

The analysis of arbitration in family dispute settlement in the supporting the families Law(2013)

Mahmood Jalali/Monireh Khodadadpour

Abstract

Family is the basic unit of the society and the main center of human excellence. However, sometimes some disputes or disagreements occurred, particularly between the couples. In this case, one cannot solely rely on the legal rules in the dispute settlement, such as referring the disputes to the courts and judicial proceedings, since these are not in accordance with family policies and are not, then, fruitful. The present study, then, attempts to see whether these disputes, if occurred, can be settled causing the least harm on the family policies and its governing principles. It seems that the dispute to the arbitration, respecting the relevant verses in Quran in Nesaa' Surah (through holding some internal gatherings and before deteriorating the disputes) can highly save the reputation of the family and its holiness. Despite the "new law supporting the families"(2013) and the rules mentioned there on the arbitration, there are some shortcoming regarding the dispute settlements, and the approach is not fully according to the relevant views in Quran.

Keywords

arbitration, family law, family dispute settlement, law supporting the families.

Study of couples' Noshoz in Fiqh and legal system and the status of physical violence to encounter that

Tooba Shakeri Golpayegani/ Raheleh Kardavani/ Mehdi Vakili

Abstract

'Noshoz' is one of the most important words in Quran which has been mentioned in topics on family feuds, and in terms of Fiqh means the withdrawal of a husband or wife from providing the rights and dues to its partner. In the verses 128 and 34 of the Surah Nisa, Holy Quran has described about the couples 'noshoz' and the means of overcoming this problem. Physical violence has been mentioned in Quran as one of the solutions for wife's 'noshoz', but the quality, condition, tools and methods of accomplishment has continued to be controversial among Islamic jurists, from early pioneers until contemporary scholars. Moreover, according to numerous Islamic jurists, physical violence in the event of 'noshoz', even without any verse is provisionally accepted. The situation and conditions of physical violence in case of 'noshoz' also includes many differences which were examined by current work through library and documentary studies. To this end, after definition of the word 'noshoz' in juridical terms by Islamic scholars and legal experts, also the situations which can be considered as 'noshoz' by both husband and wife were explained and finally the status of physical violence when confronting 'noshoz' by husband or wife in the Islamic juridical view was described. In conclusion, the definition and characterization of 'noshoz', its spectrum and position of physical violence as a solution in the family, shows serious flaws and ambiguous issues which can leave improper effects on resolutions and verdicts for familial quarrels. As a result, according to the votes of the Islamic jurists with a proper approach based on the requirements of the family and perfect marital relations in the present society of Iran, these shortcomings and ambiguities must be fixed. This research has presented some guidelines in order to overcome these problems.

Keywords

Wife's Noshoz, Husband's Noshoz, Physical Violence, Discipline, Tazir, Ja'fari Jurisprudence, Positive Law

Legislative and Executive Beds of Social Security for Women without Head and with Bad Head

Seyyed Abolghasem Naghibi/ Mahdieh Mohammad Taghizadeh

Abstract

A range of economic, cultural and social issues threaten the life of women without head or with bad head due to the elimination or weakening of their husbands performance. Providing life and determine the future status of the class can hearten and reduce their problems. Islamic Republic of Iran concerns social security of women without head or with bad head with regard to the status of women in rich teachings of Islam and Iranian culture on one hand, and the importance of playing an important mission of motherhood in training of future generation of the country, on the other hand. With this description, current status of legislative structures and social security enforcement agencies operation of women without head or with bad head have been investigated in this research. Research method is library and attributive with descriptive- analytical and inductive approach. Considering the substrate breadwinner of social security in Iran, research results are: although social security of this group of women is in the policy priorities of strategic laws of the country, other law enforcement agencies do not respond to macro regulation policies; the change of support to the insurance system and a widespread supporting organization that provides social security service in the country will need in order to social security of this class of women.

Keywords

Women without Head, Women with Bad Head, Social Security, Rules and Regulations, Facilities.

**the Responsibility of the Islamic Government about Hijab
According to the the Give Orders to Good
and Forbidding the Evil**

Fatemeh Fallahtafti

Abstract

Give orders to good and forbidding the evil are two emphatic Kefayi Obligatories which effect deep and wide on the human social life. Based on this reasons, each according to his ability to perform his duties and is required to prevent the occurrence forbidden. And not allocated to special group. verses and hadith are addressed all, including the Islamic government. this reasons could be the best reason about the responsibility of the Islamic government about Hijab . In this paper, Meanwhile addressing the words “maroof” and “monkar” and its application to on the subject, we study the conditions and stages of this obligation in connection with the Islamic government which represents the extent of responsibility of the government in the cultural field and also the penal.

Keywords

Give orders to goods, forbidding the evil, responsibility, Hijab, the Islamic government.

Fertility Prenuptial Agreement in marriage

Mohammad Ali Hejazi/Fatemeh Bodaghi

Abstract

Family settlement and bearing offspring are one of the outcomes of marriage. Despite the fact that having children is de facto the oldest and most natural motive behind joining in matrimony, currently postponed childbearing or early stopping of childbearing has demonstrated to be problematic for family and society. A more in depth study in this area is required in order to avoid family disputes and consider the expediency of Islamic countries. The current study aims to explain the significance of childbearing or its halt on private relationship of couples as well as instances where stipulating childbearing is permitted or forbidden. Also the stipulation of non-childbearing in marriage and the rights of each party in the event the other is infertile or not reaching agreement over childbearing and birth control, is examined. The impact of childbearing on the future of Islamic world and the need for government and families to take action and support this function requires an economic, social and political analysis which is beyond the scope of present article.

Keywords

fertility, infertility, Prenuptial Agreement

**Survey on Conflict between Family
and Social Roles of Women and Providing Appropriate Pattern
for Family Life of Employed Women**

Mohammadtaghi Karami/Firouzeh Karami

Abstract

In the contemporary era, the process of women's employment has been ascending. Whereas women not exempt from traditional duties and responsibilities of housework and children training and in addition to working out burden these responsibilities too. Playing family and work roles at the same time causes the role conflict following by the side effects. It is necessary to find solutions in order to reduce the conflicts and consequently problems. This countermeasure must be match with the society culture. Therefore, it is important to determine the logical and scholarly frameworks that conform to religious and customary standards and can be the basis of action for our Islamic community. The article while analyzing different aspects of women's employment phenomenon and planning appropriate strategies derived from researches results and undertaken studies and using religious authentic texts; provide an obvious and proof theory as appropriate pattern for women's family and work life based on religious thinking.

Keywords

Employment of women, Family role, Working role, Role conflict, Employment pattern