

Analyzes the status of legal advisers in Article 2 of the 1391 Family Protection Law

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Abstract

Based on popular point of views of jurists and judges “being a man is a necessary condition for judging and women judging is absolutely forbidden”. They present many reasons in supporting their views such as referring to Quran, hadith, consensus, the principle of lack of license, jurist’s agreement and so on. Of course gradually this point of view has been the topic of many researches, so researchers and investigators, looking through a historical view, has represented that the main reason of this view (women lack of competences for judging has come from lack of women presence in community. Therefore it is not related to women personality, character or ability. However this study is going to prove it so that women presence as a criminal judge is not appropriate to the dignity of women, but the women presence in civil cases especially family Ones have positive effects. It is an innovations, women as a judge counselors in article 2 of the family support law in 1391 and it has a supporting role for women. History of women presence in such areas or more like: counselor of family court (as the two sides of a discrepancy in family court are wife and husband, so the attendance of a woman counselor is helpful), counselor of the court, counselor of legal department and other offices including judging occupations. Finally it should be mentioned that appointing a woman as a judge counselor is an exception for women judging.

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Key words: judge, female judge, family support low, family court.

A Reflection on rights and assignments Muslim and non-Muslim Spouses in the wedded life.

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Abstract

One of the major issues in the field of Family Jurisprudence, is the Marriage of a man and a woman who do not share a common religion. Regardless of the important controversial is sue of the appropriacy of marriage of a Muslim man to a non-muslim woman, the following question is raised: is the non-muslim wife entitled to equal rights and duties as a muslim wife when the muslims wife is a non- muslim? Investigating the most important the rights and duties of muslim and non-muslim wires, the present research concludes that in many cases there is more Tolerance and Leniency towards a non-muslim wife. A non-muslim wife does not have to accept the principle of religion. Also, she is not obliged to observe the laws and directives of Islam which are subordinat to acceptance of Islam including wearing veil and performing ablution after sexuat intercourse of course, it is hofed that she will be encouraged to convert in to Islam. Also, according to generic reasons, a non-muslim wife is entitled to the same rights as a muslim wife including dowry, residence right, divorce, vow right and good relationship. The only exception is inheritance of aethist wife from her husband.

Key words: atheist wife (Religious non-muslim wife), deference, vow right, residence rights, The rule of negation authority.

Analyzing the amount of wife's inherited from immovable property and the option to terminate it's contracts

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Abstract

From long time ago, one of differences between jurisconsults and lawyers is the amount of wife's inherited her husband's immovable property. The civil law of Iran before 1387 followed up the famous opinion of jurisconsults in act 946, but from 1387 accepted the obscure opinion with a new amendment that this opinion seems more logical with the review of reasons. In consequence of differences in the amount of wife's inherited from immovable property, also there are some differences about the right of wife's option from the contracts of husband's immovable property such as land and house. In one of both cases exist five opinions. Because of the civil law somehow deprives wife in husband's immovable property before and after correction, this question is mentioned that despite the deprivation of wife from the same husband's immovable property, Is she inherited from the option right to terminate the contract of immovable property or not? The answer of this question doesn't mention in law and is one of come down with problems in society. In this research after studying the amount of wife's inherited from immovable property and it's reasons, obtained different opinions about the amount of option right of wife from immovable property that is done in descriptive analysis method, That the fifth opinion means the wife to be right of option in case of the sale of immovable property and deprivation from option right, if the husband buy immovable property, is preferred.

Key words: Wife, immovable property, inherited, option, contract.

Study of Possibility of Overlapping Essential Jurisdiction of Family Court with other Authorities

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Abstract

In some claims, the essential jurisdiction of family court overlaps other authorities including judging and non-judging ones. In some cases, jurisdiction of family court could be associated with other authorities and it seems to be feasible to review the case in both authorities simultaneously (potential and de facto union), in some cases both authorities are qualified to review the case and such interferometry could be combined, however, should the case discussed in one court, it cannot be raised simultaneously in another one (potential combination of jurisdiction and non-aggregation de facto); in some other cases of interferometry, aggregation of jurisdictions seems not to be feasible and the law should determine the competent authority; and the overlapping occurs due to expediency of the cases to be discussed in both authorities and priority of one to the other shall be determined by an authentic authority. The authorities whose essential jurisdiction may overlap family court consist of legal public court, criminal public court, dispute settlement boards and deeds registration departments. Some interferometry and parallel works could be observed in compromising and settlement between the aforesaid qualified authorities.

Key words: essential jurisdiction, local jurisdiction, family court, public court, interferometry/overlapping.

Women Management Review according to tradition

Ali Agha Piroz

Abstract

According to the Prophet of Islam, many Muslims, pose two claims. First ,The lack of legitimacy for women's leadership. Second, The lack of efficient for the womens management. The question is whether the document Embed Prophet, it can be concluded that the Women are inefficient in managing. By examining the narrative, concludes that "Len Yflh narrative" is not acceptable document. And forged and later than the time of the Prophet and against the Koran. While the narrative, created with personal motives and in order to escape from participation in the Battle of the Camel. Even assuming acceptance of the document and the matter foreigner knowing it and ignored the story Queen, The content of this narrative can only prove the inefficient of women in governance and in no way can not prove the failure of women to management rule below. However, this kind of management is also not preferable for women. Except in cases of emergency the first priority is for women, perform the duties of wife and mother to protect the family. The method is seminary library and using the method of ijtehad.

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Key words: Province, Women Management, Women inefficiency, Women efficiency, Len Yflh.

Study of Employment Policy Strategies in the field of Motherhood in Islamic Republic of Iran

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Abstract

Without a doubt, an important part of the challenges related to the employment of women, with associated maternal role. The occurrence of major changes in the quality and quantity of the mother's role in Iranian society and significant changes relate to issues of education and employment of women, showed as well the importance of this area. Obviously the macro management of such changes, in order to support and facilitate the mother in the interest of the capabilities and opportunities of women in the development process of the country is the responsibility of governance and social policy is one of the tools to effectively manage social change. "Employment policy" is one of its strategies in the field of social policy and mother, the set of governance measures in order to facilitate the employment income and apply for groups of mothers. This research is based on qualitative content analysis and study of all the executive and legislative policies adopted by the authorities of the Islamic Republic of Iran from 1979 to 2016 to study the policy and analysis strategies, in both macro and micro levels investigated. In the end, the macro topics "justice" and "income" of the overall policy analysis and topics of "facilities polices" and "income policies", are the micro-level strategies.

Key words: Motherhood, women's employment, affirmative action, equal opportunity, General policies, Executive policies.