

## The Principle of Loss, Personal in Civil Liability

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### ABSTRACT

Demand of private dispute is losses resulting from the crime that one of the conditions being personal is losses. This means that the effect of the crime commits to the property and interests or the physical integrity of Dignity and emotional harm is the applicant, however the affected person or his lawyer must be active in the case plan. Thus, damage to private claims or loss circumstances compensable should be restored. The research method of this paper is to examine the principle of personal are the loss of civil liability was as described and analyzed with considering content and with regard to legal resources and research conducted and also through the study of books published, articles and research conducted, as well as, magazines and publications, databases and internet resources and... collected related material after taking notes and writing up their networks using the internet we investigate this issue, finally, the argument is to analyze various aspects the content and results-orientation. The results show that the principle of indivisibility of civil liability Is clear example of criminal justice in Islam financial compensation in various areas, soul and body, and also to accept the need for compensation contradiction with have not incompatible with the principles of jurisprudence and religious and this person if they have a condition such as maturity and common sense, responsible for their actions and their civic Responsibility their accepted responsibility.

**KEYWORDS:** civil liability, loss of personal, social norms

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### 1- INTRODUCTION

Today the principle loss of personnel is one of the main criminal law doctrine. By principle just a person who commits an offense under this loss or damage is caused has criminal liability and penalties. Applying this principle in man-made law has been delayed; because too has been spending much time in their human heavy shadow of collective responsibility that were followed tribal warfare for a crime - individual responsibility and release and does accept the punishment of the crime the principle. But the Quran brings its verse to explicitly the revelations brought and stated that "no one can take accepted once the sins of others." Others, even if they are family the offenders – with condition, accepting- free of responsibilities and of course this is knowing the justice and justice of Islam. In this paper, we deal with the principle of loss of personal, civic responsibility, and we will analyze it.

### 2- REVIEW OF LITERATURE

#### 2-1- The concept of responsibility and its variants

Legal liability is following the engagement party with answering to destructive behavior applied to meet the people. The diagnostic criteria of legal responsibility, external appearance and behavior that it is causing harm to another. Responsibility means being responsible and being obliged to do what is and who is responsible if it does not fulfill the obligation of the obligation, will be held accountable.

In legal terms, the responsibility means the legal obligation of person to solving the harm has reached to us, whether the loss result of his own fault or due to his activities. In the law in the same sense, the insurance obligation to have used the term and its meaning any responsibility both financial and criminal. Responsibility, it has different types;

Moral responsibility, administrative responsibility, guaranty responsibility and legal responsibility, fault responsibility, and what is important to us this study is criminal responsibility, which is following related to act gain or act criminal omission to the person or persons that with doing sin to aggression a criminal law and they have tolerance load act or omission punishment by themselves.

So the concept of criminal responsibility only person who is doing criminal act or omission made punishable and not someone else. Criminal responsibility, has characteristic; including legal punishment, pains, scandal and penalty personal is examples and characteristics of the criminal the legal system based on Islamic justice by bvious (www.hvm.ir, 2001).

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## **2-2- The excess of the normal behavior or social norms:**

In this definition inferred the sum of 951 to 953 souls, clean fault criterion, human behavior of rational and common is in the circumstances of the incident:

In other words, face fault has a type and it does not count characteristics. Reasonable behavior and being common is social life law and everyone exceed that is guilt, whether his behavior is morally wrong to blame and scorn on time or have not sinned.

What is important is the behavior and social work doesn't evaluate verb of commit, in both of these criteria is a moderated and special circumstances of commit is also effective:

1) In the case of fault of employment, that the error and correct the fitness profession committed and determined his job requirements: for example, to clean medical errors, conventional medical treatment is valid not a single human behavior, or to clean failure attorneys, considering a lawyer of conventional and behavior require to know medical treatment and advocacy the circumstances of the accident.

2) There is this The difference if the age and health of the committed to body member also contributing to of the incident and the assessment committed the act or among personal characteristics? Is the blindness, behavior in the transition from the street compared with conventional blind treatment or with it does not bind normal human behavior and vision and blindness?

In fact, the root of the conflict between the two objectives is "a typical of guilt concept" and "the moral fault" because requires from moral type and the support of disabled people in their physical condition and capabilities that will be effective in evaluating behavior and is not fair and reasonable to expect that the blind the pit is in the way focus liked sighted.

There is disagreement about the child and crazy and conflict has caused moral and economic implications that writers and legislators to reach a consensus.

Whose seeing also responsible the child and crazy, about the moral damage and the level of fault, poor and intensity to the division of responsibility have the difference between these groups and their wise or responsible adult, guardian and ward heads above their personal liability; as the civil liability act 1950 have been complied with in this way.

Another factor that helps to clarify the concept of fault, has relied on the ability to predict unusual line is a human duty to refrain from anything that might lead to damage, but this task is limited to the ability to predict such risk, otherwise, how to conduct permissible in view of the danger does not create custom "fault" media (cutoziyan, 2009: 205).

## **2-3- Harm and losses and its variants:**

1) material damage or loss: the damage caused the crime to property by the victim will be entered as a positive asset reduction; such as the loss or decline in value of their property. Or an increase in assets is negative for employment obligation or high debit fitted.

2) Source deceased: according to paragraph 2 of article 9 BC. .D.k. Provided that have been certain legitimate and no other factors are obtained. For example, a worker who has been admitted to the assault or accident a week and has failed to pay for a week's work as an interest charge may be readily available; or the taxi cab driver who does work with a taxi cause like crash cause he can't work with a car and his car to sleep in the garage, the claim for damages as compensation may be readily available, diagnosis is determined by expert opinion Of course the benefits may be obtained on demand that is rational, not fiction. Against the possible benefits are obtained if you do the crime, the benefits that may or not have been the victim. Such a claim for damages because they say there is no causality between the harmful act and interests and is not logical.

3) Moral damage: the acquisition of the dignity of persons, or trauma; so losses necessary to fame, honor, faith, feelings and interests of the family and is a beautiful example of moral damage and damage to these as well as in law. d. A claim, but it is not mentioned in article 9. It is believed that once damage has not claimed because the calendar is not money and if we make money it is an insult to the personality of the individual, but today it is believed that the damage should be compensated compensation way to be compensated is important, this is the only way who give money to publish an apology in the press and media together. Currently, in accordance with article 2 of the law of civil liability according to article 171 of the constitution and the damage is repairable; so the situation is not-not recover, but it can be a relief to the other side, so in this way compensated.

4) Physical damage: in the event of damage is obliged to compensate individuals committed to the object that may be injury or impairment or disability and can be both material and spiritual aspect or aspects are non-profit. Physical harm may be necessary resulting from intentional or unintentional offense. Intentional crimes based on sharia law and retribution, the only truth is death, but the injured party can compromise and compromise to get the money together.

But in the case of unintentional physical crimes and crimes intentional retaliation are not possible injured is entitled to compensation. Debate that arises here is crimes of bodily in addition injury and material damage exists such as the financial cost of medication and treatment, impairment and disability (Badiny, 2010:115).

Whether or not this type of damage claim? The indirect costs of crime are in this regard, there are three perspectives:

**1-The first view:** those who believe in the physical crimes compensation and other liabilities other than murder is committed them according to sharia, only obligation which the perpetrator is responsible for the death and blood.

**2-The second view,** others believe that the compensation and retaliation such rights and privileges on the basis of specific legal provisions have been predicted and enforcement of judgments in favor of the victim, he negates the benefit and enjoyment of such rights and privileges he was ignorant of the laws and rules as lazier and not tasbyb; means according to the above rules (laser and tasbyb) injured has right had taken other damages and costs that have accrued to him indirectly.

**3-The third view:** the two aforementioned theories, there is an intermediate theory that if blood loss and damage provided he has no right to make its surplus against but if money damages, and costs less than the victim is the right to claim damages and costs in excess of the money.

According to the second and third if the injured party in the position to claim damages and other costs imposed by the money is to be submitted in the form of private litigation lawsuit, accrued losses (Vaziri yeganeh, 2012).

**2-4-Check the use of the position of the necessary compensation for all damages in Iran civil law:** Specifically, other laws the provisions that are based on the compensation of damages is enacted Civil Liability Act 1950. Article 1 of this law provides that:

"Anyone who intentionally or as a result of recklessness without legal authorization to life or health or property or freedom or dignity or business reputation or to any other right that is established by law for persons, material or moral prejudice that causes harm to another, is liable to compensate for damage caused by their actions. " The theme of the material taken from Germanic law And the text of the first paragraph of Article 823 of the German Civil Code is very close. Another object of the law of civil liability for material damage is repairable article 6 of the cost of treatment and the patient's disability, in the event of the death and burial expenses paid pension necessary alimony people died during or afterwards; articles 8, 9 and 10 on the material and moral damage caused by the deficit of credibility, reputation and credibility.<sup>1</sup>

As is seen, the law of civil liability recognized compensate for the loss in the range of losses and the compensation of damages to dramatically compared to the social development, but the main question the civil liability provisions of the plan: first, despite the extent of the damage is repairable-the need to compensate for all losses this is recognized in law? Secondly, if principally in our legal regime applicable provisions of the act are and reflect the real situation of human rights in Iran?<sup>2</sup>

The answer is yes to both questions is the difficulty and uncertainty.

Civil liability act no way against all losses there. When damage Iranian lawyers have frequently been the subject of discussion, but the law does not mention the ability to repay them; including a range of moral damage suffered as a result of losing yakhsart severe physical and Johnny's soul, and mental shock, do not operate and enjoy a healthy environment and environmental degradation There are also some financial losses however, the disadvantage is that the common law, but the law does not mention the responsibility and ability to repay them; including the loss of financial position that actually exists, but not on the right<sup>3</sup>, and lack of benefit chances.<sup>4</sup>

Perhaps may be assumed that the damage is mentioned in the law of civil liability not imitative aspects, especially the last part of the rule, due to the popularity of all the damage has been compensated, but the letter of the law and accept the terms and-drop development compensation for damages due to the need to the reason for this has been provided. Also refer to the principle of the rule of law are taken (as specified by law in Germany and Switzerland) prove the opposite impression. As we shall see, the German law - the source of one

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<sup>1</sup>Article 6. In case of death, injury, disadvantages include all costs, especially the cost of burial. If death is not immediate, treatment costs and expenses arising from the expropriation of work during illness will be considered as a loss. if at the time of the injury, the injured party may be legally obligated or later, the party obliged to keep his death was caused by a third party will be deprived of it, loss importer must pay a reasonable pension to survive as long as possible and shall be maintained routinely injured third party, at this form of payment to the person providing the diagnosis to be made, with the court. If a third person in the event of damage to the embryo or yet unborn child, the person will be entitled to a pension.

<sup>2</sup>Article 8 of certification or publisher who lies the dignity and damaged another position, he is responsible for compensation. Publication of the person who is opposed by other means or goodwill, low or are at risk of losing customers, the importer can claim losses. Article 9 of the girl who practices deceit or threat or abuse of the availability, Now for unlawful sexual intercourse, it can make in addition to material losses, make a claim on the spiritual loss.

Article 10-a person who hurt the dignity of the individual or his family can someone who has been hurt, compensation for material and moral damages and the loss of his bkhvahd. hrgah require fault, the court may, if proven guilty verdict addition to financial compensation, order to overcome the disadvantage of having to apologize and insertion of such sentence in the newspapers and the like.

<sup>3</sup>Several examples are given in this regard by the doctor N. consistency. For example, the death of a person who has taken over household spending, without obligation to be charitable. (doctor n. consistency, enforcement liability and civil liability, no. 91) who studied .mvrđ seems, separation, death or disability of a person who has no permanent marriage relationship living together and one actually pays alimony family. lawyers and court judges thought about it for decades occupied west despite his confession that traditionally it is a loss, but because it is legally compensable damages should be based on legal rights, of compensation for the damage they have long refused.

<sup>4</sup>Naser. Kutoziyan, same., p. 108.

of our civic responsibility to seems - not recognized compensation for all losses Lawyers and the courts of this country very carefully implemented article 823 of the civil code stipulates in article with the concept of opposition, much of the damage is not clear, it considered irrecoverable. In conclusion, it can be said that even the civil liability act 1950 and the compensation all damages not recognize the reference to the law in this regard, it is a misunderstanding (Mazaheri Tehrani, 2013:182).

But the more fundamental question of law, civil liability, Iran's position in the current law and the validity and necessity of implementing it. This rule is derived from the German and Swiss law and many the exact translation of the items in the laws of the two countries. Many of the provisions of this law and the principles recognized in particular civil liability are totally alien to the Iranian law, the fundamental differences between civil law and legal history of Iran these conflicts and Islamic jurisprudence so that some lawyers after the enactment of this act, according to the prescriptions of the law about civic responsibility were civil.<sup>5</sup>

Furthermore, the liability under this Act, the said Article is a fault and error, while Iran's rights, unlike typical western countries, never blame as the responsibility is unknown, but what is a civil rights law, landlord responsibilities, damage to the harmful act is only causality relation and in case of damage due to fault only used to establish causality

Another fundamental difference in how physical and human damage is calculated. Islamic jurisprudence and the laws of the revolution, with regard to the payment of a certain sum as compensation for physical damage and soul irrespective of social status and economic injured or responsible for the accident are determined and paid, while the civil liability act physical damage and life is determined according to the above considerations it can be quite different from one person to another There are also concepts and considerations in civil liability law that is totally alien to our principles and legal views and the new facility is about obvious ones this sentence articles 4, 5, 6, and 7 of the terms of fairness, the social and moral responsibility for the incident, how responsible and the injured party, and the consequences of physical and social cognition liability for damage assessment is responsible for the accident.

A system established by this law, even before the result of fundamental changes result of the Islamic Revolution in 1978, has been a major problem for transplant the body of our law, which was watered during the centuries of Islamic jurisprudence-in is included.

After the adoption of the constitution and the emphasis on Islamic republic the implementation of Islamic law, particularly the legal rights of Iran, relies on the legal system, which in many cases in conflict with the principles of civil law jurisprudence and Islamic tradition and our legal culture, it seems very difficult. Although the provisions of the civil liability act explicitly are not abrogated by the new rules, however, many of the provisions of this act and referred to the courts is not being practically abandoned.

Including the rules and regulations of the abandoned much of the damage is that the law has been introduced as compensation for damages.

Insurances law and the penal provisions of the law that is also capable of compensating for physical damage and life is very difficult, or is unknown.

However, this insurance observation does not mean that the civil liability act 1970 is quite outdated and is not applicable in any part.

The writer states abolish the whole or part of this Act is discouraged due to different considerations, but what is certain, is the material of the law, we have no apparent conflict with other legal principles, applications, including the provisions of article 12 of the law on the that support is reasonable to loser workshop events Iranian courts was and is always invoked (Babai, 2005: 52).

#### **2-4-1- Place of liability arising from an act in civic responsibility**

In modern law, criminal law and the law of civil liability actions relating to liability arising out of breathe responsible for overseeing the result of a verb.

But who is the criminal responsibility, it is also responsible for the consequences of their actions; this means that in addition to criminal liability, it must compensate the damage caused by crime. What essentially distinguishes civil liability in criminal law, neither solution is adopted.

Civil liability, concerning on the condition the compensation of the injured party agent enters while common criminal law in regulating the response that the country is crime actor. The civil liability and criminal law are complementary (www.hvm.ir, 2001). Behavioral characteristics of civil liability law and criminal law in this direction is different behavioral characteristics in criminal law, perform specific actions and desired psychological motivations defined by law, however, what is the most important result of the law of civil liability action, if the result of the commission of the prohibited act it fail. However not be damaged, the subject does not apply to civil liability rule (sardoyy, 2007: 82).

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<sup>5</sup>Abdulmajed Ghaemmaghami 7 rights and obligations, v 1, Tehran 1968, p. 215;  
Syed Hussain Safai, Civil Rights Foundation, v 2, obligations and contracts, Tehran, 1972, p. 543.

#### **2-4-2- psychological motivations harmful acts**

at the beginning of the transformation rules of civil liability addressed intentions and plans were largely. But gradually the customary law of civil liability, personal standards, it is customary to measure the and civil liability concepts such as guilt, morality, and depending on the intention to lose face and became a social concept. However, the law of civil liability does not lose its behavioral characteristics. The civil liability as set circuit behavior is detrimental. Except for a few of the features of its behavior is pale, the issue of civil liability rule evaluation behavior is detrimental outcomes.

In the part of civil liability attention to the exterior appearance. The outer appearance of the physical and material aspects of the action and the emergence of inner psychological identity. And rightly so, to discuss issues of civil liability law called "legal consequences". The phrase "legal event" well meaning reflects what matters is that the "incident" was created. The emergence of civil liability in the field of mental verb aspect is entirely secondary and subsidiary which leads to the loss of a person to communicate legal cases, it may be addressed.

Assessment of psychological motivations harmful act independent of external appearance, does not fall within the scope of the judicial proceedings. Lack of mental cause harmful acts committed obtaining exemption from civil liability. mfhvm "fault" the external appearance of some verbs abstracts find an agent rather than psychological harm, therefore, if the offense resulted in the loss of unusual behavior, civil liability is proven to withstand the consequences of their behavior. Therefore, other minor point, insane and other persons lacking clean too, financial losses due to their unconventional behavior compensate.

Typically, applying insurance even if the area of crazy man who are not mentally healthy, the rise to civil liability are this applies if you are insuring if a normal person and normal current so doing, had responsibilities. Sometimes it is a completely free entrance appearance.

When you fall asleep on an object and break it as the cause of responsibility. Action taken in the case of a simple, natural phenomenon and has the characteristics of a human act.

This was not due to lack of mental responsibility there was no civil. In any case, we can say in this case and in similar cases, the good faith judgment of the injured party has the right to expect of others behave in a way that does not lead to harm him.

One of the law purposes, is described rules of conduct, so that people know how to act in different situations. In this way he is driven by a conventional manner. Detailed information without the usual behavior, he said, it is necessary to conduct general criteria refer to the ordinary rules of conduct in the light of the circumstances, are detected (Mazaheri Tehrani, 2013:183). The moral of the territory of the customs territory and move into the realm of civil liability approach, reaching to perfection and we move towards the objective norms of behavior.

#### **2-4-3- selves responsible behavior in the legal system of Iran**

The law of civil liability to two basic questions answered: first, how should people behave towards each other? And if this is what is deviant behavior?

The mission of the law of civil liability, improvement and restoration of the rights and interests of individuals in the community nabhsamany happened.

We should not forget that some nabhsamanyha the interests and rights of individuals for reasons not compensation. Limit compensation about losses in the general theory of civil liability law is clear.

Losses as a result of economic competition or as a result of the legitimate rights of another is correct, compensation losses are out of scope. Thus, it investigated under the law of civil liability to other legal institutions and economic theory, political and moral. Necessary to compensate for losses caused by the alleged harmful act, social order is not based on logical necessity.

Search compensation losses, rights and civil liability, loss put the spotlight on the basis of known criteria was illegitimate, he/she have been a loss illicit relationship with someone else what unlawful?

And is attributable to another? What principles and criteria should be applied to determine this? The answer to this question, central issues in the law of civil liability systems. Various legal forms. Historical records show that the law of civil liability, basic criteria for recognizing potential losses attributable, is behavioral nature. Further developments on this started. The essence of civil liability, losses attributable to harmful behavior.

So always and all times should be noted. Providing that any theory of liability, civil rights should be in it. A verb is a basic tool of law life (Safaei, 1972: 68). Article 703 of the civil code of confiscation, tasbyb and losses from natural causes is known insurance liability<sup>6</sup>. Behavioral characteristics of civil liability are clearly deducible from the appearance of such terms without need to explain the material 159-359 of the Civil Code defines "abuse" and "wastage" and the fault or negligence of either violating knows, these concepts are defined behavior.

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<sup>6</sup>Paragraph 4 of Article 703 of the Civil Code named advocated a different theoretical basis and is based on the damage to the other (see § cutoziyan 5831: 62 642 and 652 onwards).

The Civil Liability Act 9331 and in particular Article 1 of the law of value and recklessness and inflicts damage brought articles 613-333 of the penal code in 0731, which also caused the liability to pay and section 592 of the act which defines the absolute error and deliberation and questi dedicated, this feature can be clearly inferred.

The approach is applied in cases where the law of civil liability allocation method and Interventional approach in order to achieve social goals it is light and sometimes faded. Civil liability of the latter is rational.

Article 21 of the civil liability, employers liability act civic and civil liability of owners of land motor vehicles are examples of such.

#### **2-4-4- Intervening approaches of legal to in civil liability**

although the emphasis on the social aspects of behavior and the emergence of external action and overall viewpoint of the norms of human behavior and acceptance msylytafryny unconventional behavior, civil liability law put on the right track, but according to specific social needs and to achieve specific goals, civil liability law as a means of achieving these goals have been used.

rykrdyhay influence legislation and guidance intervening actions result in civil liability law context, has created special forms the neglect of the underlying ideas, Researcher to the wrong conclusions about the law of civil liability will lead.

#### **2-4-5- allocation method of the civil liability allocation method of civil liability,**

<sup>7</sup> losses resulting from accidents as part of their social life that must be dealt with in a group (www.hvm.ir, 2001).

these losses by the rules of civil liability are linked to specific individuals. In fact, this theory as a means of allocating resources to the rules of civil liability and damages, including interest, is given.

Unlike, the general approach of Civil liability method "assign civil liability<sup>8</sup>" is. The assignment of civil liability, focus on the behavioral characteristics of civil liability rules. Accordingly, the present tense is the responsibility of the person alleged. In theory, with losses to persons treated as individual problems.

The task of identifying and implementing legal obligation to make reparation by individuals against each other With the production losses, as it deserves to be treated. The law of civil liability, is not merely a tool for resource allocation,

determining factor in the assignment of responsibility, the harmful act.

The fault is also a serious consideration.

The allocation of civil liability, certain economic activities or of certain classes and groups of people, including workers or those at risk of certain industries, or even those who are at subject risk of accidents, and or who are subject social supported, through this method in the field of civil liability, is available in this way, through the promotion of specific activities, impressed with their conflicting interests and behavior support, synchronized.

The method is used by traditional institutions and civil liability rules, however, traditional concepts and policies has been applied that affect the legal-judicial approach, given these objectives and orientations mygyrd. bdvn the allocation of responsibility, understanding of the objectives pursued its proceedings, it is difficult. The criteria and rules of civil liability may be, they seem confusing. The frequency of targeted doctrines, is difficult to understand the law of civil liability. The wanderings of confusing behavior happened.

#### **2-4-6- influence the allocation of civil liability in disclaimer the behavioral characteristics of civil liability**

Behavioral characteristics of civil liability law can be accepted as a basic principle. Without relying on the principle of fault liability 'behavioral characteristics of civil liability law. " Of course, can not justify the "civil liability without fault" the principle is simply not justified and efforts in this field empty field simple and sometimes will not allow. The specific forms of property from the state. What causes the logical consistency of the rules is. Law in particular cases, the theory of "legal-judicial politics"

## **2- Conclusion:**

Historical moment evolution of the fault, a graph of the movement and transformation of justice scholars metro in these studies historian show that the concept of "justice" the relative and subject to the conditions of life, and those who speak of "justice times» said and they attained the fact.

Studies show that despite the prominent Iranian lawyers willing to accept the existence of the necessary compensation for all damages, this is written in the law of evidence law: what is clear is given to the potential compensation the civil code and the penal code and the law is limited to civic responsibility is much wider territory

<sup>7</sup>Allocative approach

<sup>8</sup>Attributive approach

From the side, despite opposition from some of the many jurists with the principle and scope of compensable damages in various fields of life, property damage and bodily injury results, the legal opinions, especially in the study of the rule base and then shows tasbyh accept the need to compensate for all losses, not conflict with the principles of jurisprudence and religious, this is based on the opinion of some scholars Miami. Therefore, we can say that the main brat as a necessary compensation for all damages and losses can be offset against the holy religion does not spread. Overview of the nature of the law of civil liability reflects the behavioral characteristics of civil liability.

The acceptance this feature requires for the idea of civil liability law charged with committing an act of civic responsibility that has become detrimental. Other cases where civil liability is imposed distance from the property and responsibility, punishment completely devoid of any nature is discussed. How can I take responsibility imposed by strangers the incident with the theory of punishment for certain offenses is usually noticed, justified?

Miami jurisprudence the express provisions governing the liability arising general liability imposed under the supervision and responsibility of financial losses unconventional civil harmful act committed, informed about the above crimes "mozeheh" a different approach was adopted and is imposed the responsibility of the "pure error" on "rational". In addition, the rational and the ruling family, including surety jryrh (imam) as well. Providing rational judgments about exactly reflected in the penal code in 2011.

Analysis of the different approaches has this result that Islamic jurists vote taken of texts, the result is that this type of civil liability based on the theory "legal-judicial politics" and the allocation of responsibilities based on a cooperative approach to the distribution of insurance and civil damages.

The important thing that makes this approach a negative effect systems group responsibility spread through compulsory insurance it has been generally accepted by countries recklessness and remiss did not spread, it is the civil liability relating to the pure error.

The importance of body language from point of view the legislator has to think of a solution is involving a "guarantee" is the type of damage, because in addition to the responsibilities imposed on relatives rational, in the absence of rational, or if they can afford to pay within three years, not have to pay money for the treasury. The basis for civil liability in cases where compensation is paid from public funds it is also based on the same theory.

#### 4 - REFERENCES

- Babai, Iraj. (2005), a critique of the ability principle to compensate for all damages in civil liability law, Public Law Research Journal, No. 15 and 16.
- Badiny, Hasan. (2010), a critical attitude to the standard of "reasonable man" for fault diagnosis in civil liability, Law Journal, Volume 40, Issue 1.
- Cutoziyan, Naser. (2009), the evolution of fault concept liability in civil law, Law Journal, Volume 39, Issue 1.
- Cutoziyan, Naser. (2008), civil liability, Volume 1, Tehran: Tehran University.
- Ghamamy, Majed. (2006), the ability to predict the loss of civil liability, Ph.D. dissertation, Tehran University.
- Ghmamy, Majed. (2005); compensation loss from point of view judicial approach, Journal of Law, Faculty of Law and Political Sciences, Tehran University.
- Qaem Maqhamy, Abdulmajed (1968), rights and obligations, Tehran: Amir.
- Mazaheri Tehrani, masoud (2013); the principle of individual criminal responsibility, information newspaper dated: 05.07.2013.
- Safai, Seyyed Hossein (1972) Foundation for Civil Rights, Volume 2, obligations and contracts, Tehran, Amirkabir.
- Sardoey nasab Mohammad. (2007), the different theoretical basis for civil liability, rational, moved, namh Journal, No. 64.
- Vaziri yeganeh, Seyed Mohammad (2012), claim for damages caused by the crime, the Legal Information Institute campus Ehsan, available at: <http://www.pardisehsan.blogfa.com> [www.hvm.ir](http://www.hvm.ir), 2001