



Strategies for Preventing and Dealing with Family Disputes from the Perspective of Iranian Jurisprudence and Law With Regard to the Islamic Lifestyle

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Abstract

The family is considered the initial foundation of the formation of the social system in all human societies. The importance of the family in the holy law and law is such that it has been addressed in numerous verses of the Holy Quran, and also the legislator in the Constitution of the Islamic Republic of Iran has paid attention to the family as one of the most important units of the foundation of the Islamic society that constitutes a healthy society, and that all laws, regulations, and all planning must be approved in order to protect the sanctity of the family. However, today, the desire for progress and modernity in humans has caused individuals to suffer from intellectual, behavioral, and moral disorders. The purpose of this study is to investigate the effect of the Islamic lifestyle on preventing and dealing with family disputes from the perspective of jurisprudence and law. The research method is library-reference and analysis is in the form of content-qualitative analysis. The findings show that the Iranian legislator, by enacting strict laws, has taken steps to prevent family disputes and preserve the foundation of the family. Jurisprudential sources have also always emphasized the preservation of the marital relationship and have examined methods to prevent the breakdown of this relationship both before and after marriage. Since the Islamic lifestyle is based on religious thoughts and attitudes and on divine commands, it makes life more sustainable and can significantly prevent family disputes compared to the modern lifestyle.

Keywords: family, family disputes, jurisprudence and law, Islamic lifestyle

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Introduction

Disagreement and conflict are among the first phenomena and consequences of human group and collective life. Differences in human talents and capabilities on the one hand and the instincts of some individuals to seek superiority and domination on the other hand, create the basis for disputes in social life. Although the emergence of conflict and conflict is initially unwanted and in some cases natural, resolving conflict is desirable and an internal desire of all humans. In the field of conflict, what is being disputed is the fate of a right and its enjoyment, and each party to the conflict considers that right and privilege to be its own and considers the other a usurper of the right, but there is no dispute that the issue must be resolved. Individuals, groups, countries, and those who are around the conflict and conflicts agree on ending the

conflict and finding a way out of the conflict that has arisen. Resolving conflicts, like all human issues, can be done in a legal and systematic manner. Exploring and evaluating logical methods of resolving conflict is the first step in this direction. What should be considered in conflict resolution methods is the speed of ending the conflict, because the effects, destruction, insecurities, and anxieties that conflict brings with it increase as the conflict continues. If anxiety and insecurity continue, it will have devastating effects on the human psyche, peace, and security of society. These undesirable and widespread consequences have always forced thinkers and scholars to search for effective methods of resolving disputes. The issue of resolving disputes through peaceful methods has also been emphasized in the text of religion, which has been the result of rational efforts in establishing legal laws with the aim of resolving conflicts and resolving disputes. Quranic teachings have provided solutions for resolving disputes between couples. The Quranic solutions presented are in line with strengthening the foundation of the family. Solutions such as affection and love, lack of suspicion, play an effective role in strengthening, socializing in a manner that is good, proportional to rights and responsibilities, complementing and covering each other, and cooperating with the family. Family laws have also been designed in such a way that they aim to establish peace and stability in families by respecting rights and justice. Legal laws such as the Civil Code, the Family Protection Law, and other relevant regulations provide tools for regulating family relations and resolving disputes. After the approval of the Family Protection Law in 2012, the Family Court is considered one of the specialized judicial authorities in the Iranian judicial system that has the authority to hear the cases specified in Article 4 of the Family Protection Law. In this law, some special innovations have been approved with regard to the need for differentiated hearing in the trial of family cases.

Unfortunately, in the current situation, the lack of proper knowledge and awareness of the spouses about family issues and mutual behavior has led to disputes that in some cases lead to the separation of the spouses and the collapse of the family, which results in many consequences, including: harming children, etc. Therefore, in this research, we seek to identify the cases that cause disputes between family members and to present solutions based on Islamic jurisprudence, law, and lifestyle to prevent and resolve them.

1- The concept of prevention

Prevention can be divided into two categories: criminal and non-criminal prevention, but what is presented here are measures that are mostly and mostly non-criminal in nature.

A) Prevention in the word

Prevention in the word means preventive action, prevention and prevention, hindering, preventing, and taking up maintenance (Moin, 1375: 933). The word prevention, in its current and common meaning today, has two dimensions: prevention or prevention, both meaning "preventing and going ahead of something" and meaning "informing, giving news of something and warning". Prevention means precautionary measures to prevent bad and unwanted events (Dekhoda, 1377: 9).

B) Prevention in the term

From the perspective of criminology, prevention is defined in two broad and narrow ways, so that in the broad sense, it includes criminal and non-criminal measures to combat delinquency (Niyazpour, 2004: 170). However, in the narrow sense, it only includes repressive criminal measures that were first proposed by the founders of the realization school (Jean Pradel, 2002: 96). In other words, prevention can be examined from two perspectives; first, reactive prevention, whereby the confrontation with the criminal phenomenon is carried out solely through coercive criminal measures. In fact, this type of prevention is dependent on the commission of a crime in order to subsequently prevent the perpetrator from repeating the crime by implementing punishment. But the second type of prevention, known as active prevention, are those non-criminal measures that act before the criminal behavior is realized in the form of reducing or eliminating the causes and factors that cause crime and have been proposed in two areas of social and situational prevention (Sobh Del, 2017: 94).

2- The concept of family

It may seem that the concept of family is a very clear and understandable concept in such a way that people, young and old, literate and illiterate, all understand it and it does not need to be defined, but when we refer to terminology sources, there are various definitions of it and experts have provided different definitions based on their expertise.

A) Family in the word

Family in terms of language means family, household, lineage (Moin, 1377). Another definition of family in terms of language is household, wife and children, family (Amid, 1374: 985).

B) Family in the Term

There are several definitions regarding family in the term, each of which has a specific criterion.

-Definition of family according to the criterion of maintenance

According to this criterion, a family is a legal and social unit that has emerged from at least one woman and one man in a legitimate marital relationship. Their existence is a condition for the creation, not the survival of the family (Jafari Langroodi, 1378: 3).

-Definition of family according to the criterion of leadership

The nature of every group requires that an official lead it, and the duty of leadership and support exists only in the relationship between husband and wife and their minor children. Therefore, a person's spouse and his children, as long as they have not left the guardianship and custody of their parents, constitute the family (Katouzian, 1375: 3).

In our domestic laws, family is not defined. Of course, the Civil Code has named Book IX (Articles 1195 to 1206) as family. The provisions of this section are about the obligation to spend on the wife and relatives. It seems that the meaning of the family in the aforementioned title is a group of relatives between whom there is an obligation to spend (Safaei et al., 2010: 12).

What the author intends in this study is the specific meaning of the family, which is: "a wife and husband and children, under their supervision who usually live together and are under the leadership of the husband and father".

3- The concept of family disputes

Family disputes, in the sense of the term, refer to disputes, arguments and conflicts that occur in a family (Dastranj, 2011: 21).

Family disputes are a socially incompatible interaction between family members that has a meaning in the direction of separation and disintegration of family members' relationships (Behravan, 2013: 3).

4-The concept of Islamic lifestyle

The concept of lifestyle is one of the concepts of social sciences, sociology and anthropology that has recently attracted a lot of attention from social scientists and cultural managers. Lifestyle is a meaning that has emerged from the interconnectedness, connection, systematization and networking of countless factors that affect human lifestyles or living environments. In almost all definitions of lifestyle, two concepts can be found that are considered in the definition of lifestyle, and in fact, both concepts go back to the word "style": First, the concept of unity and comprehensiveness and second, the concept of distinction and separation. In this sense, lifestyle indicates a set of factors and elements that are more or less systematically related to each other and create a general cultural and social structure. This continuity, unity and systematization distinguishes this whole from other wholes. Synonyms of Islamic lifestyle include Shiite lifestyle, value, ideological, jihadi, revolutionary, religious, and equivalent expressions of Western lifestyle, European, Christian, and American lifestyle. However, what is evident in the definitions of lifestyle is that this definition is very similar to the concept of identity, but with the difference that in addition to identity, it also includes objective and real life relationships and behaviors (Babaei, 2014: 25).

It refers to the set of behaviors and action patterns of each individual that are focused on the normative and semantic dimensions of his social life based on the religion of Islam and reflects the quality and quantity of the individual's belief system and actions. In other words, Islamic lifestyle implies the nature and specific content of interactions and actions of individuals in each society from the perspective of Islam and expresses the individual's intentions, intentions, meanings, and interpretations in the course of daily and everyday actions (Jafari Langroodi, 2009: 410).

5- Historical history and the position of the family in jurisprudence and law

a) Historical history and the position of the family in jurisprudence

According to Islamic texts, since the beginning of human life, God has chosen prophets from among humans to guide him and gradually taught him the manners of desirable social life, including the formation of a family. Since the family has a fundamental impact on the entire life of an individual and all aspects of society, all divine religions have paid special attention to it. Islam, as the last divine religion, has dedicated a major part of its laws and recommendations to the family. It has established special manners for family life and changed many norms related to marriage and family in a major part of the world and has in fact established a desirable and normal family structure based on religious teachings. The Prophet of Islam (PBUH) and the religious leaders (PBUH) paid attention to family issues and guided individuals in the field of family relations, even the very special marital relations. They provided guidance and solutions to people's problems regarding the method of choosing a spouse, the quality of family relationships, dealing with children, and various emotional relationships in the family. This book examines the teachings of Islam regarding the family. The original texts of the Islamic religion are the Quran (God's revelation to the Holy Prophet (PBUH)) and the words of the Infallibles (AS). The certainty and validity of the Quran has been proven by the repetition of Muslims throughout the centuries. The words of the Infallibles (AS) have also been obtained from some authentic books of narration, including Bihar al-Anwar, Wasa'il al-Shi'ah, and several other authentic books of narration. The word "bayt" meaning house, appears 71 times in the Holy Quran with its derivatives in the forms of bayt and its plural bayut. These words appear in twelve cases with the example of Baitullah (House of God), i.e. the Kaaba, two cases for Bait al-Atiq, two cases for Bait al-Ma'mur, and the rest meaning house, the specific environment for family life (Tabatab'i al-Hakim, 2013: 39).

Considering the numerous verses in the Quran that deal with the word house, it is clear that this limited roofed place, which is the place of human gathering and social life and the first environment for growth and upbringing, is a place of great importance and is of great importance in terms of its functionality and position in human life. Here are some of these:

- A place of peace and tranquility

The first function of a house is to provide peace of mind and solace to the soul of its members, which of course is due to the comprehensive security of this environment for the members. The limited and safe space of the house is a sanctuary for expressing feelings, expressing secrets, satisfying instincts and meeting the physical and spiritual needs of man. God attributes this dwelling and security to Himself and says: "And Allah has made for you from your homes a place of residence..." (Surah An-Nahl, verse 80); God has made for you from your homes a place of residence and tranquility.

The word "settlement" means anything by which a person can be relieved (vocabulary of Raghib, subject of sekn). In addition to the need to live at home, a person needs a place to relieve mental pain, to be freed from some social restrictions, to rest as desired, to be alone, and to be with God and the intimates. If the house does not provide these needs, it will not be housing.

- The place of remembrance and recitation of divine verses

"And remember what is recited in the house of God's verses and wisdom..." (Surah Ahzab, verse 34); Remember the verses and wisdom recited in your homes.

The verse is addressed to the wives of the Holy Prophet, may God bless him and grant him peace, and points are taken from it, such as: The virtues that come from the home and family are valuable and should be preserved for use in life.

The family of the Prophet, may God bless him and grant him peace, is a model for all families. Therefore, they should be more careful than others to obey God's commands. Every person should protect his family's affairs, position and reputation.

The calm and familiar environment of the house has made it a place of respect and care; But if this place becomes a temple for worship and remembrance of the truth, God will make it lofty and great, as he said to his beloved Messenger: And the original" (Surah Noor, verse 36).

The true exaltation is special to God Almighty; A house that is the mosque of God and the place of His glorification is also huge and lofty. What is used from the above verse and the interpretation of the late Allameh Tabatabai is that if the house is free from all filth and pollution and is adorned with the remembrance of God and worshipping Him, it will be exalted and it will come out of a cold and soulless four walls, and the more its divine and spiritual color increases, it will find a higher position, the perfect example of which is the Kaaba, the house of God (Tabatabaei, 1363: 178).

b) The historical course and the position of the family in the laws

The oldest extant law, compiled and enforced under the Babylonian king Hammurabi, contains provisions on family rights. Philosophers have been talking about family rights for thousands of years, and after the separation of empirical sciences from philosophy, sociologists, psychologists, lawyers and jurists have raised many issues about the family, the duties and rights of its members towards each other (Esadi, 1387: 14).

- Family in civil law

In civil law, the family is not studied as a special legal organization. The relationship between husband and wife and the rights and duties that parents and children have towards each other has been investigated sporadically under the headings of "Marriage and Divorce", "Children" and "Hardship and Guardianship". With a brief review of the works of jurists, it can be said that in the civil law, a set of provisions related to the family under the headings of kinship, marriage, courtship, health capacity for marriage, obstacles to marriage, conditions for the validity of marriage, power of attorney in marriage, dowry, rights and duties of spouses towards each other, dissolution of marriage contract, divorce, etc., in addition, articles 1031 to 1256 have been established, and the aforementioned articles are also under the title of the second volume of the civil law during the years 1313 and 1314 It has been approved in the National Assembly (Katouzian, 1375: 2).

- Family Support Law in Iran

In Iran, family support has always been desired by the legislators, but for the first time in July 1346, a law entitled Family Support Law was approved, which was replaced by the law passed in February 1353 with the same title, although it can be said that the title of family support is objectionable for the two mentioned laws. Because these two laws protect women and to some extent children born out of marriage, not the family as a unit and social institution. After the revolution, some articles of the family protection law, which were related to Islamic jurisprudence, were canceled. But some articles are still in force. However, most of the provisions of family support are contained in the civil law.

6-Methods to prevent family disputes in jurisprudence

In principle, prevention of disputes is the best solution, it is known that prevention is better than treatment, the cost of prevention in diseases is less than treatment, let alone family disputes that result in huge mental, psychological, emotional, accidental and social costs that are irreparable. If a man experiences a family breakup, he may suffer from emotional voids and depression, which is difficult to compensate for. Therefore, it is necessary to have a series of solutions in Sharia and jurisprudence so that people suffering

from this scourge of burning women, which according to Imam Sadiq (a.s.) is the most hated, do not become halal.

In the land of Hijaz, before Islam, there was no organized method of litigation, and arbitration was considered the most commonly accepted principle of litigation (Saket, 2012: 89). In the religion of Islam, many verses and traditions have been narrated about judgment, and mentioning all of them will be a delay, but the verses of the Holy Qur'an and the recent news show the greatness of the judgment and the validity and dignity of the judgment in Islam. In the Islamic legal system, jurisdiction is one of the affairs of the province. As long as the Holy Prophet (PBUH) was alive or the Ahlul-Bain were alive, it was possible to receive and understand the divine rulings by referring to them, but with the death of the Prophet and his Ahl al-Bayt, as well as during the absence of the Imam of the Time, by the Islamic society and the creation of social and economic transformations, the relationships between people experienced emerging complications that it was not possible to have a specific text in every case, so the society needed thinkers who could adapt the general rulings to new examples and issues with their knowledge and wisdom. In this way, they can find out the verdict of any case. In the history of Islamic jurisprudence, there is no case where a jurist accepts that unjust rulers and evildoers have the authority to govern the Islamic society, but the consensus of the jurists is that the jurisdiction of the judicial authority, like the authority of the legislative authority and the issuing of fatwas, is exclusive to the comprehensive jurisprudence of the Islamic jurisprudence, so that in a structure consistent with Imamiyyah jurisprudence, Muslims can easily raise their lawsuits and complaints in the Islamic court and by presenting evidence to prove the lawsuit or the crime against the defendant or complainant, file a lawsuit or complain, and the Adel-e-Islami judge, after hearing the arguments of the parties and examining them based on judicial information and divine piety, will issue a ruling (Mohaqeq Damad, 2011: 8-10). Therefore, the most important source of procedure in Islam is the Qur'an and the Sunnah. In the field of judicial disputes between spouses, the religion of Islam has commanded the goodness of the *zat al-bain* and the creation of compromise between the same species and especially the reformation between the spouses (Anfal, verse 1). In verse 35 of Surah Mubarakah Nasa, the method of arbitration is proposed to resolve family disputes. In this blessed verse, it is stated as follows: "And if there is a rift between them, then send a judge from one of the people, and a judge from one of the people, if they want to mend it." God agrees between them ۞ God is all-knowing, all-knowing"; Arbitration is a special institution in the family and it is realized in the special relationship between husband and wife. In this blessed verse, Almighty God has ordered that in the event of a dispute between a husband and wife, a ruling should be chosen from both sides (Hidayat Niya, 2016: 53). Some jurists believe that the family of each husband and wife should determine the decision to talk to them about their affairs and reconcile them as necessary (Omid Zanjani, 2012: 287).

By reflecting on the verses of Al-Ahkam, several solutions are evident in this field. Being equal, the permission of the guardian in the marriage of a virgin girl, non-mixing of men and women, monitoring of the family environment by the man, alimony according to the wife's dignity, are some of the clear examples of these solutions.

Due to the proper occurrence of marriage, rights and duties are established for husband and wife. Article 1102 of the Civil Code says: As soon as the marriage has been validly concluded, marital relations are established between the existing parties and the rights and duties of the spouses towards each other are established. There is a difference in what is meant by couple's relationship. Some believe that sexual issues are the most important part of marital relations (Jaafari Langroudi, 1378: 158). But it seems that marital relations are absolute and have a wide meaning and include all the non-financial and financial relationships of couples, and its allocation to sexual issues should be adapted to the literal and customary meaning of these words. Therefore, the rights and duties of spouses, which are mentioned in Article 1102 of the Civil Code, are actually an explanation for marital relations and clarify its meaning (Safaei et al., 2013: 130). Now, if each of them commits a violation of marriage and is not in accordance with jurisprudence, the Qur'an and jurisprudence as well as the relevant laws have provided solutions for the couple.

Tamkeen has two meanings: special tamkeen and general tamkeen. Special tamkeen means that a woman accepts sexual relations with her husband in a normal manner and refrains from having sexual relations

with him except in cases where she has a valid reason. The husband is also obliged to have sexual relations with his wife within the normal limits. However, tamkeen in the general sense means that a woman fulfills her duties towards her husband, obeys him within the limits of law and custom, and accepts the headship of her husband in the family (ibid.: 140). Now, if a woman does not obey her husband, it is called "nashuz" in legal terminology, and it is also referred to as "aarad" in the Quran. Nashuz literally means elevation and rising, and in legal terminology, it is disobedience of one of the spouses. Disobedience of the spouse and failure to fulfill marital duties on his part is also called "nashuz" in Islamic jurisprudence (Shahid Thani, Bi Ta: 150), and a woman who does not obey her husband is called nashuz. In law, the term "Nashuz" is usually used for disobedience of a woman (Safaei et al., 2014: 140). However, in the Quran, Nashuz is used for both men (An-Nisa/128) and women (An-Nisa/34). The Holy Quran has explained the solution to family conflicts in the case of couples in different stages.

The Holy Qur'an in Surah Nisa verse 34 describes this method of resolving conflict by the couple in three stages and says: "Men stand firm against women with what Allah has bestowed upon each other and with what they spend on others." their wealth, so the virtues of the Qanatat are safeguards for the unseen of what Allah has preserved, and those who fear Allah, let them burn Al-Ma'ja'e And beat them. But if we obey you, do not seek a way against them. Indeed, Allah is Ever Most Gracious. Men have authority over women and the right to protect them, because of the superiority that Allah has bestowed upon some of them over others, and because they provide for them from their wealth. Therefore, it is proper for women to be obedient to their husbands and to protect them in their absence, because Allah has protected them. And those women from whom you fear disobedience (in the rights of your husband), first admonish them, and (if they do not obey) keep away from their dwellings, and (if they do not obey) punish them with a beating. If they obey, then find no way against them. Indeed, Allah is Exalted in Might, Most Great.

In this verse, after having prescribed the authority of men over women by virtue of superiority, by reason, and also by the expenditure and maintenance of life, the Quran has prescribed the characteristic of righteous women, that they are obedient and protect the rights of their husbands in their absence. Now, if the signs are not apparent in the woman. The Quran has outlined various solutions and three stages for men. The signs of disobedience include: Refusing to meet the emotional and sexual needs of a man, not preparing a suitable environment for emotional and sexual relationships, not preparing a suitable environment for pleasurable emotional relationships such as leaving off makeup, leaving the house without the wife's permission, changes in speech and behavior such as sudden and violent behavior, frowning and using foul language, and incompatibility with men in matters of life are signs of disobedience in women (Tabarsi, 1408: 69).

The first stage: Advisement and advice

Ibn Mukhtab, using the expression "fa'idhuhu'n" in the Quran, states that a man asks a woman to fulfill her duties through verbal communication that includes compassionate and compassionate advice. Advisement with loving words, accompanied by gifts or any encouraging action, is very effective. Women are more sensitive to verbal communication and are more willing to express their problems through verbal communication. The use of verbal communication is definitely more effective in clarifying issues and resolving disputes. If a man can control his behavior and emotions during a woman's anger and respond well to her mistreatment, then the principle presented by the Quran will turn a woman's hostility into a friendship with intimacy and one heart, although adopting such behavior requires patience, faith, and piety on the part of the man.

The second stage: Avoiding in bed

The next recommended stage of the Quran is mentioned in the phrase "And turn them away from her in bed", meaning to avoid her in bed. With this reaction and indifference, and so-called anger, the man reveals his dissatisfaction with his wife's behavior, and perhaps this slight reaction will have an effect on her soul (Makarem Shirazi, 2013: 372).

With careful reflection, it can be understood that since the man's positive emotional attention to the woman is of fundamental importance to her and she seeks to attract her husband in various ways, if the man goes to bed and avoids her in bed, he will be in a higher and more powerful position psychologically, and in this case, the woman will realize her failure when she feels that she has failed to attract the man's attention. This is considered a severe psychological punishment for the woman and is actually her way back.

The third stage: Physical punishment

This stage is mentioned with the phrase "وَأَذْرِبُوهُنَّ". If the previous stages, namely preaching and leaving the bed, were not effective, the Quran introduces the stage of physical punishment and allows it (Makarem Shirazi, 1390: 373). Apparently, this punishment is "absolute" with the above phrase and includes all types of beating, but by examining the narrations such as the narration of Imam Baqir (AS), it limits its limits to beating with a toothbrush stick; "Inna al-Zarb bil-Siwak" or the jurisprudential instructions that have been included regarding qisas and blood money, it limits it to the fact that the beating must be in such a way that the bone is not broken, or injured, or bruised or red, in which case retribution must be given (Beheshti, 1381: 116). The Quran says at the end of the verse that if a woman obeys, a man has no right to any oppression or aggression; "So do not rebel against them" because "rebellion" in this case contradicts the high rank and greatness of God (Wilayati, 1402: 13).

7- Solutions for preventing family disputes in law

In the family, everything is relative and subject to the material and spiritual conditions of each family's specific life, and law cannot decide on such an environment properly, so it is forced to establish vague and abstract rules such as the necessity of cooperation between husband and wife and fair treatment of spouses, and it leaves the determination of examples of cooperation and justice to custom and morality. Those who seek to find the rules governing the family or to reform it, whether in the capacity of legislators, judges, and professors, should, in addition to legal research, seek help from the sociology of the family to understand what actually governs the family; They should not ignore traditions and, in interpreting rules, consider religious and human ideals as effective factors, because the strength of the family is based on these traditions and ideals, and the roots of many rules lie in them. The nature of law is not compatible with the family and its imperative decrees, and the effect of laws in creating order in it is insignificant. So, if we seek to throw away traditions and replace them with law, we will actually make it hollow, and then the husband and wife will appear as two claimants facing each other. The wife will demand a salary from the husband in return for managing the house, and the husband will demand mastery and rule in return for the money he gives. Children will also be either not taken into account in the midst of the conflict or will become a means of intimidation and threat. Law is satisfied with creating a non-aggressive and orderly human being and sees justice in everyone getting their due, but the family needs something more than this. Sacrifice and selflessness are the first condition and the cornerstone of this structure (Katouzian, 1996: 11-12).

There are developmental differences between men and women; that is, men and women have talents and spirits commensurate with the responsibility that the system of creation has placed on them. Creation has assigned different roles to men and women and has provided them with the physical and psychological tools to fulfill these roles. These differences have been established in creation in order to achieve specific goals and are never in vain. Ignoring these differences is in fact ignoring some of the natural needs and talents of humans and oppressing them. Since the law is to provide for the needs and prepare the field of life for the growth and development of human talents and the realization of their rights, the differences between men and women must be reflected in the enactment of the law, the expression of rights and duties that are the result of legislation, and as a result, rights and duties that are coordinated and proportionate to the natural roles should be established for each of them to help them fulfill their natural roles. Something that has been manifested in Islamic legislation and has led to differences between the rights and duties of men and women.

Nowadays, when disputes arise in family life, couples enter the judicial process in the courts of justice (Hedayatnia, 2018: 60), but what is worth double attention is that despite the need to pay attention to differential proceedings in the family area, the Code of Procedure of General Courts and the Revolutionary

Code of Civil Affairs governs all civil lawsuits, including family lawsuits (Asadi et al., 2015: 42). Civil procedure is a branch of law that deals with the rights and duties of litigants and judges in the civil justice system and how to manage the civil litigation process (Mohseni, 2009: 48). In the courts of justice, any dispute that arises within the framework of the principles, rules, and regulations of the procedural law and in the capacity of exercising the right to sue is called a lawsuit (Shahidi, 2019: 7). After the approval of the Family Protection Law in 2012, the Family Court is considered one of the specialized judicial authorities in the Iranian judicial system that has the authority to hear the claims specified in Article 4 of the aforementioned Family Protection Law. This law has approved some specific innovations regarding the need for differentiated hearing in the trial of family claims. Morality must govern the relationship between husband and wife, because the family, which has been introduced by the Quran as a center of affection and mercy and a place of peace, comfort and affection, is not very compatible with its rights, laws and mandatory rulings, and legal regulations cannot oblige the members of this center to love each other and organize the family; because rigid and inflexible regulations and laws are more incapable of creating order in such a warm center, especially if the foundation of the family takes on a religious and spiritual dimension. In such a case, the rules of morality, beliefs, religious and ethical traditions that shape the family impose themselves on the family. In the solutions that the Holy Quran has provided for resolving family disputes, the priority of moral methods over legal methods is clearly understood. However, sometimes moral methods may not be considered or existing disputes cannot be resolved in this way. In this case, there is no choice but to resort to legal solutions.

Legal solutions for resolving family disputes are of two types:

a) Judicial method

In the judicial method, the parties refer to the courts of law and through this request their rights to be realized.

b) Non-judicial method

In addition to the judicial method, there are other methods in which disputes are dealt with in a completely different way. These methods are referred to as alternative dispute resolution methods. Arbitration is one of the most important non-judicial methods of resolving disputes. It is better for the husband and wife and their relatives and acquaintances to use non-judicial methods to resolve disputes, which will undoubtedly achieve better and more results than when they use judicial methods. They should use non-judicial methods as much as possible and use and resort to judicial methods should be used as a last resort. In the judicial method, where the husband and wife refer to the judiciary, the probability of giving up and returning to the family center is very low, and here the referral of couples to counseling and arbitration centers is more of a formality. Before using judicial methods, it is better for the husband and wife to find the root of their dispute and resolve it with the help of elders and elders of the family and refer to counseling centers, as well as refer to psychologists and use the services of psychologists in this field. If they do so, the chances of returning to the family center and reconciling and eliminating the conflict between them will double. Researchers have listed several advantages for alternative methods of resolving disputes, of which arbitration is one. Because of these characteristics, they prefer alternative methods to judicial proceedings. The advantages and privileges of this method are as follows:

-One of the advantages of alternative methods is that these methods are contractual. The jurisdiction of the courts to hear claims arises from the law. For this reason, the litigants cannot interfere in the selection of the judge or the procedure for the claim; while in alternative methods of dispute resolution, the jurisdiction of a third party as an arbitrator or mediator arises from the contract. The third party is selected by the parties and with their agreement, and in many cases the procedure and the governing law are also determined by the parties.

-Another characteristic of alternative methods is the observance of specialization in proceedings. Judges of the judiciary cannot be expected to have specialization and expertise in complex claims, such as many commercial cases or in international cases or in issues related to the conflict of laws. For this reason, it is

not appropriate to hear such cases in general courts of justice. Alternative methods of dispute resolution allow the parties to refer to experts and experts in the same subject to hear their claims.

-Another advantage of alternative methods is the speed of proceedings. Judicial proceedings are usually conducted in accordance with procedural rules. This, in addition to the congestion of cases in courts of justice, prolongs the proceedings in courts of justice. Since the arbitrator or mediator is not required to comply with the procedure and rules of procedure and has more freedom of action compared to court judges, the time for proceedings in alternative methods is shorter.

- In a lawsuit where one party is a citizen of another country, the domestic courts may lose their neutrality, and this threatens the integrity of the proceedings and the fairness of the decisions issued. The handling of such claims through one of the alternative methods has the advantage that the third party adjudicator, being often from a third country, is impartial to the matter at hand.

- Reducing people's referrals to justice is another advantage of using alternative methods.

-Many non-judicial methods have a moral and legal nature and have these two characteristics together, while the judicial method is a purely legal method.

Undoubtedly, arbitration is one of the most effective alternative dispute resolution methods. Therefore, what was said about the benefits of alternative methods also includes arbitration (Jamshidi, 1396: 105).

8- The effect of Islamic lifestyle on preventing family disputes

Lifestyle, in general terms, means the way of life and way of life of an individual or a society. The model of Islamic lifestyle in the family by criticizing the individuality of the application of the lifestyle based on the Qur'an and Sunnah in the field of the family causes the mental health of the family and the flourishing of the talent of each member. An individualistic person considers himself to have no need for the intervention of others in his decisions and is indifferent to its effect on others. However, regarding the importance of consultation in strengthening the foundation of the family, it is enough that God also orders the Prophet (PBUH) to consult and asks him to consult with Muslims in matters. The topic of counseling is considered to be of special importance in Islam, despite the fact that the Holy Prophet (PBUH) had such a strong mind regardless of the divine revelation that he did not need counseling in order to make Muslims aware of the importance of counseling so that they make it part of their basic life plans, and on the other hand, to cultivate the power of thought in people, this is one of the factors of the success of the Prophet (PBUH) in advancing Islamic goals. On the other hand, the less consultation, the more noticeable its damage. The foundation of the family in the Islamic lifestyle is based on intimacy, mercy and kindness (see: Rome/21) and one of the effective factors in this intimate atmosphere is the compassion and benevolence that manifests itself in the form of consultation. No matter how much the family members create the opportunity to consult at home and talk about the affairs of each family member, they have guaranteed the mental and spiritual health of the family, especially the consultation of parents is inevitable due to experience, knowledge, love and benevolence. As much as he sees his family members without the need of family consultation and suffers from self-judgment, he will fail in the same proportion. As Hazrat Ali (a.s.) has warned about this issue: "I am not afraid of evil" (Qaraati, 1388: 404).

The Islamic lifestyle emphasizes intra-family consultation and the use of parents' and children's opinions, not just the one-sided consultation of parents, which may cause the modern lifestyle to spread individualism because children's opinions were not used before. If it is stated in the Qur'an that a father takes advice from his son and acts on his rational advice, Hazrat Shoaib (pbuh) hired Prophet Musa (pbuh) after his daughter's advice: "She said, ``Ihdahuma ya abt stajajarhu innah akhira manne stajajart al-qawiyup al-ameen" (Qasas/26); One of the two women said: O father! Hire him because the best person you hire is someone who is strong and trustworthy [and he has these qualities. Also, the picture of the situation before is mentioned in the Quran, when Prophet Yusuf (pbuh) had a dream, he brought it up with his father and consulted with him, and finally Prophet Yaqub (pbuh) gave a mature opinion (see: Yusuf/5).

Since the culture of human societies is largely influenced by the factor of religion, it is natural that religious teachings are effective in the formation of lifestyles, and Islam is a comprehensive and complete religion that deals with all aspects of human life and has a plan for the happiness and excellence of humanity in the three areas of beliefs, ethics, and rules. either it has a mandatory corruption or it does not have a mandatory corruption which in the first case is a forbidden act and in the second case it is an abominable act) therefore these affairs and rulings must be done in a way that is in accordance with these interests and corruptions. These dos and don'ts (rules) have been discussed and examined mainly in jurisprudential debates, and inspired by Quranic verses and narrative sources, he has predicted and introduced a comprehensive program for human life. Considering the importance and place of jurisprudence in people's lives and the fact that jurisprudence is the practical philosophy of Muslim life, the question arises whether the scope of jurisprudence is wide enough to include the issue of lifestyle? Or in other words, does the lifestyle have a jurisprudential basis or not? With a little thought in different chapters of jurisprudence, one can find many evidences for this, such as marriage customs, trade customs, judgment customs, etc. (Shariat Niya, 1401: 517.)

In this section, we intend to examine the impact of the Islamic lifestyle, which is derived from jurisprudence and law, on preventing family disputes.

A) Adherence to the principles of Islamic life

Adherence to religious beliefs plays an effective role in reducing social anomalies; the more couples and their families pay attention to religious criteria in choosing a spouse and the stages of living together, the less their failure rate will be and the more successful their lives will be. Therefore, applying the Islamic lifestyle is effective in reducing social harms. The meaning of the Islamic lifestyle is to observe patterns that are closely related to human extra-social life, and avoiding excesses is one of these customs and traditions (Mohaqq Damad, 2008: 18). In the current situation, applying the Islamic lifestyle is a cure for many social problems and harms. Today, in Western societies, fashionism, luxury, and consumerism have become the model. While simplicity and contentment with the original and practical concepts of Islam are the way to deal with part of the Western lifestyle. Luxury, consumerism, extravagance, and failure to observe some Islamic patterns are themselves some of the factors of this dangerous social harm that provides the basis for family disputes (Zahedi Javad Hesari, 2017: 71).

Chastity and hijab are another principle of the Islamic lifestyle. Observing this simple and important principle can protect many social harms that target families. Observing the hijab and chastity pattern is very effective in reducing prostitution in society and, consequently, the number of family disputes (Mohaqq Damad, 2008: 23).

B) Educating and training children to play the role of spouses

The category of education is one of the most basic and fundamental needs of human life, and not only is education an inseparable necessity of life, but it is also its main text. In the Islamic educational system, the discussion of goals is one of the most key topics and has an important place in it because without having a goal and determining it, it is not possible to plan and evaluate educational activities easily. In raising children, especially in an Islamic society, having divine goals is very important and decisive.

Here, the question that arises is what should be the goal of education in the Islamic educational system? Is the goal simply to produce offspring and increase the number of members of society? Looking at the views and educational practices of the infallibles, it becomes clear that in the Islamic educational system, the ultimate goal of education is to bring the child to the position of obedience and servitude to God. The ultimate goal is to educate a person who is obedient to God and submits to His throne (Motahhari, 2010: 24).

A child learns manners and socialization first from the family and through observing the behavior and actions of others. When a child sees people who talk a lot and act less, they make promises, but never implement them, and many other contradictory behaviors, they imitate them and a person will be born who will have a great difference between his words and actions and those of his wife; therefore, there must

be sufficient harmony between the words and actions of parents and other family members. In this case, the child will also be firm and honest in his words and actions with his wife, will make decisions easily, and will not suffer from emotional instability, lack of decision-making power, and deviation in words and actions (Ansari Nejad, 2012: 4.)

C) Acquiring interpersonal skills

For any reason, such as conquest, affection, employment, and the like, man needs others in the world and cannot live without other people. God states in the Quran that the structure of the world is such that some are subordinate to others so that they can advance each other's affairs. In the Holy Qur'an, God clearly spoke about conquest and employment as the main cause of community and says:

"They are the ones who share the mercy of your Lord. We have divided between them their life in the life of this world. And We have raised some of them above. Some degrees to take some of them mockingly, and the mercy of your Lord is better than what they gather"; Should they divide the grace and mercy of your Lord (and determine the position of prophethood)? While We have divided their livelihood and provision in this worldly life and have made some people superior to others in degrees (of wealth and worldly position) so that some people may serve others (with wealth), and (Paradise, the abode of) the mercy of Allah is far better than what they amass (of worldly wealth).

In the teachings of the Quran, Allah emphasizes the acquisition of interpersonal skills and asks people to learn, live and behave in society. Basically, Islamic laws and rulings emphasize the acquisition of interpersonal skills such as cooperation and participation.

Cooperation and participation are emphasized not only in purely religious matters such as Hajj and prayer, but also in other matters such as acquiring piety and purification and cultivating good and virtuous people, as well as charity. God says:

"...And help one another in righteousness and piety, but do not help one another in sin and transgression, and fear God. Indeed, God is severe in punishment."

"And you should help one another in righteousness and piety, not in sin and transgression. And fear God, for God is severe in punishment."

"Another aspect of this skill is caring for and trusting the group. Basically, a nation means a group that believes in a specific goal and method. Nations are based on belief in a specific goal and method that come together. The nation of Islam or the people of faith is one of the most frequently used words in the Quran. God wants believers to help each other in these matters and to trust each other. Trusting a believer as a religious brother allows a person to pursue their goals in a healthy environment and in complete security and peace.

In Islam, interpersonal relationships are organized based on principles, criteria, and indicators. Understanding and recognizing each can lead to better relationships. Relationships between relatives are organized based on "al-aqr al-aqr" and this is how it is presented in the inheritance of the first to third classes. This criterion is the most important principle in explaining and determining the green to red boundaries of relationships. In religious teachings, much attention has been paid to finding a spouse and the methods of testing and choosing a spouse. In any case, this ability helps to create positive and effective interpersonal relationships between individuals and other people. One of these cases is the ability to create peaceful relationships with one's spouse, which plays a very important role in warm family relationships as an important source of unhealthy social relationships (Ansari Nejad, 2012: 10).

Conclusion: The sacred center of the family, which is introduced by the Quran and the narrations of the infallible Imams (peace be upon them) as the center of love and mercy and the place of peace and comfort of man, and is also mentioned in the law as the most important fundamental unit of the Islamic society on which the happiness and misery of the members of the society completely depend; unfortunately, it is currently facing the problem of its decline and increasing family rifts. Today, resolving family disputes in the Iranian legal system is the common concept of the litigation approach. The most important result of the

procedural nature of the litigation is the establishment of order in the litigation. The accumulation of cases and proceedings within the framework of judicial procedures makes judicial proceedings time-consuming and costly. In this type of litigation, which is adversarial, formal and individual-oriented and incompatible with the intimate and emotional nature of family disputes, when the family is referred to the court, the husband and wife are placed against each other as two claimants. The wife requests dowry, alimony, etc., and the husband submits a petition to compel obedience, prohibit employment, and return jewelry, etc. It is worth noting that the nature of the family and the type of relationships between its members are such that the law alone cannot regulate these relationships, and the nature of the family is not compatible with the law and mandatory rulings. The approach of the Holy Quran implies the necessity of preserving the family, strengthening marital ties, and providing solutions for resolving family disputes, which clearly indicates the priority of moral methods over any legal method. From the perspective of Islam, the rituals, mechanisms, and guarantees of justice are not a static and fixed category, but can be changed according to the conditions of time and place, and what is important is achieving the end that is expected of it. Considering this category and referring again to the original jurisprudential and theological texts and sources, along with benefiting from the various experiences of national and international judicial systems, we can contribute more to the creation of a desirable judicial system in the current society that is appropriate to the conditions and requirements of the Islamic society. Because the Islamic lifestyle is based on religious thoughts, attitudes, and divine commands, it makes life more stable compared to the modern lifestyle and can significantly prevent family disputes.

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