

The Validity of the Equal Condition of Religion in marriage in Lows of Iran, Egypt and Lebanon

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Acceptance: 01/08/2022

Received: 21/09/2022

Abstract

Iran, Egypt and Lebanon are among the Islamic countries where the source of family laws is "religion" and personal status in Islamic countries is based on religious rules and regulations and the examples related to it, such as marriage, are derived from religious orders. But the legal system of Lebanon has a type of marriage known civil marriage which is modeled from the developed countries. It is recognized as a type of unequal marriage that took place outside that country which is applied due to the conditions imposed by the religious legislature in Lebanon, which has created an obstacle for the marriage of some men and women who are from different communities or who intend to separate from each other. So, this caused some people to look for legal solutions, including civil marriage, to solve this problem. Because most of the foreign countries and some Muslim countries have approved civil marriage, either mandatory or voluntary. Therefore, with the progress of societies, social interactions and the raising of the cultural level of families, an attempt has been made in this article to reread the condition of the equality of religion by looking at the change of the position of women in the family with the change of the concept of dominance and authority and also by relying on the jurisprudential capacities of the rule of La Ḥaraj and the principles of expediency and justice, and by taking the help of civil marriage in Lebanon, the legal gaps in the legal system of Iran and Egypt should be resolved.

Keywords: unequal marriage, civil marriage, the rule of Nafye Sabil (negation of authority of enemy) , the rule of La Ḥaraj, the rule of Molazemah (the conjugation)

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