

# Comparative Study of the Right to Divorce in Iran and Turkey

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**Abstract** The most important issues regarding divorce are the issue of divorce. Accordingly, the present study was conducted with the aim of comparative study of divorce law in Iranian and Turkish law by library method. In accordance with Article 1133 of the Iranian Civil Code, and subject to Imamiyah jurisprudence, there is the discretion of divorce with man and man's will, and the wife can apply for divorce in case of certain circumstances. But in Turkey's law, firstly, each husband and wife can file for divorce if there is any divorce, and the divorce's suit is not specific to the man, but the woman also has the right to do so. A man can divorce his wife in accordance with the procedure stipulated in the law without the need for proof or special cause; however, the request for divorce the woman is not easily accepted, and the wife can apply for divorce in case of certain circumstances. . In addition to the above, the divorce and divorce effects were studied in a comparative manner. According to the study, divorce cases in Iran include: male will, woman's request (husband's refusal to give up alimony, dismissal and harassment of a woman, absence for more than 4 years of her husband and lawyer's wife's husband's divorce and marriage agreement, While the divorce on Turkish law involves committing adultery, assassination and committing a crime or disrespect to the other party, marriage quit and insanity, in relation to the financial effects, it is not always the effect of a divorce payment to the husband, but to Under Article 174 of the Turkish Civil Code, the party whose divorce pleaded guilty must also bear the financial consequences and pay damages to the other party. Divorce is one of the most important issues of the care of children after the separation of the husband and wife. In Iran's law in accordance with the law of Islam, the guardianship of children, however, is the right of women and women, but after divorce, the priority is to hold them to wife. And then there is a couple of rights, while in Turkish law the child care is not always the responsibility of the husband and can be in the hands of the husband or wife, depending on the circumstances of the case file. **Keywords:** divorce, divorce, divorce, effects of arbitrariness, Iranian law,

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**Turkish law**

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