



# Investigating sexual problems and dissatisfaction of couples and its effect on marital disputes in Iran's subject law and judicial procedure

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### Abstract

**Aim:** The purpose of this research is to examine the problems and sexual dissatisfaction of couples and its effect on marital disputes in Iran's subject law and judicial procedure. **Methods:** In this research, the researcher investigated the problems and sexual dissatisfaction of couples and its effect on marital disputes using a library-analytical method in the subject laws and jurisprudence of Iran. **Results:** It seems that if we consider the basis of the right to annul marriage in the sexual defects included in the mentioned legal articles, to prevent the entry of harm, hardship and embarrassment, these defects can be generalized to any sexual problem that causes harm and embarrassment to becomes a couple, but the application of the right to annul the sexual defects not allowed in the law depends on the inclusion of the condition describing the sexual health of the couple in the marriage contract. Therefore, it is necessary to include the description of the sexual health of the couple in the marriage contract. **Conclusion:** If the couple includes the condition describing the sexual health of the couple during the marriage contract, if it is found after the marriage contract that each of the spouses is suffering from a sexual disease or sexual weakness and impotence and the other party is ignorant of it at the time of the marriage, it is conditional. Creates the right of termination. According to the jurisprudence of the courts, the violation of the condition does not cause the right of termination, unless it is included in the marriage contract as an adjective condition.

**Keywords:** sexual problems, sexual dissatisfaction, termination of marriage, condition of adjective, *tadlis*

## Introduction

Family, as one of the important institutions of society, has a special significance. Therefore, the formation of a family and, more importantly, ways to maintain its stability and strength, are among the first necessities of a society. One of the most important functions of marital bond is to provide the sexual needs of the couple in a legal and legitimate way. In marital life, good quality of life and enjoyable sexual relationships are one of the factors of happiness, because its dissatisfaction can lead to deprivation, failure, and insecurity in spouses (Foroutan & Milane, 2008). Marital satisfaction is one of the most influential factors on family performance. All couples seek to enjoy their marital life and feel satisfied (Rezazadeh, 2002). In fact, satisfying the sexual instinct properly is a natural need that must be addressed, otherwise it may have negative consequences such as mental and physical illness (Bakhshayesh & Mortazavi, 2009). Intimate marital relationships have a direct relationship with the emotional satisfaction of the couple with each other and provide their psychological and emotional security. Therefore, couples generally need these pleasures. However, some incorrect cultural and ethical considerations, which are caused by misconceptions, lack of awareness of societies and cultures, motivations, and material and many other factors, have made expressing sexual needs and demanding their satisfaction from the perspective of couples (especially wives) devoid of cultural status and placed it under the spotlight of other family issues. So that many dissatisfied couples, whose roots of conflicts and problems return to their sexual relationships, have attributed it to other issues due to shyness and fear of social reaction (Momen, 2013). Studies and research show that a high percentage of marital conflicts are caused by sexual dissatisfaction or have roots in sexual relationships (Ghaemi, 2009).

Despite the significant and increasing impact of sexual dissatisfaction on marital conflicts in families, unfortunately, the Iranian academic community has not paid enough attention to it. Generally, the research conducted so far has only focused on the effects of sexual dissatisfaction on marital conflicts or the examination of sexual defects stated in Iranian civil law. The Iranian legislator has only addressed some sexual defects in Articles 1122 and 1123 of the Civil law. It does not explicitly address the emergence of emerging sexual diseases and sexual dissatisfaction of couples, including sexual dysfunction and sexual deviations. Now the question arises as to whether the sexual problems stated in civil law, which entitle the right to divorce, are exclusive or representative. In many cases, couples with knowledge of their own sexual defects deceive and hide them from the other party. Does the mere existence of sexual defects in couples entitle the right to divorce due to deception or breach of condition? Or is it necessary to include a condition for sexual health of couples in the marriage contract?

## Method

In this research, the researcher investigated the problems and sexual dissatisfaction of couples and its effect on marital disputes using a library-analytical method in the subject laws and jurisprudence of Iran.

## Results

It seems that if we consider the basis of the right to annul marriage in the sexual defects included in the mentioned legal articles, to prevent the entry of harm, hardship and

embarrassment, these defects can be generalized to any sexual problem that causes harm and embarrassment to becomes a couple, but the application of the right to annul the sexual defects not allowed in the law depends on the inclusion of the condition describing the sexual health of the couple in the marriage contract. Therefore, it is necessary to include the description of the sexual health of the couple in the marriage contract.

### **Conclusion**

If the couple includes the condition describing the sexual health of the couple during the marriage contract, if it is found after the marriage contract that each of the spouses is suffering from a sexual disease or sexual weakness and impotence and the other party is ignorant of it at the time of the marriage, it is conditional. Creates the right of termination. According to the jurisprudence of the courts, the violation of the condition does not cause the right of termination, unless it is included in the marriage contract as an adjective condition.

It is recommended that regulations be put in place requiring couples to undergo certain medical tests and examinations to assess their sexual hormone and genital health, as well as to check for any sexually transmitted diseases, before marriage. Research and examination of judicial opinions have revealed that many sexual defects existed in couples before marriage, which they concealed. However, the annulment of marriage due to an undisclosed defect or deception has not been common, and the main reason for this is that couples must include a condition of complete sexual health in their marriage contract. According to societal norms, couples do not explicitly state this condition in their marriage contract. Therefore, to address this customary gap that results in the loss of rights for the affected individual, it is necessary to propose the inclusion of a condition of complete sexual health for couples in their marriage contract.

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