



Abuse of Family Rights in Marital Relationships

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Introduction

The family, as one of the most fundamental social institutions, is established upon ethical principles, religious values, and reciprocal rights and obligations among its members. Although marital relationships are generally based on affection and mutual respect, in some cases one spouse may misuse a legal privilege granted to them and cause harm to the other spouse. This phenomenon is recognized as the abuse of rights.

Due to the special nature of marriage, which combines legal, ethical, and emotional dimensions, the possibility of abusing family rights is more significant compared with other legal relationships. Rights such as the husband's authority over family affairs and the right of divorce are among the rights that may potentially be misused.

The present study aims to analyze the concept of abuse of family rights in marital relationships by examining both statutory and contractual rights of spouses. It seeks to answer the following questions: What are the examples of abuse of

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rights in marital relations? What legal and jurisprudential mechanisms exist to prevent such abuse? Furthermore, what is the legal status of conditions stipulated within or after the marriage contract?

Research Background

Previous studies have examined various aspects of women's employment rights, divorce rights, and contractual conditions in marriage. However, a comprehensive analysis focusing specifically on the abuse of legal and contractual family rights in marital relationships has not been sufficiently addressed.

Earlier studies have mainly focused on individual issues such as the husband's authority to prevent the wife's employment, contractual conditions in marriage documents, and the restriction of divorce rights. The present study differs by providing an integrated analysis of the concept of abuse of rights in family law and examining preventive and remedial mechanisms from both jurisprudential and legal perspectives.

Research Methodology

This research employs a descriptive-analytical method based on library and documentary research. Relevant legal texts, jurisprudential sources, judicial opinions, and academic studies concerning family rights and marital contracts have been analyzed.

Research Findings

The findings indicate that the theory of abuse of rights is recognized in Islamic jurisprudence and Iranian law, particularly through the principles of *La Darar* (prohibition of causing harm) and legal provisions such as Article 132 of the Civil Code and Article 40 of the Constitution.

The study demonstrates that although spouses possess certain exclusive and joint rights within marriage, these rights cannot



be exercised in a manner that causes unjustified harm to the other party. Abuse may occur in various forms, including financial, physical, emotional, and sexual harm, as well as imposing intolerable living conditions on the other spouse.

Regarding the husband's right of divorce and authority within the family, mechanisms such as judicial supervision, granting conditional divorce authority to the wife (*stipulation of divorce by proxy*), limiting the exercise of rights, and applying judicial remedies can prevent misuse.

The research also examines contractual rights between spouses, including standard clauses included in marriage documents and supplementary clauses voluntarily agreed upon by the parties. These conditions are considered valid when they do not contradict mandatory legal rules, public order, or good morals.

Regarding post-nuptial agreements, if such agreements satisfy the requirements of valid contracts and do not violate legal limitations, they may be recognized as independent agreements or supplementary conditions to the original marriage contract.

Conclusion

Abuse of family rights in marital relationships occurs when a spouse exercises a legally recognized right with the intention or consequence of causing unjustified harm to the other spouse. Although Islamic law and Iranian legal principles recognize individual rights within marriage, these rights are not absolute and must be exercised within the framework of justice, fairness, and prevention of harm.

The principle of *La Darar* establishes that no legal authority should permit harmful conduct, whether the harm results from exercising an individual right or from refusing to fulfill an



obligation. Therefore, the exercise of marital rights must be consistent with ethical principles and family interests. It is recommended that the legislator explicitly regulate cases of abuse of family rights and establish clearer legal mechanisms to prevent misuse of marital powers. Additionally, contractual instruments within marriage documents can play an important role in balancing spouses' rights and reducing potential inequalities.

Keywords

Family Law, Marital Rights, Contractual Rights of Spouses, Abuse of Rights, La Darar Principle, Marriage Contract, Post-Nuptial Agreement