

Effects of Sexual Problems in Family Law

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Abstract: Sexual dysfunction in the affected families would be higher. Islamic jurisprudence and law in this country and to develop regulations and other legal systems of its problems. In fact, some sexual problems to the right. Because of those defects and problems may denounce sex marriage. And others to create the right to divorce. Legal termination of marriage and divorce and how to use this right in our legal system is different. Legal basis for rules relating to sexual problems in Iran's rights jurisprudence of the votes and comments, although the Christian faith as divorce is prohibited. But lawmakers to dissolve the marriage if there are Christian countries, with acute problems have sexual satisfaction.

Key words: sexual problems, defects, termination of marriage, divorce.

INTRODUCTION

One of the important topics related to Iran's civil rights in the family. The status of the family as a social institution with the identity of the long position, especially in recent centuries and a top official with the great achievements of human knowledge as an important part of family law at different times during the period and timeless in the context of human history The flow and polished. Comfort is a safe environment for families and couples relax. And safe environment and comfort in this next generation is formed. And be trained. Each of these functions satisfy the emotional needs of the couple and the birth and nurturing of human generations depends on the marital relationship is positive. Undoubtedly will affect the marriage of sexual failure and reduces its strength. The legislator and the subject of divine religions have passed. But the effect of regulation problems and disorders, and family life couples have sexual relationships, sexual problems and the importance of the work to the extent that legislators and religious and legal systems are different in these cases to the collapse of family life satisfaction. In so doing, the laws of our Constitution, the fundamental role of the family have said:

"The family is the fundamental unit of society, all laws, regulations and planning should facilitate the formation of the family to safeguard its sanctity and stability of family relations is based on Islamic law and ethics."

Important role in maintaining healthy and strong family and community and economic development and cultural study of history shows that governments have been the pillars of the family, the community is stronger and more stable.

There is sex couples the rights of married life. According to Islamic law, women must do to comply with a couple of specific types utilize it. If unwilling, the right to alimony is denied. Also the man cannot make soldiers out of this relationship.

The role and importance of family status on the legislature had enacted laws to protect the strength of our country, including in this country. The families also support the provisions of paragraph 3 of Article 16 of the Universal Declaration of Human Rights in this regard says:

"Pillar of the family and society and is entitled to protection by society and government will benefit."

Sexual problems can be divided into two categories: the first non-performance-related problems or weaknesses in the system, such as impotence and sexual organs or other STDs, sexually transmitted diseases, contagious and difficult in refractory affect sexual relations.

Sexual problems associated with the organism's body but not the latter due to psychological causes in men and women in sexual relations that ultimately affect men and women.

In this paper, the first of those problems and sexual dysfunction, which may cause the cancellation of the divorce cases are then referred to and finally implement the provisions of various laws and religions of other countries will was.

Impotence:

Noon to conquer first the debility and impotence is due to release of the penis and erectile dysfunction (erection) does not find. The judiciary is weak emission in the penis is unable to close out the man who is having this problem or disease him to say this. The condition can be caused by natural or psychological actions which may be the charm.

The impotence of Jurists:

The consensus of the jurists about the impotence of the man who was married to the former option is still mentioned in the narrations of the story discerning of Imam Sadegh (AS): the question of whether a woman based on her husband with impotence and no sexual act can never be separated from men. He said yes. The hadith narrated documentary or rule is harmless. The author believes that jewelry is the option of impotence before the marriage and after it, and this concept of logic, can be understood from the teachings. Unlike in this case there is no consensus even in this case, there are jurists. But there is a condition that the couple could not close with his wife and another woman. If your spouse and Lou once an order is close to or cohabitation with another woman, the option lapses. Option due to impotence before the marriage and after it is created even if it is by no means able to close. So once you close the valve of the option lapses. The couple grew closer and impotence occurred. Cucumber wife was not entitled to near. Whenever her husband after knowing his impotence, is the other option would be satisfied to sustain life.

Without any side effect of latitude and conditional knowledge and the right to terminate the evidence in this case, the woman admitted to the judge and the judge for one year deadline to give a man a man of action and during the year of the four seasons he not improve over the hassle and complications The woman is permitted to terminate the marriage. Subject to termination of the marriage the wife to the ruler and judge (the judge) year period for treatment and to determine the sex and could not solve the problem within one year and the man is incapable of marriage with his wife is a woman could terminate his marriage and the theory is also common among new and old jurisprudents. Civil law before the 1991 reforms, the debility of the termination condition is "not fix it after the passing of one year as governor was to see women" as a matter of civil law in 1122, but the condition is removed and replaced 4/10/1991 reform provided that "every act of sexual impotence even if it can be done" the right to terminate for other women.

According to the principles of jurisprudence and medical advances have been achieved in countries deviate from the order granting the deadline in terms of civil law, no legal basis and the interest is only in these cases should be allowed to divorce if the wife were for Sr and sin.

the look of impotency medicine:

Sexual desire disorders in men and an inability to perform duties on a permanent or long-term is called impotence. Disease, weakness, fatigue and sexual concerns may temporarily reduce the power or the inability to be sexual. Usually before the age of fifty years of permanent impotence is a rare congenital or acquired anatomical defects of the genitalia overlook. Impotence in young and middle aged is stress. In some cases in which a male relative of his wife was cold. But in illicit relations with other women or with homosexuality is strong enough .

Ways that impotence:

The main reason that there are rights or claims for weakly. Is denied on oath by the husband is the debility of disease. So here is the wife of a man denied the claims in accordance with Islamic legal principles and procedures is the wife. Due to their claim and prove weakly. The couple has denied the claim and dismissed the lawsuit Yamini.

But the impotence of the law can be proved in three ways.

A.-The man confessed impotence

B-the testimony of witnesses and the couple confessed to their impotency among

C-By claiming (wife), if denied or refrain from swearing an oath to reject the claim.

Jurisprudents Amamyh witness testimony in this case did not accept because of the debility of disease is hidden from the public affairs of his people cannot meet. But the doctor jurists of the impotence of physicians did not consider. Civil law is silent on the methods of proving the fault of the researchers comments jurisprudents physician and any test in particular is considered dismissed. However, it seems that if the medical urgency, tested and accepted as an expert medical opinion on this issue, due in part to prove in court that.

Khasa:

Of defects that are unique to Khasa' man is a man being castrated by his testicles are the pull or Incomplete. To someone who has such a personal loss say. The disease also caused the cancellation of the women in the two cases is the following condition:

A-This may happen before marriage and women as it is ignorant. B-marital duty is to stop playing.

Although close to my personal well-known jurists is that the woman has the right to terminate the marriage, but vice versa in the author's extensive and strive to be near the woman's personal right to terminate the marriage if the husband does not ejaculate though.

Civil law in this case the husband had complied with its stated position that the right to terminate the marriage of defects at the time the contract is silent or Khasa' in order to allow the left and has not

terminated. Some have said that before signing Khasa' whether the husband or after the termination of right of entry shall rise Soon after entering the woman's right is not terminated.

This point should be noted that the right to terminate this disadvantage to the wife that he is ignorant of the world, but if she is to marry however they have the right to terminate his own expense he is ousted. Documentary base of this type of cucumber is harmless with the knowledge that the wife is now the rule.

Jurisprudential basis for termination of her marriage:

Scholars have known about Khasa' announced that the disadvantage to give women the right to terminate. Reason for the women in this tradition have been harmless.

In the case before concluding that if there is Khasa', renowned scholars believe that this will lead to termination of the contract but if the fault is occurring. Muhammed is the difference between whether the fault occurred after the woman's right to terminate the contract or not. The jeweler said the reason we do not have the right to terminate the contract after we pass. "

Khasa' such defects are not considered an option. They considered the cause of the defects among Khasa' the marriage terminated, that the fault is near the barrier thereon. Although ejaculation of semen due to this defect is not possible. Inability to ejaculate, but that option is not. They received the news that conceal the disease is considered to dissemble. Therefore, the cucumber to dissemble because they believe. Disadvantage of not being Khasa' Therefore, marriage is necessary. Famous speech opposing the fault count is Khasa' ijihad in the text. it is that the companions of consolidation. Unlike the famous I doubt the necessity of the contract will be allocated.

Jab:

In terms of jurisprudence and law Amamyh Jab anyone to say that his penis is fixed. This includes individuals from birth the penis is not the same. In this case, the right to terminate the wife that her husband fails to close. Although it is a penis. Otherwise, any time after the cessation of the penis to the penis much is left. That intercourse with his wife, the husband and wife roles parity does not have the right to terminate the marriage. This is the consensus. This is also inferred from Article 1122 Civil Code. Fixed some lawyers believe that if the time of her marriage and her genitals, it is unwise to be otherwise entitled to terminate the marriage is terminated. Other people believe that to be fixed any time before the marriage or husband's penis before penetration is. Otherwise, if a woman can terminate the marriage occurred after penetration, the woman has no right to terminate. The judiciary is believed that any marriage after the husband's sense of personal direction or be cut so that it cannot perform her marital duties shall not terminate the marriage, because according to Article 1125 of the civil law The signing will occur if the impotence that allowed women to terminate a marriage and the eunuch and being fixed to the penis is held in silence. Inference that can be asked about the law to give women the right to terminate. If you cut off the genitals of a woman the right to terminate the marriage contract will not be achieved.

The jurisprudence of Jab:

Jurists have questioned the termination of Marriage Jab. The legend of the famous jurists, but there is no specific evidence of the impotence and the rule of harmless Jab Khasa' and formerly married have the option Jab condition of the penis and cut penis that penis size pair is left. Therefore, this condition is the size of the penis if it is left no option. Jab is of two types: one type is the form that has prevented Majamt. It is not like the whole penis. Or there is some value, but it is not even able to Majamt. The option is there for him. Another type is the way that it is possible to Majamt. This is a situation in which there are some penis. In this case, if the size of the penis Mjamt happens, there will be no option. There are general provisions about the same size because Majamt the adequacy .

Women's defects:

According to Article 1123 Civil Code following defects in the woman's right to terminate the marriage for men. Of the following:

A - Century B - Leprosy C - Vitiligo D – Anal passages E - Land F - The blindness of both eyes.

In six cases, termination of marriage according to Article 1123 Civil Code seems to be mentioned except the wife defects and the defects mentioned Anal passages' other couples are so common in female sex are two drawbacks to the conditions and formalities of divorce, gives men the right to terminate the marriage. Article 1123 Civil Code in the case of these two defects among women is mentioned. And the rest of the serial Anal passages' defects are common Couples. Some jurists believe, leprosy and vitiligo, and blindness and the retention of couples are common defects.

A – Century:

the conquest of WWE RAW WWE RAW or static, meaning that entries in the vagina and external genital area (near the site) there is a waste of tissue that prevents or near the common man's hatred of the marital act. This is a woman of "Qrna'" say. Specific definition for this fault is not the civil law. The removal of bone in front of the penis that prevents some women from her husband to be near it if it is a lot of meat, say Fl. But from the standpoint of medical science, the definition of the hard horn of fibrous cartilage in the vaginal canal to prevent acts of marital. However, some jurists have some controversy in the definition considered only the bone tissue and the tissue subjected to any more people know the words. A man with a married woman then it is Qrna' Prophet said her husband could return to his family." Another century, woman's vulva is being blocked, if blocked, which prevents the penetration of the vulva if she was not there after a couple of cucumber. If you are prevented from entering the cucumbers to be fixed. Century, although the lack of penetration, but not because of hatred is the cause of termination.

B - Leprosy: Black leprosy:

Leprosy is a contagious and this morbid disease in patients with this disease the body dry and the meat side of the patient's body falls out. Since leprosy was considered a flaw in the definition of medical science has provided this fault. "Infectious disease is the deformed volume of protests, especially if it is also called Hansen's disease. But jurists agree on termination of marriage in this case. If these conditions exist at the time of marriage and the man is ignorant of his right to terminate the marriage will take.

C-Leprosy:

Leprosy and the conquest of 'WWE RAW PC or white, which is found in human skin. It is a painful itch. Or another definition, is a disease that prevails in some parts of the body is white on black. Leprosy has not provided a definition of civil law but in accordance with paragraph 3 of Article 1123 Civil Code of the specific defects and the wife as a married couple, there can also be ignorant of it, according to the 1123 and 1126 of the civil to terminate the marriage.

D - Anal passages:

Anal passages mean fistula (one connection) for administrative and Mobhal tract abnormalities, bladder and bowel Mobhal is Mobhal. This defect caused the rupture. Congenital or acquired abnormalities of the relationship between Mobhal or rectum healed laceration area between the two under this title shall be assessed. In many cases can be treated with reconstructive surgery. Even some lawyers believe that the rupture can be operated normally after the signing of a right of termination shall be void. The right of the contract is for the husband. Doubt about the survival of cucumber Asthma He is right there after the surgery. The legislators of the right to terminate with a loss of integrity of such a man. Therefore, if possible, by surgery or other medical equipment to the construction of the fault. The right man has lawmakers who lost their legal basis in fact, this right lapses. However, according to family law and general principles of law and strengthening its support and efforts of the separation without considering the possible prevented. So consider this an important objective of the interpretation of the rules and principles seem reasonable legal and proper. The disadvantage of jurisprudence and civil law is the right man for the termination. Documentary narrations from the Imams of jurisprudence, this rule is not infallible.

E- paralytic Disability:

paralytic Disability is a situation that may occur due to various diseases and people who like to be stripped off power to the lower limb paralysis, or spinal cord are affected. I do not have the power. or limp to the ground that she is being stuck, and the correct word is' wobble in the female point of view that the contract is terminated or not? Location is uncertain and it is obvious that if the limp to the ground level of the right to terminate the contract for cause the woman is the man. Jurists about the right to terminate even though the defect in the wife agree, but it's kind of limp and there is disagreement between them. Imam Khomeini (RA), claudication of the right to terminate for cause as couples and in this case states: "limp is the termination of the ground level of the sound." In our case it is better to limp into the grave and the earth is considered the involvement of the termination of our marriage that is compatible with the principles and rules of jurisprudence based on the defects of this rule is harmless.

F – Blindness:

Blindness or eye to corruption so that the person is unable to see both his eyes, but left open at night or being blind or weak or watery implemented in most cases it will not terminate the marriage. Diagnostic tests before marriage, the legal and jurisprudential. The question is whether the medical examination to detect defects as sex before marriage is one of the tests can be made? If the answer is positive effects, at least the first of these diseases are discovered. Second, to ensure adequate even without concern for the future health

of the parties and the marriage bond. Third of couples have problems and involvement in the case of this fault occurs, is immune. But the law and jurisprudence do these tests because it is both legal and religious law with the knowledge that some couples may be suffering from the complications and drawbacks of exams and tests, and the simplicity of marriage may reflect Due to the fact that the character was considered for any offensive or insulting and offensive to the moral character and moral man, keep it safe and avoid the interference is. And the other hand, due to a series of defects and extended it to all those little marry are going to do about this medical examination, they will be humiliated and persecuted. Required by law to provide medical certificates before marriage, adopted 3.11.1938, according to Article 2 of the Act required all agencies to marriage and premarital health tests and vaccine for women and couples and the addiction shall take a and judicial officials do not have the right, without rules relating to tests and examinations required to couples. If the environmental conditions and this increased prevalence of mating defects that jeopardize the security of family relationships Most of the bill or the urgency of the parliament is recalled after tests confirmed that these tests should be mandatory GC Constitution.

Conditions and Termination of marriage:

Most contracts in the formulation or bad after the conclusion of the case law is revocable at the time of Marriage is no exception to the marriage in 1122 and 1123 Civil Code that the Cucumber materials contained in the defects of the marriage There is revocable. Termination of marriage only with the will of man or woman, is done for the termination of marriage, while sending the letter pursuant to Article 156 of civil procedure regarding the fault and terminate the marriage, despite the adoption of the good that is against Article 32 and 33 Registration Act place be. But if you deny the existence of the claimed defect must submit a petition with the court to prove their arguments and evidence to investigate the reasons for its decision to terminate the marriage are justified to be. In this case the court has just declared *.

Evaluation of defects in cucumber:

As a general rule, transactions and contracts based on civil law, "fault diagnosis is based on customs and habits, so it may be different in terms of me " Article 426 BC. The disadvantage of the tenor of the times that he has actually left the customs and habits is not easy to detect and clear rules of customary law is not like most of the rules and the rules and practice and taste of each group effective implementation.

On the other hand the strength of family health matters and public order legislation in all cases in an effort to keep it so I cannot actually related to the termination of the custom of marriage and family dissolution of the civil law over the defects of interest based on carefully evaluated and determined men and women and other defects should not be compared with it. When the cucumber is used in marriage which is the fault of a secret marriage and against it foolish to be notified in case of fault, the other party in accordance with Civil Code Article 435 (the emergency) will operate. If you are aware of the defect and in accordance with Article 435 of the information regardless of its right to take their losses and lead to the termination of marriage and dissolution of the will. While the Civil Code Article 1126 refers: "Each of these diseases in the world of couples who married before the termination of the contract would not be right." Defect is a defect or shortcoming in much of what is normal and it is the lack of interest. The integrity of the civil law, the marriage did not terminate but that defects in one of those couples continue to live with suffering and problems with family, etc. and that it continues as it is disintegrating family life of the observance of the rule would deny the right to terminate the marriage is given.

Treatment of defects before the termination of marriage:

If the holder of the fault, the fault of the parties of the right to terminate your use of the treatment, there are two theories:

First, despite the disadvantage theory, the right to terminate the marriage for opposite side there is a fault with the treatment, this right does not "rule the former state." The second theory is the theory that the prime source of the breach, the harm to the spouse enters the region with loss of lost origins, cucumber also disappears. In terms of the jurists who would rule according to La disadvantage is negated, the narratives as the basis of legal right has been terminated. Noticeable with the recent comments seem to justify the expense because of the loss, lasting marriage is possible and there is no legal basis for fixing cucumber. Also with the advancement of medical science in civil law hemistich defects are treatable, the right to terminate the marriage will not exist for the other side.

Sexual Problems in Other Countries, Religions and Rights:

A - Islamic Law and Jurisprudence, Sunni:

Rights in some Arab countries like Egypt, Lebanon, Syria and Iraq-the same rules of sexual rights in Iran, there are defects. Rights in Egypt, the provisions relating to defects in "the affair" has been approved in 1920. In Article 9 of the Act of fault madness, leprosy and the PC, but it is not mentioned reproductive

defects. According to Egyptian law, the law is silent affair to the Hanafi religious rules is presented. According to the Hanafi religion, there are three drawbacks: Jab, Kahsa' and impotency, the wife has the right to terminate the marriage and in case of impotence, a couple of years to be given. It has the right to terminate the marriage and the impotence of a couple of years to be given. If your wife has the right to terminate and not mating with defects. The Lebanese law, the provisions of the Act addresses issues related to the defects (the family) that has been approved in 1917. Hanafi jurisprudence is subject to the provisions of this Act. The law had stipulated in Article 121: If the fault is one of the couples that cannot be treated immediately to vote for separation if the couple can be a disadvantage to be the deadline to be granted one year. According to Article 159 of the Syrian affair had almost the same rules in this case. In Iraqi law, the provisions set forth above are capable of having children if the husband cannot divorce the wife if the child is not living them. Provisions relating to the termination of marriage in October if the law is reflected in Syria and Iraq. But the Sunni religious differences in the effects of defects exist in marriage? Hanafi only disadvantage mentioned on Tuesday (Jab, Khasa', impotence) to give women the right to terminate the marriage, the wife of the defects of man, but owners have the right to terminate the Shiite jurisprudents specific defects in male and female, been entitled to terminate the marriage partner.

B- Provisions Regarding The Termination Of Marriage In Other Religions:

Similar provisions also exist with other religions in Islamic law are observed in the Zoroastrian religion, three years if male impotence treatment is not the right wife for separation. Defects in the Jewish religion after the marriage has the right to terminate the marriage of religion in this century, being male and female infertility, and difficult for refractory disease and contagious disease that spouse is at stake is the right of termination, the influence of female infertility The right of termination, provided that after ten years of marriage, not children. In fact, Christianity was banned and only about a married woman's right to divorce is a divorce, so in the past in Christian countries, only in special cases allow "physical fractionation" was given. But after the French Revolution eventually divorce was recognized in Christian countries. According to Article 2 Article 17 of Council, Orthodox and Assyrian religion, masculinity, or defects in male attitudes to women that you might not wait for the divorce to the other side.

C- terminate the rights of marriage in Europe:

Now, in most European countries have recognized the right to divorce. Rights in these countries if there is any fault condition that the marriage can be a difficult opponent for a divorce. American Rights at the federal Divorce Act does not exist, and each of the states 'objective reasons', such as sexual impotence and sexually transmitted diseases they cause divorce. But other states, "Every marriage is disrupted because of that" know the cause of divorce. Rights Act 1975 in England, cut to 6 years of marital life and possible separation. And causing the divorce. The divorce with mutual consent of spouses is permitted. In British law, divorce, court order or agreement of the parties is possible. The court ruled that the marriage could not continue. The Marriage Act 1973. if one of the spouses during marriage is voidable contract is a sexually transmitted disease. In British law, an important requirement for proof of marriage 'mating ability' and not male fertility law in 1937, if the marriage is voidable marriage is not perfect male mating^{ability}. In Scotland the law, if a married man when impotence is the inability of the "permanent and incurable" marriage should be annulled. For the cancellation (Partial intercourse) was not sufficient and in others must resort to divorce.

Conclusion:

A - sexual disorders in couples when one partner has the right to terminate and shall cause the divorce.

B-the civil rights of Iranian men and women in specific defects and the defects which caused the cancellation of the special male impotence, Khasa' lack of specific defects in the genitals and women for centuries, Afza'. Other cases of leprosy and vitiligo, and the land of the blind of both eyes of these couples are common defects.

C-the right to terminate the rights based on sexual defects incurred traditions of Imams (AS) and the rule of law, it is harmless and signification.

Dbut on the basis of annual salaries for the treatment of impotence due to the lack of acceptance and rejection jurisprudents Shiite civil rights and more importantly the reality that the advancement of medical science and medicine, and treatability of the defects within one year of the .

E-The validity of medical examination for defects in a couple of urgency to prove it can be used in court. But the couple required to perform this procedure before signing ceremony without legal basis and is not observing the couple's privacy.

F-If the defects in the termination of couples before marriage will erode the right to terminate treatment or disappear. Other hand, failure of sexual diseases and defects that are not Although the sin are the right to terminate the marriage, but divorce is not right.

G-The provisions of law and jurisprudence and Sunni Arab states about the extent of sexual problems with similar laws in our country. Although the provisions of the rules for other religions, there are sexual problems in the Zoroastrian religion, disability, male to female the right to terminate the marriage. In the Jewish religion in this case is very similar to the sentences for sexual disease to the right side and the right to divorce the physical fractionation.

The rights of European countries including America, England, Scotland, sex and sexually transmitted diseases, the more common life-threatening and is practically not possible to give the opponent the right to terminate the marriage.

REFERENCES

- Emami, Seyed Hassan, 1997. Civil Rights, Volume IV, published Aslamyeh.
- Goodarzi, Dr. Framz, 1994. Forensic Medicine, published by Einstein, Third Edition.
- Hassani, Ali Reza, 2004. termination of marriage rights in Iran, published by think-makers.
- Jamshid Pour, J., 2001. divorced her husband's request, Council's cultural and social.
- Nasser consistory, 1992. the first volume of a family of civil rights, marriage and divorce, publication, publishing of Islamic Sciences, Third Edition.
- scholar, Muhammad Baqir, 1957, the couple's civil rights, the Quran Foundation Press, third edition.
- Scientific Omniscient Manijeh, 1995. caused the divorce law and religion in Iran, Tehran Atlas Publishing.
- Seyed Mostafa law scholar, 1999. the jurisprudence of family law (marriage and its dissolution), publishing, publisher of Science, Third Edition.