



Examining the relationship between spouses in Iranian law and its role in strengthening the family institution

Haidar. Rafati¹

Amir. Mulla Mohammad Ali^{2*}

Mahmoud. Qayyumzadeh³

1. Ph.D. student, Department of Jurisprudence and Fundamentals of Islamic Law, Khomein Branch, Islamic Azad University, Khomein, Iran
2. *Corresponding author: Assistant Professor, Department of Jurisprudence and Fundamentals of Islamic Law, Khomein Branch, Islamic Azad University, Khomein, Iran
3. Professor, Department of Law and Knowledge, Saveh Branch, Islamic Azad University, Saveh, Iran

Email: amirmolamohammadali@yahoo.com Received: 16.03.2022 Acceptance: 16.04.2023

Journal of Applied Family Therapy

eISSN: 2717-2430
http://Aftj.ir

Vol. 4, No. 1, Pp: 624-637
Spring 2023

Original research article

How to Cite This Article:

Rafati, H., Mulla Mohammad Ali, A., & Qayyumzadeh, M. (2023). Examining the relationship between spouses in Iranian law and its role in strengthening the family institution. *afjt*, 4(1): 624-637.



© 2022 by the authors. Licensee Iranian Association of Women's Studies, Tehran, Iran. This article is an open access article distributed under the terms and conditions of the Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0 license) (<http://creativecommons.org/licenses/by-nc/4.0/>)

Abstract

Aim: As members of the society, couples have rights and obligations that guarantee the health of the society and their relationships. The family is the most important social institution that is based on the relationship between spouses, and the regulation of these relationships and the explanation of how it is from a jurisprudential and legal point of view are important in some ways. **Method:** The research method was descriptive-analytical using library sources. **Results:** In the combination of the rights and duties of couples, we come across differences that at first glance are indicative of the differences that some have thought indicate the inequality between men and women. While the creation of men and women is so wise that the assignment of rights and duties has been established according to the capacities and according to his expectations of man and human abilities. The system of existence, creation and creation is based on a previous and purposeful plan, and the objective of creation is the mystic worship of man before God. Homogeneity and heterogeneity of beings and differences in capacities and possibilities have all found their own place in this wise map; Therefore, the differences between couples and in general between men and women are completely natural, purposeful and creative, and the criteria for valuing people should be sought in obedience and acceptance of divine guidance and guidance. **Conclusion:** having unique privileges in men and women is not a sign of superiority over each other, nor is it a sign of flaws and defects in relation to each other. These differences have been stated in the sources of Shia jurisprudence and the legal system of Islam, on the same basis that knowing them can be effective in strengthening the family, its dynamics and vitality.

Keywords: relationships, couples, rights, justice, equality.

References

- Ameli, M. B. (1986). *Al-Durus al-Shari'ah fi Fiqh al-Imamiyah*. Qom: Islamic Publications Office.
- Bani Hashemi Khomeini, MH. (2019). *Commentary on the issues of references*. Qom: Islamic Publications Office.
- Beygi, I., & Mohammad, M. (2015). *Non-financial relations between husband and wife*. Tehran: Majd Publishers.
- Gerji, A. (2018). *Comparative study of family law*. Tehran: Tehran University Press.
- Horr Ameli, M. (1968). *Wasa'il al-Shi'a*. Qom: Al al-Bayt Li Ihya' al-Turath.
- Ibn Abi Jumhur, M. Z., & Mar'ashi, S. (1983). *Awali al-la'ali*. Qom: Mu'assasah al-Sayyid al-Shuhada.
- Ibn Babawayh, M. A. (1983). *Al-Khisal*. Qom: Jame'eh Modarresin.
- Javadi Amoli, A. (2022). *Women in the mirror of glory and beauty*. Tehran: Esra.
- Khomeini, R. (2011). *Tahrir al-wasilah*. Tehran: Institute for the Compilation and Publication of Imam Khomeini's Works.
- Mohammadi, T. & Hosseini, Z. (2013). Differences in the testimony of women and men in jurisprudence and law. *Journal of Women and Family Cultural and Social Council*, 6, 112-143.
- Najafi, M. H. (1987). *Jawahir al-Kalam* (2nd ed., Vol. 1 & 17). Tehran: Dar al-Kutub al-Islamiyah.
- Panahi, AA. (2011). Gender roles of men and women in the family system. *Ma'rifat*, 20 (160).
- Safaei, H. & Emami, A. (1997). *Family law in brief*. Tehran: Dadgostar Publications.
- Sani, ZA. (2009). *Explanation of the Lumah Damascus*. Translated by A. Zarrat. Tehran: Cultural and Artistic Foundation.
- Tabatabai Yazdi, M. K. (1991). *Al-'urwa al-Wuthqa*. Qom: Islamic Publications Office.
- Tabatabai, MH. (n.d.). *Interpretation of Al-Mizan*. Qom: Dar al-Islamiyah Press.
- Tusi, M. A. (2009). *Al-mabsut fi fiqh al-Imamiyah*. Tehran: Maktabat Murtadawiyyah.
- Yazd-Khasti, B. (2016). A qualitative study of the effect of radical feminism on the role of women in the family institution and its comparison with Islamic provisions: A case study of women in Isfahan. *Journal of Applied Sociology*, 2, 125-140.
- Zabidi, M. M. (1994). *Taj al-'arus min jawahir al-qamus*. Beirut: Dar al-Fikr.