

**Child alimony in the jurisprudence and Islamic republic of Iran laws**Amir Ahmadi(M.A)<sup>1</sup>, Saber Afrasyabi(M.A)<sup>2</sup><sup>1</sup>. Department of law, Payame noor University, Iran  
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**Abstract:** In Islamic society, a special place is the family the law needs to get of all those families a special formulation of ingredients is not perfect ,of course .article 1168of the civil code ,the parent is responsible for child support that has been discussed among it is also mentioned in Shiite jurisprudence .the definition of alimony can be said that the things they need to survive ,such as food ,clothing ,housing ,food and home furnishings ,and all that a person needs to live traditionally .the implications of alimony and maintenance equipment used in the Shiite jurisprudence have and the amount of support that parents should have to pay the note .we also found support in the Shiite jurisprudence and legislation of the various conditions alimony or child headed fiscal measures devised in any case ,may be provided to the child .

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**Key words:** Alimony; child; Shiite; Islamic law; jurisprudence

**Introduction**

Under article 1999of the civil code, and to provide financial support for the child's father .and if the father is deceased or unable to pay child support is not paying the alimony will be grandfathered and if the grandfather is still alive, or fails to pay alimony, the parent will supply costs and if the mother or her economic problems are not the ancestors of the paternal and the maternal grandfathers or maternal grandmothers paternal grandmother .so the first order of child support the father ,the paternal grandfather ,mother of three ,four paternal grandmother ,and the mothers maternal grandmother and grandfather . If a child of his father and the father admitted in court to give him alimony, child in relation to the amount of alimony, there are two solutions or the child's parents to agree or determine the amount of alimony is BS. Experts generally support the social status of the parents determines the child needs a father is obligated to pay it. The final point is that alimony payments from the father of an illegitimate child born is also essential .in this study, we examined child support in Shiite jurisprudence.

**Alimony meanings**

The word means maintenance costs, spending, cost of living, giving and spending money is spent (Esfahani, 1992) "sura baqarae" verse 273,it says :what would you spend the money in the way of Allah ,Allah is the knower ,,"sura asra" verse 100says :tell the owner of the treasures of the mercy of my lord ,then you spend forbearance when you can spend all of it is fear " alimony is the term meaning is closer to the things they need to survive is someone such as

food ,clothing housing food and home furnishing ,and all that a person needs to live ordinary (Taheri, 1998) toys alimony three things :parity ,propinquity and property (Al-jabaie Al-amoli, 1990) and what is at issue here is child support .father to pay child support in the first place ,but this duty is not absolute and is subject to charity (the father )is unable to pay alimony .so if your child does not give the child the father of the task he is toppled (Mosaffa,,2005).

Tahrir Al-vasileh in writing has been to support the men do not have the support of parents and children (Al-khomini, 2007)it represents the amount of alimony ,the alimony recipient will be enough for him and a garment which covers him and give him a home that is static (Amoli, 2009).Shiite jurisprudence ,support for parents and children is essential ,and the claim of consensus has been (Al-khomini,2007).

As stated Shiite jurisprudence that support children both boys and girls is the father but the death of the paternal grandparents placed him in charge of this task "falaqrb al-aqrb"( Nearest) observing that if father and grandfather are alive and able to give the support that is closer to fathers support obligation is and in the absence of parents or grandparents to give them strength ,the mother is the alimony and if the mother has died or is not able to support the maintenance of maternal and paternal grandparents are the terms of charity in a row (Al-jabaie Al-amoli,1990);( Al-khomini ,2007)( Najafi, 1984). But if a person refuses affluent, paying alimony, the alimony obligation can see the judge or his agent to get him to pay alimony not possible to judge if the property is his duty to support the or allow the alimony obligation of her own to take and in general

you might see a judge is not permitted to own property, and give something to take issue with the lack of time, but so can the wife mentioned.

Based on this legislation for the maintenance, warranty is intended in other words, if someone is obligatory on him to pay alimony, it does not, (monfq against" (who should receive alimony) have the right to go to court and a judge ham" monfq" force and in the absence of any ruling that would force him to deviate Muslims if refused. For example, cover the maintenance attainable" monfq" mine (who must pay alimony) is stopped on the prison sentence he will however. if the property can be apparent from his property without his consent, but he governs the amount of alimony because it is removed and if the government can sell it "monfq" land or chattels (Najafi, 1984).

### Child care

Child care is needed to apply the tools to survive and thrive, and mental and physical health of children such as food, clothing coat, keep children clean, wash clothes, and generally it is a requirement that a child ages. if a child is sick, the doctor and the medical and nursing care is considered necessary as the examples (Emami, 1988).

### Child care expenses in the Iran civil law

Child care is required to pay its civil law "alimony" says maintenance as defined in article 1204 of the civil code as follows: "food and shelter and clothing and furniture to meet the need with regard to afford much monfq, in other words, the amount of expenses that must be paid for the care of children who are totally dependent on the financial position and can afford to pay the she is not to mention who cost of the treatment and education but the spirit of the and legal procedure it would be this topic is considered as a maintenance treatment for sick children is essential for the survival of his soul and the acquisition cost of the 1178 civil code, which requires "parents have a duty to educate their children in terms of ability to act appropriately and not let them nonsense " in to account because they cannot pay alimony, child education, child survival is a clear example of nonsense that is expressly forbidden in the 1178 Article.

If your child is a financial holding costs, for instance, who has inherited his money, or given to the child if the child is because article 1197 of the civil code provides: a person who is entitled to alimony and does not by itself provide subsistence employment, so the child whose father has died and he has inherited his mother or child who has a home the house was rented and leasehold payments each month to be deposited on to the personal account

child, the child does not belong to and maintenance costs will be paid directly to the property, but if the child has no assets or property he does not pay him enough, who is responsible for paying her alimony? in this regard, article 1198 of the civil code provides: the father is responsible for child support after the death of his father or the paternal grandparent or to the charity of their strength, the mother is the alimony. if the mother is alive and able to spend, compliance with maternal and paternal grandparents al-aqrb falaqrb (Nearest) the alimony obligation is if several predecessors near the same degree of respect they are paying alimony to an equal share. so those who are legally required to pay alimony, child-free asset are:

**1-Father:** alimony, child has no assets, and is the father of a baby or girl, it does not matter.

**2-Paternal ancestors:** the death of the father or his ability to pay alimony, paternal grandparents are obligated to pay alimony. the paternal grandparents – grandfather, father, grandfather and grandfather, grandfather, and in this case the rise is the rule, "Al-Qirbi faalaqrb" (Nearest) which is clearly observed in the material the father, paternal obligation to pay alimony because the father, the closest one is a grandfather but if you can afford to pay alimony grandfather has died or is not required to spend time grandfather would.

**3-Mom:** if parents and grandparents, and father all died, or failed to pay any child support alimony should maternal and child care expenses to pay.

**4-Maternal and paternal grandparents:** if any of the above persons not living or if you are alive because cannot afford to pay child support are not-grandparent parental compliance with the rule, "alaqrb falaqrb" (Nearest) are obligated to pay child support. for example, if the child's paternal grandfather and grandmother both are alive and able to pay alimony, alimony payments is the maternal grandfather. but if several people close to the same degree as that of the ancestors, the alimony must pay equity. people with children are required by law to maintain, preserve and care for the child in terms of Islamic law civil law "custody" as they say. custody of the children with the parents live together share the responsibility of parents and as defined in article 1168 of the civil code, it is their right and duty and all of its resources' to education should be to exploit the fruits of their married life together.

### Conclusions

1-The word means maintenance costs ,spending ,cost of living giving and spending money is spent and so ,that's what they need to survive is such as food ,clothing, food home furnishings ,and all that a person needs to live traditionally .

2-Toy alimony three things: parity, propinquity and property and what is at issue here is child support .alimony and child of his father's descendants is obligatory after the fathers paternal and if the mother is not the grandfather.

3-Law who does not pay alimony, he has the right to go to court and ask them to support their and the parents will be required to pay alimony and alimony evasion, the father is considered the guarantee.

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