

"

"

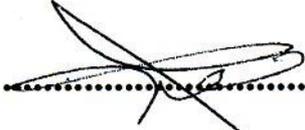
ب

نوقشت هذه الأطروحة (حقوق المسنين في الشريعة الإسلامية والمواثيق الدولية) وأجيزت بتاريخ ٨/١٢/٢٠٠٩م.

التوقيع


.....

رئيساً


.....

عضواً


.....

عضواً


.....

عضواً

اعضاء لجنة المناقشة

الدكتور محمد احمد القضاة
أستاذ - فقه مقارن

الدكتور محمد حسن ابو يحيى
أستاذ - فقه مقارن

الدكتور عارف خليل ابو عيد
أستاذ مشارك - الفقه واصوله

الدكتور محمد علي سميران
أستاذ مشارك - فقه واصوله (آل البيت)

تعتمد كلية الدراسات العليا
هذه النسخة من الرسالة
التوقيع: التاريخ: ١٠/١٢/٢٠٠٩

٢٠٠٩

الأهداء

"

"

والشكر أخيرا وليس آخرا لزميلة الدراسة الأخت والصديقة العزيزة الدكتورة
جميلة الرفاعي

..

..

.. ..
.. ..
.. ..
.. ..
.. ..
.. ..

"

"

u

..

.

.

.

.

.

,

.

.

.

.

(

..

,

..

.

.

.

..

..

..

..

(

٢

..

-

(

^

-

(

()

()

()

(

(
(

) :

. (

)

. (

(

. ()

(

(

(

. ()

(

”

):

. (

:

::

.

::

.

.

.()) (

(

)

(

.(

: ()

: () :

() :

:

.

-

-

(

(

/

(

-

-

/

)

(

-

(

(

(

-

(

"

..

"

.

..

.

..

.
 " :
) :
 . (:
 ()
 ()
 - . ()
 - . ()
 . ()
 - ()
) - ()
 - ()
 . (

:

Y

:

:

:

)

. (

- ()

- ()

- ()

()

. ()

- ()

- ()

. ()

- ()

(

(

)

:
 :
 ."
 :
 ::
 :
 .

- () () . () ()
 () () ()
) () , - () () ()
 . - () () ()
 - () () ()
 . () - ()

::

:

- :

)

(

()

(

()

-()

()

-()

"

"

()

(

()

-()

.()

.()

(

. :
 " :
 . " :
 . :
 ..

()
 . () ()
 . ()
 () - ()
 . ()

 ()
 ()
 ()
 ()
 ()

.
 :
 . () :
 :
 :
 " :
 :
 . "
 . (-) ()
 . () ()
 . () ()
 () () ()
 - ()
 . ()

::

::

.()	- ()	()
.()	- ()	()
	.()	()
	.()	()
	.()	()
	.()	()
.()		()

:
)
 . (:
 :
 " :
 " :
 .
 .
 . () ()
 - () - ()
 - () () ()
 . () ()
 . ()
 . ()
 . () ()
 . () ()

:

:

):

:

- ()

- ()

()

()

. ()

.()

. ()

. ()

(

(

-

()

()

":

"

:

::

::

) () _____ ()
 () ()
 - () -
 ()
 () ()
 () ()
 () ()
 () ()
 () ()
 () ()

:
 . ():
 .
 " :
 " :
 . :
 : :
 :
 :
 . :
 . :
 . () ()
 . ())
 - () () ()
 . () () (-)
 . () - () ()

:

.

::

::

:

()

)

.-(_____) (

()

:

(

.(-

/ ()

.(() ()

.(() ()

.(() ()

٣.

:

" "

):

(

:

:

.()

- () (

.() (

.() ()

(

) ()

) ()

(

(

:

()

" "

:

::

:

:

-

-

()

"

:

"

"

"

"

"

"

"

"

"

"

()

(

()

(

" "

" "

(/ /)

-

::

::

:

-

-

() (

(

(

(

:

::

::

)

(

((

()

()

) ()

-()

(

()

()

(

()

..

-

-

):
(

"

"

()
 ()
 ()
 ()
 ()
 ()

":

:

-

"

:

"

-

"

":

:

() ()

()

(

() ()

.()

(

(

-

()

-

()

(

(

-

::

::

.

):

. (

:

.

:

-

):

. (

:

_____ . () ()

. ()

- () ()

(

(

) ()

(

-

. ()

. () ()

) :
 . (:
 : -
 : -
 . () - () ()
 () ()
 - () () ()
 . () () ()
 - () - () ()
 . () - ()

":

"

:

) ()

- () (

(

(

()

-

-

.(()

(

.(()

-(()

(

(

(

) ()

- :
 .
 " :
 . (:
 . :
 .
 .
 - (-)
 . () () () ()
 . () () () ()
 - () () () ()

- ()
 - ()
 - ()
 - ()

():

. ():

. ():

():

. ()

. () ()

. () ()

. () ()

:

::

::

:

" :

"

. () ()
 () () ()
 - () () ()
 . () () ()

. () () ()
 () () ()
 - () () ()
 . () () ()

:

."

:

:

:

-

()

-

-

() ()

()

()

()

()

()

()

) -

(

() ()

. : . () () -

. () -

.

// (/)

()

() () () () () () ()

- () () ()

()

()

()

()

()

" Elderly

..
.."

()
()

:

o.

:

()

(

(

-

()

(

-

(

-

-

-

-

-

()

-

(

-

:

-

(

)

-

(

()

-

()

()
- (() () () ())
- ()
- ()
- ()
- ()

()

or

:

:

:

.()

: (

-

(

):

(

:

- ()

- () (

.()

()()

-

.()

- ()

(

:

.

.

):

-

. (

:

.

::

":

-

"

:

. ()

(

- ()

(

) -()

- ()

. ()

: .(

.) (

:

"

"

:

.

"

"

:

.

)

. (

"

"

:

"

- () ()
 - () - -
 . () - ()
 - () - () ()
 - () - ()
 () -
 . (-) ()

"

.

.

∴

.

.

-

):

. (

:

- ()	- ()	_____	(
- ()	- ()	- ()	
- ()		-	
		.()	
		.	(
		.	(
	.(-)		(

):

. (

:

:

):

- ()	- ()	(
- ()	- ())
- ()	-	. ()
)	- ()	. (-) (
)	- ()	- () (
. ()	- ()	- () (

." :
-

):

(

:

.

.(-) (

. () - () (

.() (

() - () - () (

٦٠

-

):

(

:

.

:

):

-

(

:

() (

() (

() (

. () :

:

:

) :

. (

:

. ()

- () (

. () (

. ()

- () (

. () (

. () (

. ():

:

" " ():

(

. () (

. () (

. () (

(

. ()

):

. (

:

:

"

"

:

.

.

.

.()

-() () ()

.()

.(-)

()

() ()

:

" :

()
 - () () ()
 . ()

() ()
 () ()
 ()

"

::

"

::

"

::

-

" :

: .

: " . "

):

":

:

:

:

.

-

=

. () ()
.())
. () ()

(
(
(
(

. () () ()
 () () ()
 . () ()

. () () ()
 () () ()
 . () ()

. :

:

:

:

()

(
(
(
(

v.

):

:

."

:

"

."

:

:

"

"

"

:

."

:

-

"

(

(

(

.()

(

) ()

. (

. () (

(

::

.

.

.

"

"

-

:

:

" :

" :

. "

"

"

"

"

)(

)

()

(

(

() (/)

()

-

-

()

-

" "

:

.

/

(/)

-

)

(

-

-

-

-

-

)

(

)

:

-

(

()

-

-

-

=

=

(

(

(

(

(
(
(

-
-

-

(

)

(

(

(

-

.

∴

∴

∴

(

(

:

-

-

()

-

()

(

(

(

(

() : -
 " :
 . () :
 . () :
 . () :
 . () :
 . () :
 . () :
 . () :
 . () :

()
 ()
 . () ()
 . () ()
 . () ()
 . () ()

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

"

:

"

:

-

-

()

(

(

-

()

(

(

) : -

. (

:

) : -

. (

:

-

(

. ()

. ()

(

-()

(

. ()

(

-

(

. ()

(

. ()

(

(

):

:

-

(
(
(
(
(
(

.()

-()

.()

-

-

"

"

:

":

"

:

"

:

.() ()

(

.()

(

.() ()

(

.()

(

.() ()

(

.()

(

. " : -
 :
)
 :
 . () ()
 () ()
 . () ()

- : () () ()

() () ()

:

-

-

.

-

(

(

()

_____ (

))

()

()

.

()

)(

(

(

)(

(

(

(

()

()

(

(

^٢ انظر مجموعة صكوك دولية ، المجلد الاول (الجزء الاول) ، من منشورات الامم المتحدة ، ص ١٣٣ .

--

(

/ /

-

--

()

www.aohr.net -

(

(

^٢ انظر مجموعة صكوك دولية ، المجلد الاول (الجزء الاول) ، من منشورات الامم المتحدة ، ص ١٣٣ .

()

()

- //

-



(

(

(

"

)

-

-

-

-

"

-

-

(

(

() (



(
(
(
(

. ():

:"

:

. ():

. () (

. (-) (

. () (

. () (

" -) (

. () "

):

(

:

":

"



-

(

. ()

(

. ()

(

(

. () ()

(

:

.

::

:

::

.

. () :

) - (

. () (

-

-

(

(

(

. (-) (

:

:

() () ()

() () ()

()

(

(

(

()
_____ ()
()
()
()

):

:

(

::

.

.

. () :

:

:

"

:

. "

:

-() ()

.() ()

()

. () (

.() (

(

(

(

:

):

. (

:

::

):

. () (

. (-) (

(

(

(

. (

:

" :

"

" :

"

:

.()

(

.()

(

-() ()

(

.()

(

-

(

" " " " :

(
(
(

:

)

:

):

(

(()) -

(

(

(

(

-

-

-

-

-

:

):

:

):

:

	. ()	(
	. ()	(
		(
	. ()	(
. ()	- ()	(
	. ()	(

()

()

()

()

(
(
(

()

()

()

()

(

(

(

(

:

(

)

()

)

(

()

()

(

(

(

) -
- ((()) ()
(()) ()
(()) ()
(()) ()

(

:

.

:

.

:

.()

- (:)

(
(
(

:

(

(

(

(

) :

. (

:

":

"

:

. ()

(

. ()

(

-() ()

(

. () ()

. ()

(

(

()

-
()

(
(

()

()

"

() ()

"



(

(

(

()

:

()

-

()

()

(

(

(

:

(
(

(
(
(

-	(
-	(
-	(
-	(

		:	
()	-	:	(
()	-	:	(

)

- ()

. ()

-

- ((

- (

(

(

(

:

(
(
(
(

()

(

(

(

(

(

(

(

. () :

) :

:

. ()

. ()

. ()

(
(
(
(
(

:
) :
 (:
 . (:
 :
 :
 -

 (:
 (:
 . (-) :
 . () :
 . () :
 (:
 (:
 (:

" :

. (

:

(
(
(
(
(

. () ()

. ()

) :
 . (:
 :
 " :
 " :
 :

 (:
 (:
 (:
 (:
 - () (:
 . () - :
 () (:
 . () (:
 . () (:
 . () (:

:

.

.

.

.

.

.

..

..

.

..

()

(

(

()

()

(
(
(
(

"

()

()

"

()

(

(

"

()

"

()

()

(

(

(

(

: (

(

()

(

(

)

-

-

()

()

(

(

(

() ()

()

() ()

()

(

[www .umn.edu/humanrts/arabic](http://www.umn.edu/humanrts/arabic)

(

(

www .umn.edu/humanrts/arabic

(

()

" " " "

()

- _____ (

www .umn.edu/humanrts/arabic

- _____ (

www .umn.edu/humanrts/arabic

()

" .
"

)

()

()

(

:

()

()

()

(
(

(

()

()

()

www .umn.edu/humanrts/arabic

(

(

(

(

()

(
(
(

..

..

..

()
()
()

()

:

:

-
.
-

-
-
-

(
(
(

- (((

() ()

() ()

(

(

(

(

()
()
()

()

" :

()

()

()

()

www .umn.edu/humanrts/arabic

www .umn.edu/humanrts/arabic

(
(
(

() ()

()

()

(
(

. ()
 - ()
 ()
 :

 ()
 - ()
 ()

:
.

) - () - () - ()

() - () - () - ()

() - () - () - ()

() - () - () - ()

() - () - () - ()

() - () - () - ()

:
 . ()
 :
 " " :
 .

 ()
 ()
 . () () ()
 ()
 - () - () - () ()
 - () () () ()
 - () () () ()

:

:

..

-

-

-

()

- ()

(
(

(
(
(

"

"

"

"

:

.

:

:

-

:

()

(

(

()

(

(

(

() ()

(

()

. (

- ()

. (-)

- ()

. ()

. ()

:

):

):

:

. (

.

(

(

(

(

(

(

(

-

.

)

. (

.

"

:

-

="

:

. () (

. () (

. () (

. () (

. () - () (

.

. () () (

. () (

:

..

"

"

::

() ()

() ()

() ()

() ()

() ()

() ()

. ()

- ()

. ()

()

(

(

(

. ()

:

:

()

(
(
(
(

)

()

()

(-

)

()

(

(

. www .umn.edu/humanrts/arabic.

(

/

/

()

(

:

()	-()	(
		(
		(
		-
		(
		-
		(
		(

-
-

(

-

(

(

(

(

- () :
 () :
 " " :
 " " :
 - () :
 (-) ()
 () ()
 () ()
 () ()
 () ()

()

(
(
(

.

.

(

)

:

.

.

-

-

-

-

(

(

.()

(

.()

(

(

(

"

"

(

)

(

(

(

(فؤاد، علي احمد ، الأبعاد الاجتماعية لرعاية المسنين -جوانب من التجربة العالمية - من (سلسلة الدراسات الاجتماعية والعملية (١٨) ،في رعاية المسنين في المجتمعات المعاصرة)، ص١٩٦

(

(

) () () () ()

/ /

- --

. www .umn.edu/humanrts/arabic.

(
(
(
(

()

www .umn.edu/humanrts/arabic

.www .umn.edu/humanrts/arabic

(

(

(

(

" ()

"

. www .umn.edu/humanrts/arabic.

. www .umn.edu/humanrts/arabic.

(
(
(
(
(

-

(
(

(-)

() ()

- _____ (. www .umn.edu/humanrts/arabic.

- - (. www .umn.edu/humanrts/arabic.

- (. www .umn.edu/humanrts/arabic.

()

.(

-

)

-

.

.

-

.

()

-

.()

(

(

-

()

(

(

(

"

"

(- -)

- -

(
(
(

:

.

.

::

::

::

(

..
..
..
..
..

:

..

::

::

::

..

..

:

..

..

..

..

()

()

()

()

-

-

-

-

-

-

-

-

-

-

-

()

()

()

- - - - -

()

()

- - - - -

()

()

- - - - -

()

()

-
-
-
-
-
-
-
-
-
-
-

)

(

()

()

-
-
-
-
-
-
-
-
-
-
-
-

()

()

- - - - -

()

"

"

-

()

-

-

-

-

-

-

-

-

-

()

-

()

-
-
-
-
-
-
-
-
-
-
-
-

()

()

- - - - -

()

- - - - -

()

()

()

-
-
-
-
-
-
-
-
-

()

()

()

()

()

-
-
-
-
-
-
-
-
-

			=
			=
			=
	!		" "
			" "
			" "
			" "

-			
			"
-			"
-			"
	-		
			"
			"
			"

	١		"
			"
			"
			"

	-		
	-		"
			"
			"
			"
			"
			"
			"
			"
	-		"
			"

			"
			"
	-		
-			
	-		
			"
	-		
			"

			"
			"
			"
			"
			"
			"
			"

	"
-	
	"
-	
-	
	..

**THE RIGHTS OF ELDERLY IN ISLAM AND
INTERNATIONAL TREATRIES**

BY

ABEER ABDEL AZIZ AREF TAMIMI

SOPERVISOR

DR . MOHAMMAD AHMAD KODAA , PROF

ABSTRACT

This study addressed the concept of aging and its place in Islamic law and international Treatries, the most important economic, social and cultural aspects relating to its Islamic point of view, and point of view of international conventions.

The findings of the study: over the rights and freedoms in accordance with the Islamic vision of the physical limits of narrow, which came to include the human psyche and spirit and morale, which added to the human rights you missed some of the international laws and charters of human rights, including economic, social and cultural rights, guaranteed by Islamic law since its inception, without the report of the rights reaction to something, they emerge from the Association of solidarity and social solidarity, and linked to the right granted by honoring God to man, and which does not allow of lacking regardless of their age group, sex, color, religion, the basic needs to enable it to lower degree of decent living, the right to arrange a positive obligation on the State to do everything possible to cherish and respect the individual, and to lift all that would humiliate, humiliated, especially in old age, a time of need, in most cases, while based rights and freedoms in accordance with the vision of Western aspects physical, tangible, and that are related to the principle of profit and loss, with the omission of the humanitarian aspects of the other.