

## Islam and official ownership of women

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**Abstract** :Complete the religion if Islam as the most comprehensive legal regulation of marital relations and executive and the woman's identity and support him as .the provisions of Islam the largest female supporter throughout human history and will be written in the same order to investigate the importance of the ownership of the great scholars in the verses and lead to the woman .Tanking that the issue can be determined by Personal ownership there is no difference between man and woman because god has said: "men and women and their interest is also their Owen property of the property themselves towards the woman's property there is no stipulation that is the legitimate owner of the ways they need to check with the relevant rules is not allowed including article 46 and47 of the constitution which respected the personal property is legitimate way of referring to certain of these rules is not material so that the whole reason for the woman's property ownership there is man is also included .

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### Introduction

During the property right on the driving engine of human economic activity has been especially in the new era and the industrial revolution after the main components of its essential and the development of countries and the formation of market economy and have knowledge of any economic growth depends on the right .but most women have no right to benefit from this and not only of having been deprived of the right to property but even in those cases also have been dominated by men ,it is the first school of Islam that the equality of women and men the human and the nature of property right of independence for women is a great symbol of freedom but also believes that the first woman .

### Defined of Ownership

The definition of a social relationship credit and a contract between a person and group that represents the owner of the property to capture their legitimacy and prevent seizing on its property .this legitimacy is a relative and variable in different social systems (Beheshti, 1998).

Dr.emami on the definition of the property is a relationship between property writes the person and material things that can be known to the owner of the valid law .it gives it that right and no one can prevent it the exclusive and permanent property right is absolute, that the person towards property and she lets all the benefit of economic interests (Imami, 1995).

The property tight is that that person permanent can be about financial rules capture and use all its benefits (katuzian,1995).

### The origin of the Ownership

The actual origin of Ownership three factors, innate, intellectual and social:

#### 1- Human innate desire of any innate factor:

This is the resulting objects from his work or collected by him, it was he and assign to itself .This innate tension that we clearly saw that in humans are even children, the genesis concept provides "Ownership", although their cultural revolution in process in the light of wisdom and religion has tried to make it with legitimate social and individual rights of human beings and the natural tendency of the qualified works to prevent this.

#### 2-The wisdom of practical operating path

**sentence:** That if someone bothered something and his product and someone else did not that ,the takeover, a practical and contrary to justice is done .if such a ruling is accepted ,it be one of the areas of the emergence of culture "Ownership",human.

**3-Social factors:** The man is a social creature (Naturally Civil) and this is the point in all the affairs of the society require that chaos does not occur. One of the most important of these affairs, taking advantage of the property and wealth .a way to set the property relations of the people in this field .hence, the most basic factor in human action to validate the

Genesis "Ownership" conceptual and human culture, such as the social factor has been credited, of course, how to accept these .and the provisions related to NLP .one of Emory is separated from economic systems. (Roshanfar, 2003).

### **The property rights of women in Islamic Law**

Islam has guaranteed independent female character .In Islam, men and women Benefits such as thought, will and authority, hence both can live in human life that needs study based on it ,the activity .So women like men ,can work independently ,and as a result of their efforts is the owner of the work .Islam in the intellectual growth of financial and economic issues ,as well as condition and this is a condition in which these punishments related to sexual maturity and social maturity ,has been raised .Social and intellectual growth and maturity ,superior growth and the evolution of sexual maturity and the growth of more. The holy Qur'an to the economic issues that matter to you, intellectual growth and maturity in that condition .So in this growth, the difference is not between men and women and any who are under such circumstances can participate in economic activities as a result of their work and the owner.

Allameh Tabatabai in relation to female said such women providing that draws men in all social ,personal issues .and Islam by all means this has advocated freedom and independence, except in a few cases the characteristics men.(Mortazavi,1999);(Babazadeh & Sobhani,1999).

### **The female ownership resources**

The woman in the Islamic jurisprudence even in case of the lake of financial resources is entitled to employment and can be your personal property in any such agreement without have occupy the husband be required .whether the property obtained before the marriage or after it .(Mohaghegh damed,2008). Here are some of the resources we mention female ownership:

#### **Dowry (Cabin)**

One of the woman`s finances, October is in the Qur'an .dowry to pay women as boon (Sura Nisa Verse 4).In connection with the woman`s dowry property scholars believe that as soon as the female owner of the marriage dowry ,and can do it in any capture ,even if it does not receive the dowry .(Najafi,1987).

#### **Alimony**

Including the rights that it is obligatory for men over the supply of women in terms of housing, food and living supplies duty of man .The woman on the

premise that much wealth is not necessary at this time to have the costs of the company .Female in this company costs depending on the desire and will of him (Mottahari,1998).

### **Inheritance**

The principle of inheritance on the Islam rules except the woman refused .Islam has long announced that this principle not only in the Arab environment but in civilized societies also were not only deprived of their inheritance ,but women as a part of the inheritance and property were considered .

### **Business**

Unlike the era of ignorance promoted to wage any woman has the right to work and were not all his father or husband`s takeover fund .The holy Qur'an, women like men, the owner of the work and bother themselves know and can attest to his wife with the owner of the property accept for his trouble, and his ownership of the property on the woman like a man.

### **Women`s economic independence from the perspective of the holy Quran**

The Quran has to remind men and women gain economic and property which some think is a unique man and woman does not have any right for the woman has proved its independence and has announced .Verse: The lord`s superiority that for some of you do not wish others to put in .Men get out of what they are, and women also have thrust of the grace of god –seeking and knowing everything to god (Sura Nisa Verse 32).

The interest and contribution to the meaning of existence some of the above verse of commentator`s equality of women and men (Mehrizi.2010). According to this verse to a given property and women in Islam to respect it and there is no difference between man and woman .According to the financial relationship between types of verse for the women to whom the owner has no barrier and its capital.

### **There are other verses that the verse implies the woman is related to inheritance:**

For men of what their parents will share the place of and for women as well. The specified share and payable .Quran any difference between men and women is not it knows the principle of inheritance for women and his property in inheritance has proven (Sura Nisa Verse 7).

**And other verse:** And for you women`s heritage is your half if they do not have a child and child is to have a forth of it (Sura Nisa Verse12).

This verse will remind the religion proves the same property because the person will either be a person to be the owner of the lender the borrower .Other verses that discusses ownership and financial independence are plentiful including women are men and women who spend, borrow and interest free Loan to god that they are worth the full bonus (Surah Hadid verse 18). God for all men and women of faith for men and women spend a huge reward placed. (Surah Ahzab verse 35).Men and women, but with the faith of each other and deny, called prayer, zakat(Charity) and obey Allah and the messenger. (Surah Toubeh verse 71).

And women to fully pay a debt to them as if they were something they are forgiven because of satisfaction with you and enjoy it (Surah Toubeh verse4).

The right to the right ,the right to spend ,almsgiving ,zakat (Charity),right up the woman`s dowry ,to the right of ownership .All these verses and other verses that the women of zakat (Charity) and charity and ...it describes is that women are property indicates that the zakat ,or charity .From these verses and so that they are clear and explicit the rights of such women to use that financial issues such as men , women, and the right to the beneficiary as a result of all the results and a achievements of its freedom and independence are capital .

### **Narratives**

The holy religion of Islam on women`s property rights in addition to verses of the holy Quran in the narratives also approved and the emphasis is put from it, including the narrative of the prophet pointed out that the prophet said:( All humans have dominate over your property) scilicet :All humans in the free operation of its capital (Majlesi,1984).According to this statement in which the word is used of humans can be understood as a man on his own property ,there are also women on his property royal dominion .Because the word of man ,including men and women in another narrative of imam Baqer (a.s) :Whenever the owner of his own work and be mandatory could buy and sell ,free and slave ,in the presence of their testimony ,and the judge of the property it is because her work is allowable (Al-hor Ameli,,1996).

As a result of these two we like the Quran similar Narrative that if the woman has reached the age growth of in all its personal and legal issues is free and independent in the administration of their property and their property without the permission of the owner, but can be.

### **The right of ownership of the woman in jurisprudents opinion**

Your property in terms of the independence of women in them is legitimate and does not have nothing to do with permission of her husband .Sheikh Mofid said: A woman who is full of wisdom useful in trading such as marriage and the borrower, the property, the priority .The deceased woman`s independence remains the owner of the “msalk” is about the owner of the woman said about capture “hadaegh” finance after puberty, there is no problem between them and any but some come from the husband that the narrative should be allowed (Mehrizi.2010).

Imam Khomeini also emphasized women`s financial independence and the woman said a man seizing property without permission is not permitted .The man has no right to do so for example ornament for her without letting them sell as in relation to the liberation of women in Islam women in Islam freedom said: Not only is ok but the base transition of liberation of in all dimensions.

### **Property right of women in Iranian laws**

Islam is always on the equality of men and women .Iranian law is based on Islamic law with his wife managed the property and he could grab anywhere.

Article 46of the constitution stipulates that: “Anyone makes their legitimate business owner and is nobody can as your business ownership to the possibility of another business of stripping”. This principle is one of the most basic rights of ownership mentioned that dominated the relationship between the owner and the criteria in the first grade work and human effort that ended up should the work and effort .and effort achieved ,effort and work of him ,of course ,it is clear that should the work and effort ,is legitimate .(Yazdi,1996).

This principle is based on the criteria in the first degree on the financial and property rights of individuals’ .In Islam it is one of the type of property, personal property .Islam is a personal property right of individual bases or postulated, and has accepted that ownership of the relationship between people and nature in accordance with the nature and property of a to commit it is rational, obviously (Madani, 1990).

Islam not only Hungarian properties that can be property educated, hard working person and belongs to the production knows, but if people do not want to exceed those from under his influence and he is killed in the defense of Islam, such as the martyrs to the personal (Qorbani, 1987). But is based on the order in which Islam and the relationship between god and the creature exists, the actual owner of all the divine nature of the universe and a whole human being knows, the owner of the credit .In real property

foreclosure issue is not raised, and the transfer of this credit is the property that is also capable of stripping and transfer capabilities.

The personal property is also respected In principle47 : “personal properties that is to be respected and legitimate way of the conditions of law” Accessories this principle, in fact, is one of the principle before: because when anyone is sure his business owner :Formed the first proprietary ,personal property mentioned in this article in order to say to it ,especially the reference to the need to respect the legitimacy of the legal terms is that most of these rules relating to the quality of education ,wealth and business type (yazdi,1996).

As we can see in any of the contents of a specific sex, expressed to mentions .So it's all the reasons for the right to ownership and respect for personal property ,there is a man ,the woman's property also included .In addition to that provided in article 17of the universal declaration of human right will also be stressed .the base of the “predominate” also saw another on this point .All of the aforementioned women`s property right in the constitution proves .In paragraph 99of the charter of women`s rights in the Islamic republic of Iran ,on women`s right to property in the property and the property of the person and the operation of legal and compliance with legal limits stipulated .

In Iran, as well as civil rights, the property of men and women does not constitute common property, but each of the couples, and apart from the property of another. Thus the rights of women in Iran in this part also have to comply with Islamic jurisprudence of the financially in dependent. He can be found on your property either apart from the dowry is and what it does and any legal action freely capture than they do.

The husband the right to any intervention in the property and the property of the woman and her family, the authority for the department in this field (Safaei & Imami, 2011); In terms of the rights of women to full capacity of Islam and against the former European right and, unlike the woman because they are disabled in any way.

In article 30 of the civil law, stressed that any provisional relative to their right to any property seizing and just, unless the law has exceptions.

Civil law, enforcement capacity to start a live human being is born with knows that with his death, as well as all can be. So women like men can, relying on the right to the enjoyment of their rights to benefit of Ownership rights .The civil law one the same subject has announced approved; “your assets as an independent woman can be in any occupation that wants...” in fact the woman's signature, according to the laws of the Islamic republic of Iran under

contracts and contracts, alone and without the intervention of his wife.

It is worth noting that by virtue of article 1106 of the civil code, marriage, alimony is responsible for the woman's husband. According to article 1107 of the same law materials in this reheard, it can be inferred that the earnings of women is the employment effect, his personal property and that he has no obligation to spend it in the direction of family expenses (kayuzian, 1995).

## Conclusion

Of what was expressed in the Islamic system that turns out to be the same woman is also man rights.

**1-**The origin of the innate operating real intellectual property ,three social forms and innate desire and every human is that the resulting objects from his work or collected by him ,of his own and it is dedicated to the practical wisdom and judgment that if anyone bothered to produce something and his product and someone else that can be done to seize a person`s practical and contrary to justice is done .as well as the social and the human creature in all the affairs of the society require that chaos does not occur .Islam also have the right to an independent woman and the woman`s character .So the woman like a man can work independently ,and the owner of its financial resources ,including alimony ,inheritance ,and employment.

**2-**Verses and traditions, there are numerous in Islam and economic efforts of women and men confirmed the property that some were limited to imagination is man and woman does not have any right to a stabilized frankly, their ownership and independence has been stressed.

**3-**The great jurists of Islam, such as shaykh tusi, sheikh Mofid, Imam Khomeini, to the financial independence of women in various expressions of its approved Possessions.

**4-**Legal status of Islam in never in favor of woman and man against man or woman to win was against .Thus Islam has always been on the equality of men and women is emphasized .Iranian law that ,according to Islamic law ,a woman with her own property and Manage he can be any capturing in your property .

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**References**

## The Holy Quran

1. Imam, Hassan., Civil rights, Publisher: Islamic bookstore, Tehran, V 1; 1995.
2. Beheshti, Mohammad Hossein., Islamic economics, Publisher: Islamic Culture, V 1; 1989.
3. Babazadeh, AA., & Sobhani, J., Matters of marriage and family law, publisher: Badr, Tehran, 1999.
4. Al-hor Ameli, Mohammad Hassan, Vasail Al-shiee, AleAL-Bayt Qom, 1996; V5.P237.V7.P114.
5. Turn roshanfar, M., women, employment, ownership, Publisher: Olive Leaf (Barge ziton), 2003.
6. Safaei, H.& Imami, Asad ahah., Family law, Publisher: Mizan, V 1, 2011.
7. Qorbani, Zain Al-abedin., Islam and Human Rights, Publication: Library Sadr, Tehran, 1987.
8. Katouzian, N.,Introductory course of civil rights (property and ownership), Publisher: Yalda, Tehran, 1995;P 104.
9. Mortazavi, Syed Z., Imam Komini, & cognitive models of religion, women's issues, Publisher: Islamic Propagation Office of Islamic seminary of Qom, Qom, 1999.
10. Mehrizi, M., women and religious culture, Publisher:Hasti nama , Tehran, 2003.
11. Majlesi, MB, Bihar Al-Anwar, Publisher: Dar Al-Arabi Altras Al-arabi, Beirut, 1984.
12. Mohaghegh Damad, M, Evaluation of family law and jurisprudence, Publisher: Islamic Science, 2008.
13. Motahari, M., Islam in legal system, Publisher: Sadra, 1998.
14. Madani, JA., Constitutional rights in the Islamic Republic of Iran, Publisher: Soroush, Tehran, 1990.
15. Najafi, MH, Javaher Al-kalam, Publisher: Dar Al-ketab, Tehran, 1987.
16. Yazdi, M., Constitution of for husband, Amir Kabir Publications, Tehran, 1996.

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