

A comparative Study of the Fundamental Principles of Family Law in Iran and Some of Common Law Countries

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Abstract

Legislator's discretion is to regulate family law in such a way that its foundation is not easily shaken. People in confronting with social, cultural and moral development tend to rule their own will. But how is it possible to let people rule their own will while imperative regulations, public discipline and ethical behavior are leading us towards the consolidation of current statues. In line with equilibrium between sacredness, solidity of the family, the principle of supremacy of will and fundamental right of determination of destiny in marriage, it is necessary to clarify the basis of family law. This will help to choose the right path and pass through it systematically. In this regard threefold fundamental elements of family which includes conjugality status, individuals and Family privacy and he role of private contracts in Iranian legal system in comparison with some common law countries has been assessed. These principals are acceptable as far as they can be fit to the foundations of Islamic ethic and laws.

Keywords: conjugality status individuals and Family privacy, the concept of contract, couples rights

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