

Resolving Women's Legal Conflicts in the Context of the Principle of Family Consolidation

Zahra Ale es hagh*¹
Alireza Bariklou²

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Abstract

The family institution in every society is important, so its stability guarantees the stability of society. The family consolidation has been considered by the laws (both divine and human). In Iranian law, this issue has been mentioned in several laws, the most important of which is Article 10 of the Constitution, which has introduced the principle of consolidation in family law as a fundamental and guiding principle. The principle of consolidation, as a general legal principle, is the guide of the legislator in formulating laws and judicial procedure in interpreting and applying laws. According to this principle, anything that strengthens the family is accepted, and anything that causes it to be weakened is hated. Given the importance of this principle in Holy Shari'a, it can be considered the basis of all the principles governing the family; Principles such as structuralism in the family, justice-oriented, purposeful family management, division of labor and cooperation and loyalty. On the other hand, in the field of family, we see conflicts that seem to be unresolved, the imbalance of some rights and duties of couples, which leads to dissatisfaction of individuals and creating tension between them. Proper attention to the principle of consolidation and the principles based on it can be considered as a guarantee of family strength and resolving the mentioned conflicts. Of course it is necessary to recognize and adopt a more appropriate legislative approach and judicial procedure to this principle.

Keywords: principle of consolidation, structure-oriented, justice-centered, principle of cooperation, principle of division of labor

1. *Corresponding Author:* Assistant Professor of Fiqh and Fundamentals of Islamic Law
Department of Al-Zahra University. Tehran. Iran z.aleeshagh@alzahra.ac.ir
2. Professor of Farabi Campus, University of Tehran bariklou@ut.ac.ir