

Study of Nature and Effects of Punitive Responsibility of Government in Iran Law

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ABSTRACT: Government as a legal person has to be given punitive responsibility according to principles and criteria regarding commission of crime. However, the punitive responsibility of legal people is regarded as an institution which has recently been accepted that its consequence can be found in penal code, 2013. Nevertheless it should be noted that in some cases assigning a punitive responsibility to government faces problem that is referred to possibility or impossibility of punishing legal people hence it should be said that often assigned responsibility to legal people particularly government is according to principles governing civil responsibility which is studied in this paper.

Key Words: Government, Legal Person, Punitive Responsibility, Civil Responsibility

INTRODUCTION

Since number and plurality of legal people in Iran society, like other societies are not deniable, and because registration of hundreds of legal people each year has caused disorder in social order and hence makes numerous crimes despite their significant services in economic, social and cultural fields. It is necessary that community board prevents commission of crime and reclaim the violated order due to committed crime through accepting punitive responsibility of such legal people and predicting sanction appropriate to their nature. Meanwhile the significant role of government should not be ignored. Also government as a legal person owns rights and obligations. Regarding this matter, it should be said that the rights are result of maintaining order and social justice. Adjusting people's behavior and order of society requires legislator to impose laws and instructions as an obligation on citizens and provide sanction for them and reproach those who violate these laws and obligations and even government and ruling institutions should not be excluded from this view. However all the rules do not have unique sanction; because these rules are based on various values. Wherever the violation of a rule damages the body of society, a more severe sanction which is called punitive responsibility is maintained and wherever the damage is not beyond the relation among citizens and does not damage society, the civil responsibility is certain. Therefore civil responsibility is sanction of rules and laws violation that causes undue damages to citizens.

Definition of the Legal Person

Although a thorough definition of legal person which is acceptable among jurists has not been presented yet, through summing various definitions, a definition which entails the description of the all definitions can be obtained. Dr. Shayegan defines institution of legal person as:

"A legal or an authentic person is a group of people or an institution of enterprises or charitable organizations and similar organizations that are given identity, which means they are given human rights and obligations (as far as possible). State government, enterprises, universities and hospitals are legal people."¹

Dr. Katebi regards a legal person as "social and establishment and collaboration of human beings or human that are formed to reach an aim and goal which are profitable or non-profitable under circumstances and rules."² In recent definition human are regarded as the basic components of legal people; while as it was pointed out in another definition, legal people can also make an independent legal identity. Due to this definition:

¹ Shayegan, Ali, Civil Law of Iran, Volume 1, Mashaal Publication, 1st Edition, 1960, Pages 148-149.

² Katebi, Hosseingholi, Business Law, page 32.

“Legal person is a person that is formed through person or people who are human and legal and can have all the properties and rights and obligations and actions except what are specific to human beings.”³

Some of Iranian jurists attempted to clarify the essence and hypotheses of legal person and its consequences,⁴ some other jurists while emphasize that the definition and recognition of legal personality requires recognition of legal person, they regard legal personality as being qualified for rights and obligations, accepting commitments and their implementation by legal person.⁵ It is necessary to know legal person and its characteristics in latter definition to get familiarity with legal personality.

For some jurists, the meaning of legal personality equals to existence and essence of the person and they define legal personality as rights owners such as human beings or population and institutions. Accordingly legal personality is a general concept and it should not refer to specific group of people.⁶

Dr. Hassan Imami who believes in this analysis, regards legal personality as a human capability through which it can be given “obligation and right and implement them indirectly and directly. Therefore in law terminology, legal personality is defined as a person who can be given right and obligation and is capable of their implementation. Since right and obligation are subjects of law, the state within the person is called ‘legal personality’”⁷

Through aforementioned explanation, he presents an exact definition of legal personality: “Among legal relations in the society, there can be observed rights and commitments which are not concerned with natural people but are concerned with groups and institutions that own property like natural people and are called legal, authentic or moral people.”⁸

It seems that Dr. Hossein Safaee analyzes the concept of legal personality from the same perspective, as he says “If as it was said the personality is description and competency of a person to have right and obligation, hence the aforementioned personality can be human and legal.”⁹

One of the juristic authors who has attempted to study the aspects of the entity of legal personality believe that “If innate personality and capacity do not exist and instead intellectuals of society authenticate them for an entity, and as a result they can deprive and segregate it, hence such a person will be called “legal personality” and its owner will be called “legal person””¹⁰

Dr. Abolmohammad distinguishes legal person and the components of the legal person and regards them “as set of interests and goals that its public power is referred as independent unit and it is supported.”¹¹

Regarding the characteristics of legal personality and given definitions, this entity can be defined as such:

“Legal personality is a set of property or people that are formed to achieve a specific aim according to specific criteria and formalities and are qualified for having rights and obligations.”

In mentioned definition, the set of property and people have been used as constituent elements since forming the legal personality on the grounds of property without people or the other way around is not a futile thought. For instance about “Vaghf” (In Islamic terminology is dedication of property for public services such as building hospitals and tec.) especially public kind people are not regarded as constituent elements. On the contrary, institutions that are founded for cultural and charitable aims might be made of people without any funds.¹²

Legal Personality of Government

As it was pointed out in definition of legal personality, government as a legal personality can have rights and obligations and people consider it responsible for taken actions hence the punitive responsibility is raised. Government can be defined as the simplest political community that maintains its jurisdiction over a particular

³ Kiyaaee, Karim, Business Law, Volume 1, Simorgh Publication, 1st Edition, 1971, Page 110.

⁴ Setudeh Tehrani, Hassan, business Law, Volume 1, Pages 145-147.

⁵ . Katebi, Hosseingholi, Business Law, Page 31-32

⁶ .Tabatabaee, Motmani, Manuchehr, Official law, Samt Publicaion, Volume 3, 1st Edition, 1996, Page 34.

⁷ . Imami, Seyyed Hassan, Civil Law, Volume 4, Page 150.

⁸ . Imami, Seyyed Hassan, Civil Law, Volume 4, Page 157.

⁹ Safaee, Hossein and Morteza Ghasem Zadeh, People and Retards , Samt Publication, ninth Edition, 2003, Page 6.

¹⁰ Safar, Mohammad Javad, Legal Personality, Dana Publication, First Edition, 1994, Page 81.

¹¹ Abolmohammad, Abdolhamid, official law, Tehran University Publication, Volume 1, 1976, Page 79.

¹² Paseban, Mohammad Reza, enterprises Law, Page 13.

territory and imposes its authority through a set of fixed institutions.¹³ The word of state has been derived from 'status' which means stable and fixed situation. Nowadays, the word of 'status' is being used in its Latin original meaning in English language. This term is usually referred to something which is constant and fixed and is placed in a stable situation. The application of this concept has been transferred subtly from people to institutions and political power.¹⁴

Held defines government as such: government is an institution or set of institutions that have practically authority over a particular territory or certain borders.¹⁵ The central part of a government is imposing authority and maintaining security and to do so, organizations and institutions have been shaped that follow imposing authority and maintaining security as their mission.

Five key characteristics for government can be regarded. First, government imposes authority. Government imposes an absolute and indefinite authority since it is superior to all associations and groups in society. For this reason, Thomas Hobbs describes government as a Leviathan – a giant monster. Through exclusive violence government can maintain a peaceful order and union among people. This view which regards establishing a government helps to understand the separation importance of internal and external authority.¹⁶ Second, unlike private institutions of civil society, state institutions are clearly public. State institutions have responsibility for making and implementing of collective decisions and their budgets are provided with public expenses. Government's decisions are usually (not necessarily) considered essential for all citizens since it is claimed that the government reflects permanent interests of society. Fourth, government is domination means. It has violence to guarantee the obedience of rules and punishing their violators in a way that Max Weber claimed that the government is exclusively qualified for legal oppressive means. Fifth, government is a territorial association. Government has authority within definite geographical boundaries and in international politics it is regarded as an independent unit.

The Possibility of Reference to Punitive Responsibility of Legal People

The possibility or impossibility of punitive responsibility of legal people is one of the complex and challenging subjects regarding legal people. The punitive responsibility which is related to sensible people and people who can make decision will be possible.¹⁷ Whether legal people are also able to take the punitive responsibility is a question that cannot be answered easily.

Some people believe that the validity of legal people makes the basic foundation of punitive responsibility impossible – which is the reference ability of offence to people. In their point of view, the commitment of the offence by mature, wise and willing or in other words natural people is possible not by abstract people that are products of human imagination. Suddenly the torrent of different punishments set in punitive rules – like execution and imprisonment – is particular to people and its adaptation for legal people will be impossible. Furthermore, based on the assumption that some of these punishments can be taken against described people since they are contradicted with being personal of punishment law, we will encounter unfair situation.¹⁸

On the contrary, some of the theorists through defending the doctrine of punitive responsibility of legal people believe that they cannot be necessarily regarded as abstract creatures based on the major role of legal people in economic, business, commercial, cultural and political fields.

Environment pollution, the violation of safety rules, bankruptcy due to cheating and fault, violation of tax rules, trick, betraying the trust, terrorism, laundry, counterfeiting bills, offences against people, vandalism, extortion and committing a lot of crimes are enough reasons to consider legal people as social reality and reactionary and provide them with punitive responsibility. This adds that the replacement of collective will instead of personal will

¹³ Hivuud, Andreh, Key Words in Politics and General Law, Translated by Ardeshir Amir Arjmand and Seyyed Bassem Mavali Zadeh, 2nd Publication, Amir Kabir Publication, Tehran, 2010, Page 57.

¹⁴ Winsnet, Andro, Theories of Government, Translated by Dr. Hossein Bashariyeh, 4th Edition, Ney Publication, Tehran, 2004, Page 36.

¹⁵ Akhundi, Abbas, Theoretical Foundation of Privatization from the Point of View of Relation between Government and Market, Pishroo Publicatio, Tehran, 2003, Page 36.

¹⁶ Laglin, Martin, Foundation of General Law, Translated by Mohammad Rasekh, 1st Edition of Ney Publication, Tehran, 2009, Page 106.

¹⁷ Ardebili, Mohammad, General Punishment Law, Mizban Publication, Volume II, Tehran, 2012, Page 21.

¹⁸ Pradel. JDroit penal G. eneral, ed , Gujas, 2006-2007, p 492.

solve the issue of referring the offence to commitment. Fine and breakup which accord with these people can be used instead of some punishments like execution and imprisonment to fit penalty with people.¹⁹

The difficulty of observer on capability of fault document makes doctrine advocates of punitive responsibility of legal people willing to present different opinions such as delegation theory to solve this issue in a way that unlike jurists of England, legal person as his own staff representative is considered the main reason of his/her harmful affairs. Of course doctrine and judicial procedure of England consider the jurisdiction of these people limited to responsibilities and behaviors that first are not based on person; second the committed crimes are without fault. The result of this view is the exclusion of crimes such as chastity and remarriage from this scope.²⁰

It can be said that the article 121-2 of the Islamic law 1994 of France has pointed out to some offences such as homicide and other offences against humanity, deliberate and unintentional harms to human life, torturing and violent actions, tempting to suicide, rape and defamation through picturing vast scope of crimes that can be assigned to legal people.²¹ It should be noted that, the legislator of France in extension of committable crimes by legal people, regards legal people as the origin of human and consider them as capable of committing all crimes to release the judges from limitation of predetermined list of crimes and by granting the mentioned article.²² Hence the legislator of France has improved his audacity in field of accepting punitive responsibility of legal people and expanding its domain in course of time and in light of social changes.

Japan is one of those countries that had not been familiar with punitive responsibility of legal people until 1932 and to punish such crimes that arise from behavior of these people, just the boss, representative or the manager mattered however in mentioned year by approving the law which prevented foreign capital flight and depending on the rule of "Rio Buster – Kayiti" regard the punishment of legal people necessary and possible. Adapting this rule, the behavior of representative of legal people is considered his/her behavior and based on the mental factor of the commitment of crime, the issue of mental factor of legal people can be understood.²³ By this description unlike the past that the punitive responsibility of legal people was considered as an exception, nowadays this described responsibility is regarded as a rule.

On the light of this rule, countries started to join the movement of the common acceptance of punitive responsibility of legal people and coordinated their rules a long with the rules of pioneer countries that accord with policy of Europe union and other international institutions.²⁴ It can be said that through accepting the rule of punitive responsibility of legal people, important questions as such are raised: 1. Is punitive responsibility of legal people of general rules acceptable? 2. Is punitive responsibility created because of committed crimes – particularly important ones – by a person who is not legal representative but at the same time has been given authority? 3. Can punitive responsibility imposed on legal people due to committed crime by representatives without legal position? 4. Do legal people have punitive responsibility during liquidation? 5. If the representative of a legal person takes action beyond the assigned responsibility and accordingly commits a crime, will punitive responsibility be generated for legal person? The government should be excluded regarding accepting the punitive responsibility of legal people of general law, let alone government is a reference institution that controls the applying the punishment of offenders, now how can it punish itself? On the other hand, being based on punitive responsibility of government contradicts with separation of powers. Moreover, the punitive responsibility of government will be accompanied by harmful political consequences and lowering the status of government in international level.²⁵ Although the issue of authority submission can be discussed and reflected on, the judicial procedure of some countries such as France have regarded the people having submission higher than a simple broker through expanding the punitive responsibility cases of legal people or in the other words they consider him as a representative of a legal person.

¹⁹ Ibid; 476.

²⁰ Aghaee, Hossein, General Punishment Law, Mizban Publication, 8th Edition, 2011, Page 17.

²¹ Ruhoalamini, Mahmud, Changes in Punitive Responsibility of People in Judicial System of France: Feghh and Law Journal, 4th Year, Number 16, 2007, Page 146-148.

²² Ruhoalamini, Mahmud, Changes in Punitive Responsibility of People in Judicial System of France: Feghh and Law Journal, 4th Year, Number 16, 2007, Page 146-148.

²³ Aghaee, Hossein, General Punishment Law, Mizban Publication, 8th Edition, 2011, Page 180.

²⁴ Susan E. Martin and Lawrence W. Aherman, Catching Career Criminals. The Washington, DC, Repeat of fender Project, 2005, p 372.

²⁵ Richardson . p , Corpora te Crime in a Globlized Economy An Examination of the Corporate Legal Cocndrum and Positive Prospects For Pace, 2003, p 277.

About having or not having the effects of legal position of a person who acts in the title of a legal person on punitive responsibility of a legal person, if we believe in narrow interpretation, necessarily we will not impose responsibility on legal person.

However if we look upon this issue from logical interpretation, perhaps the mentioned responsibility could be believed. Since he behaves on the account of legal person and his identity has been clear for mentioned person. Lack of his punitive responsibility should be believed about legal person who is about to establish since he does not have legal existence; however about legal person who is liquidation, providing this responsibility is possible, because until the end, the liquidation of its personality remains.

About imposing punishment on legal people, it can be said that unlike the committing possibility of most of the people's crimes by legal people, since it is impossible to impose applicable crimes of people on legal people, some reactions should be chosen that accord with the nature of these people. Fining, breakup, temporary or permanent forbidding the direct or indirect performance of one or some professional or social activities, being under judicial surveillance, temporary or permanent firing from general markets, temporary or permanent forbidding the attempt for general calling for saving, forbidding the issue of cheque (except cheques that allow people to withdraw money directly from the bank or cheques that their payments have been determined), confiscation of used object or prepared object for an offence, are punishments that pioneer countries – such as France and England – have carried.²⁶

About legislator's stand of Iran on punitive responsibility of legal people it should be said that before 2009 there had not been a systematic and coherent rule about this issue except in some cases and some rules like business law 1/2/1932 (articles 201, 202), the rule regarding confiscation of parties' assets that has been supplemented to Constitution by reference to rule 21(22/5/1949), article 27 of press (30/6/1955), article 4 regarding the medical and pharmaceutical affairs and food and drinks (19/5/1955), article 15 of attempt law (2/5/1933), and article 201 of direct taxation law (18/5/1966) there had been some brief points about this issue and it shows the familiarity of legislator about this responsibility. The first positive action – though limited – of legislator has been taken to recognize punitive responsibility of legal people by cybercrime in 2009. Chapter six of this law attempts to clarify different aspects of responsibility of discussed people. Being a manager, being a clerk, committing a crime, committing a crime a long with interests of legal person – including material and immaterial interests – are a set of circumstances that have been regarded necessary for realization of punitive responsibility. (Articles 19 to 21). The significant point is that the mentioned law has paid attention to the crime repetition more thoroughly than Islamic penal law; in a way that first the severity of penalty has been declared compulsory in hypotheses. Furthermore, the judge has given authority to determine the maximum penalty. Also crime repetition in this law has been regarded particular so that committed crime in the second place must resemble the previous crime (article 20). Finally, Islamic penal law 2011 has paid attention to punishments of legal people through dedication of the second topic of its second section (articles 20 to 22). The article 142 of this law (first chapter of section four) has based its theory regarding accepting punitive responsibility of legal people on theory of delegation and declares: "In punitive responsibility the base is on responsibility of person and legal person has a responsibility in a case that the representative of legal person commits a crime in his title or a long with his interests. The punitive responsibility of the legal people does not prevent the responsibility of people's committing crime. Breakup, forbidding one or some businesses or social activities permanently or at most for five years, forbidding the issuance of commercial documents at most for five years, fining, assets confiscation and issuance of sentence by Medias are main and complementary punishments that are regarded for legal people in article 20. Although the creativity of legislator in accepting the punitive responsibility of legal people is impressive, it seems that the complexities governing this kind of responsibility is far beyond that through dedication of some articles, its different aspects could be clarified. It was appropriate that the legislator points out to responsibility as a clear rule and then points out to absolute punitive responsibility of legal people – legal people of general law and legal people of private law – and finally excludes the government.

The Responsibility of the Government

Responsibility is fake infinitive of the root "Sa'ala" which means reprimanded, guarantee and warranty.²⁷ The closest equivalent for the Persian word of responsibility is responding of the person to actions that are legally referred to him/ her. In fact responsibility is responding of a person for actions that are referred to him by custom.

²⁶Ruhoalamini, Mahmud, Changes in Punitive Responsibility of People in Judicial System of France: Feghh and Law Journal, 4th Year, Number 16, 2007, Page 152.

²⁷Ansari, Masuod and Taheri Mohammad Ali, Encyclopedia of Private Law, Volume II, Jungle Publication, 3rd Edition, 2009, Page 1839.

²⁸ Having responsibility and being responsible according to method appropriateness and the way of responding and also regarding the status of a person who asks are divided into different groups. If this responding is done before God or in trial of conscience is moral responsibility and if this is done before the statutory law it is called lawful responsibility which this lawful responsibility is divided to criminal and civil responsibility²⁹. In civil law of England, the phrase "responsibility of compensation"³⁰ is used³¹ for the concept of the responsibility.³²

Human is responsible and should face the consequences of his actions and behaviors however what is the reason of his responsibility and his necessity to respond? Responsibility always accompanies with the feeling of freedom.³³ Responsibility cannot be assumed without freedom and authority. In fact responsibility is always like a scale that on the other side are freedom and authority. Government cannot be excluded and an offence might be assigned to it and this rule is like assignment of responsibility to person. Therefore it can be said that the responsibility of human is not unlimited and wherever instinct is governing the human behavior, talking about responsibility is meaningless.³⁴ However wherever human is free, his freedom is supported within a particular framework and existing from it causes responsibility. Determining the scope of freedom of people in application of law is assumed in two ways:

Through law and 2. Through private and general contractions that people and legal people regulate in scope of governing law. Violation of legal or conventional framework is demanded as the origin of responsibility of people and legal people.³⁵

Although the government is suggested as a legal person, it should be said that the legal person cannot be punished however some of instances of punitive punishments can be applied regarding the legal people such as paying a fine but this issue can be presented in a way that the legal personality cannot be imprisoned or retaliated. Hence it should be said that regarding the punitive responsibility, the government paid attention to this issue that only the responsible can be punished as the action of legal personality. In the other words, the set punitive punishment and responsibility in terms of government should be attributed to committed people. In the other words, wherever a crime is committed, person should be determined for punishment. In the other words, this crime should be attributed to a person and a person cannot be punished without attributing a punitive responsibility and as it was said sometimes punishing a legal person is impossible.

Regarding the attribution of responsibility to the government, the government can be regarded as the responsible of violated actions in a hypothesis that this violation is suggested from a civil responsibility in which the government as legal personality compensates. Entering damage should be regarded as the main foundation of civil responsibility³⁶ since civil responsibility is not for compensation and as long as there is not any damage, there will be no need for compensation to produce a responsibility. In a general categorization, damage is divided into material and immaterial damages.³⁷ Material damage is destroying certain assets or interest³⁸ and immaterial damage when compared to material damage, does not concern the assets of the damaged person but damages the non-financial interests that can be divided into four groups:³⁹ 1. Immaterial damage to body (Talem feeling). 2. Immaterial damage to reputation and honor 3- immaterial damage to feeling and emotion. 4- Immaterial damage as a result of violation of fixed right of a person. Of courses the damage to physical health of a human has both material and immaterial⁴⁰ aspects that some of jurists have interpreted it physical damage⁴¹ or mixed damage.⁴²

²⁸ Bariklu, Alireza, Civil Responsibility, Mizban Publication, 3rd Edition, 2010

²⁹ 10. Durudiyani, Hassan Ali, Course Pamphlet of Civil Law 4, Tehran University Publication, Second Semester of 2005-2006, Page 3.

³⁰ Liability

³¹ Wild, ellis, Webster's new world, wiley publishing, Canada, 3116, p 224.

³² Responsibility

³³ Hosseinejad, Hossein Gholi, Civil Responsibility, Majd Publication, 1st Edition, 2010, Page 11.

³⁴ Yazdanean, Alireza, Domain of Civil Responsibility, Adabestan Publication, 1st Edition 2000, Page 25.

³⁵ Ghahremani, Nasroallah, Civil Responsibility of Lawyer, Nasl Nikan Publication, 2nd Edition, 2005, Page 24.

³⁶ Katuzian, Naser, External Obligations of Contract, Tehran University Publication, 6th Publication, 2007, Page 242.

³⁷ Mehman Navazan, Rouhoallah, Compensable Damages in Iran Law, Majd Publication, 1st Edition, 2010, Page 57.

³⁸ Ghasem zadeh, Obligation and Civil Responsibility without Contract, Mizban Publication, 2nd Edition, 2008, 83.

³⁹ Alsenohuri, Abdolrazagh Ahmad, Alvasit Fi Sharh o Alghanun Almadani o Aljadid, Majalah Avala, Dara o Alahya Alterse Alarabiyeh, Altabah o Alsani, 1964, Page 883-834.

⁴⁰ Ghasem zadeh, Obligation and Civil Responsibility without Contract, Mizban Publication, 2nd Edition, 2008, Page 83.

⁴¹ Katuzian, Naser, External Obligations of Contract, Tehran University Publication, 6th Publication, 2007, Page 246.

⁴² Hosseinejad, Hossein Gholi, Civil Responsibility, Majd Publication, 1st Edition, 2010, Page 78.

Although there is no doubt in compensation of immaterial damage, the method and possibility of compensation of such damage are different. It has been said that how immaterial damage can be cleared through paying the fine, the damaged person should not be allowed to change his/ her suffering to money.⁴³ However it has reasoned that⁴⁴ the civil responsibility is for damage compensation not for clearing it and paying some money to a damaged person often can compensate all or some of immaterial damage. On the other hand, this payment is satisfying for the damaged person, the punishment for the responsible and warning for the others. Anyway nowadays the argument about the possibility of immaterial compensation has ended and except a few judicial systems, the thinkers and legislators have concluded that the immaterial damage like material damage can be compensated.⁴⁵ Iranian legislator also in civil responsibility has emphasized on the necessity of such compensation.⁴⁶

However in order damage to be compensated, it should have some conditions such as 1- it should be certain 2- it should be direct 3-it should not be repaired before 4- it should be predictable.⁴⁷ In order to be brief, details are not given.⁴⁸ Therefore neither government nor governmental forces can be regarded as agent of compensation unless the mentioned conditions are met.

CONCLUSION

Government as a legal personality may cause problems and damage to other societies or its people hence it should be pointed out that the possibility of study of committed crimes of government exists. Therefore it should be said that the study of committed crimes of government like other legal people should be focused of legislator. Regarding punitive responsibility of government, it should be pointed out that the punishment of legal people particularly government in some cases is not possible rather this responsibility must be attributed to legal people in a way that if a violation relating to governmental action happens that the punitive responsibility attributes to legal personality of government, the clerk or responsible to whom the violation regarding his actions has happened should be referred and assigned punitive responsibility.

Of course in most of cases, when the government causes damage or because of some actions that may be out of government's intention, damage is caused and the government will be reprimanded and questioned. Finally it should be said that attribution of civil responsibility to the government is more proper than the attribution of the punitive responsibility to these legal personality.

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⁴³ Jordan, Patris, ules of Civil Responsibility, Translatated by Majid Adib, Mizban Publication, 2nd Edition, 2006, Page 186.

⁴⁴ Katuzian, Naser, External Obligations of Contract, Tehran University Publication, 6th Publication, 2007, Page 257-258.

⁴⁵ Katuzian, Naser, External Obligations of Contract, Tehran University Publication, 6th Publication, 2007, Page 257-255.

⁴⁶ Yazdanean, Alireza, Domain of Civil Responsibility, Adabestan Publication, 1st Edition 2000, Page 46.

⁴⁷ Ghamami, Majid, Damage Predictability in Civil Responsibility, Sharkat Sahami Enteshar Publication, 2nd Edition, 2009, Page 15.

⁴⁸ For Further Study See Mehman Navazan, Rouhoallah, Compensable Damsages in Iran Law, Majd Publication, 1st Edition, 2010, Page 85 onwards.

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