

## Abstracts

### United States National Security Strategy for the 21st Century<sup>1</sup>

#### Abstract

The United States National Security Strategy is a set of strategies that articulates important military, political, and economic goals in the domestic and foreign spheres and relates the possibilities, resources, and methods to achieve those national goals and national security. They build. The US National Security Strategy documents fall into two categories: 1. Main documents (National Security Strategy, National Defense Strategy, Four-Year Defense Estimation, and National Armed Forces Strategy) that need to be published; 2. Subsidiary documents (National Security Strategy, National Counterterrorism Strategy, National Intelligence Strategy, Cyber Strategy, Four-Year Internal Security Estimation, and Four-Year Intelligence Community Estimation) which are not required by Congress.

**Keywords:** Strategy, National Security, Doctrine, United States.

## Socio-Cultural Rights of Child in International Documents and Afghan Laws<sup>1</sup>

### Abstract

The main issue of this article is the socio-cultural rights of the child as well as its commonalities and differences in international documents and Afghan laws. In this regard, among the measures taken in the international arena, we can mention the International Convention on the Rights of the Child, adopted in 1989, which has also been ratified by Afghanistan. The civil law and other laws of the country also mention cases related to children's rights; According to the Civil Code and other existing laws and the Universal Declaration of the Rights of the Child, the age of 18 can be considered the age of distinction and recognition of the child in the general sense, although the age of legal maturity and the time of obligation to perform religious duties are different. The present study seeks to find out what rights the child has in international documents and Afghan laws, and what are the most important cultural rights of the child in the socio-cultural field? Findings of the study show that children's rights in the prenatal period have been neglected by the legislature and parents have no duties and obligations at this time, and this is one of the important shortcomings of civil law on children's rights; But in some cases, it is ambiguous, general, and even flawed. International documents on the rights of the child before birth are also silent.

**Keywords:** Child Rights, Child, Cultural Law, Social Law, International Documents.

## **A Study of Women's Judgment from The Perspective of Jurists<sup>1</sup>**

### **Abstract**

Women's judgment is one of the most controversial issues among jurists, due to the lack of explicit citations on the permissibility or impermissibility of women's judgment. A group of jurists, citing verses and hadiths, have claimed that women are not allowed to hold the position of judge. However, some jurists, by reasoning on the same verses and the words mentioned in them, have interpreted that the position of judgment is limited to men. Like the word man, which means men. Or in another verse, the guardianship of a man over a woman is mentioned. The jurists have extended the concept of guardianship to all aspects of social, political and economic life. Therefore, the position of a woman in the position of judge is not compatible with the guardianship of a man. Another group of early and later jurists, on the other hand, have used the same jurisprudential documents to rule over women. Not all the verses and narrations that have been argued for the inaccuracy of the woman's judgment are complete to prove this claim. It is said that for the validity of holding the position of judge, in addition to other conditions, the condition of masculinity does not apply. In addition, guardianship in the verse is related to marital affairs, and the argument for the necessity of masculinity with the arrival of a man in the verse is incomplete. In this article, using the method of comparing views, it is obtained that the proponents' argument for the correctness of women's judgment is stronger and more consistent with verses and hadiths.

**Keywords:** Judgment, male condition, female judgment, Shiite jurisprudence.

## Engagement in the Civil Code and the Personal Status Law of the of Afghanistan<sup>1</sup>

### Abstract

Engagement is one of the most important issues in family law that has been discussed from various dimensions and important questions such as: Under what conditions is engagement achieved? And if so, what are the effects and consequences? And after the realization, if one of the nominees disrupts it and causes material or moral damage or both to the other party, is the disruptor responsible to the other party? And in case of engagement, what will happen to the gifts, photos and letters? In this study, the answers to these questions have been sought by descriptive-analytical method in the Civil Code and the Personal Status of Shiites of Afghanistan with the aim of clarifying the duties and rights of candidates from the perspective of the Afghan legislator; According to the Afghan legislator, it is permissible to nominate a contract, but at the same time, if it is violated without a valid excuse or legal reason, it causes civil liability, and this contract does not have any of the results of the marriage contract, and photos and letters, in general, can be a demand.

**Keywords:** Engagement, Civil Law, Personal Status of Shiites of Afghanistan.

## **The principle of personalization of crime and punishment and exceptions in the legal system of Iran and Afghanistan<sup>1</sup>**

### **Abstract**

One of the important principles of criminal law, which is the standard of justice in the field of legislation, trial and punishment, is the principle of personal nature of crime and punishment. This means that except for the offender who has been involved in the commission of the crime in the form of stewardship or participation or assistance or cause, and will be prosecuted, investigated, tried and punished; Others will not be punished, because such a thing is against justice and fairness. Historical studies show that this principle is one of the new concepts in the criminal law literature and a response to collective responsibility. Despite the importance of this principle in criminal law, in some cases it is due to the interests of society and the people, this principle has been faced with exceptions and most countries hold a person responsible for cases where he did not commit a crime and punish him. Has predicted. This research is qualitative in terms of data type, in terms of descriptive-analytical nature and in terms of library location, which has been collected using data collection tools and has been analyzed and compiled with a comparative approach. The research findings show that the exception to this principle is one of the necessities of social, political, economic and cultural life and in order to provide social interests. Such as criminal liability of legal entities and its punishment.

**Keywords:** Principle of personality, Legal entities, Criminal liability, Punishment, Guarantee of wisdom, Iran, Afghanistan.

## **Criminal Liability of Transnational Corporations with Emphasis On International Organizations in The Afghan Penal Code<sup>1</sup>**

### **Abstract**

Judicial persons in the field of criminal liability do not have a long history and have entered the criminal law literature in recent decades. Regarding the assignment of responsibility to these persons, different views have been expressed among legal thinkers and the Afghan legislator has explained his approach to the theory of superior according to different views. Thus, legal persons can be divided into domestic and transnational in one sense, with international organizations being considered examples of transnational legal persons. Because international organizations have defined more power for themselves in the international arena, domestic courts are in many cases incapable of prosecuting the perpetrators, which requires an international tribunal to prosecute them. With this attitude; In the present study, with a descriptive-analytical approach and using library resources, an attempt has been made to explain the criminal responsibility of transnational judicial persons. Unfortunately, the International Criminal Court (ICC) has not recognized the criminal responsibility of transnational judicial persons and the Afghan Legislature Punishment examines individuals under international law who have defined criminal liability only for terrorist organizations, and other organizations are excluded from the scope of criminal liability in this law.

**Keywords:** Criminal Liability, Judicial Persons, Transnational Judicial Persons.

---

1. Salman Omrani / Assistant Professor, Department of Criminal Law and Criminology, Imam Sadegh University of Iran      emrani @ isu. ac. ir  
Hossein Dadkamran / Master of Criminal Law and Criminology (Corresponding Author)      Hussaindadkamran787 @ gmail .com  
Received: 2021/05/23      Accepted: 2021/08/06

## The Scope of the Crime of Betrayal of Trust from The Perspective of Jurisprudence and Criminal Law of Afghanistan<sup>1</sup>

### Abstract

In this article, the scope of the crime of betrayal of trust in private and public property from the perspective of Imami jurisprudence and criminal law of Afghanistan is discussed. Jurisprudential and legal sources show that the occurrence of this crime in the area of private property, such as: many trust contracts: trust, rent, mortgage, etc., is possible, of course, if the seizure of this property with malice and with intent to encroach and in the form of criminal behavior by the perpetrator. The Afghan legislature, while defining the crime of treason, has imposed a proportionate punishment according to the amount of the crime, and has ordered the punishment to be increased according to the necessity according to the perpetrator. In Imami jurisprudence, although the crime of treason is more than criminal law, but the reaction is not related to the transparency of criminal law, and is considered as the eagle of the hereafter. In some cases, such as Imam Ali's letters to his agents, the punishment of imprisonment or dismissal or exile has been proposed, and of course it is ambiguous in terms of the amount of punishment. Therefore, it may be said that the crime of betrayal of trust from the perspective of Imami jurisprudence will have a wider scope than the criminal law of Afghanistan, but the type of reaction to the crime mentioned in jurisprudence has paid more attention to the punishment of the hereafter; But in criminal law, the punishment of the perpetrator is explicitly explained according to his personality or the degree of betrayal. Therefore, it can be said that the view of jurisprudence and law is different in the scope and amount of punishment, although there is a consensus in criminalizing it.

**Keywords:** Crime, Betrayal of Trust, Jurisprudence, Criminal law, Legislator.

---

1 .Sayed Mohammad Amin Hashemi / Professor of Khatam Al-Nabiin University, Ghazni Branch jaghury1985 @ gmail . com

## A look at the jurisdiction of Afghanistan's criminal courts<sup>1</sup>

### Abstract

Jurisdiction of criminal courts is one of the most important issues of criminal law in any legal system. Jurisdiction refers to the ability and task of handling a dispute and resolving a dispute about it. This ability and task can be categorized in several ways. In one category, competence is based on the person or authority exercising it, and in another, it is based on the type of competence. Jurisdiction is a matter of jurisdiction and is very important in litigation because the criterion of competence of each court to hear the dispute is to observe the rules of jurisdiction and in order to improve the course of affairs and the division of judicial authority between different authorities, the jurisdiction of each Relative to the other is specified. In this article, the author tries to critique the category of "competence" of judicial authorities by looking at the Criminal Procedure Code adopted in 1393 in comparison with the Criminal Execution Law approved in 1344 and the Interim Criminal Execution Law of 1382; The hope of these studies is to bring us in line with applicable and up-to-date rights and justice in the formulation of applied and up-to-date laws.

**Keywords:** Criminal Courts, Intrinsic Jurisdiction, Relative Jurisdiction, Local Jurisdiction, Jurisdiction of Judge, Afghanistan.

---

1 . Dr. Hossein Habibi / President and Faculty member of Khatam Al-Nabiin University (PBUH) Ghazni Branch

Received: 2021/08/11

Accepted: 2021/11/11