State of Wedlock and Legal Guidelines Accessories and Wedlock Functions In Rights

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One of important issues in Islam is marriage that we analysis if every time, temporary marriage was created many times ago in different nations like Arabs and it was an old habit there and holy Islam sign it with some reforms and it was common in prophet time and contained till his life in Abu-Bakr Omar time. Temporary marriage was common In Islam and Muslim and prophet follower didn’t and it was accepted by god, prophet and Islam and just sonnet jurators believes that prophet sometimes abandoned it and examines reject this idea and say the order to marriage wasn’t cancelled by any aye. This marriage had specific rule in Islam and somehow different form typical marriage. Like the time and the cabine and wont mentioning the cabine cancel the marriage and time will create it full time marriage and some believes cancel it. This won’t types of marriage has many thing in common expect some trace and orders like cabined and inherited.

INTRODUCTION

One of important issues in Islam is marriage that we analysis if every time, temporary marriage was created many times ago in different nations like Arabs and it was an old habit there and holy Islam sign it with some reforms and it was common in prophet time and contained till his life in Abu-Bakr Omar time.

In the history of Islam Shiite jurators followed ahlebayt life style to accept and confirm temporary marriage moreover the civil law of Iran which it’s based in Shiite confirms this marriage in term of (temporary) and describe it in amend 1075 and said it’s basis is just like full time marriage.

Temporary marriage basis as temporary marriage is a deal
Have four bases

A) Marriage:
The first basis is marriage and it means special words that religion clarify to do so and it’s the acceptance and it’s like full time marriage and words are (will you marriage?) means I will marry you and acceptance (any words like accept).

About the temporary marriage jurators struggle is it necessary to read word or the heart acceptance is enough.

Shahid sani and others jurators accept words and said words are enough and call it temporary marriage but the creation of this marriage needs to talk about time so the word mote to has enough efficacy to create both marriage but most of jurators believes the marriage has special words and those words are marry, metea and,…

The acceptance need clear words like I accept and it’s enough to create marriage [12].

If man and woman want to read the deal of marriage after talking about exact time and cabine as woman say I marry with you with clear time and cabine and man accept it the marriage is correct, and if person has client should tell the name and talk about time duration and cabine and immediately accept it the marriage is true. And if both sides have one client the marriage is true.

And read the marriage deal and man name is Ahmad and woman Fateme and client said marry my client Ahmad to fateme for clear duration with cabine and said immediately accepted the marriage is correct.
The correct form of marriage in both type deal should be Arabic or else client should be considered and read the deal or read the deal any language and if woman couldn’t read Arabic should say the terms in Persian and the marriage is correct and nothing is not wrong with it [9].

B) Sides:

Sides means man and woman, man could marry with ketabi infidel Quran let us to marry with woman of ketabi’s if cabine pay and avoid friendship and adultery, (Maede 5)

Here we have struggle in term of woman infidels and man and the meaning is not cleared. Some jurators said the meaning of this woman is such woman that accept Islam and infidel refers to previous time as Muslim avoid to marry with them god sent the Aye and let Muslim to marry them so most of jurators said marriage with the is correct but somnet jurators of Imamiiye said based on <don’t marry with infidels> and < don’t touch infidel> and based on some quotation said its fully haram and said Aye 5 of Maede refers to temporary marriage.

Persons whom believed when woman divorce an infidel and come to you as immigrant try them in term of be life’s and god knows betters and if know them as Muslims don’t send them to their husbands and they are not legal spouse and what they spent as cabine, payback to them and don’t get back to your infidel wives and request what you pay as cabine and they are off for you and got to infidels and as you received a gift by them pay the price and believe in god. (Montahene Aye’s 9-10). About this aye it’s quoted that prophet in hodabiye signed a deal with infidels and one of the parts was about returning mecca members if they try to return and at the time a woman (sabiye) accept Islam and her husband went to prophet and said Mohammad return my wife because it’s one of elements of deals and deal is new the aye 10 received and prophet ordered to observe the woman Ibn Abbas said this element just return men and avoid to returning that woman. By this Aye we see the payment was just public expenses and when a woman get infidel a return to his tribe the payment is needed. Afterward we have aye 11 said if infidels avoid this action to avoid the men and woman right when they receive a gift they should first pay for it (makarem Shirazi V24 – P35).

They asked you about woman period say it’s a kind of illness after sex avoid them period till they are again healthy and after that god ordered to sex and god loves neat and contrition (Baqare Aye 221,222)

This sentence the final aim of sexual relation is not to enjoy and it’s to nurture and create child and said it’s an abstract save for the other word and order to do something about their wives to achieve the aim of nurturing the nice child [11].

Surah Maede Aye 5:

Today the neat thing is halal for you and your foods is halal for ketabi people and the free woman is hala to you and if an infidel woman got Muslim it’s hala to marry with you when the cabine paid and when a person get infidel to believes his actions will be wrong and in the other word is one of losers (sadeghi, fadaki av)

For instance jurators of Imamiiye said based on <don’t marry with infidels> and < don’t touch infidel> and based on some quotation said its fully haram and said Aye 5 of Maede refers to temporary marriage.

Moreover when spouse want to extend period or change it to full time at the time should be over to do so and woman could accept the temporary or full time marriage and most jurator said if such a thing not happened second deal is cancel (jahaer al kalam V30 P202).

And presenting the remaining time depends on man and woman has no right and man action based on its appearance called <hebe> and we shouldn’t count it as divorce because divorce has specific features and this two options have lots of differences.

Because divorce ceremony needs two witnesses but presenting time doesn’t need any cream any and depends on man willing and its man right to continue or not [7] egha is a religious deal by one side and create with just words and don’t need acceptance.


D) Cabine:
The definition say it contain any property that man gives to woman cause of deal and he has to pay it or maybe a money and woman has to pay again but in expression they call it definite cabine.

Cabine is Arabic word and we translate it in Persian we are all familiar with word and its one of marriage basis whether temporary or full time if we don’t mention it in full time we have no problem but in temporary one we should talk about period and after marriage woman could request the cabine and man has to pay it and we have no struggle in this term

And talking about cabine in deal is fully correct like talking about sexual time because this is one basis and has nothing wrong and we could talk about times and period of sexual relation and it’s also correct because it’s one of deal basis too (shahid sani 1378, Ali shirvani translate V9)

In temporary marriage talking about cabine is essential tool and if we don’t mention it deal will be wrong and omit and cabine should has ownership and request able or it’s can be one of outside rights (money or not) and the compound depend on sides agreement what discussed in cabine should be clear or talk about number or weight (when things are cabine) or by description about options of cabine [12].

And also imam Khomeini in tahrir al vasilie said woman own the cabine after deal and man should pay id woman request but it depends on the sexual relation in all the time if we have no relation just half of cabine is necessary and if the time remains and woman doesn’t live with man cabine divide and we have no omit for illnesses and soon.

Order of temporary marriage:

Firstly we have should say what is allowed by religion is correct: in deal like the time of sex (day on right) because it has nothing wrong with religion and it may clarify the tome and may discriminate the attempts of sex once more times and it’s also correct because it has nothing wrong with religion too. If we don’t clarify one item exactly it cause to cancelling the deal because it mislead sides and deal with some misleading point is wrong (shirvani Sharh khamse V9)

A) Ede in temporary marriage and it’s orders

One of important matter for woman after deal or after divorce or died of husband for remarry is the time that called <ede> and it changes or we can say <ede> is a time that woman after divorce or died of disband should avoid marriage and in temporary marriage base of rules it defined just two period times based on quotation of Mohammad ibn Fazil from Imam kazem (P):

Divorce of waiter or person and cause to make it haram to man is two. And it’s <ede> is two periods (1) woman may couldn’t see any blood (between 9 or 50 in common or 4 to 60 in sayeds) the <ede> is 45 days.

If woman is period she should wait till the second period get out <ede> if time ends as she is clean wait until period and after that she out.

We have some cases that the time of <ede> is different based on some points:

1- If woman get period she should keep <ede> for two period.
2- If she could see period the time is about two 45 days.
3- If woman is pregnant she should wait to born baby.
4- If her husband dies she should wait 4 month and 10 days.

Death <ede> and it’s order: if man die before the time the m=woman has to wait about 4 month and 10 days and the reason is the quotation of Shiite zare by imam bagher. The aim by 4 month and 10 days (free) and 2 month and 5 days (waitress) based on aye 1 Surah Baqare and a quotation about woman <ede> (hor Ameli, 1349, chapter 42 chapters of ede – chapter 30) if woman got pregnant the ede will be longest. This order is about children of temporary marriage.

If the child born after the time of deal we analyze it after the deal about possible child in both deal we see not struggle it means the right and responsibility of father and mother like certificate, money, allowance and … is the same in both deal.

B) Father permission in temporary marriage

It’s one of basis in a temporary deal, if girl got marry before don’t need this item by jurators idea but if she doesn’t marry before she need this one and jurators struggle about this item. And if father or generations are absent and the girl got marry before we don’t need father allow but the cautious said it’s better to get permission [9].

One of historical man of this century bring some reasons to avoid girl from temporary marriage:

1- Some defeat for family based on deal and for the girl because of gossips
2- The girl may treated by others and easily accept requests and ignore her real benefits.
3- It may cause to avoid by other men for marriage [1]

Moreover we should say we have some quotation to avoid this type of deal:

1- A quotation by khes ibn bakhtari about a man who marry with girl and imam sadegh said: it act has defeats because it’s not good for the girl family [2].

2- Another quotation by imam Abul Hassan said: the temporary marriage is not for girls [2].
3- Quotation by imam sadegh asked abakere waitress in riteme invisible? What should I do? Imam (P) said: you should avoid her although is agree because this type of relationship is not good for girl. So the temporary marriage for girls has two term but its makroh
1- Father allow
2- Do not destroy virginity

C) Differences of full time and temporary marriage
1- In temporary one we have on inheritate expect in case of special
2- In temporary marriage we have no divorce and after time they are strangers
3- In temporary woman couldn’t request house and money expect in mentioned
4- In full time we could have just 4 simultaneously but temporary doesn’t has limitation
5- In temporary one the cabine is necessary but in full time it’s not
6- In temporary marriage <ede> is to period and in full time ede is three.
7- The sameness doesn’t mention in temporary deal but it’s mentioned in full time as Quran said (esmaieili P36-27)
8- Another difference in both deal is the different marriage in full time marriage we have marry but in temporary one we have (moateiti) as in firs one we have full time some responds abilities about family like hous providing and furniture and expenses but we haven’t such in temporary marriage.

Temporary marriage in Iranian right system:
Temporary marriage is one of family right in Iran and we haven’t such in any country order. This law in our religion is one of brilliant rules in Islam. But one of problems about this rules is that this rule doesn’t grow well in our society
A) Concept of temporary marriage in civil law
In amend 1075 civil law: temporary marriage is for limited time.
Based on the neutrality of this deal and temporary is the innate program as in amend 1076 civil law said the time should be cleared and the avoiding to talk about time will cancel the deal, because it’s cause to full time deal. But law makers based on the order of not to cut said the aim is temporary. But based on ignorance of talking about time in temporary deal is correct. The importance of talking about time in temporary deal is correct. The importance of talking about time in temporary is really great and we have no way to escape it expect the husband request the time and after that a new deal created. In term of the time between deal or no time
But Dr. ghasemi believes in permission and said it’s not disagree with deal in fifth volume of civil law [10]
B) Cabine and types
It’s common to reach an agreement before deal by man and woman the cabine that get to woman based on agreement call it in right <clear cabine, but when we have no agreement or with wrong agreement the civil law and Imamiy says it’s the woman right to get the cabine and in some cases they call it <deal cabibe> [7]
Cabine should define by side agreement and if relevant agree and sides disagree it’s not correct expect they sign it).
Amend 1081 civil law: if we have as cabine doesn’t provide in clear time the deal is cancelled. The term is wrong and deal is correct (amend 69 civil law) as it mentioned any term is wrong but in cabine it may be correct so if in a deal the term says man should provide cabine and woman could cancel the deal, the term is omit and deal is correct.
Amend 1082 civil law: as deal done woman cabine and can anything he want.
Woman after deal is the owner of cabine and after sexual relation she’s fully owner
Amend 1083 civil law: we could divide cabine in parts in this term we have below items [10].
A) It’s not essential to pay in 1 part, and we could divide it
B) We could pay a part and determine a time for the rest. Amend 1095 civil law: in temporary marriage cabine is necessary
As it mentioned before one of differences between two types of deal is that the cabine is not necessary in fall time deal and if mentioned in side has nothing wrong with deal but in temporary type we need cabine amend 1097 civil law if man in temporary marriage give the time of deal he should pay half of cabine.
The aim of giving time in below law is across from the word <heb> and hebe is not a changeable law and it needed to accept and the aim is to cut the time like getting a part of rent by people. The aim of giving all the time before the relation is the rest of time not all the time of deal and when man hasn’t any relation and give time is containing this rule [12]. The aim of relation is said that after relation man should pay all and jurators agree and just sahib al jame al maghased has doubt and said it depends on rest of time [12].
Amend 1098 civil law: if any type of deal is wrong and we have no relation cabine will cancel and man could request payback if he paid before.
As after deal clarified for any reason (woman has husband or in <ede> or she’s mahram) the deal is cancel and without relation woman doesn’t right to get cabine and id she got man could request to get back and it’s one of surly important matters by jurators because wrong deal doesn’t create any ownership

The woman that cut doesn’t inherit of man. Amend 940 about inherit of spouse said:

A) Full time marriage

C) Alimony and its rule in temporary marriage

In full time marriage man has to period alimony like home, clothes, food and furniture for woman but in temporary marriage is appose expect it was written in deal.

So if the alimony was mentioned in deal man should do the item and if he avoid to do so the woman could go to court and request her right. Now question is here could woman go to the court and request he right moreover divorced herself? It seems as its attempt or any deal and it has specific time and after time woman is free. This items isn’t possible because not to paying alimony cause to oppose the items of deal not the deal itself is correct and divorced isn’t the court jib and court only can force man to pay alimony as the woman hasn’t right to go court for alimony in temporary marriage and as we will analysis it before the aim of permission in amend 665 Islamic punishment law and amend 1106 civil law is full time woman not temporary one and as alimony mentioned in deal woman couldn’t got to family court and should just go to rights court [10].

Based on formal frames and waitress if woman has before or her needs based on illnesses or disabilities.

As it mentioned in amend 1106 civil law in full time marriage man should pay alimony. In Islam view the family needs and woman expenses will provide by man and woman has responsibility and it’s not for specific cases and it’s for all the time

Two items are the terms of alimony

1- Full time marriage

2- Living with woman

About this matter all jurators are agree without any doubt as alimony is an item of deal the deal is correct and alimony should pay

D) <ede> and it’s rule in temporary marriage.

In civil law amend 1150 we have such:

<ede> is a time that woman should wait until cancel marriage and couldn’t marry again
And in amend 1152 civil law we have:

<ede> is couldn’t see and it’s about 45 days

In temporary marriage the cancelling time or marriage is like divorce in full time cause to ede but ede is different from divorce. Based on the ede time is two period or 45 days but in full time it’s about 3 period and 3 month.

It seems the difference between this two is cause to avoid misunderstanding as the full time is more acceptable and has more respectable by family and the ede order for temporary marriage is:

A) As woman was little or without relation like full time she has no <ede>

B) For woman without pregnancy the ede is till the end of pregnancy

C) For woman without pregnancy that couldn’t see periods the ede is 45 days

D) For woman without pregnancy that couldn’t see periods we see struggle in jurators some said ede is two period and most agree with it.

But some like to record temporary marriage in official office

It’s one of important issues about temporary marriage and we should know should we record this type of marriage like full time in offices? Or is it acceptable without record? Before the answer we should say the aim of temporary marriage is to avoid sin and it’s for youth people because when we do so the sexual problem will decrease and we should provide this type of marriage easier so we could say it’s not necessary to record temporary marriage because this type of marriage is not common in our society and people of society didn’t accept this type of marriage and they think this type is valueless action some should avoid hard ceremonies and if this marriage need record no one won’t accept this marriage because with recording people easily and we should perform this type as easy.

But we have no clarification in term of law and in amend 645 Islamic punishment law and amend 1 about marriage approved in 1310/05/23 said for supporting family about temporary marriage to record it and if it’s needed to be record the amend 665 Islamic punishment law or other amend it mentioned separately but in chapter 3 of amend 21 of new law of family support in Iran in three situation:

1- Woman is pregnant

2- Agreement of sides

3- It’s the term of deal

Some we should clarify the ways to avoid propbles in this type of marriage and help youth people and avoid crimes and sexual problem [7].
Conclusions:

Marriage is a heaven source in prophet sonnet and in some cases it’s Vajeb and all people couldn’t marry in full time and for sin is a good way and to avoid sin although it has con and pro disagrees says it’s a bad action and it cause to grow sin but agrees said it avoid bad action and avoid sin and it’s a sign of believers to avoid sides from sin. Temporary marriage hasn’t a responsibility like full time but it doesn’t mean has no responsibility because temporary marriage should be easy in general this action by some researchers and jurators but its valid like full time marriage and has specific orders and points and agree with Islamic basis.

Also in civil law of Iran based on Shiite religion the temporary marriage is accepted in amend 1075 define it briefly and some call in term of full time marriage.

REFERENCES