

In the name of God Theory-based law (lex fori) Anglo-Iranian legal system



Law

KEYWORDS : Rule the seat, the seat of the court, jurisdiction, rights in Iran, English law.

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ABSTRACT

Theory-based law by German and French authors (Kahn and Bartyn) was introduced in 1980. This theory was accepted by the British courts. According to this theory, the initial trial of the case in accordance with its domestic law, examines the relationship factors. Original jurisdiction means the jurisdiction of the courts of the place of residence is dealt with in - rights and international law as a principle has been accepted. Headquartered jurisdiction in cases such as those described in relation -, - bunch of non-related subject of dispute with one of the association and civil liability also applies in some cases. The procedure, how to reason and how to convey notification to collect the sum and - securities law is consistent with the provisions of the court in these cases, the Hague Convention on jurisdiction of the Court endorsed the headquarters. Relational system of private international law to determine the applicable law provides that the court may judge that - can be divided into two categories: (1) factors related to the contract, and (2) factors related parties. Factors associated with the contract are fulfilled location, location, contract signing and the closest connection. Factors related parties are as follows: residence, place of residence and place of business. This paper examines the question of the jurisdiction of that court - to Where and in what cases the courts are bound to enforce their own domestic law irrespective of foreign law say?

1- Introduction

- evaluated when its jurisdiction is usually applied to his law or fact unless the parties choose a foreign key as a foreign domicile, foreign or local law enforcement provides the foreign action to be there. Foreign law arises in these cases unless special reasons the court of law or choice of law shall apply to the parties (Ehrenzweig, 1960: 1).

Whenever the auditor judges to be litigious a foreign element, we must first solve the problem of conflict of laws relating to claims To determine the relation between the laws of different countries that have a legal claim which law should govern the relationship between the claim pursuant to which law should be resolved. Freedom of Choice Act is not binding on the judge can not act arbitrarily. There are rules that will guide the judge in a law that required him to choose one. Judge sets rules that will guide the selection of a competent law, constitute a system of conflict resolution rules (Safaei, 1388: 74).

Based on the theory of court jurisdiction, the court must classify each subject according to the law court. Law, the law of the country where the trial court (court or arbitration tribunal) is the breadwinner of the subject in that country and that country's law, the law of the seat of the Court is called (Amir-Moezzi, 1391: 36).

We intend to study the comparative approach can answer the question about the jurisdiction of the court where About the study, two Iranian Legal System and English.

2 - Theories of rights-based law

System of private international law in the inter - relational court of law to determine the applicable law provides that a judge can be divided into two categories: factors related to the contract and related factors of both parties. Factors associated with the contract are fulfilled location, location, contract signing and the closest connection. Factors related parties are as follows: residence, place of residence and place of business. The claims relating to private international relations, a judge is faced with two major problems first and then determine the applicable law shall determine the competent court.

1-2 - The International Court of competent

Iranian judge must rule for determining the international jurisdiction of the competent international patients and to determine eligibility based on the principle of the International Ac-

tion. Article 971 of the Civil Code involving rules of international jurisdiction has decreed: "Claims Courts and the Law on Procedure in terms of the local law where the action will be. Being raised in the dispute resolver foreign court of competent Iranian courts would not. "Therefore, in accordance with the rules of court fights have been raised with respect to the determination of jurisdiction under the Act is made. However, in view of the specific provisions of the law of the jurisdiction of international courts has been predicted to have the rules of domestic jurisdiction, so will use in terms of fact In France too, rules regarding the qualification of international lack of internal jurisdiction rules of the usually resorting to analogical to determine the international jurisdiction has also been extended. The Iranian judge to determine the competency of international jurisdiction to rule on the law of civil procedure is expected to be presented. The provisions of Articles 11 to 25 of the Civil Procedure Code is mentioned.

Appears to the judge to determine eligibility international to Article 11 of the law, which guarantees basic rule courts or residence is sung refer to the rule, courts resort to principles and rules of other competent local exceptions, it is the principle that the court Read accommodation legislator exceptionally competent court unless another location is good and the other side has declared the fight for civil liability is a real dispute among the exceptions that the legislature has declared to be competent court is a particular location of residence of the court competent so taxable rule - which is called for in Article 11 of the Law of the procedure This article has decreed: 'lawsuit should be filed in the court to which jurisdiction is the domicile of residence if it is not read if the temporary residence must be in the same place on the court must be filed and when Turkey buys in Pakistan and used in its plant and equipment during the use of the factory workers were injured and incurred losses are. (Stranger, 1379: 2)

Now to claim damages from the German manufacturer of the Court referred the case to claim damages may arise Some scholars believe that the recent episode of 11 BC. A. D. M. twists, this interpretation has to be said that the legislative purpose of the jurisdiction of the courts of the place of residence of the applicant has been known to be present the demand in a lawsuit if the assumption that the calling of the presence and action lawsuit against a person residing outside of Iran court may be jurisdiction It is, of course, if the plaintiff and the latter assumed to have agreed to the jurisdiction of the courts of jurisdiction

would be contrary to local regulations relating to the jurisdiction of the competent inherent contrast and agreed to be possible. (Ibid.: 3) However, it seemed \neg civil liability if the parties have resided in the country could judge under Article 5 of the Civil Code as the inhabitants of the parties may apply. \neg This material is provided: "All the inhabitants of both the interior and foreign nationals are submissive to Iranian law, except in cases where the law has an exception." If the parties are not living in Iran but in this case, the court applies a rule of private international law on the one hand a contentious issue, there is no law to govern the court will apply.

2-2 - state law claims based on contract

Dispersion and measures opinions of the rectifier and the law recognize and protect the rights the law may not explicitly or implicitly specified And uncertainties associated with the determination of detection has led to the assumption that the three principles or standards accepted in most legal systems, in terms of placement:

A) the law of the place of marriage:

Conflict of law rules for contracts of 968 BC. Important but style the \neg is a matter of confusion has resulted. \neg The most important question is whether this matter can be obtained from the parties to choose the law governing the substance of the rule will be inferred or not? This Article provides: "the obligations arising from contracts subject to the law of the place of contract unless it explicitly or implicitly n foreign nationals have been subject to other law." Iranian lawyers to explore ideas that can discriminate between the fans of each task and the first part of Article 968 of the Civil Code are there will, therefore, if they are explicitly or implicitly contrary to the provisions of this will have precedence over the provision of Article 968 (see Mafi and Kavyar, 1392: 167).

B) the court or tribunal of arbitration:

The parties agree to refer their disputes to arbitration court in a particular place or a particular location, they will discover a strong presumption rule or law court where the judgment has the parties will resolve their differences, and so the referee ruled that no law shall claim the right to choose the law which has the closest relationship to the nature of the claim filed is (Ansari Moin, 1387: 60).

C) the place of performance of the contract:

Roman law is the law of the place of performance of the contract and, in some countries as the basic rule is used to choose the applicable law. Save in the lawyer at the center of the place of performance of the contract at the signing of the marriage contract, and it is known is preferred. According to Save in, concluding an association agreement with the location of a random relationship, while the relationship between contract law and natural aspects of the place. Of course, the legal relationship between private international law has not been immune from criticism. Reviews say that the relationship between these factors determine where a single execution of contracts in international trade is basically Mysore, since even an ordinary contract of international sale, at least in the two countries of fulfillment of obligations the buyer and the obligations of a between the seller (see Almasizadeh , 1385: 340).

3-2 - HQ law on non-contractual claims

Claims to civil liability in the absence of the rule of law, conflict resolution, in this case the judge would be faced with a more serious problem than contract Overall, out of contract in civil law requirements not imposed any rules of conflict resolution and communication, unlike other categories of civil law and quiet here, more accurate words, is flawed. However, the legal doctrine of rule of law, the court explicitly or implicitly to y responsibility to defend and justify the legal basis, but most writers

without mentioning the crime scene as authorized by law to be introduced. As a general rule, it can strengthen the theoretical conflict of law raised some theoretical principles of substantive law, such as "fault theory" and "the potential damage predictable" help. Admission of guilt theory as the main basis for civil liability in Iranian law requires that in those cases in which responsibility includes one or more foreign elements (Mir-Hosseini 1391: 14). Among the various factors relate principally to blame the place where the harmful act occurred and where they are located be preferred over other laws. (The same as: 15).

But there also is another. Proponents of this theory in the trial court granted monopoly law enforcement responsibilities are contracted out. In other words, the responsibility for enforcement of the trial court is an inherent conflict of law rules of any pan. The theory of nineteenth-century German jurists including proposed.

1-3-2 - provisions Theory

According to this theory, civil liability issues have always been under the substantive law of the state government is the court of law judges or in other words, whether the place of the harmful act or a damage or court in the country, the rule-It is the responsibility out of the contract so that the judge can never feature in this field to apply the law of a foreign country. Especially when the court scene harmful act against the law, this case did wrong and against the law (see Fleetwood, 1389: 147).

2.3.2 - Justification Theory

A) The first and most important reason to justify this theory is that the harmful act seductive force, is very similar to the offense of criminal responsibility. As in criminal cases, law enforcement, court, is accepted as a universal principle in civil liability lawsuits out of the same contract (Collier, 2004: 215; Dicey and Morris, 1987: 1361).

the court of law (Morris, 2012: 257).

C) The third reason to justify the jurisdiction of the court is a court of law doctrine, practice problems associated with determining the place of the harmful act to follow does not determine the harmful act or In cases where the committed damage caused by several actions that have taken place in many countries, law enforcement, court, it is easier to judge (Fleetwood, ex: 149).

The theory of the development of English law had a profound impact on the course will also be applied by the courts in America \neg \neg but outside the CIS member states were in favor (Nikbakht and pur \neg Eyvaz, 1390: 23).

3-3-2 - criticism Theory

However, despite the justifications mentioned, this theory has not been immune from criticism. Some of the most important of these criticisms are as follows:

- A) court enforcement of the substantive law governing the liability enforced, this result has a wide discretion to call for freedom and litigation will cause if (Morris, 2012: 258). While it may act committed in the place of practical legal and legitimate, but it is the responsibility of fathering illegitimate state court action, and it is quite a favor and read the expense (Fleetwood, same: 152).
- B) The second criticism of this theory is that the present law of criminal responsibility and Mjzy is separated from civil liability law.
- C) The claim that the rules on civil liability, the relevant court order is not a valid claim. Refer to the rules on civil liability conflict countries shows that many countries consider legitimate foreign law enforcement in this area.

3 - The theory of law based on English law

In English law, the term "immediate Lax" means the court where the case is discussed.

Theory-based court by German and French authors (Kahn and Barty) was introduced in 1980. This theory was accepted by the British courts. According to this theory, the initial trial of the case in accordance with its domestic law to investigate the correlation factors. (Collier, 2004: 16)

1-3 - The provisions of law theory court

English law relating to conflict of laws issues in three ways to create and solve AND chapters are: 1 - It could be the view of the court (England) is within a legal category but under foreign law is another (the place). For example, English law, French law, a problem associated with the formalities of marriage, but he knows that the problem associated with the ability to marry. 2 - English law and foreign law (eg France) is possible on a cluster or on an operating agreement are legal. But it should be noted that there may be a hidden conflict because in different subject categories are the same. For example, in both law inherited movable property is governed by the law of the last domicile of the deceased Nevertheless accordance with the rights of the British residence is the residence of the deceased in France under French law, however, is the residence of the deceased in England. 3 - There is a conflict points between the rules of law chosen because they will choose different communication factors. The inheritance of movable property under English law as the law of the domicile of the deceased under foreign law is governed by national law (Ibid: 12).

Legal systems with batch number of the original communication are essentially based on practice and Hrmvzv put in a category of its own. On many issues, the handle is perfectly clear, for example, dispute the buyer against the seller of the defect sales contract is placed in the category of contractual relations. Thus, depending on the location of the contract or the parties may elect to be governed by it. But if the defect causing the damage and the buyer does not want the fight, but it did in those contractual rights is a consumer is or The other category of the category to be civil liability? Another example: If you see damages against the employer, the workers employed on the basis of breach of implied contract on the condition of the working standard of care in addition to work, if or on the basis civil liability litigation if you litigation?

In any conflict of laws, will initially be required to investigate the category of civil rights communication link between external and be assessed handles the communication. For example, the minimum age for marriage marriage can be assessed in those cases in which marriage is prohibited by the rules set forth in detail about the marriage is. The legal system provides a solution to these issues (Ibid: 21). This problem can be interpreted as describing a rule by which the rights of private international law should be applied to it is determined. Describe any court of law in accordance with its headquarters does. (Diamonds, same: 103; see fun the same: 84).

English law on the subject, the English court should consider on the basis of its conflict of laws rules (rule-based) and thus described, it will be linked to the subject. However, some issues are not clear and need to analyze the rules of conflict of laws that are. For example, the formal ceremony of marriage is performed outside the local law where the event is located. If a woman claiming to be a valid marriage ceremony due to the lack of due process, the court must be eligible according to the law of the place of marriage of invalidity or non invalidation of decision-making does (O'Brien, 1999: 22). Therefore, a consent to the mar-

riage on condition that the French rule in English law considers should be classified in the category of marriage proceedings means that if English law had the same condition in which category were (Ibid: 16) to law enforcement headquarters in nature.

2-3 - criticism Theory

The seat of the court system seems to be the choice of law is thus avoided the court is not obliged to choose a law. In the U.S., only three states that have adopted this approach in civil liability claims. However, modern states have adopted laws that conflict with state law also tend to have a seat. However, this theory has also been objections, though some have explained it (Collier, 2004: 16)

This principle implies that the exclusive jurisdiction for all matters related to the dispute in the court of law. The cause of this problem is that each state jurisdiction criteria as the existing law is applied to stabilize the situation. So there is no reason that the government of a country by a foreign government law jurisdiction to another.

As was said in English law, private international law cases are heard with this approach is that the seat of one of the conflicting rules Here are some benefits due to the need for effective government policies, legislation can be considered the reasonable expectations of the parties. Headquartered in the UK and U.S. law is the law governing the proceedings. This rule can be exploited if the substantive rules of court have an important impact on the success of the case.

According to this theory, the English court will apply its own law. Problems of this theory is to be considered under this rule may be responsible, but he is not responsible under international law. This approach seems to suggest that other countries, its headquarters knows better than the other territories. In contrast, the justification of civil liability law say it is very closely related to criminal law and thus thereby justifying intervention of the courts and law are based. Nevertheless, increasingly accepted that civil liability law based on political considerations, then it can be different approaches in different countries. The third approach is the question of the competency of the Liberal cause environmental rules are more favorable to the court to choose which problem in the modern world (Ehrenzweing, 1960: 279) .

Moreover, if there is a close resemblance in domestic law and English law there is no similar categories will be useless theory (Collier, 2004: 16).

3-3 - law and court procedure

How jurisdiction is set out in the Procedures. Justice, procedural rights and obligations provided by the law is essential. Determine the method of procedure of lawsuits, responding to fights, arguments collection, and enforcement of court decisions in the case of a vote and the procedure relating to public order, the court will be determined solely by the law. In some special circumstances and exceptions to the judicial authorities, foreign law shall apply to the conflict. Substantive rights under foreign law that may be debatable, but issues related to court procedure must be solely under the law. In file included foreign elements, such as nationality or place of residence of the parties or the contract execution, the headquarters of the Court of Justice of the rules of conflict of laws applying foreign law to determine the substantive aspects of the dispute may follow. Nevertheless, in these cases, the procedure is governed by the law of the seat. In some special cases foreign law rather than civil law can be applied. But based procedure is applicable only to the local judicial authorities shall apply the rules of court procedure. Domestic and foreign claims, the claims are therefore subject to the law is based procedure (Surana, 2006: 2).

In Britain procedure is governed by the law court. It is like dealing with issues related to the procedure. The cleaning procedure with substantive issues to be substantive matters related there are those who have the right. While issues like those related to the implementation of methods and techniques have. But what things look like under issues and substantive issues are sometimes hard. Chaplin's case against the majority of the House of Lords on the issue of whether the victim Boys error due to carelessness can damage incurred as a result of suffering may require that the losses associated with the (indirect) were considered to be the number little did it matter of quantity losses. However, the nature and amount of damages that the issue is a form of damage (Collier, 2004: 60). English law on substantive issues related to conflict of law rules, governs the dispute shall specify, for example, some of the rules of conflict resolution include:

- A) the formal validity of a marriage is governed by the law of the place of marriage.
- B) the capacity to marry is governed by the law of the domicile of the parties.
- C) The procedure is governed by the law court.
- D) he described movable property is governed by the law of the residence of the deceased.
- C) immovable property is governed by the law of the place of their estates.

C) contracts governed by the law selected by the parties.

However, some issues are governed by more than one law. For example, in common law claims court located outside the rule of law (English law) and local law where the damage is located. Or the contract under contract law or the law of the place of conclusion of the agreement (Ibid: 11).

But the way things are governed by the law of the seat whereas, as noted above, this is not always easy to diagnose.

4.3 - Non-contractual liability law and court

Europe for determining the applicable law and dispute resolution powers in order to derive the Maastricht Treaty came into this possibility for the EU to adopt rules binding itself to take action to resolve the conflict. In this regard, two major action was to amend the Brussels Convention relating to the courts and the recognition and enforcement of judgments in relation to determine the law the second decree of RAM, two have been civil liability champ erty. The main criteria in determining the applicable law in accordance with the regulations of four countries where the damage is occurring. (Tabatabai-Nejad, 1392: 17).

In English law there is a theory that according to the British courts to decide on foreign civil liability (O'Brien, 1999: 379). In England the conflict of laws rules of civil liability under some judicial decisions. In this regard, there are two sets of rules: 1 - the act or omission of the common law rules were applicable prior to the Act of 1996 were. 2 - The legal rules that the act or omission that the law of 1996 have been dominant. (Ibid: 371) If civil liability law in the UK would no doubt this country is governed. On civil liability at common law occurs where there are three approaches:

- 1 - Read the current civil liability occurs where the resulting damage has been done.
- 2 - Civil liability may be achieved in a country that has suffered a loss.
- 3 - It is assumed that civil liability is achieved in the most desirable location for the aggrieved. (Ibid: 377))

Unlike the U.S. and most European countries the civil liability law English law as the law governing civil liability for refusing to accept the law of the place instead of a combination rule of

law and the court has accepted the place of damage. Two vote against it was decided that the validity of the marriage in England when one of the parties in the UK are living under the rule of English law is. In this case, plaintiff and was born in Portugal and came to England in 1866 and were married in London in the London office had registered their marriage. Later in 1874, seeks female for marriage annulment may be filed under the Portuguese dispute the claim that the parties in accordance with Portuguese law marriage qualification for marriage (she is 14 years old and he was 16 years old). English court rules on the fight, and act as a ruling that the verdict. The appeals court argued dependent capacity to the resort. is invalid (Ibid: 439)

In cross-border civil liability or damages caused special problems relating to conflict of laws issue is the same criteria as the salaries of civil liability does not exist. Traditionally, communication factors in this regard include the appropriate court of law where the damage occurred. The first factor is related to the area or areas where the court is located and determine the cause of the problem. In other words, uncertainty leads them to be flexible communication factors which favor a flexible approach to be set aside. As a result of these approaches in communication and political factors will be considered in each case. La common law is intended to establish a balance between the two approaches.

Contemplation on the judicial approach:

In 1868 it was decided that when a tort outside the boundary is called a court under civil liability law, the prosecution must read. defendants in the case, while guiding a ship in waters under Belgian Belgium were forced to hire a captain of his carelessness leads to damage of the demand. Defendants under the law and not the law of the place of injury court had deeds. Finally, the Supreme Court rejected the argument, because the defendants were not considered liable under English law civil liability under English law scholar, but due to the current legitimacy of this argument was rejected by the laws of Jamaica. Judge said, as a general rule for litigation in England because the two conditions have to be met at the event harmful act: First, harmful act verbs should be traceable if it was happening in the UK and secondly the act of should not be regarded as authorized by the law of the place where a verb.

In 1971 the House of Lords in Chaplin's case against the plaintiff and the Boys were two British army officers in a road accident on the road Malta saw the damage due to carelessness. Would have wanted to civil liability under the laws of both the United Kingdom and Malta will follow. But under British law could seek damages for pain and suffering and disability may require in the future, while not possible in accordance with Maltese law. The question was raised in the House of Lords was whether the applicant can claim the damages to? All Lords accepted solution in the case of Phillips against Erie. All Lords agreed that substantive law governing this matter should be investigated. Two of Lords said that the claim for damages by reference to the place of damage is intended only to be proven harmful act was legal and justified (Tiong Min, 1997: 92) after the court rules lux immediately or the law enforcement this is particularly dominant. The basic rule remains in English law and foreign law with respect to civil liability if a claim that the practice is illegal. Lord added, the general rule is applicable in most cases, except in cases of obvious reasons for not implementing the rule there. The exceptions, the special issue should be studied separately in the relevant area of law which has the closest and most important relationship with the parties dispute (Ibid: 93).

In case of any insurance company called Red Sea from Hong Kong (court) and not all of them were employed on a project in Saudi Arabia. Demand were divided into three groups: group I, group II project had main contractor building materials sup-

plier and third projects were consultants. Read was insured in the case of construction of its headquarters in Saudi Arabia. The claim for damages in civil litigation against him. have demand. The question was whether it can be read against the second group has filed a counterclaim demand? This argument seemed to be based outside the jurisdiction of the court, but the courts seemed to place extra damage. Hong Kong tries Appeal Court ruling was issued in the case of The Case is an exception on the grounds that the majority of Boys against Chaplin is not the case dismissed, because the fights without a doubt, was legal. The decision was issued in English law is applicable. In this case, answer the following questions: 1 - In what may be exceptions to the rule lux immediate benefit of dropping the base damage of the place. 2 - if an exception could be applied to the entire file? All responses were positive (Ibid: 94).

Are there exceptions? The court admitted that this exception is not surprising. Claims after the case against Chaplin Boys have generally assumed it knew, and recently by the Supreme Court in Johnson's case against Coventry Churchill International Ltd liberal approach than his prior interpretation (Ibid: 95). There are cases in which the court rule should only be applied where the damage occurred in some cases, such as the fight against Chaplin Boys Rule the seat of the court of law as an exception to the rule, the court shall place the damage run. The Red Sea is the most important vote of the insurance company. Examined separately in each case is whether the exception applied here is appropriate or not? In this regard, the rules can be different on various issues arising out of legal relationships can be governed. For example, in cases where the entire file or a file important factors associated with place of damage, they must distinguish causes fights and other related responsibilities. In Johnson's case, this aspect of the fight against Coventry Churchill International was recognized by the Supreme Court. Read in English to provide a safe working system in Germany was willing to commit the fault resulting in damages sought were English. Under current UK law, but under German law to be regarded as a fault, the fault was not considered. Here is the responsibility of the Supreme Court applied the exception. If necessary, an exception may be classified as a standard of care issue (Ibid: 92).

5-3 - exceptions against the jurisdiction of the court Proceedings and claims handling has two separate parts:

First, jurisdiction is established by the local authorities.

Second, based on the substantive rights of the parties to the dispute will end.

Rules concerning the exercise of jurisdiction by the Court decided that the headquarters is the nature of the substantive rules of law applicable to the dispute. Be prescribed by rules of court, but the latter compound is determined by the laws that govern .

So if the fights in the "A" read against the country "B" is resident in the jurisdiction in which the action is brought in the "A" shall apply the law and "B" as the sum of its actions evidence collected in the "B" are located will apply. If the agreement or pursuant to the rules of conflict resolution based court may apply the law of a third country on the fights. As a result, the third country to determine who is responsible for the issue of burden of proof argument? Why is this relevant to the nature and mode of proof required is debatable. The rule in the 1980 Rome Convention on the law governing the contractual obligations have been accepted (Article 14 (1)). In particular, the Hague Convention on Private International Law provides: law governing the legal relationship between crime or civil or commercial matter, the burden of proof in determining who is responsible for the fight? Court rules in favor of calling a run of the place. The second requirement for starting a legal dispute in accordance with the legal interest shall be determined. To investigate whether

such a right to demand the litigation rights and the fight to be heard rather than read it or not is a matter of substantive law governing the lawsuit to be addressed (Surana, 2006: 5)

Further, the litigation rights, the requirement of fairness is not a fight but a fight is a condition of validity, will be evaluated in accordance with the court's headquarters. Time-based procedure is outside the law because the law relating to the enforcement of rights are concerned. So in connection with a dispute over the annulment of the verb is a verb under applicable law (Ibid).

4 - Conclusion

Court of law, the law of the country where it is involved in the case and the exclusive jurisdiction of the courts in deciding all matters related to the case. However, under the rules of conflict resolution in cases where the legislature has given the permission to foreign law enforcement of foreign law enforcement is possible.

English law of procedure and matters of general form is governed by the law court. Although relational known British law-makers considering the bill to allow foreign law enforcement issues is substantial, although it is not always an easy way to identify the issue of substantive issues. But in general, substantive issues related to the rights and issues related to form and implement ways to clean - but what things look like and what matters is the substantive law of the seat of. In Europe, the Hague Convention on International Procedure Act apply rules of procedure the court has ordered In addition, a point that should be noted to identify the rules of public order and security rules as well as rules governing accreditation. Peremptory rules of international law apply in cases where the court has conflicting aspects of the dispute is superior court of jus EU regulation has not been studied in Europe, so in cases where the governing substantive law, the court is clearly contrary to the public order of the foreign law, to avoid.

In general, outside of the legal requirements of the contract were not enacted any rules of conflict resolution and civil law relationship, unlike the other categories, here is silent . Therefore, civil liability claims for lack of conflict resolution rules in the rule of law where some believe that the incident is considered appropriate law enforcement court emphasized again . In matters relating to immovable property, as well as the importance and relevance of this property to the sovereignty of the law governing the court is. The jurisdiction of the International Court, Article 971 of the Civil Code involving rules of international jurisdiction pursuant to the terms of the argument has been raised at trial is conducted to determine the competence of law. However, in view of the specific provisions of the law of the jurisdiction of international courts are not inevitably predict the internal jurisdiction rules in the material 11 to 25 the Civil Procedure Code has been cited in can be used. Therefore, the procedure in any court of law is governed by the laws of Iran.

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