




The Scale of Optimal Family Governance in Light of Conventional Dowries and Crime Prevention

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One of the social challenges facing contemporary Iranian society is the issue of unconventional dowries, which, due to their increasing trend, have turned into a significant social and familial problem. This issue has led to a range of crimes, including familial disputes, divorce, imprisonment, and judicial convictions. Accordingly, the present study investigates optimal family governance in terms of conventional dowries and their role in crime prevention, given the substantial connection between dowries and the family system. The research question addresses the role of conventional dowries in achieving optimal family governance and preventing crimes. This study employs a descriptive-analytical method using library-based tools. The findings of this study indicate that optimal family governance in relation to conventional dowries is not a unilateral matter isolated from various individual, social, and political factors. Therefore, achieving an optimal governance model to prevent unconventional dowries and to promote conventional dowries requires the active participation of the government, civil society organizations, non-governmental institutions, and the public (through cultural reform) in addressing dowry practices. The government's role, based on the principle of expediency and the jurisdiction of the ruler in an Islamic society, is crucial for changing the trend of promoting unconventional dowries. The public's role is vital for reforming cultural practices such as rivalry and imitation, while non-governmental organizations play an essential role in critiquing laws and identifying the impacts of unconventional and excessive dowries. Thus, preventing crimes resulting from excessive dowries necessitates an interactive approach involving the three entities: government, the public, and non-governmental organizations. The government must amend laws based on societal norms, the public must reform cultural practices, and non-governmental organizations must oversee the enforcement and reform of these laws. Together, these elements form the structure of an optimal model for conventional dowries in an Islamic society, grounded in Islamic jurisprudence.

Keywords: *governance, family, dowry, unconventional dowry, conventional dowry*

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1. Introduction

The family is the fundamental element of an ideal society in Islamic teachings and Islamic

communities. It begins with the contract of marriage, one of whose components is the dowry. Traditionally, dowries have been regarded in Islamic culture and



thought as a gift for the wife, which, based on the rights and responsibilities of the couple, is the husband's obligation. Over time, however, the economic perspective has dominated the nature and form of dowries. Today, due to increased communication and growing mistrust among individuals, exorbitant amounts are often assigned as dowries. Although this practice is often viewed by wives and their families as a means of securing the family system and marital bond, in many cases, it leads to financial disputes within families, legal proceedings, judicial rulings against the wife, and even divorce.

Additionally, some individuals have adopted a materialistic and economic perspective toward marriage, causing it to deviate from its original sacred nature and leading to increased marriage age and mistrust between couples. This trend has destabilized family structures and caused social, cultural, and familial threats, with its judicial implications imposing significant costs on individuals and government institutions.

Considering that dowries have their roots in Islamic law and are primarily intended to foster love, affection, and the strengthening of family systems, current laws in this area have not been effective in preventing the formation of excessive and unconventional dowries. The assignment of large quantities of gold coins, often to display superiority or social status, has negatively impacted marital relationships. Many husbands, due to financial inability or entanglement in judicial processes, either face imprisonment or significant legal struggles. Therefore, the notable impact of unconventional dowries on individual, familial, social, and economic crimes necessitates further examination and scrutiny.

This study seeks to explore the factors shaping optimal family governance by addressing conventional dowries and their role in crime prevention. It examines how laws, governance structures, cultural beliefs, and the roles of civil society and non-governmental organizations (NGOs) relate to conventional dowries and evaluates mechanisms to prevent unconventional dowries.

2. Theoretical Foundations: Origin of Governance

Governance is a bottom-up process originating from the people, based on their roles and activities. In contrast, rulership is a top-down process shaped by the role of institutions, officials, and laws implemented by the

government. Exploring the origins and components of governance that constitute its foundation is critical and will be examined in the following sections.

2.1. *The People*

The people play a fundamental role in determining officials and leaders in society and participate in legislative processes and the appointment or dismissal of officials. This reflects the people's involvement in governance based on democratic principles (Heywood, 2015). However, their role is not limited to political matters. Today, through existing tools such as participation in organizations, criticism via media, and other available resources, the public challenges flawed laws and seeks their reform.

The significant issue regarding the people's role in governance, particularly in addressing social harm, is their cultural behavior. Media and communication networks have significantly expanded cultural interactions, forming interconnected communities (Gol Mohammadi, 2017). Given the broad scope of people's roles, their behavior can drive societal change or stagnation. When people modify their behavior across political, social, economic, and cultural domains, they can transform or improve existing conditions. Otherwise, they remain passive and compliant with the status quo. These dynamics are crucial in forming optimal governance and addressing significant issues like dowries in Islamic societies, highlighting the importance of cultural reform by the public.

2.2. *Non-Governmental Organizations (NGOs)*

The term "non-governmental organization" (NGO) was first introduced by the United Nations (Herisi-Nejad, 2001). The UN's Department of Public Information describes NGOs as voluntary organizations operating at national or international levels, managed by individuals with shared interests. NGOs are independent of the government but are active and influential in political and social arenas, serving as intermediaries between the government and the public.

NGOs generally refer to private organizations involved in activities like reducing diseases, promoting the welfare of the poor, preserving the environment, providing essential social services, and advancing social development. These functions foster public trust within

communities. NGOs are now present in every society, typically established based on objectives defined by their founders according to societal needs. They voluntarily and non-profitably operate in social, political, cultural, educational, or charitable domains with structured organizations (Golshan Pajouh, 2007). The UN considers NGOs as non-profit voluntary groups formed at local, national, or international levels that provide expertise, act as warning mechanisms, and collaborate on and oversee the implementation of international agreements (Khorshidvand, 2008). Thus, NGOs play a crucial role in influencing, reforming, or abolishing certain laws.

2.3. Governance

Governance is a significant and decisive element in domestic affairs, referring to the legitimate authority of the political system within a defined territorial boundary. An essential aspect of governance is ensuring security across political, economic, social, and judicial dimensions. Judicial security is a component of public security, which is closely tied to societal order. Since societal security is the aggregate of individual security, public security plays a pivotal role in linking societal stability to national security. Judicial security, being closely tied to individual security, can become a matter of national security and gain attention at that level.

The inability of governments to ensure judicial security may threaten national security (Hajzadeh, 2014). If national security encompasses specific domains such as political, economic, and social, the absence of judicial security could lead to insecurity in social and economic domains. Consequently, governance entails the authority to legislate, adjudicate, and manage citizens' affairs in accordance with the law through various institutions.

3. Criteria for Optimal Family Governance Regarding Conventional Dowries

Considering the aforementioned three elements as distinct aspects of governance, examining factors related to governance from the perspective of the roles of the public, non-governmental organizations (NGOs), and the government can provide a model for optimal family governance through conventional dowries. It is necessary to adopt an interactive approach that combines governmental (state-based) and public origins

to propose a balanced and comprehensive mechanism beyond narrow perspectives.

3.1. Role of the Government and the State

Undoubtedly, the Qur'an and Islamic traditions are among the primary sources of expediency since individual and societal prosperity is embedded within the scripture and traditions. Generally, every verse in the Qur'an indicates a benefit or benefits (Toufi, 1990). Islamic jurisprudence and traditions emphasize that all transactions and societal interactions are legislated for the welfare of people and for worldly and spiritual benefits. Numerous traditions from the Prophet Muhammad (PBUH) and the Imams highlight how expediency is adapted to the needs and demands of the time. Examples include the allocation of resources gained from war, ensuring the welfare of orphans, proper management of waqf (endowment) properties, and the fair treatment of prisoners of war.

Islamic scholars have addressed expediency across various areas of jurisprudence, including trade, contracts, waqf, jihad, and penal laws. Wherever jurisprudence discusses authority or governance, the principle of expediency is invariably involved (Sarani, 2001). Thus, for many contemporary issues lacking explicit scriptural guidance, Islamic governance relies on expediency to prevent harm or to make decisions that enhance the well-being of the Muslim community. Expediency in this context encompasses preserving religion, life, intellect, progeny, and wealth (Mirza Qomi, 1990).

When excessive and unconventional dowries cause material and spiritual harm or jeopardize societal stability, the principle of expediency obliges Islamic authorities to intervene and establish standards for dowries to prevent lawlessness. While societal norms play a significant role in determining dowries, relying solely on these norms is insufficient. The interplay between governance and custom is crucial, as government regulations and directives are instrumental in addressing societal challenges. Islamic leaders are authorized to issue rulings based on the principle of expediency to resolve social issues and align them with the demands of the time (Jafari, 1990).

The contemporary issue of dowries, which have transformed from symbolic marital gifts into economic commodities, necessitates urgent reform through the

lens of expediency. Strategies such as setting limits (e.g., 110 gold coins) or considering local norms, economic conditions, and the financial situation of couples are examples of practical approaches. A balanced mechanism is essential—one that emphasizes the role of social norms in promoting conventional dowries while allowing the state to enforce measures against unconventional practices.

3.2. *Role of Non-Governmental Organizations (NGOs)*

NGOs play a critical role in identifying challenges, assessing the adverse impacts of excessive dowries on family structures and marital relationships, and addressing their role in delaying marriages. According to the Iranian Constitution, women have equal rights to men, and Article 21 explicitly tasks the government with ensuring special insurance for women, including elderly and widowed women, using public revenues (Hashemi & Esmaeili, 2019).

NGOs can advocate for women's rights, particularly those separated from their spouses, by pressing for legal reforms that benefit women. In cases where the dowry is conventional, the wife's entitlement must be protected. However, instances exist where wealthy individuals exploit legal loopholes to evade dowry obligations, forcing wives to relinquish their claims. NGOs can utilize media and other resources to highlight these issues, advocate for justice, and push for regulatory reforms. Moreover, they play an essential role in preventing crimes associated with excessive dowries by holding governments accountable for legislative and regulatory changes.

3.3. *Role of the Public and Families*

Optimal family governance concerning unconventional dowries is part of a broader effort to combat familial and societal crimes. This requires addressing public beliefs and cultural attitudes toward dowries. Conventional dowries are a key aspect of optimal family governance, facilitating early marriages and reducing societal and familial crimes. Unconventional and excessive dowries have been shown to increase marriage age and fail to meet the emotional and psychological needs of young individuals (Qolizadeh & Ghafarian, 2011).

Some families insist on high dowries, hindering the marriages of their children (Ansarian, 2001). Practices

that have become widespread, including competitive social comparisons, contradict Islamic principles and undermine the sanctity of marriage. Families, as the cornerstone of societal customs, play a pivotal role in curbing excessive dowries. Cultural factors, including rivalry, materialism replacing spiritual values, delayed dowry payments, and the pursuit of social status, are primary drivers of this trend (Qolizadeh & Ghafarian, 2011). Rivalry among families plays a significant role in this regard.

In addition to governmental and NGO efforts, cultural reform to consider couples' economic conditions and encourage successful marriages with minimal dowries is vital for moderation. Such reforms can help prevent familial crimes and shift couples' perspectives away from materialistic views of marriage.

3.4. *Religious Criteria for an Optimal Family*

Optimal family governance entails appropriate and logical behavior, recognizing and respecting the rights and responsibilities of both spouses. The Prophet Muhammad (PBUH) said: "Be aware that God and His Messenger are displeased with a husband who harms his wife to compel her to forgo her dowry or seek divorce. God will not accept less than punishment in hellfire for a husband who harms his wife to relinquish her rights, as God becomes angry at those who harm women, just as He becomes angry at the mistreatment of orphans" (Noori Tabarsi, 1408).

From this perspective, the dowry is considered a right for the wife, regarded as a "gift" from the husband in return for her obligations. This gift should not be reduced to an economic or materialistic aspect, as it plays a significant role in maintaining family cohesion and preventing familial crimes such as neglect, infidelity, or other social harms.

Despite the recognition of dowries as a wife's entitlement, various views have emerged regarding their amount and conditions. Some Islamic jurists refer to the concept of Mahr al-Sunnah as a standard for dowries, arguing that amounts exceeding this standard should not be accepted. Mahr al-Sunnah signifies the Prophet Muhammad's (PBUH) practice of setting dowries for his wives at 500 dirhams. Many jurists, adhering to this tradition, oppose dowries exceeding this amount or its equivalent (Serami, 2001).

However, other jurists consider contemporary developments and social norms, asserting that while the 500 dirhams represent the Prophet's tradition, amounts above this constitute a customary dowry (Mahr al-'Urf) rather than a religious one. From a payment perspective, there is no distinction between the two types (Rouhani). This approach seeks to discourage unconventional dowries or impose restrictions on excessive dowries. At the same time, it ensures that dowries below the customary or religious standard cannot be set for the wife, as the dowry serves not only as a gift but also as a provision for the wife's needs.

Some jurists, including Ayatollah Khomeini, argue that dowries should reflect contemporary economic and social changes, making adherence to Mahr al-Sunnah impractical in the present era. They emphasize that setting dowry standards to prevent excessive dowries based on Mahr al-Sunnah is challenging due to current economic and social conditions. These conditions may necessitate new rulings based on the time and place to address evolving societal needs (Khorshidvand, 2008). Thus, aligning with economic changes and the new demands of couples requires legislative adaptation. For instance, the issue of setting dowries in gold coins has become a contemporary challenge, requiring regulatory frameworks beyond mutual agreements. Instead, rulings should align with societal welfare and the family system (Shokri, 2020). To determine a conventional dowry, factors such as geographic considerations, the couple's economic circumstances, cultural and social norms, and the husband's ability to pay—free from emotional influences or social rivalry—are crucial in implementing optimal family governance.

Surah An-Nisa (4:19): *"O you who have believed, it is not lawful for you to inherit women by compulsion. And do not make difficulties for them in order to take [back] part of what you gave them unless they commit a clear immorality. And live with them in kindness. For if you dislike them—perhaps you dislike a thing and Allah makes therein much good."*

This verse assigns two significant duties to men:

1. If a man marries a woman, it is forbidden for him to leave her in a state of uncertainty. This means he should neither abandon her (divorce her) nor treat her poorly or neglect his marital duties to compel her to relinquish her wealth, whether as a dowry or otherwise (Mirza Qomi, 1990).

2. A man must behave kindly and appropriately toward his wife. Even if he dislikes certain aspects of her behavior, he must exercise patience, as what may seem undesirable could ultimately lead to significant benefits, happiness, and the strengthening of family bonds. The verse allows separation only in the case where the wife commits explicit immorality or engages in corruption.

3.5. *Criteria for an Optimal Dowry from Economic and Legal Perspectives*

The verses of the Qur'an recognize the dowry as a woman's right, except in cases where her evident wrongdoing is proven. This is supported by Surah An-Nisa (4:20): *"And if you want to replace a wife with another and you have given one of them a great amount [in dowry], do not take [back] from it anything. Would you take it in injustice and manifest sin?"*

This verse explicitly emphasizes the protection of women's rights, particularly regarding dowries, which must be fully paid to the wife as her natural and religious right (Rafiei, 2001). In cases where a woman, while living with her husband without any evident wrongdoing, is denied her dowry, her right has been violated from both legal and religious perspectives. This necessitates legislative attention to prevent the denial of women's rights and to mitigate crimes stemming from such injustices.

Islamic rulings place the significant economic responsibility of supporting the family on the husband, given his greater physical capacity to earn income. This allows the wife to focus on child-rearing and managing household affairs (Noori Tabarsi, 1408). Similarly, in marital relationships, every right granted to one spouse is accompanied by corresponding obligations. For instance, the dowry is recognized as the wife's right in marriage, and in return, she is obligated to fulfill her marital duties toward her husband throughout the marriage.

This mutuality extends to the right of divorce, which is granted to the husband because the wife, by initiating the marriage contract (her legal right), grants the husband the right to shared life. The husband, by accepting the marriage, undertakes responsibilities such as providing maintenance, paying the dowry, and other financial obligations (Asadi, 2001). From this perspective, the

dowry is a customary element designed to support the establishment of the family unit, as financial matters, including the dowry, are legally integral to the marriage contract and are typically borne by the husband.

Unconventional dowries undermine the responsibilities and obligations of both spouses toward the family unit. Marriage is a contract through which a man and a woman unite to form a family and share life. It encompasses both financial and non-financial aspects. On one hand, the husband, by entering the marriage contract, is obligated to provide for his wife and family, including the dowry. On the other hand, both spouses are expected to collaborate to strengthen the family foundation and raise children (Katouzian, 2008).

When the financial burden of the dowry becomes excessive, it can result in the husband neglecting family responsibilities, abandoning his wife for another, or even committing familial and societal crimes. To address this issue, the concept of "adjusting obligations" is proposed. This means considering the marriage contract as a balanced agreement, subject to fair assessment. The adjustment of contracts challenges the traditional rule of binding agreements as outlined in Articles 184 and 219 of the Iranian Civil Code.

This principle aligns with Article 4 of the Constitution, emphasizing justice and kindness as fundamental Islamic values. The Sharia explicitly disallows rulings inconsistent with justice and advocates for fairness and beneficence (Hashemnejad & Gholampour, 2015).

Thus, optimal family governance concerning conventional dowries requires regulating dowries based on fairness and kindness while considering financial capability and societal norms. This approach ensures that the wife's losses are compensated fairly over time and prevents further harm to her.

4. Conclusion

Optimal family governance can serve as a benchmark for establishing logical mechanisms to prevent unconventional dowries and associated crimes if it achieves a standard approach across three domains: the public (families), the legislative and governance system, and the legal and economic framework. A conventional approach, based on good governance, is not limited to governmental tools. While the state, under the principle of expediency, has the authority to intervene and amend laws when societal challenges arise, it can also nullify

certain laws concerning excessive dowries and propose standards based on time, location, the assets of the spouses, and the prevailing cultural values of the region or family.

The second aspect of this approach focuses on reforming cultural norms within families and individuals by emphasizing the concept of dowries as a "gift" and discouraging materialistic tendencies. However, such reforms should not rely solely on recommendations. Instead, stringent legal and punitive measures should be implemented against spouses who establish excessive dowries solely for personal gain. Conversely, promoting and supporting individuals who set reasonable dowries based on religious principles and public interests will play a significant role in grassroots cultural reform and improving governance toward conventional dowries.

The third aspect involves leveraging the capacity of non-governmental organizations (NGOs), which currently have limited activity in Iranian society. Utilizing media and communication tools to form NGOs that identify the causes behind unconventional dowries and highlight the issues faced by couples whose marriages have dissolved due to dowry-related disputes can bring such concerns to the attention of executive, legislative, and judicial authorities. This would play an important role in preventing unconventional dowries and reducing related crimes. NGOs can also identify and address the needs of vulnerable families and individuals harmed by dowry practices.

Through these measures, a governance network that operates bottom-up can be established, focusing on reforming dowry laws and creating mechanisms for improvement. Addressing unconventional dowries as a social and economic problem requires the effective and coordinated action of state institutions, the public, and NGOs. These stakeholders must collectively identify vulnerabilities and implement both mandatory and advisory mechanisms to prevent crimes in this domain.

4.1. Proposed Solutions for Reforming Unconventional Dowries:

- Setting a ceiling for dowries based on the time, location, and socio-economic conditions of the spouses.
- Differentiating between individuals imprisoned due to their inability to pay dowries and those who are victims of materialistic motives of their

spouses or families, with an emphasis on de-incarceration measures for the former.

- Supporting networks and NGOs to identify crimes and negative impacts resulting from unconventional dowries.
- Encouraging state intervention, based on the principle of expediency, to reform the current practices surrounding excessive dowries.
- Promoting cultural awareness and education to identify exploitative practices related to dowries while encouraging individuals to establish reasonable dowries.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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Declaration of Interest

The authors report no conflict of interest.

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Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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