

Detailed Exploration of the History and Dowry from Jafari Jurisprudence and Civil Rights Perspective in Iran

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Abstract

The long traditions of human life, including the Muslim marriage or transfer of financial commitment by the couple's wife considered. One of the advantages Islam given to women is dowries and its legislation by taking verses from the Holy Quran and the traditions of the infallible imams fixed. Perhaps the question is raised whether the philosophy of Islam, and how much dowry has set certain conditions? The answer may be the basic philosophy of dowry pay to spiritual and psychological aspects of women's character and prove the truth of the wife and the dowry of compromise and agreed to determine that in the jurisprudence emphasized. There are differences between mutual rights of spouses in accordance with the requirements of physical and mental of the parties. Dowry is one of the financial rights of the wife upon marriage comes to woman property and in accordance with quantity and quality has different provisions. Check legal sources including the Koran and hadith evidence shows that all types of dowry has been attended and throughout history have been cited and inferred about the quantity and quality of all types of dowry on jurisprudence resources and legal resources were discussed in detail.

Keywords: dowry, marriage, rights law, imprisonment, insurance

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Introduction

God in the Quran would have the obligation to pay dowry. Certainly one of the most important goals of any legal system restore order in society and this is covers those relationships where the work is based on rational principles. Since the start of emergence of human and cohabitation of man and woman and family rights discussion between the two sexes in all societies and in all legal systems have proposed. Studies indicate that dowry in different forms and ways in different societies long before Islam has regarded as one of the rights of women to men. Dowry at marriage as an economic right of the influential elements in marriage considered different. The main reasons to provide dowry in Islam is that it leads to reverence, the establishment of friendship, kindness and honesty and positive passion men than women in the family. In some cases, the state can guarantee the economic future bride is a woman. Of course, this assurance when he realized that the dowry given the financial realities of society and can even determine by real compromise.

The definition of dowry

In addition to the books of jurisprudence on the definition of terms such as dowry word Al-Sadaq, Al-Sedaq, Al-Sadaqeh, Al-Sedqeh, Al-Nahleh, Al-Ajr, Al-Farizeh, Al-Aqar, Al-Taval, Al-Nikah and Al-Alaegh introduce women's rights has used. In some Persian dictionary of terms dowry means such as cabin, accord, milk value, and the decoder mentioned. In general, the purpose of marriage is compulsory under the couple's financial dowry. Lawyers in the definition of property to women on the issue of dowry notice and stated that the financial dowry of the marriage of female and male is required to pay it. Sheikh Tusi stated in the definition of dowry such, it is something that both men and women agreed is dowry, what has price for it low or high.

History of dowry

Dowry in periods of history

In periods of prehistoric man lived in a state of barbarism and tribal life form has not been allowed to marry with blood. Tribal youth who had wanted to marry another tribe would have had to choose their own spouse. Therefore, to choose a wife among the other tribes went to war because it has always been dominated tribes, the wife of the abduction took place; the young, the girl stole her from another tribe. Days spent in the same way; different tribes eventually were able to co-exist peacefully with their encapsulation in this period. In addition, obsolete practice of kidnapping women and men achieved their target for the girl and hired the other tribe was the girl's father while he worked for her father, service for the son, his daughter gave him and his clan took the man's daughter. Until it gradually increased, and they found wealth tribes that once a gift is better qualified and dedicated in their daughter to wife. The dowry was objective.

Law of Hammurabi

Hammurabi's law states that if a woman was sterile and divorced, the husband is obliged to offer her dowry and torcher and if the woman does not have, dowry and torcher have to pay silver to him. In addition, when she did leave or the imposition of such a family, in terms of his crime, the husband of payments dowry and torcher exempt and Article 141 of the financial rights of the woman's husband shot down. However, if the husband blamed trial proceedings under Article 142 women the right to return to their parents, stamped, and receive her dowry and torcher.

Zoroastrianism

In Zoroastrianism and ancient Iranians, especially in the Sassanid era abundant provisions and procedures, including milk price, torcher and dowry. In addition to the family and the girl's family the dowry was the property

of another, probably the eyes of her husband, moved with him to the house that today this practice has abolished. The status of the payment in Zoroastrianism known as the right of women and the girl's father does not count the property. However, the dowry indicating the Zoroastrian tradition in marriage and traditional marriage traditions not discussed.

Dowry in pre-Islamic Saudi Arabia

Arabs ignorant person legally not allowed for women. History recalls many anecdotes that Arab girls to stigmatization and various items such as burying alive of them destroyed. Arabs ignorant and recognize women's rights in eliminates bad habits and customs founded and fostered in their digestive marriage (marriage a man with a woman). In addition, wife inheritance and marriage Shoghar (man or girl his sister was coupled to another, provided the other party will not marry him instead of the daughter or sister) - marriage becomes (exchange of women) put pressure on and vilifies women with the aim of obtaining a dowry payment of these was wrong customs.

The philosophy of dowry and the necessity of its arguments

Dowry paid by the man to the woman is ancient traditions in family relations and human life. The situation is the result of skillful strategy in the context of the creation of man and woman to each other, designed to link because the law of nature, cute symbol woman and man symbol needed and such a man seek her. So when the men in front of their expressed interest and seek positive and mutual interest she sees to thank the woman and thanked her as a dowry to his being awarded the financial. In the fourth verse of Surah Nisa it as Nahleh has interpreted. "Nahleh" is a gift to the price and not change. The attitude of dowry against gratuitous gift and Astmta shared between the couple and it is not just men from women seeking to change completely dowry it for pay. Social and economic support for the woman's dowry for damage in case of separation of couples who are spiritual, social and even financial man gets far less of a woman. Because your body can better man with the talent and ability to work and to live in the community to meet, but a woman abandoned if no income is divorced his hands and helpless feeling of emptiness in the community and helping her dowry livelihoods and preserve chastity and honor him. Moreover, the possibility of renewed life for man is more prepared to divorced women, the dowry in fact damages and injuries of women is partially compensated and a source of encouragement. It pointed to the following as philosophy dowry status:

A) Dowry is a manifestation of nature. Gifts to who you love them, as a show of interest is natural usually the one who gets forward and presented suitor.

B) Dowry is law of love, created man in baggy symbol is a symbol of the quest for weight. Dowry from a man saying to a woman's love and affection that is higher than conventional gift.

(C) Reward and a sign of modesty and dignity of the woman is dowry. Dowry associated with modesty, chastity, and honor of women. Women are more resistant to the creation of the passions that this feature has given to woman and man is not free to pursue its own and does not provide him with the sensuality of men considered a major impediment.

D) Dowry leads to economic balance. Although the financial and economic independence of women in Islam but as usual in community's initiative is in the hands of men and in case of divorce is very high probability that the woman left without a penny and the dowry is a sense of social security and economic support for the woman's safety.

E) Some analysts also are versatile devise dowry have also expressed interest in the female form of compensation for woman and means for his future life as a brake on the appeal is the man to divorce.

The result is that the seal philosophy of Islam is not only the physical aspect but also the wisdom that lies in determining the dowry and not only to women but also seen as a commodity by such an entity in law and family law, and respect for women's value is preserved.

All kinds of dowry:

A) Al-mosamy Dowry: dowry the contract or by mutual consent of the parties then determined the term of validity of the root called Al- mosamy, the dowry is Al-mosamy to the couple before the conclusion of the contract and it agreed and it is mentioned in the contract. Determination of dowry, as stipulated in Article 1080 BC also subject to the consent of the parties and there is no minimum or maximum for which the law does not provided. However, under Article 1079 BC, dowry should be determined between the parties to the extent that fixes its ignorance, known. In addition, conditions, including:

1. Have value: namely, that the market value for its business and to determine monetary compensation, in other words dowry must be in a commutative contract to be changed. Article 1078 of the Civil Code refers to this condition.

2. Acquisition: it is subject to the woman's dowry must have ownership, so common property such as mines, deserts, public gardens and endowments cannot be used as a dowry and also other only with the permission of the property owner can be sealed.

Possession of the owner, because the owner of the differences influence the condition of dowry is not a condition for its authenticity.

3. Dowry has to know: Article 1079 Civil Code provides that "dowry should be resolved between the parties to the extent that, it is". It is understandable due to the cancellation Al-mosamy dowry due to unknown gender, however, and its value is like a house without size or location of the house or where the parties have observed the dowry them.

4. Rational and legitimate interests: the dowry must have rational and legitimate interests. Therefore, property such as law forbids the sale and use of drugs and alcohol cannot dowry placed. The word legitimate, it not prohibited by law.

5. Couples should be able to give dowry: Article 348 of the Civil Code regarding the sale can be said that in marriage the husband have the power to give the bride, the property in the hands of the usurper if the husband may lose not have access to it. Unless her dowry actually knowing the financial situation and their ability to accept the certificate and withdrawal of consent, today, this condition due to the huge and unreasonable dowry is determined. As a commitment to the dowry of hundreds of millions, and in some cases, inaccessible, it distorts the accuracy and scripting.

6- Determined it is true: the dowry has to give therefore cannot be one of two or more things, like one of the two houses to be uncertain and undecided about his dowry.

7. Certain qualities and characteristics: it used to be in terms of value either as dowry, gender, and yet known; so do not be an unknown quantity of gold or a commodity like carpet into account the size, type and gender, multiple instances are placed dowry.

B) Al-Masal dowry: the dowry is said that when marriage is mentioned and it is not determined. Then the marriage not always wrong, because the dowry is not a condition for the validity of permanent marriage.

However, in some situations even as dowry have duty to pay and determine the amount, weigh him and his wife with women like dowry set. As it does not determine where the time dowry of the contract, but can something as stamped compromise after concluding that if it is close to achieving this compromise made, the woman is entitled to seal that is common among the women. Such a dowry, Al-mosamy called. Al-mosamy dowry in terms of common law with regard to the status of women in terms of age, beauty, education, family status, social status, moral perfection and taking into account the circumstances of time and place determined. Article 1091 of the Civil Code in this regard determine Al-mosamy dowry must honor the women in terms of family and other attributes of the usual place Al-masasl and Aqarb dowry and relatives etc. also be considered.

Determining the legal basis of reports received by the dowry saying nothing but"... is the woman who married without Al-mosamy came so sex after the divorce is granted, dowry the size of women's dignity and he will be aligned. The sand on the set Al-mosamy defined it in Article 1087 and 110 and 1099 of the Civil Code states are required;

With clear definition of Al-Masal dowry its set out in Article 1087 and 110 and 1099 of the Civil Code states are required;

A) If the dowry not specified in the contract and to compromise on certain dowry, the couple will be near. (Article 1087 BC)

B) When the contract requirement is no stamp and close to compromise the couple's dowry. (Article 1087 BC)

C) If agreed on Al-mosamy dowry and the direction is wrong, property is set to unknown direction or not value. (Article 1100 BC)

D) If the marriage-annulled weight are ignorant to invalidity near is located. (Article 1099 BC)

E) Failure to set the dowry on the marriage and divorce after close Article 1093 of the Civil Code if the dowry is not specified in the contract couple near and set before punching his wife-divorced woman is entitled to Al-Motae dowry. However, if after the divorce his wife nearby, two is the following:

First, the invalidity dowry corrupt (unknown or invalid) marriage without dowry practice for marriage and even if the entry should price is not the same Al-Masal dowry.

Second marriage is the replacement of the swap contract is not contract, but because of corruption, dowry (in terms of unknown or no value)

Yet given in marriage, submitted, so the couple must also give into it and it has become a dowry.

Both arguments prove the necessity of paying Al-Masal dowry. However, the article is based on what basis.

In rejecting, the second opinion said that instead dowry saying that the marriage contract is not gratuitous, because marriage is valid without a dowry time. The second quote attributed to Shayeikh Tusi. The result is that Article 110 of the Civil Code based on quote first. And since it is based on quote Shi'ite jurists, nearby, is eligible Al-Masal dowry can be said that the legislative solution is to close and dowry invalidity referred to Article 1100 of the entitlement to woman Al-Masal dowry not be affected. Article 1087 Civil Code provides that "if a permanent marriage dowry is not mentioned whether dowry condition, the marriage is valid and the parties may after marriage, dowry for their specific consent and if the dowry given consent to be close between them, the wife would be reasonable dowry". As seen. It consists of two things: first, that permanent marriage dowry not mentioned and in other words, the parties are silent about the dowry.

Second, the condition of her dowry has two types:

Sometimes the intention is that marriage is no Al-mosamy not that it is not in any dowry. This is certainly true condition and after close, Article 1087 provides that if the woman will receive Al-mosamy. Sometimes the intention is that the woman did not have any dowry is no doubt that this requirement is void. As opposed to the rule, it is entitled to dowry. In fact, legislation to protect the interests of women and the social, the woman is entitled to dowry is determined whether or not the dowry in marriage. On the other hand, some believe this contract also hurts health condition and cause it invalid because it is contrary to the requirements of the contract. The essence of marriage is dowry demands that women deserve and are entitled to rule out the condition that this is contrary to the requirements of the contract and so the vicious and nullifies the contract. This promising group of Shiite scholars, it seen in the analysis of this theory it is unacceptable. Because it is a requirement of marriage is to create interest, parity has achieved with a variety of contract and the contract itself is not appropriate for dowry but in fact it is consequential to the rejection of those elements does not hurt marriage and the material is also evidence of such cases. After discussion and criticism of the theory of nullity of marriage and with the provisions of the corruption contract not true traditions but some of them have emerged in health says, "The authenticity of the marriage and without the necessity of giving dowry the woman is not strong." G) Al-Seneh

dowry: said to dowry according to the Prophet tradition (pbuh) and jurists have defined it this way: Al-Seneh dowry is dowry Prophet considered as tradition and for all his wives and it was 500 dirhams. D. Al-Motae dowry: Al-Motae dowry that in case of divorce to determine the dowry and proximity, to the man placed and for the separation through divorce and separation if through death, debauchery, and ... there is such a dowry to the obligation couple.

Dowry examples: the issue of dowry property can be as follows:

- Yet to be determined, such as certain homes, certain cars.
- General, such as a certain amount of money or a ton of wheat
- Interest, such as: rent house for a time
- Action (work), such as: education, foreign language, computer training, teaching the Quran
- The right and the right is either: (a) the religious right such as the right of women created in favor of the husband and thus the husband agrees, for example, the amount of two million dollars as dowry to his wife and seeking and he is transferred to a third party, such as seeking acquisition can be sealed.

Article 1078 of the Civil Code in order to acquire and transfer property, the wife meant to be a term like foreign objects, or the wife of the owner of the like-minded. B) The right objective, such as easement of right Tahjir and copyright C) The right to Khiar.

Qualitative evidence of dowry from Jurisprudence perspective

Quranic evidence: the canonization of the Holy Quran pays dowry. Most remarkable in these verses, the use of various terms such as charity, comfort, financial obligation and reward the introduction of this right is more likely to respect it tells eloquently of the plurality of dignity. Evidence Narrative: The numerous stories about the importance of dowry, it is necessary to determine marriage, legal and moral obligation to pay strict, discouraging men from neglect and violation of it. And in what order it's hunky-dory forgiveness the woman with the aim of promoting common interests, deepen and strengthen the family's love of examples refer to the following: Fazl ibn companion of Imam Sadiq narrated that the Prophet said that dowry will compromise, what is low and what is high, so it is dowry. Sheikh Mofid in dowry thesis states that all incoming news implies all parties are satisfied what is to be the same dowry because the quantity and the amount of stamp duty, subject to their consent, and God said dowry: without any limit in terms of the lack or abundance of the situation. It also said: Some of dowry, such as teaching the Qur'an and the industry, and the like, the price is not known is the fate of the case.

Imam asked what is dowry. Saying what people compromised.

Little evidence Shiite scholars

Famous Shiite clerics is to dowry between the minimum and maximum and depends on the consent of the parties, namely the consent of the other spouse is not valid unless it signed without the consent of their spouses. Why couples married and their parties are obliged to fulfill this obligation with regard to all aspects of their interaction. Many traditions to express the quantity imported seal of Imam Mohammad Bagher (pbuh) said: dowry what people agree on what it is low or high.

Quantity of dowry in the new family support bill

Despite numerous laws and regulations in the field of family law as well as advice and emphasis of Islam on forgiveness and sacrifice in marriage, unfortunately, increasing disagreements led to the rise of divorce. In this regard, the issue of dowry demands and claims arising from it is of great density. Now a new bill to amend the rules and regulations of family support to families on the agenda of parliament's Interior Committee. In Article 25 of the new bill: the Ministry of Economic Affairs and Finance is responsible for the dowry higher than in conventional and unreasonable given the state of the couple and economic issues in accordance with the exponentially increasing amount of dowry during the marriage registration tax collector. The customary dowry and the amount of tax due to the general economic situation of the country in accordance with the regulations proposed by the Ministry of Economic Affairs and Finance and approved by the Cabinet. Although the legislation on the use of advantage in order to prevent excessive and unreasonable increase in dowry in society is admirable but the proposal (if approved) do not block escape routes to pass through other dowry. Perhaps the parties and their families help in various ways, including the exchange of business documents while marriage and other stipulation follow the same goal.

Couple's death impact on dowry

Subject of dowry in case of death of one of the spouses is important and various situation entails:

A) If the dowry given compliance not done and dowry by the husband to the wife is unpaid and in case of death of a husband, wife will be in the category of creditors of the division of bequests, husband the religion paid and if the woman dies. The heirs of women, including dowry to her husband inherited and each according to his share of that woman leave us dowry is also part of the benefit.

B) If the dowry has been determined, but one of the couples before the dies, there are different opinions among the scholars will brought to resolution:

Ayatollah Nouri Hamadani: In case of death of one of the spouses before mating, half of the seal is fixed.

Ayatollah Mazzaheeri: If a man marries a woman and death before sex, all seals must paid to the wife.

Ayatollah Makarem Shirazi: In case of death of either spouse, dowry paid completely, although there is sex.

Ayatollah Sanei: If spouse die before penetration even stronger view of all dowry such as divorce or death after entry after entry to entry, but if the wife dies, the bride and the couple's split-half stronger view the rest belongs to the wife inherits half the property.

Some, like the Sheikh Tusi made the split-half dowry, but according to the most famous jurists, female heirs are entitled to the entire dowry. In addition, in this regard to the other half precaution must be compromise. Ayatollah Sistani: the woman is entitled to half the dowry and the other half to the other heirs he deserves to compromised. yatollah Jawad Tabrizi: In case of death of the man before the woman is entitled to half dowry. Ayatollah Sobhani:

death of the wife not split-half dowry death is the successor of entry. C) Under Article 1088 of the Civil Code, the legislator has not set for when the dowry between the couple and one of them died before the expression: "... if one spouse dies before the female dowry is not entitled to any "precision vote's jurists and civil law says that after death set in dowry and awarded before the all-woman. Although there was no difference in the death of the wife and the husband, but popular opinion in this regard pay all dowry the woman is not logically separate women's feet.

Lien and its effects on the dowry

The definition of lien said: "the right to refuse to give any of the parties to the transaction in the absence of a commitment from the other side in terms of lawyers known as the prison right." The "right to refuse the surrender of the vendor or the customer is given the legal term lien called." The nature of the detention of lawyers, some objective and some of the religious right and the right to know, but in Islamic jurisprudence as a right of lien hailed objective, therefore, in the books of Islamic jurisprudence as (prison right) mentioned. Some lawyers, including lawyer's European lien to the prosecution to a person not entitled to have considered the religious right. In addition, belong to the same case sometimes, sometimes, sometimes the person's contract. The sale can be first lien on the right to know and it belongs to the same as the right of marriage belongs to the person's detention such as the right of retribution or custody. It seems that lawyers and jurists disagree is why it is right that some religious and some non-religious right believe so, since the scholars of prison right hailed as the sales contract is valid. Two pillars of the contract of sale proceeds and sales are both the same, but the only women's prison in marriage to know in this case considered prison right. But if the husband has the right to accept in this case belonging to the right person and the right to the enjoyment of the woman pay attention to the division of rights, the right to non-financial needs, he said. As a result, the lien on the one hands and on the other hand, the financial aspects of the non-financial aspects, and the right financial aspect of it attributed to the same. Some nature lien according to French law scholars believe that the objective of the law. According to article, 1085 of the Civil Code provides "The woman could not give up her dowry to the husband refuses to perform the tasks...." It seems to be derived from the word play such tasks ranging from compliance and other tasks, such as good companionship and sexual pleasure or with the husband living in the lawyers in this case are not unanimous. Some specific tasks mean the sexual relationship and proximity to both known and some are close and other tasks. Doctor Hassan Emami is one of those lawyers closely linked and have said in doubt as to whether a woman has the right to do so or not, based on the principle of the right for her rejected "article 1085 of the Civil Code, although she allowed the tasks the husband refuses to dowry received. It noted that the rights of Shia women only near the husband can refuse to make up dowry, and she cannot perform other tasks, such as good companionship and live in obedience to her husband's home, subject to the dowry required. Therefore, it seems that this provision interpreted as the right to refuse to perform the duties of the husband, only to sex. "

Conditions apply lien

It is a condition of the exercise of the right of lien is the deadline for payment of dowry is not required. Article 1085 of the Civil Code states this issue. This constraint in this regard that under Article 1083 of the Civil Code, all or part of the dowry deferred. The legislator to demystify the article 1085 of the Civil Code stipulated that prison conditions are right it is applied. Doctor Emami said, "If the wife is not entitled to invoke the right of lien refusal dowry." The article 1085 of the opposite concept to be understood that if the wife is bound to her husband's dowry women subservient and cannot be invoked article if some are and some dowry is the woman's right to custody. It seems that as long as women who had not been part of the dowry can refuse to accept it if he had to pay the amount of the dowry and the woman does not have the right to refuse, because the dowry of the ruling and all have the right to custody of her dowry lapses. Jeweler owner has accepted the same opinion.

Waiver imprisonment of women for dowry

1. Compliance: what civil law legislators were concerned that if the woman voluntarily rises to duties, he can no longer use his right of lien, however, still has the right to demand dowry. Article 1086 of the Civil Code in this regard states that: "If the woman before getting dowry at their disposal to fulfill the duties that there was rebellion against her husband can no longer use the verdict of the right to claim dowry nevertheless has overthrown."
2. Payment of the entire dowry to the sentence annulled and required to pay the full dowry and dowry if some are not, as long as the amount of love that woman had not been lien and about the rest of the dowry and dowry current sentence does not imprisonment right woman.
3. Dowry of religion: if the marriage dowry as a condition that religion is man lien obligation lapses woman and it has been less attention lawyers and jurists. However, the doctor Langroodi was quoted in book Alshatat if you have a marriage on condition that the religion of the couple give to some (the author of Alshatat) if the woman does not have the power to article 1085 of the Civil Code to use. It seems legal analysis, it is on this basis that the dowry religion is men pay the dowry and its death is unknown until the man could afford.
4. Determination of death according to the law in 1085 knew the condition imposed confinement of dowry and dowry so what this right is void, because when a woman agrees a long-term consequence of this dowry he accepted, that the lien itself is void and cannot deign to wait to get her husband's death.

Terms and features dowry payments

A - Bet traits and sanction the condition attribute in marriage is that there are certain traits in one person or in sealed condition. The condition is such that a virgin woman or the couple has a doctoral degree or a certain amount in case of violation condition of wealth, which is in his favor condition (stipulation), can terminate the marriage (article 128 BC). IF there is a particular, attribute in a sealed condition (such as ground condition that the seal placed in a certain area or a certain area of the house where the seal is determined). In addition, after signing out that seal without describing the woman can use cucumber abuse condition (article 235 BC) dowry to

terminate the case as if the one practiced in marriage seal not specified, the marriage right and unacceptable termination. Women near the event will be reasonable dowry. Article 1069 of the Civil Code provides: "The condition of cucumbers termination of the marriage is void but permanent marriage condition cucumbers than the dowry is permissible, provided that the term be determined and the termination such that no seal not mentioned." B - Bet result and sanctions it: if the result is the realization of an out clause (Article 234 BC). As if the marriage one spouse from the other spouse if that is legal to do so, this would require a separate offer and acceptance, and as soon as the marriage ends, result obtained. Because of the marriage on condition, it used more and it has long been common in Iran, the legal provision for divorce. It may represent the marriage of men to women is proven that some things (such as fixed-term, absence, leaving the charity, takes another wife by the husband, plans to life husband and wife ...) or even without any preconditions to make on behalf of a divorced man. It is possible that the woman given the right of substitution under the stipulation women have the right to run the divorce lawyer.

Motivation of huge dowry payments

First paragraph: the credit, including the causes of skyrocketing dowries at the present time and more men willing to accept this kind of dowries, despite the lack of financial ability to pay for it on the ground, the legal status of women claim it is structured and tolerance. Appeal does not cut across the board, as well as acceptance and commitment to make the required sensitivity and not the result of a unique kind of tolerance that trend dowry for the unbridled and free from any is increasing measure. Section II: Divorce and control-seeking tendencies of man; impulse control dowry, divorce and many other neo-imperialistic tendencies of man are inhibited. Some cultural and social changes resulted in an increase in divorce and the loss of evil divorce, the woman and her family to ensure the continuation of a peaceful life greatly reduced. Existing practices to address this concern and feel insecure control divorce, strengthening the family and in the event of divorce, it is hard to reduce the effects and consequences for women, the high dowry demands as the only legal leverage inhibitor of man and the most appropriate means of social security is invoked. Assessment of the correctness of the theory and practice recognize the validity in the performance of supply objectives is subject to empirical field studies and surveys. Section III: promotion of female social status, social position of women, along with other personality traits, moral and his family is therefore in the interest of man, crucial role in the quality and quantity of dowry as a gift granted by man plays. Therefore, improving the status of women in the past in the light of education, flourishing talents, active in different areas of society, more important jobs of household activities, access to services and social benefits, etc. provided, they deserve to demand high dowries compared with women in traditional society is promoted. This motivation explaining his claim is based Al-Masal dowry and used its legitimacy. As legal issues mentioned dowry, a woman sometimes is entitled to Al-Masal dowry another thing to notice in this regard, that the common criteria in determining that appeals Al-Masal dowry. However, legal standard view, certain variables involved in this issue and are valid, among the features of the age, beauty, virginity, and family status, religious belief is desirable attributes that determine these criteria with custom Al-Masal dowry measured. Therefore, from the perspective of reason and common law and due to these properties as selection criteria for the ideal spouse can open the door to many obstacles in life. However, we should not forget that philosophy dowry legislation and the necessity of the significant role it plays in life and beyond these criteria. Civil law in this regard on Article 1091 provides that: "To determine Al-Masal dowry of the wife as the family honor and other qualities and status to Al-Masal dowry relatives and others considered as well as the usual place." Section IV: rising costs and formalities of marriage and the family's ties, increased dowry, according to some analyzes the result of increasing costs and various rituals and lavish marriage as dowry, which funded by the girl's family. No doubt, their suppliers in accordance family dowry the bride and groom, holding numerous holiday events due to its increased status and supply expectations ceremonial conventional, heavy and unbearable costs imposed on the family. Demand heavy dowry of measures that aim to offset part of the costs, including the amount spent on procurement of dowry that transmitted along with the bride to her husband's house taken. Costs spent or obligated to pay in cash as dowry to his wife's in a different format. In addition to these factors (cost, ritual) outside of marriage and family, also require changes in the present and change the criterion for determining the dowry for the marriage of macro closely in the proliferation. Because in the past, marriages in rural communities mainly occurred within the family and kinship network usually links such as transfer of wealth in the form of legal consequences of marriage dowry and family inheritance. In addition, other rewards today had no position and role of the opposition as dowry and the true interest of men to women in their marriage showed. However, with the passage of time, belief marriage with people outside the family network entered a new phase in this regard, high dowry demands, as the lever action was reassuring and ensure parity basis, while visiting family courts, acknowledgment of the failure of these aggravating factors are heavy dowry.

Conclusions

Today, according to the principles of quantitative and qualitative determination of the issue of the receipt and payment of the dowry of the issues and the legal institutions of the family affected. What dowry as a gift or forgiveness or any other authority as is that our legal system influenced by the teachings of Islam prescribed for woman and his property than it respected and consequently such other prescribed debt obligation will be necessary. Treatment and quality of existing conventions dealing with this legal entity and lack of obligation to pay except when necessary for reasons such as financial problems even though probably the most acceptable manner and cultural and legal systems we have put on their act, yet in spite of its positive social effects do not appear legally justified. The purpose of marriage is not unlike other commodity exchange contracts but the main purpose of marriage is to create a common life based on mutual understanding and desire to evolve, which had the family away from doping material to be firm but not forgotten. In addition to this basic purpose subsidiary of the existence of a dowry marriage, obedience, marital relationship and both considered. Therefore, we also believe

that the sub-commutative aspect or quasi-commutative know the main aspects of marriage should not affect it and we can say that civil law in the drafting of the marriage contract has been given to this issue and in this regard, generally considered to have jurists. Explain and evaluate promising scholars in the definition of dowry, we find the Sunni scholars express provisions and its effects with greater emphasis and with less emphasis Shiite jurists, the legal nature of the institution of dowry is considered one of the two exchange traded and intentionally or unintentionally, the dowry was compensation. Effects of different features includes lien marriage and dowry, dowry and of the necessity of the establishment. As well as supporting the idea Al-Masal dowry although, scholar's dowry changed. However, all the rules change in swap transactions that are not necessary. Lawyers have rejected the compensation of dowry against way, but their opinions and some of the requirements that the couple exchanged contracts are similar to mutual obligations and although dowry in marriage as a change in regular trading, but in terms of decision rules is trading provisions shall be considered to be a valuable consideration. As well as dowries and absurd that today the wife and with the aim of ensuring the survival and family strength is determined, an outcome different from what the wife has shown linear in their minds. Because the man in the lack of interest in life in hardship wife puts up with the dowry separated. While dowry in a religious pattern, regardless of the legality of dowries as a gift that has a symbolic value and the certificate granted. Many social and personal functions in the legal system plays family which can be more validating such as marriage, raising the value of its position, expressing loyalty and honest man to continue living together in a tangible symbol, giving free treatment to the use of others, taking advantage of their services and more.

Suggestions

First paragraph: legal reform, according to the dowry and the principles of qualitative and quantitative importance of the following strategies aimed at efforts to uphold women's rights and change the current procedure recommended.

3- Cash payment at the time of the conclusion of the marriage or in early October due for payment by installments provided people with established de facto and de facto established for those without.

- Choose Lords (land, houses, gold) or interests (value) instead of currency due to continuous fluctuations and reduce its economic value over time.

- Set reasonable time by mutual agreement pay dowry for once or in installments and the delay of the payment is due date of its actual value.

- Taxes on registration of marriages with dowries are heavy.

Vacuum caused by celibacy, moral and spiritual resort to distortions and girls to remain unmarried father's house that the consequences of this process, irreparable damage to the social and moral well. To avoid this phenomenon, which unfortunately some as a way to earn it recommended to look at the following points:

(A) Given that the current dowry is exempt from tax if the dowry is above a certain threshold taxed and the tax exponentially increase may be somewhat effective in moderating it.

(B) To dowries and above a certain amount in addition to taxes, patent entitled. The current ceiling is high dowry, however, is exempt from tax, legal and patent. Therefore, if the heavy dowry and above a certain threshold accrues tax and registration fee, to some extent can be effective in reducing the amount of dowry and modify it.

(C) Excessive dowry given to law enforcement how financial convictions exempt.

(D) The heavy dowry and even is able pay at the time of signing. In addition, if the man cannot demand payment of court at the time of payment or the deadline equation is the fact that in practice, it is difficult to determine the instance stamp and legislator can be certain ceiling (or the amount of gold) consider dowry to all indices of goods and services increased year.

Given that most marriages made in the present day with heavy dowry and financial conviction leads to arrest her husband, the woman refused to comply with the case of non-payment of dowry in the current situation is not compatible with the interests of the family. Due to the above annex 2 notes to civil law proposed in 1085:

Note 1: In the event, that woman with the knowledge and ability to pay a dowry to marry her husband in the lien is void, but shall remain in demand dowry.

Note 2: If the court or enforcement record in dowry payments or installments wife give fair notice lien lapses and women are required to perform the duties of marriage.

Second paragraph: The dowry insurance; from parts of social life today is on building opportunities that will provide the insurance industry to resolve the problems of society. Social and economic life in today's society requires that all compensation for medical expenses as well as events such as fire, theft, destruction of the building possible, accidents, compensation and insurance benefits... use.

Studies show that lack of assets, especially at the beginning of married couples and the impossibility of paying it to the wife and family of his wife concern is the conclusion of marriage.

So one of the ways in which these concerns can be somewhat wife in achieving legal right that is the dowry the bride's resolve insurance plan. So that even the obligation to pay dowry recurring contracts with insurance companies and contributions to the given circumstances, the details of which will be set up to insure his wife's dowry. Thus, in case of accidents or problems or death or divorce or if the insurance and dowry payments are determined by the insurance company will pay up to the ceiling set by the wife.

Section III: Cultural development

A) Media action: According to sociologists create any lasting change in the social structure and cultural activities will be the best and most lasting way. Today, we see everything in terms of promoting the culture of the public in different ways, especially in the mass media, direct and very significant impact in addressing social and economic

problems would. For example, in the field of energy efficiency - reducing health remedies consanguineous marriage - traffic regulations and the impact of the media in changing people's habits and the correct attitude society has been very effective. Therefore, it is necessary to move a planned and purposeful; the media, particularly radio and television in order to increase the level of legal awareness of the role played effectively by providing them with various programs to encourage dowry payments are balanced and proportionate.

B) Provision of textbooks and academic units: Because young people graduate from high school and in the early years of marriage are less ready to accept. It suggested the provisions of the final years of high school textbooks about marriage and dowry to young people on issues related to the legal effects of marriage. Any written material and in the early years of a course complete with training on legal matters relating to marriage and dowry and married and conditions of the contract and.... allocated to this important issue.

C) Legal training courses before marriage: The marriage contract before the conclusion of parallel classes today for the next couple of families held to raise awareness of health issues and courses designed to increase legal issues related to marriage and married and their mutual rights held toward one another.

In this period explained in terms of the document to explain to the parties and if the parties wish to have a number of promises and conditions as the initial basis for the adoption of the marriage and you take the courses to certification of registration of marriage form prescribed conditions.

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