

## Exploring the innovations of the new law of family support in 2012 and the difference with the old law of the family support

Amir Bakhshayee, Mehran Jafari\*

*Department of Law, Kish International Branch, Islamic Azad University, Kish, Iran*

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**Abstract:** Family is the fundamental unit of society and the main center of the human development and growth of the same and ideal belief in family that is the main underlying fundamental principle of human evolution and growing which providing the facilities for this purpose is the duty of the Islamic government. In such a case of the family unit, the woman goes out of being the object or tool that served to promote the use and exploitation and retrieves solemn and honor duty of being a Mother to treat schoolman scout and became active in the field of active life along with male comrades so she will be higher in the service and will have critical and fundamental value in Islamic perspective. The purpose of this study was to evaluate new innovations to support the family law of 2012 and its difference with the old family support law. Data collection method of study was library studies according to available resources. Given that the data collection method of the present study was library method and due to the lack of statistics and available tools and resources for variable, analysis is discussed through the comparative analysis of documents.

**Key words:** Innovation; The old law; The new law and Family support

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### 1. Introduction

Family is the most important institution of society and strength of family ties will increase the health. Therefore, any state legislature has a special attention in the regulation of the family. Basically, the rules are pertaining to family support and the importance of this unit and the family interests. That is why it is important to address this issue. Entry of law into the realm of family, however, is uncomfortable and unpleasant, sometimes it is inevitable. Family is the center where kindness and compassion and sacrifice play a major role but the right seeks justice and fairness and to give order of things. The dedication and love and affection cannot be included in the legal framework and the couple will be required to follow it because the rule of law in the face of the family is unable to give an order to it. But sometimes some people cannot do actions without force or prevent its stoppage or perhaps for such people, the rules and regulations may establish a minimum of order and justice. However, this should not lead to this result that the rules of law are replaced as "the final and most imperfect weapon" to human moral rules and principles governing the family (Safayee, 2006).

The first law that was specifically relating to the payment of the family was adopted in 1346 under the title of " family support " in which it was included in the special innovations. Before 1346, legislation relating to the family had come in various laws such as the civil law but more attention to the

family and its special features created the requirement for the legislator which specifically addressed to the family and anticipating appropriate activities to the possible extent to prevent detachment of the institution and resolve Issues and problems with minimal cost. Family Protection Act, enacted in 1346 was with subsequent amendments (1353), which was revised due to some shortcomings and the new law was passed in 1391 on the grounds that it is executable (Safayee, 2006). Present research is to analyze the new Family Support Act of 1391 innovations and its difference with the old law of family support. The analyses of the history of research including the innovation, new and old rules, goals, ideas rose in this area and the criticism has been made.

### 2. Research literature

#### 2.1. Analyzing the laws of family support before 1391

Under Article 1133 of the Civil Code, enacted in 1313, man had absolute discretion in divorce and could divorce his wife whenever he wants. In civil law there was no limit for divorce by man, unless some certain formalities prescribed by law, including divorce in non Thiourea period and divorce run in the presence of the two men, (Gorji, 2008). Following the social needs and the emergence of new trends on the Rights of Women, the Family Support Act was adopted in 1346.

#### 2.2. Family Support Act of 1346

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\* Corresponding Author.

The first law was specifically related to the family under the name of Family Support Act was adopted in 1346 as in particular, innovation was included.

1. Limitation of the hands of men in divorce: Before the enactment of the Family Protection Act based on Article 1133 civil law, a man could divorce his wife without any due process and the man was in the absolute discretion. However, Article 8 of the Family Support Act of 1346, subjected divorce to the Court's certification and implementation of the impossibility of reconciliation, while the lack of agreement on the application of the certificate must justify specify the reasons for the demand. Therefore, the absolute authority of men in divorce was limited according to Article 8 of the aforementioned law (Mansour, 2005).
2. Increasing requirement for divorce by women until 1346: the reasons for divorce were limited to cases under Articles 1029, 1119, 1129 and 1130 of civil law that the first three items are currently using with no changes. But 1130 had faced many changes, at the time of acceptance of Family Protection Act 1346 - Section 1130 of the Civil Code was noted in certain cases which only in those cases the woman could divorce. Therefore, the adoption of Article 11 of family support law was extended the divorce by women.
3. Limitation of the authority of men to remarry: Article 14 of the Family Protection Act 1346 gives the man the right to remarry to the approval of the court. The court could issue a permit remarriage if financial and strength ability makes a man to have justice. For a man who marries without the permission of the court the penalty is determined. In addition, pursuant to paragraph 3 of Article 11 of the said Act, even if the man has another wife without the consent of his wife, his first wife can ask the court to issue a certificate of divorce and thus the impossibility of reconciliation.
4. Limiting the power of men to prohibit the employment of women: According to Article 1117 of the Civil Code, husband could prohibit his wife to do jobs incompatible with his interests or the family prestige or herself. In fact, the husband could prevent women from employment on his diagnosis. However, Article 15 of the Family Support Act of 1346 was added to the beginning of the article with stipulated approval of the court. In this respect, the male authority was limited. The law did not last long and the next law was replaced under it in 1353 (Mansour, 2005).

### 2.3. The main innovations of the Family Protection Act of 1353

1. Increment of the divorce requested by the woman and the limiting cases of divorce by man: Article 8 of Family Protection Act of 1353 was charged 14 acts which in these cases, each man and woman could ask the court to issue a certificate of their inability to compromise. According to the writing of article, it seemed the

divorce was developed by a woman, but a man's authority is limited in divorce, because according to article 1133 of the Civil Code, a man could divorce his wife whenever he pleases. On the other hand, Article 11 of the Family Protection Act of 1346 was also noted that besides the civil law in the following cases the husband or wife can ask the court to issue a certificate of unemployment, but Article 8 of the 1353 Act have been reported only 14 cases and it appears that the grounds for divorce in civil law is implicitly abrogated.

2. Limiting the power of men to remarry to certain cases: Family Support Act 1346 provides the remarriage of man to the approval of the court. But acts 17 and 16 of 1353, in addition to obtaining the permission of the court, is limited remarriage to 9 items.
3. The power of women to prohibit the employment of husband: According to Article 18 of the Family Protection Act of 1353, as the husband would prohibit the employment of women under the conditions, the wife can also prohibit his employment under the same conditions of law. However, in the latter case it will be sentenced if the court prohibits do not make the employment effect on the livelihood of the family.
4. Raising the legal age for marriage: According to Article 23, the girls and boys could marry before they reach the complete age of 18 and 20 years, respectively. Only girls allowed of their marriage in certain cases if they were 15 years.
5. Article 1 of the Act 15<sup>th</sup> of Bahman (Persian date) in 1353: all civil disputes arising from the marriage, family disputes, matters relating to the appointment and dismissal of minors and guardian trustee enclosed will hear in the court where there is no courts in the city and in the county side (Mansour, 85: 1384).
6. Act 16 adopted on 15<sup>th</sup> of Persian date Bahman in 1353: A man cannot marry a second woman except in the following cases:
  1. Satisfaction of the first wife
  2. The lack of consent of the first spouse to the marital duties
  3. Unwilling wife of husband
  4. woman suffering from insanity or incurable disease
  5. addiction of woman to any kind of drugs
  6. leaving family life by the woman
  7. infertility female
  8. absence and the missing of woman

Prior to the enactment of the Family Protection Act of 1353, in Solar Calendar, civil law of marriage of girls before they reach 15 years of age and boys married before reaching the age of 18 years was prohibited. With the establishment of the Islamic Republic, the age of marriage has declined. Under Iranian law, Iranian children if they are female are able to marry at the age of nine and if they are male, they can marry six years later it means at the age of fifteen are eligible for marriage (Lar, 2007). Before the Revolution, the judicial authorities in respect of

the interest of minors to marry were detected using expert opinion. Girls under the age of 15 were not allowed to get married, but now the father, paternal grandfather and judicial authorities make decisions on the best interests of children in their marriage. These powers are so vast that age condition and the minimum age for marriage and choice of spouse's freedom in action appears to be out of the question (Lar, 2007).

Before the Revolution, the Civil Rights Act of 1036 comply fiancés and the third parties after collapse of engagement rights the most. Whereby, if one of the fiancés without acceptable reason disturb the trick was required to incur expenses to those who were trusted in marriage, including damage to his opponent. With the establishment of the Islamic Republic, the Civil Code in this regard is final. "Article 1037: each of the fiancés in the collided marriage can charge the gifts for the marriage to the other party. If the same gifts do not exist, it is to pay the price of gifts which are normally kept, unless gifts wasted with no fault of the other party "(Lar, 2007).

## **2.4. Family Protection Law of 1391**

### **2.4.1. Family Court**

Article 1 - In order to deal with family matters and disputes, all jurisdictions in the city are required to establish a sufficient number of branches within three years from the date of enactment of this Act. The formation of these court jurisdictions proration facilities is subject to the discretion of the Head of the Judiciary.

Note 1- Since the implementation of this law within the jurisdiction of the city without any family court until its creation, the General Court in that area of law will be held in compliance with the procedures and provisions of this Act and proceedings of the domestic.

Note 2 - there is no family court within the jurisdiction parts and court procedures and regulations are in the field with respect to all matters of the family disputes except for claims relating to the contract and dissolution that the Family Court will hear the nearest jurisdiction (Lar, 2007).

Article 2 - Family Court forms with the presence of the chief judge or magistrate alternate and a female adviser. Consultant shall end of the trial judge in writing within three days and shall insert reasoned record opinions on the subject of the dispute. Decision composition judge is to refer the petition to the judge consultant and if he disagrees, he will reject the theory with the reason.

Note- judiciary is required to ensure justice for all women counselors family court act within five years and can use the judge of the family court counselor who is qualified for office.

Section 3- The family court judges should be married and have at least four years of judicial service (Lar, 2007).

Article 13- is the couples claim court jurisdiction to be raised against each other in multiple jurisdictions, the court with the first petition is jurisdiction. If two or more petitions submitted on the same day, the court that has jurisdiction over the wife concerning will handle all disputes (Mansour, 2005).

### **2.4.2. Family counseling centers**

Article 16 - In order to strengthen the foundations of the family and prevent the increase in family disputes and divorce and trying to build peace and reconciliation, the judiciary is required to create family courts provide family counseling centers within three years from the date of entry into force of this Act.

Note- in areas where there are welfare dependent family counseling centers, the court can also make use of the capacity of these centers.

Article 17- the members of Family Counseling Centers are the experts from various fields such as family studies, counseling, psychiatry, psychology, social work, law and jurisprudence and principles of Islamic law and at least half of the elected members are married women. Number of members, selection manner, selection, training and handling of violations of family counseling centers, the way doing tasks, the number of the sites and tariff for advisory services and payment based on regulations are within the issues that after six months enter into force of this Act is made by the Minister of Justice and is approved by the Head of the Judiciary.

Article 18- jurisdictions in which family counseling centers have been established, if necessary, the family court can determine the dispute and call deadlines, consider these matters and litigation centers on the family.

Article 19- family counseling centers provide counseling services to couples; enforce the court wants in the deadline in the case of trying to make a compromise. These centers are achieving a compromise agreement to set up a venture and otherwise your expertise the causes and reasons for the lack of agreement in reasoned writing to the court (Mansour, 1384).

### **2.4.3. Marriage**

Article 21- Iranian legal system is in order to focus on the stability of family relations, marriage permanent basis to support a family. Temporary marriage is also subject to Sharia law and regulations and its registration is required in the following cases:

- 1- Pregnant wife
- 2- Parties agreement
- 3- Stipulation

Note- the log of this Article and Article 20 of the law is on official documents of marriage or marriage- Divorce are consistent with a proposal that within a year is approved by suggestion of the Minister of Justice by the head of the judiciary and until the

adoption of regulations, codes of Article (1) of the Marriage Act still remains based on Amendment Act 29/2/1316.

Article 22- If the dowry at the time of signing is up to one hundred and ten Bahar Azadi Coins or equivalent, collection will be under the provisions of Article (2) of the implementing financial convictions. If the dowry is more than this amount, the excess is paid only for criterion solvency. Provisions relating to the calculation of the rate of dowry is still required (Mansour, 2005).

Article 23 - Ministry of Health and Medical Education is required to determine and announce diseases that the parties should be vaccinated against before marriage and communicable and dangerous diseases for the spouses and children of intermarriage within one month of the date of this Act Official marriage certificate must be issued records from doctors and hospitals accredited by the Ministry of Health and Medical Education before marriage and claim and maintain the absence of drug addiction, lack of diseases mentioned in this article or vaccination against the disease to the parties.

#### 2.4.4. Divorce

Article 25- If the couple has agreement on divorce, the court shall refer the matter to the Family Counseling Center. In these cases, the parties may ask for divorce agreement from the beginning of the centers. In the case of the applicants withdrew the divorce, family counseling center will identify and reflect areas of agreement subject to the court's final decision (Mansour, 2005).

Article 26- If the divorce is agreement or at the request of the couple, court action certification impossibility of compromise if the request is by wife, the sentencing law requiring couples to divorce or divorce lawyer qualified in its actions.

Article 27- In all cases of divorce, except divorce agreement, the court shall bring peace and reconciliation to refer the matter to arbitration. According to the court in this case, the jury verdict, and if it does not accept the doctrine, rejects the jury by the reason.

#### 3. Custody and child maintenance and alimony

Article 42 - the minor and not insane has not been entrusted without the consent of, guardian, their mother or person who has custody and maintenance to him send to another place pr abroad without the agreement between the parties before the divorce, unless the court deems it expedient to minors and insane with regard to the appointment of persons entitled to allow it. If the court agrees with the removal of minors and insane at the request of the beneficiary, reasonable assurance will be obtained to provide the return of minors and insane.

Article 43 - custody of the children with death father is with their mother unless the courts at the request of the prosecutor or granting custody

recognize the mother custody is against the best interests of the child (Kamali, 2007).

#### 4. Duty and pension rights

Article 48 - the law duty or permanent pension of the deceased wife and children or other legal heirs and how to divide it in all the boxes are as follow:

1 - permanent wife of dead has the right in his pension and if her marriage does not impede the rights of her and when her later husband dies and the rights belong to the wife, the maximum pension is the base.

2 - Retirement or disability pension, disability pension or payment is not preventing the wife from the deceased salary or the pension.

3 - Female children in the event of unemployment or husband and male children up to the age of twenty men can use case of child benefit allowance, insurance and survivor pension and rights of their responsible parents only if they are with disability or have a college education.

4 - Pension permanent rights or duties of the wife, children and other legal heirs of all employees and retirees are in accordance with Article (87) of the State Employment Act 31/3/1345 and subsequent amendments and the terms of Article (86) of the Act and its subsequent amendments are divided and paid (Kamali, 2007).

#### 5. Criminal provisions:

Article 49 - If a man without official registration offices have permanent marriage, divorce or dissolution of marriage or refuses of registration after one month or in cases the registration of temporary marriage is required has the refusal of registration, will be condemned to the requirement to record the event and pay a fine level five or imprisonment in level seven. The punishment is prescribed for the man who filed the nullity of marriage or refusing dissolution of marriage and divorce.

Article 50- If a man marries in contrary to the provisions of Article (1041) of civil law, he is sentenced to imprisonment of level six and if the marriage is leading to permanent disability or disease female, he will have compensation payments in addition to imprisonment for level five. If it is leading to the death of the female, he has compensation payments in addition to sentence to imprisonment of level four.

Note - If a guardian, parent, legal guardian, or responsible for the maintenance and care and training of wife have a direct impact on the offense mentioned in this article, he will be sentenced to imprisonment of level six. The order is also required for the Parties.

Article 51- Any foreign person who marries an Iranian woman without authorization referred to in Article (1060) of the Civil Code or unlike other law, will be sentenced to imprisonment of level five.

Article 52 -Whoever denies parity in court and proved that this denial was unfounded or in contrary to the criminal complaint or lawsuit or claim to be parity with the other will be condemned to imprisonment up to grade six or a fine at level six. The verdict is true in the case of legal personality of those who denies the party in the court or despite knowing not having parity provides the criminal complaint or lawsuit claiming parity (Kamali, 2007).

Article 53- Everyone could afford, but does not comply alimony of his wife or refuse the payment of alimony obligation of other parties will be condemn the imprisonment of level six. Private plaintiffs are subject to criminal prosecution and if he passed on the complaint at any time, the criminal prosecution or punishment will stop.

Note- refusing to pay alimony to the wife who is authorized by law to non-compliance and alimony of children resulting from artificial insemination or children under the care are subjected to the provisions of this Article.

Article 54 - If the head of custody rejects the child performing responsibility or hinder the child meets the rightful person, for the first time he/she is sentenced to pay a fine at level eight and if repeated the maximum penalty will be charged.

Article 55- Any doctor who deliberately and contrary to the testimony of the material (23) and (31) of the Act issued a certificate or bad faith of the refrain, first time he has the exclusion of the six issues of employment practice based on the Penal Code and the second time will be sentenced to the maximum penalty.

## 6. Objectives of the research

### 6.1. The main objective

- identifying new rules to support the family and its comparison with the old law;

### 6.2. Secondary objectives

1. Studying and understanding the advantages of the laws of 1391 compared to the previous rules.
2. Studying and understanding disadvantages of the Laws of 1391 compared to the previous rules.

## 7. Research methodology:

Data collection method in the study is library and available sources. The documentary study is one of the most important methods for the study of law that is the recognition of financial data following a series of events, but analyzes it as symbolic phenomena. Given that the data collection method of the present study was the library, comparative perspective is discussed due to the lack of statistical and analysis tools were through analysis of documents and resources.

## 8. Conclusion

The first hypothesis: the laws of 1391 have the following advantages compared to before the law.

The advantages of this law can be stated as follows:

1) Since the first cases of family law was enacted in 1346 and amended in 1353, this law is one of the first laws that dealt with domestic disputes. According to the legislative emphasis on the law, disputes between husband and wife should be resolved in court and specifically field did not exist before the trial. But according to the new law, the Family Support Act of 1346 and subsequent amendments in 1353, it has not been abrogated and the substance of the law remains about the impact of the new law on the civil law. But it should be clear that the based on the legislature are in accordance with the prescriptions of Article 58 of the new law to support the family, marriage law enacted on 05.23.1310, approved law on parity denial in 02.20.1311, (1) and (3) reform Law of Marriage Act of 02.29.1316, the need for a doctor's certificate of marriage before 09.13.1317, a law granting custody of a minor or incapacitated to their mothers on 06.05.1364, approved law on custody of Act 22 / 4/1365, the anti-tetanus vaccine required for women before marriage 01.23.1367 Act, An Act to amend the relevant provisions of the Divorce Act of 21.12.1371, except for paragraph (b) of Article 6, as well as the interpretation and auxiliaries laws of 3 and 6 of the Act of 06.03.1373, Articles 642, 645 and 646 of the Penal Code, adopted on 03.02.1375, the law about the appropriate number of trials in the courts of the original twenty-first constitution and enacted on 05.08.1376 and validity period of the certificate in no compromise approved versions 8.11.1376.

2) Weakening of dowry and guarantees in law, practice promoting of polygamy and the institution of marriage, modifying and deleting the requirement in law to the previous rules, duality in binding or non-binding family courts in due process of law, civil procedure, poor mechanisms of predictable counseling centers as well as dispute settlement councils, cleft and practical distance of advocacy centers, university and studies of this law by practitioners and regulators else from the other items mentioned above, all indicate that the new law differs from the old law to support the family.

3) As a general principle, the dispute shall be called at the residence of the defender, but in the new law the woman is allowed to plan at her residence and this makes some problems for the woman. In addition, the new law has been mentioned the woman could not fight his residence scheme and this is different from residence (domicile) itself. The facility is one of the new law is intended for women. Also, in accordance with family support Article 14 of the new law, if couples or if any of them are living abroad, the court of the party who is resident is good, but this does not preclude the jurisdiction of foreign courts. But it is natural that the Iranian courts have jurisdiction in case of problems much easier. Even it is said that if the

parties are living outside their country and have a temporary residence, Iranian court is of the righteous.

4) There are several problems in the family, which are effective in the formation of one's life. From rupture and separations to death need to be considered. At each stage there may be gaps and shortcomings such as regulations, including laws relating to marriage, sometimes with questions about the proposal, and the like. For example, the marriage age from 9 to 13 years old, with little growth has caused social damage that even with the best interests of the child will ask the court to modify it. In this connection, the rules on temporary marriage are one of the problems in our society. Discussion of polygamy was very problematic that almost we need a few decades to find a definitive solution. The proportion of female employment should be discussed with family status issues which are discussed.

Art (1117) of civil law in this regard says that a man should prohibit his wife from working out of family status. This state of affairs and how families are defined is the problem and are incompatible with some of our international obligations, including Article 111 of the ILO. Other issues like dowry and alimony in the institutionalization are the problems that women face and sometimes can be difficult in this area in some extremes. When life goes further joint discussions about the rights of the parties and issues related to domestic violence and other examples of these are not yet of legal coverage. When people are entitled to have children and women with children in conflict with the rights of men and women, women's rights in conflict with the guardian and the like are the problems that exist. After separation of the parties, the age of the child custody and the dowry demands and rights of women and issues of this kind are the problems that are not solved in the law. Discussions of the

problems of marriage, or illegitimate children are not solved and these may be very small, but the law should cover all members of society and even one case should be out of the justice circuit.

5) The number of judges is one of the innovations of the new law. Article 2 of the new law is on this point that because of the specialized nature and the importance of family proceedings, the trial should be held by several judges. The Article 3 in new law also states that family court judges should be married and have four years of judicial experience. The reason the legislature has the highlights is that the judge should have sufficient knowledge of the legal issues.

6) Another innovation of the new law is the requirement for the presence of a female counselor. However, based on past practice, women in family court adviser was present and did many things and in some cases commend, but did not verdict. According to Article 2 of the new family support law, consultant judge should commenting on the subject of dispute and register them in the record within three days of the end of the hearing. Essay judge's decision should refer the petition to the judge consultant and if he disagrees, rejects the theory with the reason. So the new law stressed women consultants, but this law is given to the judiciary to use other judges in 5 years. This term should be made available to the premises of a female counselor and family support counseling centers become other innovations of the new law. However, the institution of arbitration and dispute resolution in the field tried to establish a compromise between the parties. Now, the new law is mentioned to create the institutions and the organization should take steps to establish a compromise between the parties. Finally, if there is no compromise, both sides can be separated.

The second hypothesis: the law of 1391 has following bugs compared to the previous legislation.

**Table 1:** The law of 1391

Date of Act entry into force of implementation, some law that is recognized are rejected. This is recognized by the existing laws, rules are still valid and leads to confusion of law	conflict between the new and the old rules
This condition in addition to undermining the dowry law enforcement can be less afraid of going to jail can increase dowry and divorce. As it is considered man's financial ability, can lead to secrecy and hiding property	Limit of 110 coins to jail due to dowry
Apart from the requirement to register a marriage, it can break the evil in society. Assigning three cases to require it, the opposite is that the registration outside of marriage law is not only not required, but it would be punishable in la	Requiring of marriage registration / no requirement to register a short time marriage other than three cases stipulated in Article 21 of the new law (pregnant wife, agreement and stipulation)
Many of the matters set out in this Act have no definition and clarification. This ambiguity leads to a multiplicity of interpretation. Issues such as sex, embryo donation and ...	not defined concepts and words used in the Act
Some of the issues are in the lack of accurate and comprehensive situations including adoption, neutral sexes (neither male nor female), the legal status of children from sexual or suspected illicit relations and ...	No prediction about some of the social and family law requirements
In accordance with Article 3 of the new law, family court judges must have at least four years of judicial service. This seems the background is less for complex cases such as transgender, embryo donation.	Lack of employment fitness of court judge at the family with the specialist areas of family disputes
It was necessary to anticipate and satisfy the requirement for	Required to determine the need to attract the attention of

vessels forensics and determine the custody in an agreement or non-agreement divorce in all cases to prevent personal injury and personality on the fate of children of divorce	forensic psychiatry in the custody of children in divorce
According to the amendment of Article 23 of the new law, if a certificate is issued to indicate the presence of disease or addiction, the marriage record information is permitted If the parties know that could have legal and health consequences	Practical arrangements of harmful prescription for couples and families system
Article 31 of the Act provides competent medical opinion on the presence or absence of fetal filed for divorce as essential. Unless the spouses agree on an embryo. No emphasis on the certificate of forensics, there is a possibility of abuse and formal certification	Not anticipate of the need for a certificate of non-pregnancy by Forensics

**9. Recommendations**

**9.1. Appropriate solution to the problems of women pension after remarriage**

Before passage of the bill, if the husband of a woman is died and she remarried and announced the marriage, her pension was cut Under the bill, this clause has been removed and her pensions aren't cut. Ongoing discussion of women who had a second marriage after her died husband is one of the provisions of the bill that would not cut pensions women who remarry. We hope the relevant authorities to review all the cases mentioned in the bill and should be given the law in order to overcome the shortcomings.

**9.2. Expanding the Family Court counseling centers**

Counsel Persons will council with an attorney and legal counsel before acting on any legal matter whether the transaction, trade, marriage, legal claim or defense of claims as well as other legal consultation and with the acquisition of knowledge of the law, their position on the issues and problems that may arise or deliberate proceeded to trade, commerce, and their marriage. Thus in order to strengthen the foundations of the family and prevent the increase in divorce and family disputes, and trying to build expected peace and reconciliation these care centers improve and utmost cooperate to attract clients.

**9.3. Removing imprisonment of dowry**

Fair solutions have been examined various ways about the dowry.

The law stipulates that if a man's wife's dowry was more than 110 coins and if 110 coins aren't paid; if he has the financial ability will withstand the punishment of imprisonment. But more than 110 coins, the punishment is imprisonment; the party is debt and must pay the bride price. But not given a prison sentence for couples. Researchers and the relevant authorities are expected to determine the conditions essential ways to handle dowry. Unfortunately, in our country dowry was very libertine and many of the men were issued and

arrested for dowry. Now a lot of these guys are in jail. While in Islam there is no such thing as men to be imprisoned because of dowry.

**References**

Gorji, A., 2008. A comparative study of family law. Tehran: Tehran University. Second edition.

Kamali, A., 2007. The Koran and the Status of Women, Tehran: Osve publications

Katozian, N., 2003. Family civil rights .Tehran Press Eanteshar Company.

Lar, M., 2007. The legal structure of the family. Tehran: the intellectuals and women's studies. Second edition.

Mansour, J., 2005. Rules and regulations for the family, Tehran: Agah Publications. Sixteenth edition.

Safayee, SH., 2006. Family Rights, Tehran University Press

Zmani, MR., 2013. Family law in Simple language (marriage and divorce), Kalak Simin Publishing. Third edition.