

Jurisprudential principles of formal registration of marriage and divorce with emphasis including the rule of "denial of disorder in the System"

Mahbuehb Maleki¹

Amrollah Nikoomanesh*²

Hadi Azim Garakani³

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Abstract

It will also cause the relevant rights to be collected at the time of registration of these legal acts in notary offices in a timely manner, to the legally prescribed amount and without the possibility of avoiding payment. Based on many benefits they attach to the registration of legal actions, and regarding legal and lawful effects the registered legal actions may produce, the legislator restricted influence circle of the principle of will dominion on registering legal actions and made the registration of some legal actions obligatory. The legislator's strictness on the obligation of officializing some legal actions including marriage and divorce is a signifier of civilization and one of the elements of cultural progress and development. This helps the related rights to be cleared at the time of registering these legal actions in notary public to be collected in timely manner, the legally prescribed amount and without preventing payment evasion. By drawing up a document in notary public, individuals enjoy many benefits of official documents including obligatory nature of documents' provisions without requiring magistrates' verdicts, decreased disputes and law suits on common contracts and agreements. Despite the fact that official registration of marriages and divorces is an emerging legal phenomenon and with not much of a record in jurisprudence, but jurisprudential rules may be used in giving effect to them. The most important jurisprudential rule usable as the base to make official registration obligatory is the rule of "denial of disorder in the system. Others of such rules include negation of distress and constriction, the rule of expedience, rule of the prohibition of detriment, and preventing loss. which is studied by descriptive-analytical method and by collecting library data.

Key words: official registration, legal practices, jurisprudential rules, the rule of "denial of disorder in the system"

1. Phd Candidate in Fiqh and Fundamentals of Islamic Law, Azad Islamic University of Tehran, Center, Tehran, Iran
mahbub.maleki78@gmail.com

2. (Corresponding Author): Assistant Professor, Department of Jurisprudence and Fundamentals of Islamic Law, Tehran Azad University, Center, Tehran, Iran
a_nikoomanesh@yahoo.com

3. Assistant Professor, Department of Fiqh and Basics of Islamic Law, Islamic Azad University, Tehran Branch, Tehran, Iran
garekani1339@yahoo.com