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Rights and Duties of Parents and Children with Emphasis on the Legal Systems of Iran and England

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ABSTRACT

Family law is one of the most important branches of civil law and plays a fundamental role in preserving the dignity, security, and welfare of family members, particularly children. Child maintenance, as one of the major duties of parents, holds a special legal and jurisprudential position, as it guarantees the provision of the child's basic needs and healthy development. Using a comparative approach, this study examines the rights and duties of parents in the legal systems of Iran and England and analyzes the status of child maintenance from the perspective of Islamic jurisprudence and domestic laws. The comparative analysis indicates that, in both legal systems, the protection of children is of great importance; however, there are differences in the way parental duties and children's rights are defined and enforced. In the Iranian legal system, jurisprudential and Sharia-based foundations play a key role in determining family rights and duties, whereas in the English legal system, greater emphasis is placed on the welfare of the child and international human rights law. By using the method of analyzing legal texts, international documents, and jurisprudential sources, the researcher identifies the strengths and weaknesses of each system. The findings show that strengthening protective legislation and promoting legal education can be an effective step toward guaranteeing children's rights and ensuring the proper fulfillment of parental duties.

Keywords: family law, child maintenance, parental duties, Islamic jurisprudence, comparative legal system

Introduction

The relationship between parents and children is not only the basis for the formation of the family as the primary nucleus of society, but also the foundation of many legal, ethical, and cultural concepts in every social system. The manner in which this relationship is regulated in different legal systems reflects the philosophical, religious, historical, and social approaches of those societies. In some systems, emphasis is placed on hierarchy and parental authority, whereas others focus on the priority of children's rights, participation, and welfare. A comparative study of the legal systems of Iran and England regarding the rights and duties of parents and children can provide an illuminating example of these fundamental differences. The Iranian legal system is rooted in Imami jurisprudence, and its rules are influenced by Sharia rulings and traditional understandings of family relations. In this system, the parent-child relationship is regarded not only as a legal relationship, but also as a Sharia-based, ethical, and even



customary matter. By contrast, English law is based on common law and statutory rules developed after the twentieth century, especially after the enactment of the Children Act 1989, and is largely structured around the welfare of the child and parental responsibilities toward the child (1, 2).

In the Iranian legal system, rules such as custody, compulsory guardianship, maintenance, and child upbringing are precisely defined in civil and jurisprudential laws. For example, Article 1168 of the Civil Code considers custody to be both a right and a duty of parents, and Article 1180 refers to the compulsory guardianship of the father and paternal grandfather. In Imami jurisprudence, the religious and moral upbringing of the child is also considered one of the most important parental duties and is connected with concepts such as the right to obedience, righteous upbringing, and Sharia guardianship (3, 4).

By contrast, the English legal system, by introducing the concept of parental responsibility, has attempted to move the traditional view of “parental right” toward “legal responsibility in the best interests of the child.” These responsibilities include meeting the child’s welfare, educational, health, and emotional needs, and their exercise is accompanied by the direct supervision of protective, judicial, and civil institutions (2, 5). Children are also recognized as independent rights-holders and, in accordance with the provisions of the Convention on the Rights of the Child 1989, have the right to have their views heard in decisions concerning them.

Another fundamental difference between the two systems lies in their intellectual and value foundations. Family law in Iran is largely “duty-oriented,” meaning that parental duties toward children, including the provision of maintenance, custody, and religious upbringing, are central, and children’s rights are implicitly inferred from these duties. By contrast, English law adopts a more “rights-oriented” approach in which the child is not merely an object of protection, but is recognized as an independent legal person with a set of rights (1, 6). In this system, the welfare of the child is recognized as the foundational principle of all decision-making and may even limit parental powers. For example, in cases such as child protection orders or care orders, courts may temporarily or permanently remove certain parental rights (2, 7).

It is noteworthy that, despite theoretical and structural differences, both systems show a form of convergence regarding the necessity of protecting the child. In Iran, despite its more traditional approach, recent legislative developments, such as the enactment of the Law on the Protection of Children and Adolescents in 2020, indicate a tendency to strengthen the status of the child in domestic law. This reflects a form of global convergence in child protection, especially under the influence of international instruments such as the Convention on the Rights of the Child and regional treaties (6, 8).

In the Iranian legal system, the rights of parents and children are discussed under several headings, most of which are regulated by civil laws and, in some cases, constitutional principles. These rights may briefly be explained under headings such as the provision of conditions for physical and psychological development, care and custody of the child, religious upbringing of the child, provision of compulsory education, moral upbringing and cultivation of moral and social virtues in the child, the right of obedience and respect for parents, and the parental right of discipline.

In the English legal system, certain rights and duties are recognized for children and parents, including the child’s right to maintenance, which is imposed on the father. Under English law, among relatives, only the child is entitled to receive maintenance from the parents. Laws have also been enacted in this regard. The 1991 statute concerning the assessment, collection, and enforcement of periodic maintenance payable by parents in support of children not under their care, as well as the collection and enforcement of other forms of maintenance, and the Child Support

Act 1995, relate to child maintenance, methods of collecting it from the person liable to pay, and the assessment of child maintenance. Section 1 of the 1991 Act obliges parents to pay maintenance for their children, and both father and mother jointly bear this duty. Section 2 provides that the absent parent must assume responsibility for supporting the child through periodic maintenance payments, taking the child's circumstances into account. It should be noted that sometimes the child lives with the parents, while at other times one or both parents are absent. Section 1 of the 1991 Act defines the terms "qualifying child," "absent parent," and "maintenance assessment."

In English law, as in Iranian law, reasonable chastisement of a child may operate as a natural defense in liability claims and may exempt parents from liability. However, the Children Act 2004 prevents chastisement that results in serious bodily harm from being used as a legal defense. In determining what constitutes unreasonable chastisement, factors such as the reasonableness of the nature and context of the parental conduct, the duration of the punishment, its physical and psychological consequences for the child, the child's personal and age-related characteristics, and the parents' reason for punishment are considered. It should be noted that babysitters and schoolteachers cannot rely on the defense of reasonable chastisement (1, 9). As can be seen, in both the Iranian and English legal systems, because reasonable parental chastisement is permitted, punishment is possible, and only when it exceeds customary limits, which neither legal system has attempted to define extensively, will parental or guardian liability arise. Therefore, discussions of unreasonableness and customariness in punishment, as limiting factors, are open to different interpretations because of cultural diversity and require examination of various environmental factors and specific behaviors.

In this regard, the conceptual and legal details of each right and responsibility in the two systems will first be examined. Then, through the design of a comparative table and final analysis, the differences and similarities between the two systems in theoretical, practical, and axiological dimensions will be clarified. Ultimately, this comparative analysis can provide a basis for proposing reforms or developing supportive policies in Iranian law, especially in cases where protecting the child's best interests requires reconsideration of traditional understandings of the relationship between parents and children.

Theoretical Framework and Background

The Lexical Concept of Right

In encyclopedic sources, various meanings have been given for the word "right." Competence, establishment, invariability, something whose denial is impermissible, a belief consistent with real action, speech consistent with truth, stability, and correspondence with reality are among the most important meanings of this concept (10-13). There is disagreement over whether these meanings of right have multiple instances with different considerations, or whether they are meanings arising from morphological structures and related to the derivatives of the root of the word in singular and plural forms (11, 14). Nevertheless, attempts to reduce these multiple meanings to one comprehensive meaning have been accompanied by different approaches. Some have considered the use of this word in the sense of a "fixed matter corresponding and conforming to reality" as the semantic core of the word "right." Accordingly, applying the term "right" to anything that is placed in its proper position has been considered correct (10, 12).

This theory has faced an ontological critique, based on the claim that if the word "right" is taken to mean existence corresponding to reality, its application to negative and non-existent concepts would be incorrect, whereas in the

uses of this word, the object of predication may not actually exist and may not yet have come into being. Therefore, right is a fixed matter corresponding to truth, whether that truth has obtained external realization or not.

The Technical Concept

The Concept of Right from the Viewpoint of Jurists

Jurists such as Shaykh Tusi, Muhaqqiq al-Hilli, and Shahid al-Thani have divided rights into two categories: the right of God and the right of people (15, 16). Shaykh Tusi divides each of these into three categories (15). In discussing the validity of suretyship, Allama Hilli divides right into six categories: binding and non-binding rights, and then divides binding rights into established and non-established rights, while considering non-binding rights as either leading to binding force or not leading to it (16). In these discussions, various subsidiary issues such as waiver of rights, assumption of rights, conflict among rights, and other related questions are raised, showing the special position of right in Islamic jurisprudential debates (15, 17). Although early jurists addressed branches of issues relating to right, they did not provide a technical definition of this concept. Perhaps the reason for this can be found in the semantic clarity of the word "right" in customary usage in matters relating to transactions. Among later jurists, Shaykh Ansari provided a definition of right, and after him other jurists also addressed this issue (3, 4).

The Concept of Right from the Viewpoint of Legal Scholars

Some legal scholars have given four meanings for right: rules governing human society, wages, the science of law, and privileges referred to as individual rights (3, 4). Others have defined it as a power that a person has over a thing or another person (4).

The Concept of Right in the Paradigm of Western Democracy

From the perspective of meaning and historical developments, the concept of right has acquired a special meaning based on particular theoretical contexts. Theorists who have discussed right in various fields of knowledge in the modern era have relied on specific theories as presuppositions for producing meaning.

The emergence of the meaning of right in Western history involved a distinction between "being right" and "having a right." In the first sense, right stands opposed to falsehood and means truth. When it is said that "a matter is right," it means that the matter is true and not false. In this sense, right is related to the sphere of values and norms and is understood as "being good." In the second sense, right stands opposed to duty. This concept emerged through freedom-seeking and equality-seeking efforts in the modern era. The distinction in the concept of right is deeply connected with the distinction between the concepts of "value or good" and "normative right." In the first meaning, when it is said that "an act is right," this means that it is approved and accepted from the viewpoint of morality and the substantive principles of a particular ethical system. However, the concept of "right" in the expression "having a right" differs from the first concept. In the second concept, right does not necessarily mean performing a "good" and "moral" act, but rather suggests that action based on right is supported judicially and politically. This concept has been divided into four categories: claim, liberty, power, and immunity (1, 6).

What has appeared most prominently in this paradigm is the second meaning, namely having a right. In the linguistic system of political terms, before the Middle Ages, the word "right" was not used according to the meaning common in the modern period. Although the meaning of right in the Crito has received attention, the literature

governing its analysis is not based on the language of rights. Plato, speaking through his teacher Socrates, narrates the question of whether a person who has been unjustly condemned may escape from prison. Socrates answers this question. However, what he means by “the correctness of performing an act” and “having the right to perform an act” reveals the subtle linguistic difference between the concepts of right and justice. In this dialogue, the relationship between justice and law receives greater attention, and the relationship between right and law is not central to solving the issue (1, 6).

Aquinas, the medieval thinker, also considers the concept of right within the framework of justice. He reflects on norms at the top of which stands the principle of justice. In this period, many theorists described natural right, based on theological views, as a channel of God’s will. Accordingly, discussion of the establishment of rights that would serve as the basis for human rights and emphasize natural rights would acquire the most important position in supporting individual rights (6).

In *Leviathan*, Hobbes identifies rights with the sphere of personal liberties. In Chapter 14, concerning the first and second natural laws and contracts, he regards right as the liberty and authority possessed by every human being to use his power according to his own will for the preservation of life. A few lines later, he explicitly states that right means the liberty to perform an act or refrain from performing an act (1, 6).

The connection between right and liberty in the seventeenth century was accompanied by the foundation of theories concerning the nature of right. From these exchanges, Locke’s theory emerged, defining liberty as the power of every individual to perform or refrain from performing a particular act. Like Hobbes, he understood right as the individual’s freedom to perform or refrain from an act, and regarded this right as one of the natural rights and possessions of every person. On this basis, from the viewpoint of philosophers of law and politics, natural right, when understood as liberty and authority, is equivalent to the right of choice and personal right exercised within the sphere of individual ownership (1, 6).

Spinoza identifies the characteristic of right as power and ability, while Pufendorf interprets it as dominion. In his view, right denotes possession and mastery over an act. Examination of theories of right shows that, from the beginning, the concept of right has been used in the sense of choice, liberty, and individual sovereignty over one’s destiny. This indicates the historical priority of choice rights over welfare rights. Choice rights refer to those rights related to the sphere of liberty, a sphere that includes acts whose subject is the choice and selection of the right-holder. Welfare rights stand opposite to choice rights. Some welfare rights become the object of individual choice, while others do not. Rights to health, housing, education, and similar matters are considered welfare rights (2, 6).

The Concept of Duty

The Lexical Concept of Duty

Linguists regard the word “duty,” derived from a triliteral root, as originally meaning attachment and devotion. Attachment to something is expressed as being devoted to it. However, since in love and attachment the lover usually faces difficulties and hardships in reaching the beloved, “duty” has been defined as an instruction whose performance is difficult for the person. Thus, to impose a duty on someone means to command that person to do something difficult. Abu Hilal al-Askari adds that the original meaning of duty in Arabic is obligation (10, 11, 13).

Therefore, although hardship is a central component of the meaning of duty, according to Abu Hilal’s explanation, this hardship arises from an obligation that limits the free will of the human being and is not necessarily connected

with the heaviness or burden of the required act. In explaining the difference between the concepts of duty and imposition, he states that imposition always involves heaviness and burden, whereas duty may include matters that do not involve heaviness or burden (13).

The Technical Concept of Duty

Duty from the Perspective of Theology

In the technical definition of "duty," although more than thirty definitions have been recorded in authoritative texts of theological schools, the concepts of "hardship and difficulty," "obligation and commitment," "command," "will," "the obligatory obedience owed to the duty-imposer," and "issuance from a superior position" have the highest frequency. Shaykh Mufid defines duty as "obligating what is burdensome to human nature and whose performance entails hardship." Thus, duty is an obligation to something that is heavy for human nature and difficult to perform (18).

Qadi Abd al-Jabbar al-Mu'tazili defines duty as informing another person that there is benefit or prevention of harm in performing or refraining from an act, accompanied by difficulty that does not reach the point of compulsion. In this definition and in almost all definitions provided by theologians, hardship and difficulty are introduced as the main characteristic of duty (15, 19-23).

After hardship and difficulty, the concepts of obligation and commitment occupy the second rank and have the highest repetition in definitions of duty. In this regard, in addition to Shaykh Mufid's definition, one may refer to the definitions of Abu al-Hasan al-Mawardi, Imam al-Haramayn al-Juwayni, and one of the several definitions of Qadi Abd al-Jabbar al-Mu'tazili (18, 19).

Duty from the Perspective of Jurists

After examining various texts, more than twenty distinct definitions of duty were identified. Al-Juwayni, al-Mawardi, Shaykh Mufid, Shaykh Tusi, Allama Hilli, Abd al-Jabbar al-Mu'tazili, Lahiji, Suyuri, Khoei, Milani, Javadi Amoli, and other Islamic scholars have provided definitions of duty, which are addressed below.

Shaykh Mufid and al-Juwayni define duty as obligation and compulsion toward something that is heavy for human nature and difficult to perform (18). Abd al-Jabbar al-Mu'tazili, al-Jubba'i, Shaykh Tusi, and Mas'udi define duty as the will and desire of the duty-imposer for another person to do something that involves hardship and difficulty (15, 19). Ibn Maytham al-Bahrani defines duty as the command of one whose obedience is originally obligatory toward an act accompanied by burden and hardship (22). According to Suyuri, duty is the command of one whose obedience is originally obligatory to perform or refrain from an act accompanied by hardship and difficulty (20). Allama Hilli likewise defines duty as the request or prohibition by one whose obedience is originally, primarily, and essentially obligatory, concerning an act in which hardship exists, on the condition that notification is also given (16). Muqri Nishaburi defines duty as requesting something accompanied by hardship and difficulty from another person, with the conditions of notification and difference in rank between the one who wills and the one who is willed. According to Halabi, the reality of duty is the will and desire of one in a higher position from one in a lower position concerning something accompanied by hardship and difficulty (24). Lahiji, Tabarsi, Javadi Amoli, Emami, and Ja'fari have provided definitions of duty in religion, Sharia, jurisprudence, and law. Accordingly, duty in Sharia custom means God's calling of His servants to difficult matters, a calling that includes promise and warning (25-27).

Duty in religion means being made responsible before divine teachings and following the commands and prohibitions of the Lord (25). In jurisprudence, it has been defined as the Lawgiver's demand to perform or refrain from an act, where fulfilling that demand entails hardship and difficulty. This demand of the Lawgiver is expressed in the form of a ruling and is an address whose object is the acts of legally responsible persons. In law, duty means performing an act or refraining from an act that the legislator has made obligatory for the individual, and if the person acts contrary to it, he or she will face the appropriate sanction (3).

In other words, all legal obligations may be called duties, and legal obligations sometimes take the form of commands (4). Duty refers to legal obligations that individuals are required to perform or refrain from performing, and failure to perform or refraining from performance may result in a legal response (3). Sadr al-Din Shirazi regards duties as disciplines and struggles directed toward moderating the perceptive animal faculties, such as imagination and estimation, and the practical faculties, as well as establishing the sovereignty of the rational soul and practical reason over human existence (28, 29).

Research Background

Sadri and colleagues, in a study titled "Child Custody in Islamic Jurisprudence and Iranian Law and Its Comparison with English Law," reached the following findings.

In Iranian law, attention has been paid to the duty-oriented aspect of this right, which mostly includes the physical care of the child, whereas in English law, it includes other matters in addition to physical care. The views of Imami jurists and the four Sunni schools regarding its nature differ, and each school provides arguments in defense of its own position. Obviously, difference in nature leads to difference in effects. Custody of the child by either parent or the child's relatives acquires a legal aspect when marriage is dissolved for any reason, or when there is disagreement between the spouses and they live separately. In each of these situations, according to law, jurisprudence, and foreign law, there are priorities for child custody, and the person with priority must meet certain conditions. Under certain circumstances, custody may be removed from the person responsible for it. In examining these conditions, the most important principle in Iranian law and jurisprudence is the best interests of the child, and in English law, the welfare and well-being of the child. The manner of adjudicating custody claims is of special importance. Considering the sensitivity of the matter, reform in Iranian and English law appears necessary to achieve the intended objectives (1-3).

Lalehzari and colleagues, in a study titled "A Case-Based Study of Moral Damage Inflicted on Children in English and Iranian Law," reached the following findings.

In English and Iranian law, no independent discussion has been devoted to this subject. The scope of these instances is notably diverse; examples include moral damage resulting from loss of parents, damage arising from birth, deprivation of the right to education, child marriage, post-incident moral harm, and similar cases (2, 8).

Rabat Jazi, in a thesis titled "The Rights and Duties of Parents Toward Natural Children in the Legal System of Iran and Jurisprudence and Its Comparison with English Law," reached the following findings.

The two legal systems of Iran and England have explained children's rights and their duties toward parents in matters such as inheritance, maintenance, custody, and guardianship (1, 3).

Sadat Hosseini, in a study titled "The Right to Education and Upbringing of Children in Iranian Laws with Emphasis on the Constitution," reached the following findings: child upbringing explicitly begins after birth. Provision of facilities for care and compulsory education, the right of visitation, child discipline, and children's obedience and

respect toward parents are among the rights and duties of parents in this field from the perspective of Iranian law (3, 8).

Research Findings

Parental Rights in the Iranian Legal System

In the Iranian legal system, the relationship between parents and children has not only emotional and social dimensions, but also a solid legal structure designed on the basis of Imami jurisprudence and the Civil Code. This relationship includes reciprocal rights and duties that appear in the form of concepts such as guardianship, custody, maintenance, and upbringing. Parents have specific rights toward their children, the main purpose of which is to protect the interests of the child while stabilizing the role of father and mother within the family structure. The most important parental rights in the Iranian legal system are examined below.

The Right of Guardianship

Definition and Basis of Compulsory Guardianship

In Iranian law, compulsory guardianship is one of the most fundamental rights of the father and paternal grandfather over the minor child and is expressly provided in Article 1180 of the Civil Code. Guardianship here means authority and responsibility in administering the financial and non-financial affairs of the child. In Imami jurisprudence, this authority is generally granted to the father and, after him, to the paternal grandfather (3, 4). According to the jurisprudential basis, compulsory guardianship is an inherent right of the father and does not require a judicial ruling. In jurisprudential works, the guardianship of the father over the minor child is treated as one of the established matters of jurisprudence and as not requiring judicial proof (15, 17). This basis is also rooted in the Qur'an and tradition. The Qur'an provides that mothers shall breastfeed their children for two complete years for those who wish to complete the period of breastfeeding, and that the father is responsible for their food and clothing in a proper manner. This verse indicates that the father is responsible for meeting the needs of the child and mother and has a form of guardianship and supervision over the family.

The Qur'anic instruction not to give property to those incapable of sound judgment also indicates that the property of minors and incapable persons must be administered under the supervision and guardianship of rational and mature persons, such as the father and paternal grandfather.

Narrations also emphasize the guardianship of the father and paternal grandfather. According to transmitted reports, the child and what the child owns are under the authority of the father, except where the father grants something to the child; another report states that the child and the child's property belong to the father. On this basis, compulsory guardianship is not merely a right, but a Sharia and legal duty imposed on the father and, in his absence, on the paternal grandfather, so that the child's interests are protected in all dimensions of life (15, 30).

Limits of and Judicial Supervision over Guardianship

Although guardianship is compulsory, this authority is not absolute. In cases of abuse of guardianship, the court may remove the guardian in the best interests of the child. Furthermore, the guardian's legal acts must be performed within the framework of the minor's interests. This point indicates that parental rights in the Iranian legal system, while defined on the basis of authority, are also subject to the supervision of protective and judicial institutions.

The Right of Custody

Definition of Custody

Custody means the physical care and emotional and bodily supervision of the child, and unlike guardianship, it belongs to both parents. Article 1168 of the Iranian Civil Code considers custody to be both a right and a duty of parents: "The care of children is both the right and the duty of parents."

Order of Custody in the Event of Divorce

Under Article 1169 of the Civil Code, custody of the child up to the age of seven belongs to the mother and thereafter to the father. With the 2003 amendment, the court may alter this order if the best interests of the child require it. Judicial precedent has also empowered courts, where the unfitness of either parent is established, to entrust custody to the other parent or to a third person (3, 8).

Separation of Custody and Guardianship

In some cases, custody may belong to one parent while guardianship belongs to the other. This separation gives rise to disputes in practice, especially in decisions concerning treatment or education, where disagreement may arise between the custodial parent and the guardian (3).

The Right of Upbringing

Religious Basis of Child Upbringing

From the perspective of Imami jurisprudence, child upbringing is not only a Sharia duty, but also an educational right of parents. Qur'anic verses and narrations, especially the verse instructing believers to protect themselves and their families from fire, emphasize parental responsibility in the religious and moral upbringing of children (3, 25).

Legal Aspect of Upbringing in Iranian Laws

Although the Iranian Civil Code does not directly refer to upbringing in a separate technical sense, educational responsibility is implicit in the general concepts of custody and guardianship. In judicial practice as well, courts consider the role of parents in the proper upbringing of the child in custody cases. In addition, Article 5 of the Law on the Protection of Children and Adolescents 2020 criminalizes conduct that causes educational or psychological harm to the child, indicating the legislator's attention to "upbringing" in its broad sense (3, 8).

The Right to Child Maintenance

Definition and Basis

Child maintenance includes food, clothing, housing, health care, and the ordinary needs of the child's development. Under Article 1199 of the Civil Code, it is the responsibility of the father. In the event of the father's death or inability to pay, the paternal grandfather, the mother, and then paternal and maternal ancestors are required to pay maintenance.

Enforcement for Non-Payment of Maintenance

Failure to provide maintenance for the child is considered a criminal offense under Article 53 of the Family Protection Law 2012 and has criminal enforcement. This law shows that maintenance is not merely an ethical duty, but a binding obligation supported by legal and criminal sanctions (31, 32).

Other Parental Rights

Choosing the Child's Name

According to Article 20 of the Civil Registration Law, choosing the child's name belongs to the parents. In case of disagreement, the name is determined based on the decision of the civil registry authority and specific rules.

Major Decision-Making

In important matters such as education in special schools, leaving the country, serious medical treatments, and religious matters such as pilgrimage or circumcision, decision-making generally belongs to the compulsory guardian, namely the father or paternal grandfather. In specific cases, these decisions may be reconsidered by the court.

Right of Visitation in the Event of Divorce

Where one parent does not have custody, the other parent has the right to visit the child, and the court determines the time and place of visitation. This right, as part of the rights of the non-custodial parent, has significant psychological and emotional effects in practice.

Parental Rights in the English Legal System

The English legal system concerning relations between parents and children is based on the principles of legal liberalism and the protection of the best interests of the child. Unlike the traditional jurisprudential and legal approach in Iran, which places the father in a central position, family law in England provides a dynamic, relative, and flexible framework by emphasizing equality of parental rights and legal protection of the child (2). Concepts such as parental responsibility, custody, and decision-making in educational, medical, and welfare matters constitute the foundation of parental rights in this system.

Parental Responsibility

Definition and Concept

Parental responsibility is a foundational concept in English family law and is defined under Section 3 of the Children Act 1989 as all the rights, duties, powers, responsibilities, and authority that, by law, a parent has in relation to the child and the child's property.

In this definition, the focus is placed on "responsibility" rather than "right," indicating society's movement from parental rights toward parental duties toward the child (1). This responsibility includes the right to make decisions regarding essential matters of the child, including education, medical treatment, and religion.

Holders of Parental Responsibility

Under Section 2 of the same Act, the mother automatically has parental responsibility from the child's birth. The father also has it if he is married to the mother or if his name is registered on the birth certificate. Otherwise, he must acquire it through agreement with the mother or by court order (1, 5).

Limitations and Judicial Supervision

Although parents have parental responsibility, in cases of disagreement between them or with protective institutions, the family court may intervene in decision-making based on the principle of the child's welfare. Clear examples of such interventions can be seen in cases involving child protection and medical decision-making (2, 7).

Custody

Conceptual Development of Custody

In England, the concepts of "custody" and "access" are no longer formally used. Since the enactment of the Children Act 1989, these terms have been replaced by "residence order" and "contact order," and today they are included under the broader term "child arrangements order."

A child arrangements order determines with whom the child is to live and when and how the child is to have contact with the non-resident parent (1).

Governing Principle: The Best Interests of the Child

Section 1 of the Children Act 1989 identifies the welfare of the child as the fundamental principle in decisions concerning custody. The criteria that the court must consider are set out in Section 1(3) and are known as the "welfare checklist." These criteria include the child's emotional, educational, and health needs; the effect of changing the child's place of residence; the ability of parents to respond to the child's needs; and the child's wishes according to age and maturity (1, 2).

The Role of Parental Agreement and Its Legal Status

If parents can agree on custody, the court intervenes only if the child's welfare is at risk. In practice, informal agreements between parents are common, and the court intervenes only when a dispute arises (33).

Decision-Making in the Child's Education, Health, and Welfare

Education

The right to make decisions regarding the child's education is one of the fundamental parental rights defined under parental responsibility. Parents may choose the type of school, including private, public, or religious schools, provided that the choice is aligned with the child's interests. In cases of disagreement, the court may intervene.

Medical Treatment

Parents have the right to make decisions concerning their child's medical treatment. However, in special cases, such as parental refusal of necessary treatment, hospitals may intervene by obtaining a court order. Prominent

cases in this field have generated broad ethical and legal debates concerning the overlap among parental rights, children's rights, and medical authority (1, 2).

Child Welfare and Protection

The child's overall welfare, including psychological support, safety, and proper nutrition, falls within parental duties. English legislators, by enacting the Children Act 2004, increased the role of state institutions, such as local authorities, in supervising child welfare, especially in cases of neglect or mistreatment (5, 7).

Participation of Protective Institutions

Institutions such as social services, the Children and Family Court Advisory and Support Service, and the National Health Service play a role in important parental decision-making in many cases. If parents lack competence, these institutions may request court intervention (7).

In the English legal system, unlike systems that are based primarily on parental rights, the focus is placed on parental responsibilities. This concept goes beyond "right" and obliges parents to make decisions in the child's interests. Custody is also determined not on the basis of gender or the priority of the father or mother, but through careful examination of the child's interests. The principle of the child's welfare has replaced the principle of parental right, and family justice has been redefined in light of it. This approach reflects the movement of the English legal system toward a supportive and child-centered model in which parents are introduced as persons responsible for care and protection, not merely as holders of legal rights.

Children's Rights in the Iranian Legal System

In the legal system of the Islamic Republic of Iran, children's rights are shaped under the influence of various sources, including Islamic jurisprudence, primarily Imami jurisprudence, civil and criminal laws, and international instruments such as the Convention on the Rights of the Child. Although legal protection of children is formally accepted in various dimensions, in practice, legal protections for children face structural, enforcement-related, and cultural deficiencies (3, 8). Examining children's rights in this system requires a precise analysis of the legal frameworks relating to upbringing, education, maintenance, moral and psychological protections, and legal protections against violence.

The Right to Upbringing

In Shiite jurisprudence, child upbringing is considered one of the inherent duties of parents, especially the father. Article 1178 of the Civil Code provides: "Parents are required, within the limits of their ability, to take necessary measures for the upbringing of their children and must not neglect them." In this concept, upbringing includes the child's religious, moral, behavioral, and social education (3). According to Islamic teachings, parents are required to familiarize their children with religious rulings, moral principles, and rules of social conduct (25). The Qur'an repeatedly emphasizes parental responsibility in raising children. In one verse, Luqman advises his child not to associate partners with God, because polytheism is a great injustice. This verse is a clear example of the parental duty to provide doctrinal and moral instruction to the child.

Another Qur'anic verse instructs believers to protect themselves and their families from fire. This verse indicates the duty of parents to provide religious and moral guidance for the family, especially children.

Narrations also place special emphasis on the proper upbringing of children. One narration states that parents should properly educate their children so that they may receive divine forgiveness. In another ethical instruction attributed to Imam Ali, one of the father's duties is to take initiative in the moral and religious guidance of the child before the child is influenced by society (25, 30).

Although the right to upbringing is recognized in Iranian laws, its definition is vague and lacks objective indicators. Moreover, the legislator has focused more on parental duty than on the child's independent right to proper upbringing. This gap has made judicial mechanisms for pursuing the child's right to upbringing very limited in cases of parental neglect (8).

The Right to Education

Legal Status and Higher-Level Instruments

Education, as one of the most important rights of the child, is recognized in various laws. Article 30 of the Constitution provides that the state is required to provide free education for all citizens up to the end of secondary school.

Article 26 of the Law on the Protection of Children and Adolescents 2020 also provides that depriving a child of education is a crime and entails punishment.

Executive Requirements and Challenges

Despite these legal provisions, official data indicate that many children, especially in deprived areas, are deprived of the right to education. Early marriage, child labor, economic poverty, and lack of educational infrastructure are among the main causes of this deprivation (8). A binding law exists for parents who prevent their children from attending school, but it is not effectively enforced.

The Right to Maintenance

Jurisprudential and Legal Basis

Child maintenance is one of the recognized rights in the Iranian legal system and is imposed on the father. According to Article 1199 of the Civil Code, the maintenance of children is the responsibility of the father. Maintenance includes food, clothing, housing, health care, and other ordinary needs of the child's life (31, 32). The Qur'an emphasizes the need to meet the economic and living needs of children in several instances, including the father's responsibility to provide food and clothing in a proper manner during breastfeeding. Commentators have understood this verse as indicating the father's economic responsibility toward the family, especially children. Another verse states that a person of means should spend according to his means, and a person whose provision is restricted should spend from what God has given him. These verses show that maintenance has a Sharia basis and that its amount depends on the father's economic capacity.

Enforcement

If the father refuses to pay maintenance, the mother or legal guardian may bring a claim against him under Article 53 of the Family Protection Law and the relevant provisions of criminal law. Intentional refusal may result in imprisonment. While in most advanced legal systems child financial support is a joint parental duty, in Iran this duty is primarily imposed on the father. In the father's absence or disappearance, the mother does not have sufficient legal resources to claim maintenance, except through state assistance, which is often ineffective (31, 32).

The Right to Protection and Respect

Mutual Respect in the Civil Code

Article 1179 of the Iranian Civil Code provides that the child must obey parents and respect them in all circumstances. In fact, this article mostly refers to the child's duty toward parents, but it may implicitly be inferred that parents are also required to respect the child, because disrespecting the child's human dignity may be considered a form of mistreatment.

Behavioral and Emotional Protections

The child's right to receive affection, attention, and psychological security is not expressly and independently stated in any of Iran's civil or criminal laws. However, Article 3 of the Law on the Protection of Children 2020 prohibits any form of psychological abuse of the child. Nevertheless, the law does not provide a precise distinction among the instances of such abuse, leaving its interpretation to judicial practice (3, 8).

Protection Against Violence and Its Legal Limitations

Concept and Instances of Violence Against Children

Violence against children in Iranian laws includes physical, psychological, and sexual violence as well as neglect. However, many of these instances have been addressed only in general terms. The Law on the Protection of Children and Adolescents 2020 is one of the most important legal instruments that has attempted to define instances of violence. Article 2 of this law criminalizes any beating, injury, torture, confinement, deprivation of nutrition and education, psychological abuse, and economic or sexual exploitation of the child (8).

Limitations in the Enforcement of the Law

Despite the explicitness of the law, legal protections against violence, especially within the family environment, face serious obstacles in practice.

First, relative immunity of parents remains an important issue. Under Article 1179 of the Civil Code, parents have the right to discipline the child, provided that it remains within customary limits. This ambiguity allows some forms of violence to continue to enjoy customary and even legal legitimacy (3, 8).

Second, Iran lacks an effective reporting system. Unlike some countries, Iran does not have an extensive system for reporting child abuse by schools, hospitals, or neighbors.

Third, protective institutions are weak. Social emergency services and welfare organizations have limited facilities for rapid and effective follow-up of violence against children.

The examination of children's rights in the Iranian legal system shows that although the rights to upbringing, education, maintenance, and protection are recognized in legal instruments, the enforcement of these rights often depends on parental will and lacks sufficient enforcement guarantees. There is no precise and transparent definition of these rights. The legislator's approach has generally been duty-oriented toward parents rather than rights-oriented toward the child. Protection against domestic violence continues to face legal, cultural, and enforcement challenges. To improve the legal status of children, it is necessary for the legislator to redefine and guarantee these rights with a more modern approach, including by establishing specialized children's courts, training judges, and expanding state and civil institutional support.

Children's Rights in the English Legal System

The English legal system is among the leading systems in the field of child rights protection and, in recent decades, has provided a relatively coherent framework for guaranteeing children's rights through fundamental legal reforms and acceptance of international instruments, especially the United Nations Convention on the Rights of the Child 1989. Unlike some traditional systems that define the child only in relation to parents, the English legal system emphasizes the legal independence of the child and regards the child as possessing inherent rights, not merely as an object of protection or upbringing (2).

Within this framework, principles such as the best interests of the child, the right to be heard, and active participation in decision-making have a special place. This section examines the main rights of the child in England on the basis of domestic laws such as the Children Act 1989 and the Children Act 2004, as well as standards derived from the Convention on the Rights of the Child.

The Right to Welfare and the Best Interests of the Child

The Concept of Child Welfare in the English Legal System

Child welfare is a central and foundational concept in judicial and administrative policies and decisions relating to children in England. The principle of the superiority of the child's best interests, derived from Article 3 of the Convention on the Rights of the Child, is expressly and bindingly incorporated into the Children Act 1989 (1, 2).

This law provides that in every judicial or administrative decision concerning the child, the child's welfare must be the primary consideration. Multiple criteria are provided for assessing the child's welfare, including the child's physical, emotional, and educational needs; the impact of changes in the child's living conditions; the ability of parents or guardians to respond to the child's needs; possible future risks; and the views and wishes of the child (2, 6).

Implementation and Practical Effects

The principle of child welfare means that courts, social service institutions, and even schools are required to make their decisions based on what is best for the child, rather than merely on parental interests or financial considerations. This principle forms the foundation of many judicial rulings in the fields of custody, social protection, and medical treatment of children (1, 7).

The Right to Be Heard

Legal and International Foundations

One of the important innovations of the English legal system is the recognition of the child's right to express views in all matters concerning the child's life. This right, derived from Article 12 of the Convention on the Rights of the Child, is also reflected in domestic laws.

The Children Act 1989 allows courts and decision-making bodies to consider the child's views and wishes according to the child's age and maturity. This law requires institutions such as the child's representative in court and independent advisers to collect the child's views and present them to the court (2, 6).

Enforcement and Judicial Practice

The right to be heard is implemented in practice in various forms, including the direct presence of the child in court in some cases, the preparation of reports by the child's social adviser or official family court adviser, and the use of legal representation for the child. Judicial practice also includes numerous examples in which the child's view, even where contrary to parental wishes, has been relied on by the court as a basis for judgment (2, 33).

The Right to Age-Appropriate Participation

The Principle of Gradual Development of Participatory Capacity

In the English legal system, the principle of child participation is defined according to the child's age, maturity, and mental ability. This principle is derived from the theory of the evolving capacities of the child, meaning that as the child grows older, the child's ability to understand issues and participate in decision-making increases; therefore, more rights should be recognized for the child (2, 6).

In this regard, the Children Act 2004 emphasizes that public services, schools, and health institutions must take children's views into account in designing services relating to them.

Practical Examples of the Child's Active Participation

In medical decision-making, children over the age of sixteen can independently make decisions concerning their medical treatment. Even at younger ages, if they possess sufficient maturity, their views are valid. This is known as the Gillick principle and has been relied upon in important legal cases (1, 2).

In education and school, student councils, committees for decisions concerning curriculum or discipline, and consultation with students regarding school conditions are examples of participation.

In local policymaking, some municipalities are required to seek the views of local children before adopting certain regulations.

Child Protection Under the Convention on the Rights of the Child and Domestic Laws

England's Commitment to the Convention on the Rights of the Child

Although the Convention on the Rights of the Child is not directly enforceable in English courts because it has not been incorporated as domestic legislation in full, the state is obliged to implement its commitments under it.

Many articles of this convention are reflected in domestic laws, including the Children Act 1989, education legislation, the Human Rights Act 1998, and laws relating to youth justice (2, 6).

Existing Protective Structure at National and Local Levels

The English system has designed a multilayered structure for protecting children. Under this structure, children's social services in each locality are required to examine children's welfare and protection; a mandatory child abuse reporting system is active; and independent bodies such as the Children's Commissioner are responsible for monitoring policymaking and informing the public about children's rights (2, 7).

Moreover, when a child is at risk, social institutions may intervene without parental consent and take protective measures, including child protection orders or temporary transfer of custody to the state (7).

An examination of the English legal system in the field of children's rights shows that this system, by drawing on international principles, especially the Convention on the Rights of the Child, and by enacting comprehensive and coherent laws, has taken a significant step toward the real guarantee of children's rights. The most important features of this system include emphasis on the welfare and best interests of the child as the central axis of every decision; recognition of the child's right to be heard and to participate actively, even at younger ages; and the creation of executive structures to guarantee these rights, such as independent advisers, child-centered family courts, and state and independent protective institutions.

Compared with some legal systems such as Iran, the main difference in England lies in recognizing the child as a person holding independent rights, rather than merely as subordinate to parental or social will. This model can inspire other systems in the path of reviewing child protection laws.

Parental Duties in the Iranian Legal System

Parental duties toward children in the Iranian legal system are of great importance because these duties are determined not only by legal regulations but also under the influence of Sharia and customary teachings. In Iranian civil, family, and child protection laws, a set of responsibilities and duties is defined for parents, the main purpose of which is to preserve children's rights and guarantee their physical, psychological, educational, and financial health. This section provides a comparative and precise analysis of parental duties in four main areas: the duty of upbringing, custody, financial and welfare support, and religious and moral education.

The Duty of Upbringing

The duty of child upbringing is considered one of the most important parental duties from legal and Sharia perspectives. In the Iranian Civil Code, child upbringing is part of parental responsibilities, especially the father's responsibility, and is addressed within the broader framework of guardianship and custody (3, 4).

Upbringing means providing the conditions for the child's physical, spiritual, intellectual, and moral development. In this regard, parents must provide a suitable environment for the child's development so that the child can reach human and social maturity (4). In Islamic jurisprudence and religious teachings, child upbringing is also regarded as a divine trust, which parents must address with justice, affection, and care (3, 25).

The Law on the Protection of Children and Adolescents 2002 referred to the issue of upbringing in various provisions and emphasized the duty of parents to support the child's healthy development. In addition to defining educational duties, this law also identifies psychological and physical care of the child as part of parental duties (8).

The Duty of Custody

Child custody means the care and supervision of the child and is recognized in Iranian law as one of the most important rights and duties of parents. Under Article 1169 of the Civil Code, custody is assigned according to legal rules, and the child's best interests may justify judicial intervention (3).

Custody is not limited to physical care; it also includes educational, instructional, welfare, and health-related matters concerning the child (3, 8). Parents have the duty to create suitable conditions for the child's care, and if either parent is unable to do so, the law allows custody to be entrusted to another person.

From a legal viewpoint, custody must be exercised with regard to the child's best interests. Where custody causes physical or psychological harm to the child, the court may remove custody from the parents and entrust it to another compulsory guardian or to protective institutions (3, 8).

Financial and Welfare Support

Parents are responsible for meeting the financial and welfare needs of the child, including costs of food, clothing, housing, medical treatment, education, and other daily needs. Under the Civil Code, the father is required to provide the child's maintenance, and if the father is unable to do so, other legally specified relatives may assume responsibility for maintenance (31, 32).

Maintenance is one of the most important matters legally and religiously binding on parents. This financial responsibility continues until the child reaches maturity or financial independence. In child protection laws, the material welfare of the child is also introduced as a precondition for the realization of other rights, including upbringing and education (31, 32).

In addition to parental duties, the Iranian legal system has addressed financial and welfare support for children in need through laws such as the Law on the Protection of Children and Adolescents. These supports include health services, free education, and financial assistance to low-income families (8).

Religious and Moral Education

Another parental duty is the religious and moral education of the child, which has special importance in Iranian culture and law. Under the Constitution of the Islamic Republic of Iran, religious and moral upbringing is a duty of the family and society, and parents are responsible for transmitting religious and moral values to their children (3, 25).

Religious education is recognized not only within the family, but also within the educational system, as an important duty. The educational laws of the Islamic Republic require schools to teach religious and moral concepts and support religious upbringing in families (8).

Legal and psychological studies indicate that religious and moral education plays an important role in shaping children's personality, strengthening cultural identity, and reducing high-risk behaviors. For this reason, the Iranian legal system has accepted this duty as a fundamental principle in child protection (8, 25).

Parental duties in the Iranian legal system are formed through a combination of civil law rules, Sharia teachings, and social culture. The four main areas of upbringing, custody, financial and welfare support, and religious and moral education reflect the legislator's effort to secure the comprehensive development of children.

Nevertheless, weaknesses and challenges also exist, including limited legal protection of children against parental abuse or neglect, the need to improve supervision and more effective intervention by protective institutions, and the necessity of further aligning laws with international standards on children's rights. Using the experiences of advanced legal systems such as England may be useful in this path.

Parental Duties in the English Legal System

The English legal system is one of the advanced structures in the field of child protection, in which parental duties toward children are legally determined with precision and detail. In England, parents have not only rights, but more importantly, specific legal and moral responsibilities toward their children. The most important legal framework regulating these duties is the Children Act 1989, which is recognized as the principal child law instrument in the English legal system. Alongside this statute, instruments such as the Children Act 2004, the Education Act 1996, and national child safeguarding guidance define different dimensions of parental responsibility (1, 2).

This section examines the most important parental duties in four basic areas: daily care, provision of welfare and psychological security, education and schooling, and non-interference harmful to the child's development.

Daily Care

Daily care includes ordinary and continuous duties that parents bear in meeting the child's basic needs, such as food, sleep, hygiene, safety, clothing, and presence in a secure and supportive environment. In the Children Act 1989, these responsibilities are defined as part of parental responsibility, which parents must exercise in accordance with the child's best interests (1). Under this law, parents are required to respond to the child's physical needs on a daily basis and ensure that the child lives in an environment that does not threaten physical or psychological health (5). Family courts, in cases of dispute, always examine which parent is more capable of providing daily care and, on that basis, decide on entrusting custody or regulating contact with the child.

Provision of the Child's Welfare and Psychological Security

The governing principle of children's law in England is the principle of child welfare, which is not only an objective, but also the main criterion in judicial judgments and policymaking. The Children Act 1989 emphasizes that, in every decision concerning the child, the child's best interests must be the primary consideration (1, 2). Child welfare is a broad concept that includes mental health, sense of security, emotional support, social development, equal opportunities, and healthy relationships with parents and other family members (6). Parents have the duty to create conditions in which the child receives emotional and psychological support, especially during sensitive developmental stages such as early childhood, school entry, and adolescence.

The Children Act 2004 directed the state and public institutions, including schools and health centers, to cooperate with parents to secure children's welfare. This law indicates that parental responsibility is not confined to meeting physical needs, but also includes supporting the child's mental health and preventing anxiety-producing and unsafe factors (5, 7).

Education and Schooling

Education and schooling are among the main rights of children and among the definite duties of parents in England. Under the Education Act 1996, all parents are required to register their child in school from age five to sixteen or otherwise provide suitable education for the child (34, 35).

In practice, this means that parents must either enroll the child in a formal school or provide home education that meets required standards. If parents fail in this regard, the English state may pursue legal action and, in severe cases, may even limit custody (34). In addition to formal education, parents are required to play an active role in promoting their children's cultural, social, and skill development, including communication skills, social participation, and creativity development. The state also assists parents in carrying out this duty through support programs such as free school meals and counseling services.

Non-Interference Harmful to the Child's Development

One of the fundamental principles of children's law in England is that the child's development must not be affected by harmful parental behavior or damaging interference. Under various provisions of the Children Act 1989, any omission, neglect, abuse, violence, or imposition of a harmful style of upbringing by parents may lead to the removal or limitation of parental responsibility (1, 7).

The term harmful interference includes actions such as physical, emotional, or psychological abuse; discrimination among children; excessive pressure for academic or athletic success; and preventing the child's relationship with the other parent for personal reasons.

Under national child safeguarding guidance, protective institutions, including social services, may request that the court impose restrictions on the offending parent when harmful interference is observed. In cases where parents seriously threaten the child's physical or psychological health, the child may be entrusted to protective institutions (7).

The English legal system, by emphasizing the best interests of the child, has defined parental duties comprehensively and clearly. These duties do not focus only on meeting the child's material needs, but also include psychological, educational, and moral dimensions of upbringing. The four areas of daily care, provision of welfare and psychological security, education and schooling, and non-interference harmful to development constitute the main framework of these responsibilities.

Laws such as the Children Act 1989, the Education Act 1996, and the Children Act 2004 form the main basis for defining these duties. In this system, the child is recognized as an independent person with specific rights, and parental responsibility serves the realization of those rights, not the reverse.

Compared with the Iranian legal system, the English structure is more coherent, especially in clarifying parental duties, providing an operational definition of child welfare, and creating more precise protective mechanisms. However, the spiritual and religious element receives less attention in this system, which can serve as a point for comparative discussion.

The Status of Children's Duties in the Legal Systems of Iran and England

The question of children's duties toward parents is a subject that may at first appear less important than children's rights, but within the framework of family and society, it plays an important role in balancing family relations. This

subject has a different status and nature in the legal systems of Iran and England. In Iran, whose legal roots are largely derived from Islamic jurisprudence, children's duties toward parents receive special attention. In England, however, especially after the adoption of the United Nations Convention on the Rights of the Child, discussions have focused more on the protection of children's rights, and fewer specific legally binding duties are imposed on children (6).

Table 1. Comparative Comparison of the Rights and Duties of Parents and Children in the Legal Systems of Iran and England

Subject	Iranian Legal System	English Legal System
Parental right of guardianship	Recognized in jurisprudence and the Civil Code, especially Articles 1180 onward	Does not exist in the same form; parents have responsibility rather than guardianship
Custody	With the mother until age seven and thereafter with the father; change is possible by court order	Based on the child's welfare; the decision is made by the court
Right of upbringing	A parental duty; religious and moral teachings are binding	Part of parental responsibility, with emphasis on welfare and balanced education
Child maintenance	Imposed on the father under Articles 1199 and 1204 of the Civil Code	Imposed on parents; support may also be provided through state benefits
Children's rights	Education, upbringing, maintenance, and protection; religious and legal obligation	Welfare, being heard, and participation, based on the Convention on the Rights of the Child and domestic laws
Protection of the child against violence	Weak; improved by the child protection law of 2020	Advanced; specific laws and broad social protection services exist
Child's financial duty toward parents	Binding if parents are poor under Article 1197	Does not exist as a legal obligation; considered only a moral responsibility
Respect for parents	A Sharia and cultural duty; sometimes has criminal implications	A moral recommendation; no legal obligation
Education and schooling	A parental duty, with emphasis on religious education	The state is required to provide free and neutral education
Main basis of legal relations	Islamic jurisprudence and the Civil Code	Human rights, common law, and statutes enacted by Parliament

Conclusion

The present study was written with the aim of comparatively examining the rights and duties of parents and children in the legal systems of Iran and England. It sought, by drawing on jurisprudential sources, codified laws, international instruments, and the legal structures of the two systems, to present a comprehensive and analytical picture of the status of the family in these two countries. The Iranian legal system is rooted in Imami jurisprudence and regards the family as a sacred institution founded on mutual responsibility, respect, and religious upbringing. In this structure, parents have rights such as guardianship, custody, maintenance, and Sharia-based upbringing, while children have the right to protection, education, upbringing, and respect. Reciprocal duties, including children's respect for parents and the duty to support needy parents, are also recognized. At the same time, however, there are weaknesses, such as weak enforcement of children's rights, lack of explicit recognition of the principle of child welfare, and the limited role of the child in decision-making processes concerning the child.

By contrast, the English legal system has a secular and child-centered structure. The foundational principle in this system is the welfare of the child, which has priority in all judicial, administrative, and family decisions. Parents have parental responsibility in areas such as care, education, and the child's mental and physical health. Children's rights are also guaranteed extensively in domestic and international laws, especially the Convention on the Rights of the Child, including the right to be heard, age-appropriate participation, and protection against violence. Nevertheless, this system also faces criticisms such as reduced family cohesion and the weakening of traditional parental roles.

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All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

Ethical Considerations

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Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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