

A Legal Study on the Effect of Private on Deserving the Mahrieh

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Abstract

Islam paid especial attention to marriage, and commandments related to marriage contract and its effects on relationships among people are expressed in various ayahs of the Holy Quran. Among these commandments, one can refer to the rights of couples, especially the right of belonging Mahrieh to wife. All Islamic scholars have consensus opinion that a wife can claim all her Mahrieh after his husband death or following joining in marriage. The "privacy of couples" (sex), as the cause of deserving the Mahrieh, is a topic about which the Islamic scholars have different opinions. Hanafian, Hanbalian and old traditions of Shafei believe that privacy of couples is effective in deserving the whole Mahrieh, however, Malekeian, Zaherian, new traditions of Shafei, and Ahmad ibn Hanbal do not consider the privacy of couples as the only cause of deserving the whole Mahrieh. The present study reviewed the opinions of Islamic scholars using a descriptive-analytical approach and found that privacy of couples can be a cause of deserving the whole Mahrieh.

Keywords: family rights, privacy, marriage, divorce, Mahrieh, wedding.