

COMPARATIVE STUDY ABILITY TO OFFSET ECONOMIC LOSSES UPON THE CIVIL LIABILITY

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Abstract

Research topic "Comparative study ability to offset economic losses upon the civil liability" It is, This article originally pure economic loss to identify the general concept of civil liability in respect of pay and Following the opening of the unknown aspects of the concept and essence of pure economic loss is lower among jurists and lawyers to discuss Iran and evaluated the ability of a party to compensate the other hand, it's important to acquire Although pure economic loss, loss of rights in Islam and Iran as one of the best known. But unlike countries like Belgium, France, Italy, economic loss as soon as the rights of Iran and in the jurists are not except in specific cases that have been in the law .

Keywords: loss, pure economic loss, Capability to repay.

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Introduction

human life has always been in the history with various losses has been threatened Thinking and to compensate for the loss of the old has caused social and suitable strategies for various legal and Wei campaign against their relationship is presented. Rule banning treatments to others and responsibility for approval of the civil responsibility and insurances and creating property are among the basic strategies are.

Civil responsibility as a guarantee the execution of the rights of the individual in a very important role to individual rights and consequently regulating the relations between the social and economic role. Objective concept of responsibility without the right of the mental aspects and will. Anything from the right to the action and its tangible to their, regulations under the title civil responsibility "that or in civil law or in form a special law in the Laws written countries human rights. Civil responsibility in a general sense-of the obligation and duty to compensate for the damage and is one of the pillars of the triple pillar is loss.

On the other hand civil responsibility in recent centuries the expansion and importance. The reason of the importance of responsibility and growing civil progress should be spreading all kinds of losses in addition of the machinery of the industrial societies. In the industrial products and health and inventions and discoveries, an emergency facilities in human life has provided there is no doubt at the same time there is no doubt that it is not damage due to the consumption and use of the products and technology of the inventions and discoveries with the past is different from and the same as recompense to life make it easy is also dangerous. The fact that damages the difference Past and Present responsibility caused civil injunctions also suffered from developments in the principles and works. On the other hand many human activities and communications keep pace with greed you will recompense a lot Despite moral orders, based on property and forbade eating

respect others property has caused a lot of damage interference of finance and lack of each other financial. Therefore a large part of the commitments and requirements around us due to the speech in which damage and to compensate for it is.

In the present study, we present Generalities of civil liability, from one side to the concept of pure economic loss and a variety of civic responsibility deals and continue to stand up for the rights of foreign countries the ability to deal with Iran.

Necessity and importance of this issue

Responsibility civil rights one of the branches is in that century and recent expansion of importance. In this one of the important pillars of civil responsibility is loss. Because of importance of civil responsibility and progress should be in instances of a new loss result in time and progress to human life. In fact without any loss of civil responsibility is not achieved between.

therefore when civil responsibility can be in a society and legal system, utility function and the role that verbs have a disadvantage and instances of loss in a legal system identified and recognized as in other words, It is possible instances of a new loss to that though every bough it loss of it is obvious but for the legal system as a loss to the verb discovered has not been identified and responsibility role in practice civil and useful goal that, the same against loss and affability of the has been penalized unjustly lose is.

The study attempts to examine and identify the overall economic loss upon the civil liabilityalso, on behalf of the ambiguities in this context, the development of civil liability to be a positive step.

The internal and external research conducted recently that some of them refer

In the book "Principles of civil liability" by Patrice Jordan translation by Majid Adib (1385) in a general classification in terms of the ability to offset losses in various types such as damage, economic, indirect, material, spiritual and divided .this book is not only a very brief but focused only on the definition of pure economic loss without the ability to do a comprehensive review of compensation.

Research Methodology

This research is commonly in such matters by the library and is taking notes. In order to perform "Comparative Study of pure economic loss compensation capability in civil liability," the first of the major sources of prominent lawyers and foreign. The concept of pure economic loss, loss from a different perspective to examine the foundations of the rule and the circle of responsibility to its inclusion in the study of hospitality.

According to the hypothesis under consideration is what was said

Check pure economic loss compensation in the legal system Iran, England and France

Results

Economic losses in the broad sense refers to the harm that can be measured accurately and is compensated so that the compensation of losses suffered by injured party feels that they have been hurt. What is the definition, the broad and extensive economic losses, But what harm is there in this article we intend to address it, regardless of financial and material losses In other words, in this paper

for the economic loss only Those of damage to property is damaged That the physical injury or damage to property caused by not entering.

The source material (body or property) is not. For other meanings of the concept of economic loss of distinct economic disadvantage, in Kamnla word "mere" It added the phrase "pure economic loss" in the technical sense has prevailed.

So overall economic losses to division into two categories: (1) economic losses subsidiary, which includes the source material loss and damage to life, health, property, economic loss as objective 2, a concept that was said.

In Iran, Islamic law uses the term "economic loss" is not common and only by some jurists like late doctor consistory and Bady ny is used and there is no exact equivalent for the term closest to the word "without interest" or "strengthen profit" is. Common definitions of without interest is provided "without interest or otherwise deprived of the benefits expected from the asset is increased positive items", while the wider economic loss. In addition to being deprived of the benefits, costs, depreciation of property and assets in general increases the negative items that are the source material, and updated daily. It is also important to note that "without interest" in Islam and Iran to lose the benefit of the property (including the Exchequer and non-Exchequer) is different. Liability in respect of the financial interests of the jurists did not hesitate. If, then, the usurper usurped house and the owner of the residence permit or deny the without interest Unsaid, but this is the kind of financial loss.

The realm of pure economic loss

Economic loss, loss of profit, which may mean one should not confuse economic aspects, for example, if another fault of the injured party's home burned, since it is already in use her financial loss, is extravagance, disadvantage It is compiled from the economic aspect. The financial elements of physical damage (being deprived of

income, rising living costs, medical expenses and funeral expenses) as regards the extent of the damage is assessed in terms of their financial and economic aspects are, in a sense, but not component of the financial losses Compensated through the civil liability. Furthermore, it is clear that the moral damage is conceptually outside the territory, including economic loss. So it should be noted that the economic loss in some cases used that the injured party property damage (the items that increased negative or positive items where there is an obstacle in the way of increase), but not to the body and property damage.

Types of pure economic loss

- A) Economic loss arising from defective products and monuments
- B) Economic loss arising from the transfer
- C) Economic losses caused by the cessation of public services and infrastructure
- D) Economic loss resulting from inadequate professional advice
- E) Economic loss due to incorrect information provided to blame
- F) Economic loss caused by reflections
- G) Economic loss caused by the fault of the government and public authorities.

France and England law

In French law, at least in terms of pure economic loss and other damages, there is no difference between the Basically, if the realization of civil liability in accordance with the principle of "full compensation for damages" compensated for any damage In practice, the courts of this country's economic losses of their sentence. However, in the exercise of rights "full compensation for damages" pure economic loss in three ways contractual, legal and regulatory adjustment.

Unlike France, the UK rights to the overall economic loss that has set its rights and civil liability without the agreement of such damages, except in exceptional circumstances (often when the harm is intentional), is compensated.

We can conclude that the general rule is that English law is not enough to compensate for economic losses as recklessness or deliberate harm to the injured party must prove that the importer has given him harm Words in England legal system, economic loss is not compensable unless in exceptional cases It should be noted that the legal systems of America and Germany as well as the legal system of England adopted the same principle And it is the basis of purely economic losses have been offset.

Rights in Iran

Discussion of compensable damages, civil liability law has long been a controversial issue among the different views on this issue are presented. From the study it can be concluded that the rules of civil liability and liability enforced, the general rule is "necessary to compensate for all damages" in Iran, there is no written law this rule does not derive from these sources. The legislator has introduced issues as compensation for damages and other losses, which according to the growth and increasing complexity of social relations has taken a very different effects, said not. Unlike some who believe that the concept of pure economic loss in the most affinity with the concept of rights is without interest Terms of lost opportunities, because many instances of pure economic loss is within the scope of this concept It seems that the rights of the closest concept to pure economic loss.

Therefore induction of various laws, including civil law, civil liability law and civil law, like the general principle underlying the economic loss such loss is not based

on the source material, it is claimed, except in specific cases where the law is. Induction of the exceptions in the law as follows:

1. Certain economic losses caused by the crime
2. If the economic loss caused by the infringement or being deprived of the right to legal
3. The parties to the contract agreed upon compensation for economic loss.

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