

**PLACING BETSAT ABILITY DOWRIES IN MARRIAGE, LEADS TO
THE IMPOSSIBILITY OF COLLECTING DOWRIES THROUGH
THE IMPLEMENTATION OF THE CONDITIONAL
REGISTRATION DUE TO AFFORD THE DOWRIES**

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Abstract:

Dowries is one of the things that Sharia law on a permanent contract of great importance. Although it can be considered as a guarantee of continued life but we should not overlook the fact that the use of excessive dowries and outside the conventional framework not only does not help to strengthen the family institution but also the disintegration of many families is. The statistics of dowries prisoners, registration of struggles prompted authorities to step in to prevent the effects of the high dowries and take better life couples, in the context of instructions on 2004/01/07 by the Organization Registration number 53958/34/1 total the country of export was communicated to the offices of marriage and divorce. At ability condition and official figures were given as a mechanism to monitor heavy dowries was adopted. Under these guidelines exordium official offices were obliged to marry, the provisions of the two conditions set forth in the Certificate for couples and families 13 and 14 have explained to the parties to the marriage (couple), one of the two types of dowries. At demand or at ability as a stipulation choose but it

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seems that placing bets at ability dowry in the marriage contract although incarceration rates reduce the dowries received from the legal problem. As well as to the issuance of the executive and collected through registration dowries provided by the dowries to afford, and will not exist.

Keywords: dowries,as much as ability,marriage

Introduction

The strength of family and community is one of the issues that are important to encourage young people to marry and family. On the other hand, if a society is to adopt policies in order to establish the conditions of life of many abnormalities can be easy and smooth refused. And more help to the strength of family and community. The legislator paid special attention to family issues and laws and regulations are important and the development of law in this field require great accuracy.

On the other hand one of the works of marriage and the formation of family that in fact part of the estate is considered to be the financial, estate in dowries fact a gift of the Lord to his wife and should be done by men to women to be paid. But with the advent of radical material insight to marriage contrary to moral teaching of the law and the goals to a large extent the law portion of the goals out original. On the other hand one of the works of marriage and the formation of family that in fact part of the estate is considered to be the financial, estate in in fact a gift of the Lord for the woman and should be done by men to women.

But with the advent of radical material insight to marriage contrary to moral teaching of the law and the goals to a large extent the law portion of the noble goals out to form a factor to glory shop and greed in over.

Introduction

Has always been one of the most important and at the same time the main pillars of every society that central nucleus that the family. The legislator also particular attention to the issues related to the family and laws and regulations pertinent to the special importance.

On the other hand one of the most important contracts in the law and the traditions marriage that the main objective of the it and the formation of family financial works but as we know financial works as well has a In this context, one of the most important issues that should be reviewed and analyzed to determine the dowries between couples is a correct understanding and awareness of the condition and demand is at ability.

For each of these two conditions is met his own works. That awareness leads to increased insight into the philosophy of dowries in the society. The comprehensive study of the issue in order to provide application solutions to control heavy dowries and it is necessary to solve the problems.

The dowries

In accordance with Article 1078 of the Civil Code anything that has economic value and that property ownership is to be said and can be dowries, or as a rule it can be said: The man to take ownership of dowries may be placed, whether the topic it is available in the outside world, such as patents and goodwill and the value of the credit or is thinking about innovation and creativity. So what are the dowries may be: While certain (such as certain home) or total (such as a pile of wheat) or religion (such as checks and promissory notes), as well as a financial rights (eg, royalties) or interest (such as learning science or interests garden) or a specific job

(like building a house) is. Seals have and that is that the dowry should be lawful and forbidden is forbidden solvent.

The convention that men and women are dependent on the stamp seal a contract, the contract on the property, which is separate from the marriage, but the signing of the marriage contract is This is an essential condition for the validity of transactions must comply with the contract, so what a stamp is determined to be eligible for the transaction is as follows.

Tax having

"The economic value and can be traded on a swap contract as a financial return, he received in return. Article 1078 of the Civil Code in this regard, said: "Anything that has financial and ownership of the dowries can be.

Possession of a considerable:

Woman should be able to possess verse, after property and commonalities and public endowments cannot be appointed as agency and also property that because of the detention of or because of the belongs of right or possession cannot be, at ability dowries news agency also cannot be placed except with the consent Beneficiary or creditor civil law in part two of Article 1078 civil law can be in the possession of is clear .

According to article 1079 of civil code:

The seal must be between both parties to the point that they are geared towards the Elimination of ignorance, It turns out. It turns out being a means to describe , amount ,sex and it is clear, Turns out being sometimes by reducing the weight.

Sometimes with and sometimes with a number or a specified area,

Of course, the famous The supreme leader with that If the brief science to be achieved for both sides about the correct seal is agree, So the amount of certain non-of a number of land or an unknown commodity in the shop could not be determined as the seal. If the brief science to be achieved for both sides about the correct seal is agree.

Power on the submission:

The husband must be able to be the woman's husband as financial submission are determined, this provision from the text of article 348 article analysis of the civic. As a result, the fish floating in the sea or a bird in flight in the sky shall be stamped. But if the husband is unable to finance its submission to the woman, your wife will be able to Bill. For example, the Golden Nugget and sunk in the sea is not the seal, Of course, if your a woman diver through to being able to be able to surrender it from the bottom of the sea in gold;put seal is correct.

Being determined:

This condition has been inferred from the 917civil law, because in this particular article beingdetermined is one of the fundamental conditions of the authenticity of the transaction and because seal is also the rulings of transactions, so it should be definite Between two or more users of the function means that the thing is not in doubt, and the hesitant and not fact. For example, a car of 5 cars available in the form of hesitant, cannot be seal.

Rational and legitimate interests:

This condition expressly is not mentioned in the law on the conditions of the seal but in article 215 of the Civil Code,rational and legitimate interests are conditions of trade, and because the seal should be function of the fundamental conditions of

authenticity of the transactions, so it should have these conditions, too. Being rational of Benefit means between the community and have it accepted and legitimate it, means law didn't being ban.

Availability:

If the seal is concrete, while at the time of the marriage should be available, It means, if after the marriage turns out to be that was not available at the time of the marriage, while the determination of the seal will be invalidated. The condition be elicited from article of the 871 civil law. For example, if the seal is one automobile be inserted in the marriage and specify this later the car at the time of the marriage there have been lost or not foreign existence, this determination of seal has been incorrect and the woman deserves a download price or in accordance 9977 civil law.

The property of being a husband:

The financial that is placed as seal, must be property of husband, of course non-property can be placed as seal also with allow of contract owner but if without the permission of the owner has been a non-penetrating and with permission of him, determine the seal and with permission will be filled and with denial of him will be voided. And in the event of annulment of the seal husband has to give, like that or a price.

Condition of payment of the seal:

Condition of payment of the seal in as much as possible. Including various clauses and numerous of the couples can also be raised of marriage contract, Bet to pay is while afford of finance of the husband.

On this basis to such affordability for couples. On this basis not to earn such afford for couples, the wife deserve to download seal. Therefore, only with the attainment affordability of financial of couples, demand to trial seal behalf of him in the Court will be mentioned.

According to what is said, question is in mind below.

Is it permissible to put a bet on much as possible marriage, cause to lack of possible - it reception of seal through the implementation of registration, by mediator The condition of being conditional on seal to being to afford?

Background of study:

Then the history of seal can't be fully studied in Iran, because the resources that have reached us from the ancient times restricted.

In same sources either way Cohabitation about the seal and Stipulation be written. But in recent years a lot of authors has written books and articles about seal! And from variety ways seal has been analyzed. Including done review and Research in adaptive Institute of the Tehran University, On the marriage contract under Dr. a. Gorji which part of it is the topic of the seal in rights Iran and a few Arab countries about the located comparison and can beckon to an article with the title (seal is as much as possible) Written by Reza tajagr. But so far, the comparison of two conditions of as much as possible and On-demand and the study of the effects and consequences of each in the seal is not paid.

Methods of research:

- 1) Method of research in study, is the descriptive, appropriate and reasonable.
- 2) Information gathering methods (Field, a library and etc): A library with study of books and search articles
- 3) Information gathering tools (questionnaire, interview, observation, testing, sampling, table, Bill, , Laboratory equipment and computer networks and data banks and satellite and etc): bill, computer networks.

Conclusion:

Payment of the seal in the event that the seal has been determined in the contract, Can cash or goods, long range or no long, on-demanded or as much as possible, Lump sum or for installment. That time, law explicitly plans on –demanded of seal. The directive is not able to change; But with that condition as much as possible effects in marriage in many applied and the beautiful cases and can catch the front top problems. But itself will cause discussions and problems the next, Including: to be seems The implementation of these guidelines is more than being a positive influence on the process of fairness and justice leaves on right of the family To reduce figures Will help the prisoners. Of course, the reduction of non-criminal statistics prisoners themselves is desirable. But the realization of this objective the sacred aim should not lead to the lack of balance in the rights and duties the husband and the wife. If the legislator (law article 2 How the implementation of the financial Conviction data In the case of religion, applied Non applicable seal, This is better than that, with the implementation of the financial conviction special orientation and with assignment the being as much as possible solution of seal to

the will be limited the right to demand the seal virtually by the wife and on-demand the seal will be subject to proof afford of the couple.

In other words, the choice of afford solution is not only the use of detention a couple as a pressure lever, But in terms of developing legal wife face to difficult. Ability of dowry is subject to acceptance wife, agreed and insert it into the condition in marriage and issued circulars does not have the power of conflict and deal with no civil law. But the new situation in contradiction and complete negation with Ask privileged recognition wife for dowry in law of enforcement articles, Is business and recorded law. Seek to recognize outstanding women for dowry in order to support and supplying them for the future the discussed directive undermines the foundations of support .Women face in gaining inheritance by legal restrictions and the payment of alimony to their to compensate for these limitations , and the glories of Islamic jurisprudence in support of women. If access to this legal right is subject to the established ability owe to the wife. Philosophy of Founding dowry in the financial relations of couples will be questioned. Financial afford is an existential issue that the wife should be established by law. Then they will be able to collection their owed as seal. Assigning exordium of marriage to remind of ability and on-demanded seal is duty outside the scope of their duties. In addition that happy couple to get their mentioned dowry. They not willing to accept this condition in marriage. Dowry is owe to the husband as the debtor is obliged to pay it. Article 5 of the law Implementation of financial convictions, The right to demand of the creditor to arrest of the debtor to at the time of payment and to reach of presumption of innocence recognize and Separating the part of creditors under the pretext that They demanded of marriage will be interpreted in the sense of limiting the rights of women.

Resources

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