



The effect of sexual disorders on divorce dissolution and legal strategies to prevent it

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Abstract

Aim: The purpose of the present study is to review some of the provisions of the Family Protection Act of 2012 and civil law to prevent the collapse of the family in a case whose subject is the sexual defects.

Method: The present study uses a descriptive-analytical method and has been written using judicial opinions, books, dissertations and valid articles.

Results: According to the findings of this study, in order to strengthen the family's foundation, couples' sexual disorders must be examined before marriage registration, and the dissolution of marriage due to termination and divorce should also be required to reform their couples. Treatment. In order to protect the rights of the wife under certain circumstances, although the couple's defect is treatable, the right to terminate the marriage for the wife remains a fault, and by providing sexual disorders in Article 6 of the Civil Code, the difficulty of proving the spouse shall be abolished.

Conclusion: Sexual disorders that are treatable should not be considered as the dissolution of marriage, and the court should refer the couples to specialized centers for treatment. Reviewing some of the provisions of the Civil Code and the Family Protection Act of 2012 can cause timely diagnosis and treatment of couples' sexual disorders and reduce the number of marriage dissolution statistics.

Keywords: Divorce at the request of the wife, divorce in the laws of Islamic countries, sexual defects (disorders), annulment of marriage

References

- American Psychiatric Association. (2014). *Diagnostic and Statistical Manual of Mental Disorders (DSM-5)* (R. Rezaei, A. Fakhraei, A. Formand, A. Nilofari, J. Hashemi Azar, & F. Shamloo, Trans.). Tehran, Iran: Arjmand Publications. (Original work published 2013).
- Ansari Dezfuli, M. ibn M. A. (1995). *Risaleh Kitab al-Nikah*. Qom, Iran: The World Congress in Commemoration of Sheikh Azam Ansari.
- Asghari, M. (2013). *Legal-Psychological Explanation of the Impact of Sexual Disorders in Each of the Spouses on Marriage Dissolution* (Master's thesis). Tarbiat Modares University, Faculty of Literature and Humanities, Tehran, Iran.
- Barlow, D. H., & Durand, V. M. (2016). *Abnormal Psychology* (M. Firooz Bakht, Trans.). Tehran, Iran: Rasa Cultural Services Institute. (Original work date not available).
- Davison, G., Neale, J. M., Kring, A. M., & Johnson, S. L. (2016). *Abnormal Psychology* (Vol. 2) (M. Dehastani, Trans.). Tehran, Iran: Virayesh Publications. (Original work published 2014).
- Emami, A., & Safaei, S. H. (2018). *Concise Family Law*. Tehran, Iran: Mizan Publishing.
- Emami, S. H. (1961). *Civil Law* (Vol. 4). Tehran, Iran: Islamic Publications.
- Forutan, S. K., & Ghodrati, M. (2008). Sexual Disorders as a Hidden Cause of Divorce: The Necessity of the Presence of Trained Physicians in Family Counseling Centers. *Family Research Quarterly*, 4(16), 585-608.
- Haraamali, M. ibn H. (1989). *Wasa'il al-Shi'ah* (Vol. 21). Qom, Iran: Al al-Bayt Institute.
- Helli, A. ibn M. (1985). *Al-Muhazzab fi Sharh al-Mukhtasar al-Nafi'*. Qom, Iran: Islamic Publications Office affiliated with the Society of Seminary Teachers of Qom.
- Ibn Barraji Tarabulsi, A. (1985). *Al-Muhadhdhab* (Vol. 2). Qom, Iran: Islamic Publications Office affiliated with the Society of Seminary Teachers of Qom.
- Jalali, S. M. (2009). *The Right of Wife in Divorce in Iranian Law with a Comparative Study*. Tehran, Iran: Khorsandi Publications.
- Kaduri, M. (2016). *The Effect of Marriage Defects on the Right of Divorce from the Perspective of Imamia and Hanafi Schools of Thought* (Master's thesis). Ardakan University, Faculty of Educational Sciences and Psychology, Ardakan, Iran.
- Katouzian, N. (2013). *Civil Law in the Current Order*. Tehran, Iran: Mizan Publishing.
- Katouzian, N. (2015). *Family Civil Law* (Vol. 1). Tehran, Iran: Chetradanesh Publications.
- Khorsandian, M. A. (2004). Sexual Disorders and Their Effects on Family Law. *Legal Medicine Journal*, 10(35), 166-174.
- Kulayni, M. ibn Y. (1986). *Al-Kafi*. Tehran, Iran: Dar al-Kutub al-Islamiyyah.
- Riyazat, Z., & Haji Ali, F. (2011). The Role of Judicial Procedure in the Implementation of the Provisions of Article 1130 of the Civil Code. *Women's Socio-Cultural Council Journal*, 13(51), 181-212.
- Sabhani Tabrizi, J. (1997). *Nazam al-Nikah fi al-Shari'ah al-Islamiyyah al-Gharra*. Qom, Iran: Al-Sadiq Institute.
- Sabzevari, S. A. (1992). *Muhadhdhab al-Ahkam*. Qom, Iran: Al-Ma'arif Islamic Institute.
- Scientific Group of Azad Chetradanesh Higher Education Institute. (2015). *Civil Law with Explanations*. Tehran, Iran: Chetradanesh Publications.

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Scientific Group of Chetradanesh Higher Education Institute. (2015). Family Protection Law of 2012 Illustrated. Tehran, Iran: Chetradanesh Publications.
Tavakoli, M. M. (2021). Civil Law (Vol. 2). Tehran, Iran: Maktoob Akhar.
Tusi, M. ibn H. (1986). Tahdhib al-Ahkam. Tehran, Iran: Dar al-Kutub al-Islamiyyah.