant by the term "effect." The law of causation is raised when a claim on the existence or nature is made by coincidence (Beheshti, 2013: 120). Such assertions are really refuted by the rule of causality, which establishes the correct conclusion to them. The requirement of reason serves as the foundation for adopting this regulation. The explanation of curves is a good illustration of it. For instance, understanding the cause of the law or its interpretation, which in their own right is a consequence, raises the question: Which is the product of which cause? The explanation of both complete and incomplete causes, the criterion of causal necessity, and the "malm yajb lam yojd" rule are all necessary for the solution. It is the item on which the impaired person relies or everything they require. The cause is the necessary and sufficient condition for the realization of the effect, meaning that the realization of the effect is certain and the absence of the effect is closed (Fayazi, 12/29/2018; Rahmani,

2014: 143^{§§}). It also meets all of the demands of the effect. The reality that meets the demand of the effect while both being a required and insufficient precondition for the fulfillment of the effect is known as an incomplete cause. This is what the effect depends on. Indeed, a full cause arises from the accumulation of defective causes. In terms of substance, the cause is identical to the law of causal and effective necessity. In other words, even though the cause exists, achieving the result is required, and it is clear that the effect won't be violated. The aim of the rule "Malam Yajab Lam Yojad" is that the outcome will not be realized until it reaches the limit of necessity and its realization does not exist; therefore, the imperfect cause is not fundamentally different from this rule. According to the aforementioned justifications, a causal relationship between the legislator and the law can be established based on the incomplete cause because the law, despite its existential need for the legislator, also needs other factors like the demands of necessity and expediency, negotiations, drafts, and legal plans. The law does not always result from the existence of the legislator. Since the legislator is not viewed as the sole cause and necessary condition for the manifestation of the law, the practical result of such a connection between the legislator and the law is that the lawmaker violates the law's existence. With this comparison, the approvers' contribution to the legal interpretation will be comparatively minor. Since the application of the law or its interpretation does not depend on the judgment of the approvers, but rather, the official and current legislator, for a number of previously indicated reasons, fulfills this function. However, the role of the ratifiers in the interpretation of the law is only possible in terms of comparing the legislator's act and will to the law or the interpretation of the law in the context and necessity of the whole cause because the existence of the legislator's act, which is the result of a number of imperfect causes, ensures that the law will be fulfilled and eliminates any possibility of the legislator's act violating the law. Some attorneys have claimed that the link between the law and the legislator is always safeguarded, although it seems that their objective is that the lawmaker's activity is the source of the whole law and that nothing can end such a relationship. (Qayasi, 1980: 284). As a result, the act of the ratifiers is set and immutable as the source of the law, and they have the authority to make interpretations in the event of ambiguity, dispute, or ambiguity.

4. Evaluation and suggestions

Two points of proof and proof can be used to analyze the aforementioned issues. The standards and pillars of the argument demonstrated that the goal of interpretation is to ascertain the author's meaning. Textualism was only accepted by a small group of people with poor thinking, even if it did not reveal the legislator's intended outcome. The employment of tools and techniques of interpretation in the position of fact and self-interest in determining the meaning of the legislator appears to be the same across all sources of interpretation, as in the position of fact, it is the thing in itself (Motahari, 2010: 17, 263). However, it is the responsibility of the authority of proof and the knowledge of the mind to interpret which reference and method lead to the discovery of the legislator's intention and the proof of something for the people because conformity and non-

^{§§} Fayazi, Gholam-Reza, lesson 47 of *Badayeh-al-Hakmela*. Permanent e-mail address: <http://www.eshia.ir/feqh>, online and viewing date, 12/29/2018

conformity with external objects and examples can be received and recognized through the pathway of mental understanding (Tausli Jahrami, 2003: 141). Sometimes the world of the imagination becomes a reality; other times, it does not. Numerous interpretive references have therefore been offered as evidence, some of which have been interpreted in a way that is legal and approved, while others have been interpreted in a way that is invalid. As was demonstrated in the interpretation of the approvers, from the channel and requirements of various rules of interpretation, it is feasible that all sources of interpretation and methodologies lead to the revelation of the author's meaning. The Supreme Court can violate this interpretation by interpreting conflicting laws that are unclear or general, though, because this interpretation is not provided in the law (the place of proof), it does not have a mandatory and mandatory effect. Instead, only its guiding and emphatic aspects can be proven, as several lawyers have also mentioned (Qayasi, 1980: 283). Acting in accordance with the theoretical and guiding feature of the ratifiers' interpretation appears to open several knots of conflict, uncertainty, and legal shortness, consequently, with the feature descriptions in the approvers' understanding. It calls for, among other things, the consistency of the legislator's meaning in the role of proof, its generality and wholeness in the interpreters' interpretations, the necessity of basic laws, hermeneutics, and legal foundations, as well as the requirement of interpretation. In addition to legal interpretation authorities, some ways and other authorities are also recommended to offer legal legitimacy so that, as a consequence, that legislation is interpreted to fulfill the greatest demands of society. This is true even when the interpretation of the approvers lacks legality. When the interpretation of law enforcers, legal doctrine for predicting the future, referring to sociologists' opinions for examining and identifying the situation and needs of society, and referring to jurists' opinions for the sake of maintaining consistency with Islamic, juridical, practical, and legal rules and values should be given, this issue will be realized. It is required to define and enact the joint committee for the interpretation of laws, which is made up of the aforementioned organizations and authorities, in order to prevent interpretive confusion.

5. Findings

The total of the aforementioned research yields the following conclusions.

1- Only a clear, explicit, and unambiguous law is expected from the legislator, but despite the legislator's general practice of accuracy in the drafting and approval of laws, as laws are implemented, and judgments are handed down, various instances of summarization, silence, ambiguity, or violation of the conflict arise and must be interpreted.

2. There are several organizations, sources, techniques, and instruments available for understanding and explaining the meaning of laws. The lawmaker has only been given access to the courts, the House of Representatives, and the Guardian Council as legal authority. The members of the parliament are capable of interpreting regular legislation. One of the interpretive authorities and institutions can also be thought of as the law's approvers who are not in the parliament.

3- Although not explicitly stated in the law, the role of interpretation by approvers is recognized and realized thanks to the necessity of various interpretative rules and criteria, such as fundamental principles, hermeneutic information, the need for legal bases (ascertaining the legislator's intent), and rules of Manat revision, comparison of priority and causality. However, because it is not legal, acting on it will lead to several issues of disagreement, uncertainty, and the absence of the law because it has no practical or required repercussions. A joint committee for the interpretation of laws that consists of elites and authorities in the many domains in which the laws require interpretation is even offered to the parliament from the standpoint of its legality.

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