



The kinds of contracts, governing law and competent forum of settlement disputes in law of cyber commercial advertisements With comparative expression

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Abstract

Advertisement on the cyberspace needs regarding of special principle and requirements; these requirements should be in a form that secure of suppliers of goods and people's trust in the field of electronic commerce in addition to protect visitors' rights. Generally, if someone wants to advertise a commercial stuff in the cyberspace, he/she should regard some legal requirements such as precision, honesty in it traits, avoid of fake and misleading advertisement, and avoid of making mental pressure on visitors. Mentioned legal requirements rooted in national and transnational rule for electronic commercial law, and generally, internet law. Electronic commercial Code (1372), provided some of these requirements. Few requirements, besides of criminalization of its violating acts, are provided by this Code regardless of complete consideration to public criminal law such as malice intent, to show the necessity of measure of requirements and un-criminalization of violating mentioned requirements.

Key words: commercial advertisement, cyber, legal requirements, actus reus



Considering Ihtiat in its Feqh jurisprudence as the Bioenvironmental Precautionary Principle.

(Pages: 24-41)

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Abstract

In modern world, the human beings have succeeded in winning themselves an optimal grade of comfort with the progresses made in science and industry, but at the cost of losing comfort in the environment. The world has lost its prior security in the uproars of technology and rapid changes that have come about accordingly and the legislators are subsequently seeking to enact regulations that safeguard the public interests against these dangers. The precaution principle is now elapsed almost five decades since it was first applied as an independent principle. However, there are such basics in our regulations as no-loss axiom and the logical-canonical principle of foresight that are capable of filling the gap that has emerged in the absence of precaution principle; but, legalization of the precaution principle can create positive waves in psychological terms thereby to provide the legislator with wider array of options in approving supportive rules through replacing the compensatory liabilities by the preventive provisions. In the present article, we have made efforts to compare the jurisprudential principle of foresight with its western counterpart so as to figure out their similarities and differences thereby to evaluate the feasibility of inventing a principle of precaution based on the jurisprudential-legal premises of our country. Now that many of the regulations passed in Iran are found residing in the neutral part of the canonical rules, it seems better to accept the precaution principle as a logical tenet and put it into practice with protection of the environment and the mankind.

Keywords: precaution principle, axiom of foresight, no-loss axiom, evidentiary burden of proof.



Comparative study on the topic of legal and juridical explanation of disobedience wife and disobedience couple

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Abstract

"Naszas" is one of the most important terms in the term "Imamieh jurisprudence" and "Islamic law", which means withdrawal from the obedience of the husband and wife to each other. Since Islam ordered the formation of the family and caused it to keep people calm and calm, in order to reach this peace and quiet, it has been suggested to the couples that the solutions in legal and legal texts, in the form of duties and duties of the couples Are relative to each other. The Holy Qur'an recommends that tolerance and consistency between the parties be initiated by the couple, in the event of differences between the couples by ordering to follow ethical and educational principles such as: passing, loyalty, popularity, peace, marriage and mercy. If the title of the research comes to light, what has been investigated is the rights and duties of couples and their disapproval of their duties and the solution to the problem of coping with each partner. Therefore, due to an approach tailored to the needs of the community and the family institution in the current society, these disadvantages should be resolved with respect to the desirable relationships between the husband and wife.

Keywords: Imamie jurisprudence, law, stasz, paired, wife



The process of globalization and citizenship rights

(Pages: 63-81)

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Abstract

Globalization is an inevitable process, which is internationalization and the elimination of geographical boundaries. The thinkers and thinkers of different countries each speak in a way about the world and there is little consensus about it. Today, globalization is the most obvious trend in the convergence of countries, the most important of which is the economic dimension. On the other hand, citizen's rights are now at the national and international level as important legal issues. Meanwhile, the Constitution of the Islamic Republic of Iran focuses on the rights of citizens and does not include differences in ethnicity, race and language in this right. In this paper, we attempt to analyze the globalization and its effects on citizenship rights, while defining the concept of globalization comprehensively, the challenges of globalization, as well as its positive and negative consequences in relation to citizenship rights. Take up The effects of globalization on citizenship rights and ways to promote citizenship rights in the age of globalization have been described and explained. The research hypothesis is that "the evidence suggests the positive impact of globalization on the citizenship rights.

Keywords: Globalization, globalization of rights, citizen, citizenship rights