

Private Law



Vol. 11, No. 1
Spring & Summer - 2014

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Typesetting & Pagination:

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ISSN: 2008-840X

*The articles in the journal express the personal views of the authors.
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Email: jolt@ut.ac.ir **Website:** <http://jolt.ut.ac.ir/>

"Private Law" has been recognized and ranked as a scientific-research journal by the Scientific Journals Commission, Ministry of Science, Research and Technology, Islamic Republic of Iran, through the letter numbered:

89/3/11/72966, (January 9, 2011).

Indexed in:

journals.ut.ac.ir
www.isc.gov.ir
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Contents

Articles

- Civil Responsibility for Producers and Suppliers of Defective Foods in Iranian Law ...1**
Ahdīye sadat Afzali Hosseini, Mohammad Reza Amir Mohammadi, Ayyoub Ahmadpoor Gohart
- A Review of Apparent Authority of the Agent in Iranian Law and International Documents.....2**
Homayoun Mafi, Hesam Kadivar
- The Rights of Advance-Seller in Building Advance-Sale Act in Comparison with the Sellers Rights in Civil Code3**
Hamid Abhary, Mohammad Hossein Taghipour
- Theoretical Confusion Caused as a Result of Misconception in Terminology (Recognition of Relationship between Dette, Obligation & Droit Personnel).....4**
Ebrahim Abdipour Fard, Nasrollah Jafari
- A Comparative Survey on the Safety Obligation and Liability for Toys5**
Mostafa Elsan, Jafar Amshasfand, Majid Dadkia, Hamid Ajorlou
- A Socio-legal and Epistemological Analysis of Jurisprudence6**
Abdorreza Alizadeh
- Warehousing of Goods as a Legal Arrangement7**
Seyyed Ali Seyyed Ahmadi Sajjadi, Hoda Kashanizadeh

Report

- Economic Law from the Viewpoint of Islamic Jurisprudence8**
Seyyed Ali Mohammad Yasrebi

Civil Responsibility for Producers and Suppliers of Defective Foods in Iranian Law

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(Received: May 13, 2013; Accepted: November 23, 2014)

Abstract

One of the main objectives of development policies in different countries is food security. Extensive researches around the world specially during last decades show the role of nutrition in health, food security, increase of efficiency and economic development. Considering that a healthy diet and having access to sufficient and healthy foods are the basic human rights, governments are obliged to provide food security. Responsibility of producers of foods starts from a basic contractual obligation to absolute responsibility. Different problems and difficulties may occur during production of foods which would endanger health of people. In this paper the responsibility of producers and suppliers of foods are discussed by considering different factors cause the problems.

Keywords

Civil responsibility, Producers of foods, Suppliers of foods, Absolute responsibility.

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A Review of Apparent Authority of the Agent in Iranian Law and International Documents

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(Received: September 27, 2013; Accepted: November 23, 2014)

Abstract

According to the “apparent authority” of an agent, where the representation of the principal causes the third party reasonably and in good faith believe that the agent has the authority to act on behalf of the principal, the principal may not challenge the lack of authority of the agent. This kind of authority has been acknowledged in some national laws and international documents. What we are researching for in this paper is whether the Iranian civil and commercial codes have recognized this kind of apparent authority? Our research shows that unlike in the Civil Code, in Commercial Code of Iran "appearance of right" has been accepted in various provisions on which theory of apparent authority is based. Thus, it could be said that the apparent authority has a legal basis in the Iranian legal system.

Keywords

Agency, Apparent agent, Apparent authority, Authority of agent, Appearance of right.

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The Rights of Advance-Seller in Building Advance-Sale Act in Comparison with the Sellers Rights in Civil Code

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(Received: November 18, 2013; Accepted: November 23, 2014)

Abstract

By approval of Building Advance-Sale Act in 2010, it is permitted to sell in advance the buildings to be built in future. In this Act, certain rights and obligations are provided for the advance-sellers and advance-buyers. The approval of the said Act is a development in the law of sale of buildings. Amongst them are the requirement for official registration of any building advance-sale, statute implied terms and special sanctions provided for breach of any advance-sale contracts. One of the most important rights for the advance-seller is the right to receive the price according to the contract in case of non-payment of installments. The right of rejection of the subsequent contract relating to the transfer of sale contract is another advance-sellers' right in this Act. In this article we will examine the advance-sellers rights in the Building Advance-sale Act and comprise such rights with the sellers' rights in the Iranian Civil Code.

Keywords

Advance-buyer, Advance-seller, Building Advance-Sale Act, Civil Law.

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Theoretical Confusion Caused as a Result of Misconception in Terminology (Recognition of Relationship between Dette, Obligation & Droit Personnel)

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(Received: May 15, 2014; Accepted: November 23, 2014)

Abstract

“Obligation”, “dette” and “droit personnel” are three important and correlative legal terms in civil law that have been introduced into Persian legal literature with improper translation. The failure to distinguish them from common terms in Islamic jurisprudence like “dein” and “eltezam” have caused conceptual confusion between special terms of two great legal systems: Civil Law and Islamic Law. In practice, the misconception in terminology of fundamental terms led to theoretical confusion about legal institutes and principles that are important and have vast scope of application. Diversity of opinions about effects of sale of future or unascertained goods, dispute in basic division of property law, different views about causes of discharge of obligation and “dein” and possibility and modes of assignment of them, confusion of legal doctrine on civil liability, are the theoretical misconceptions arising from confusion in terminology that discussed in this article.

Keywords

Debt, Future or Unascertained Goods, Obligation, Personal right, Property.

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A Comparative Survey on the Safety Obligation and Liability for Toys

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(Received: September 4, 2013; Accepted: November 23, 2014)

Abstract

Using toys may be dangerous like other things. In many cases, children are exposed to injuries from the toys which need special protection. Since many parts of toys are importing from other countries and many companies and persons are involved in the circle of its production, supply and retailing, determination of the liable person or allocating the liabilities among different persons in such chain is not straightforward and need further research. In this paper we are discussing the tort and the appropriate legal strategy for prevention of damages through ascertaining production of safe toys and supervising the their marketing network.

Keywords

Civil liability, Consumer, Damage prevention, Producer, Tort, Toys.

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A Socio-legal and Epistemological Analysis of Jurisprudence

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(Received: November 19, 2014; Accepted: November 23, 2014)

Abstract

The sociology of law deals with the socio-legal study on legal phenomena. Jurisprudence, in its specified meaning, includes thoughts, rules and methods and judicial procedures that have been gradually created by judicial interpretations and decisions of judges. In this article, we seek to analyze "jurisprudence" theoretically and sociologically. We examined the status and importance of jurisprudence and its relationship with other legal sources in the framework of legal system. Appealing to theories in the sociology of knowledge, we finally imagined a significant and specified role for jurisprudence in legal system and in relation to other legal sources.

Keywords

Autopoietic system, Juridical legal knowledge, Legal system, Sociology of knowledge, Sociology of law.

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Warehousing of Goods as a Legal Arrangement

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(Received: August 30, 2014; Accepted: November 23, 2014)

Abstract

From long time ago the shortage of finance in business practices was one of the striking problems for traders and thus there have always been endeavors to find a solution to it. One of the ways put forward was using the stocks stored in warehouses as security for loans. Taking advantage of a descriptive method, this paper describes field-warehousing as a means of raising cash funds and the regulations concerned with the aim of enhancing business deals and promoting the country's economy. The result from this study was that despite its capacities and benefits as a method of raising cash funds, field-warehousing is ignored in our legal system because of lacking the basic requirements and this matter has deprived our trading society from its advantages. Obviously in order to pave the way for field-warehousing arrangements for raising cash funds, the government and the parliament should both have strong determination and efforts.

Keywords

Warehousing, Field-warehouse, Raising funds, Finance.

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Report: Economic Law from the Viewpoint of Islamic Jurisprudence

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Abstract

Islamic jurisprudence is the root of the Islamic laws including economic law and it is the very pillar of Islamic economic system. The law and economics are two branches of human sciences that were not separate before the 18th century. By development of scientific methodology and its prevailing over economics, gradually economics became a distinguished science without being concerned about the law and its institutions. This report attempts to prove that there is a relationship between law and economics according to the principals of Islamic jurisprudence and also propose some courses dealing with Islamic Jurisprudence, law and economics. In this report different kinds of parallel interdisciplinary and multidisciplinary approaches are studied and their advantages and disadvantages will be reviewed and discussed.

Keywords

Economic law, Islamic Jurisprudence, law, Economics.