A comparative study of civil liability of Inaction on Laws of Iran and Egypt

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Abstract: The present work is concerned with civil liability arising from the non-verbal action, according to another example of them when they come to harm through indirect. To compensate for the loss incurred and due to the fact that no compensation of any loss remain, someone else is responsible for the loss Is sue based on various the orieshas been expressed by lawyers; Theories such as the theory of risk, complex theory, attribution theory and the theory of harm's fault. This paper discusses the basis of the blame has been placed, According to the civil liability arising from the actions indirect state in. Egyptian law that the has long stand most modern legal systems in Islamic countries has been studied compressively, in order to reach the conclusion which the legal systems discussed in relation to the subject is now more comprehensive. The result of Iran's rights and responsibilities of parents and employers liability with regard to the rights of the Egyptian improve transparency.

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1. Introduction

Basically, the legal responsibility of the person committing the act or omission which is harmful, but sometimes personal civil liability arising from the act or omission other harmful responsible. This liability is based on non-current liability is exceptional and contrary to the rule, because basically everyone is responsible and responsive to their actions and responsibilities of guilt or personal verb stems. So where liability arises from the activity of another, the exception is limited to cases in which legislation it is widely accepted. This refers to materials that are the responsibility of lawyers to justify the administration's responsibility to know their excuse. These materials include:1-create a sense of responsibility to the parents and educators and employers and encourage them to exercise supervision and control of minors and workers. B -a prestigious appointment as the person responsible for the harm suffered as in some cases the loss of the subject's faces and poverty. For example, if the employee or any other detriment to the child, even after proof of loss may be subject Wandee verdict sheet to offset the damage it normally such people out of are of limited financial. Thus, the legislator who person supervision of it, others are doing or they are under the supervision of the law, responsibility is placed. Liability arising from nonaction by the legislature, sometimes in the injured he considers to be exempt if used for proving fault. The so-called liability based on fault, fault statistic is given or liability arising from the act of non-normally the responsibility of parents and teachers in the field, and the by employers be considered. In this work, three areas of law in Iran and Egypt are adaptive. Egypt was

chosen because it is a comparative study of the Egyptian legal system of the oldest and most modern legal systems are in Islamic countries

Research needed

The present work on the main issue, there is no specific, independent book and in this regard it has been argued, it has bothered brief and it has been low. For example, a doctor katouzian of civil liability consistory in the book, a brief discussion is devoted to the topic of the book as well as civil rights, comparative doctor safai fun as this has been a sporadic c. Qasemzadeh doctor in his book Principles of civil liability, the issue has been considered.

Research objectives

In this century we have seen an increase which it is in cases related to civil liability, so that today most cases of civil liability claims form. Among the factors that contributes to the advancement of technology and mashynysm Extraordinary claims of the risks to human societies that have created the host of industry developments that led to increased development of the technology and the growth of capitalism earned for has brought civil liability. Losing support, one of the duties of the court upon himself feels the same conditions and facilities in order to provide a civil liability lawsuit. One type of supporting, is recognition of the liability arising from the act otherwise.

Methods

Methodology of the study, descriptive - analytical and data collection, the library and the Internet.

Civil liability

In the case of harm caused to another person, whether lost should be abandoned and suffered losses incurred? Or is the cause or causes which damage and harm to come to him? This is an issue which is a branch of private law called ((civil liability)) to respond to it as a result. Definitions of civil liability of lawyers' work has been carried out. Some define it as a responsibility that defines ((in legal language, except in cases of exceptional commitment to the civil liability compensation)).

The others ((obligation to repair the damage results)) is a civil liability. According to a number of professors in each case, someone is bound to say against him other compensation of a civil liability is. Phrase compelled a civil liability of some other person to compensation that is another of. When it comes to civil liability caused by someone else without the legal right and the damage it does a disservice to him. It seems to be introduced to civil liability when a person is obliged to compensate for damage to another person's loss is commonly attributed to him have no legitimate right to the other is the infliction of, civil liability of compensation to be was.

Sense of civic responsibility, whether

Civil liability, the obligation to compensation. whether the cause of action is legal or corporate event, or the law. Legal action will be the responsibility of the source so that when someone else does the treaty. signed in the face do requires the Contractor's responsibility is a Covenant-breaker is responsible for the researcher. Sometimes the event is the legal responsibility of the source without a will is the person responsible has been created. Which it is Out of all the requirements of the contract types, Once upon a time is responsible for its legal obligation to include certain items that the law has imposed on certain classes. The civil liability, including liability for compensation within the meaning of the mass loss is another source or whether tort or contract or quasicontract or non-performance of the contract or of the law; Some outside of the contractual civil liability civil liability. If this mindset is accepted, we will have a civil liability particular sense but in the sense of including non-contractual civil liability has two branch contracts. (Yazdanian, 1379, 21, 20).

Particular sense of civic responsibility specific

Civil liability in certain sense, the legal duty to surrender the person to the property of another, instead of demanding money or other act, and this task is not the result of any contract, or the duty of the act or Compensation is quit act its source material and direct practice of law, the liability of the legal and law-related incident. In civil liability, including liability coercive means is that no agreement is reached and it is out of contract or guaranty requirements say enforced. In summary, in the proper sense of civil liability does not arise out of the contract. Today, the term 'civil liability to be applied to the absolute best non-contractual civil liability that may be acquired. (Silent, 1371, 450) in the proper sense and limited civil liability, including compensation for loss of hegemony is illegitimate and legitimate and illegitimate used and unfair play and run all of my other toys are distinct liability is enforced.

Third Speech - Various responsibilities

Responsibility to investigate all kinds of responsibilities that a person cannot accept, because it is out of mood this article. People at work, social environment, family, and has a variety of responsibilities, including administrative responsibilities, job responsibilities, etc. The general view is divided into two types: moral responsibility and legal liability.

Ethical

Moral imperative that a person's words and actions and their thoughts are against their conscience. If the action is a good will, and if a task is not legal norm is contrary to the intention of the agent, is responsible for the outside does not have any material effect, contrary to the legal rules that are important to external drives. 1 One of the differences legal and moral responsibility to guarantee the implementation of the two because it is a moral responsibility. enforcement of ethics rules that apply outside demand but it is impossible for the Court, also may be and characteristics of the Moral and features of the rules of different Threads If, for example, some policies contain rules flavor. Based on an innate moral responsibility and liability is based upon the presence of God in our conscience, but the legal liability would arise. Moral responsibility is sometimes realized, albeit not harmful, but not the legal responsibility when it comes to harm (the loss is sometimes the cause of criminal responsibility and sometimes the person that is the cause of a civil liability). Wider circle of moral and legal responsibility of the law, because sometimes legal responsibility to God and sometimes conscious and sometimes others, but only a legal responsibility to others. (Alsnhory, 1390, 4)

Legal responsibility

Legal responsibility, a responsibility that is listed in the law against moral or religious. In other words, it is the responsibility of the general legal obligation on any person or leave it refers to the act of civic responsibility criminal includes all the. Mention the word ((law)) for the differentiation of responsibility or moral responsibility to prevent instances of error and the fault cannot be determined by reference to the common law. Legal responsibility is twofold. Criminal liability and civil liability.

Criminal Responsibility

Criminal responsibility, criminal responsibility of the crimes which have committed and the person is in charge. By the law, they will be one of the penalties provided for by law. ((Criminal responsibility is the obligation of the person obligated to meet the deleterious consequences of personal and social criminal act done or $_{lefl)}$.² in most crime types criminal charge is a duty incumbent on

1 penalty

2 offset losses

Only the first task inside the penalty for criminal liability to offset losses incurred but not criminal liability component.

The second civil liability

Civil liability, legal liability is another type of criminal responsibility which is placed on the front. The key element of loss responsibility; Thus, any act or omission that causes harm to a person, whether real or civil liability is due to be legal. In other words, responsibility for damages against the person (or someone who is caring agency or individual), or to others, he compiled with objects under the security responsibility of the person as well as a violation of the obligations arising a civil liability of the contract say. (Nujomyan, 1348, 348)

III - Diversity of civil liability with criminal responsibility

Despite the similarities between civil liability and criminal liability there are under the legal responsibility, but there are significant differences between these two responsibilities which cause them to separate the two responsibilities they are separate from each other. Some of these differences are: 1 -The purpose of creating these two types of nonuniform liability in criminal law, the offender has committed something that is intolerable to public order, the community self-defense and the punishment of acts committed by the perpetrator. Thus, criminal responsibility is the enforcement of public rights abuses committed an act which strongly depends on how the order will affect. While the nature of civil liability, compensation. 2 - The source responsible for the realization of civil liability does not require any specific legal wording, however, is required to fulfill certain legal wording of the criminal responsibility of the legality of crime and punishment this is known as. 3 - Responsibility for this should also be stated that the whole issue of civil liability, compensation or other rights and his rights, so the loss can lost others to compensate for damages. Although most aspects of personal criminal liability subjected to criminal penalty, and not by someone else rather than a perpetrator punished. 4 - binding commitment subject to complaints from civil liability if lost and complaints from him, subject to his passing., This is only if the criminal liability has committed an offense is

liable, for responsible person, he shall be subject to appeal but do not have to spend the offender is liable to a criminal act (Baryklu, 1392, 24)

Part Four - Sources civil liability

In an overview of all obligations and liabilities are divided into several categories, which it has based on the division of resources and commitment required. In other words, based on a commitment to the human will is involved or not obligations into obligations arising from contract, quasi-contract obligations, tort obligations arising from crime and obligations arising from. The obligations of the law must also be added. If you have a general sense of civic responsibility to consider the resources of exists.

Sources forcible contractual civil liability jurisprudence

These resources include the sources of Rule seeks

One of the principles of civilization is that nobody harm anyone, and if anyone does harm, inflicted losses should be compensated. All of this would not ignorant of Islam as a religion and as a rule it is stated: ((La zarar v la zerar filslam))not to adharr dirar in Islam ((la zarar)) limited liability is not enforced, but the contracts are necessary to meet than It is used for contractual liability which it can also be a source. Wherever there explicit rules does not hurt to enter. The jurists stated rule book, Sunnat, consensus and reason can be invoked.

In the Quran there is a verse that "...la tuzar valedaton bvaldha v la mulodon lahu bvaladhe..." (Baqarah, 233) in the tradition of the Hadith Sharif ((La Zarar)) are invoked be. $\underline{3}$ losses and Zarar's literally been a lot of discussion. What is the meaning of the hadith scholars and signified, the opinions expressed by the scholars. Some consider it a rejection of the dam. Some have said it is hereby warrant denial of harm, namely that there is no provision in canon law is causing harm. Some also say that there is no loss provision and any damage should be compensated and others negation of the subject have sentence negated. (Shahabi, 1366, 4)

The second rule dissipation

The waste includes waste stewardship and waste rule of law is to cause. If we mean to consider whether to include cause can also be defined: Whenever someone personally, that is, without intermediaries or other financial means to waste, the waste the sponsor and the owner of the property is responsible. (Mohammady, 1386, 21) in the conventional sense of the responsibility and accountability is enforced. Documentary Rule Book, the Sunnah, consensus building is rational. The Quran states that "... Fmn Atdy Alaikum Fatdva alehe Bmsl ma Atdy Alaikum..." (Baqara, 194) that exceeds that of everybody to like what you do do. And can also be hadith narrated ((man atlaf mal alger faho lho alzamn)) (ie, everyone else should not waste yours sponsor is mentioned). The property is anything that is good for the people and meet their needs, directly or indirectly. 4 standard jurisprudence stewardship is wasting no intention to intervene. 5 extra words whether the sponsor is guilty or not. But you must remember that there is no need to blame, because it is not taking action on this subject is necessary. Establish a direct relationship to cause loss, such as fire and mystics do not cut shaft.

Norm cause

Talk my of the rule of law by question cause loss occurs. However, if the person acts as jurisprudence texts with the instrumentality causing loss to property other factor is the guarantor of the practice say cause. Positive action is not the purpose of the act is to act both positive and negative verb. $\underline{6}$ documented rule, consensus, and news. Cause standard operating procedure is not wasted if it is not actually. But another cause is wasted because it is just the introduction. $\underline{7}$ losses and causation are different. However, share the common features is that it does not pose any intentional. But the waste, resulting in a current that normally is wasted while cause provides a context that is likely an accident and died.

Liability rule should

The property to be above everyone else, it will ensure money which is wasted or incomplete. This definition is also narrated from the Prophet taken((Alled ma akhzt hta tuodei), appropriate initial captures or dominates another, is possess the property owner will is guaranteed. Rational construction documenting the above rule, the Islamic Roche (biography) and traditions that are mentioned in relation to the above hadith tradition. In terms of how conceptions of the rule in respect of civil liability and compensation provisions of the rule is different in that it is the duty of the legislator punishment sentences dominate the non-financial responsibilities expressed reject the legislator or the provisions of the warrant property as long as the base is a situation not be returned and placed in secured prevail remains the same and if so wasted like the back or price. Warranty will prevail upon the theory that the theory is renowned by jurists. Norm pride

Provisions of the rule is that anyone can be quite arrogant and cause damage, he would have responsibility to compensate the damage. Responsibilities have led scholars of pride and responsibility in regard to the rules have appealing. The term literally means it is not much different with the notion of pride, pride in its juridical sense of the word, ie a certain type of cheat and defraud. The intent of this rule is intended to deceive another person through other Encouraged to dispense legal action that appears to him expedient, but in principle responsibility is to lead and he must cope as compensation. $\underline{8}$ in vanity and the origin of these ignorance subreption is another proviso ignorance. You really did not know the spendthrift and the lack of information makes it impossible to lose money, this is not enough information comes from the verb nasty tick commit nasty tick the fault of the verb have. Rule authority, tradition, consensus building, rational, reason, rationality, and the rule seeks cause and specific traditions.

B -conventional sources of civil liability and law enforcement

After reviewing the jurisprudence stemming shall now see how the sources of civil liability statutes. There are many widespread laws. Contractor shall be responsible for the review references to the Civil Code and the Civil Procedure Code shall see. But there is a wider responsibility for enforcement sources, although some dispute.

Contractual liability law resources

In civil law, the topic of the third chapter entitled ((The implementation of damages resulting from nonfulfillment of obligations)) contractual liability is limited to a total of five females to be seen. Article 226 of this law requires ((in the case of failure to comply with one of the other parties cannot make claims unless prescribed for a certain period of time to comply with the prescribed time has expired and you have to comply with When can you claim? when they were doing with her c Diabetes that has demanded _{dedication})). Material: 227 and 229 BC. M. Cairo branch was also about the way that the non-rejection of proof outer barrier, did not commit and sentenced to pay damages. Article 228 BC. Bothered about the delay in payment of compensation is paid in cash and Article 230 BC. M. funding commitment has been appointed. Civil Procedure Code approved in 1318 as well as Article 726, Article 719 and 727 were assigned to the confirmations delayed damage and about 728 losses resulting from failure to perform the obligations. General Court and the Civil Procedure Code of Civil Affairs Act 1379 well as in Chapter IX ((claim for damages and forced to perform the obligation)) in damages, the rules have legal resources ordaineth to be counted.

Sources in law enforcement responsibility

This resource is in the form of broader civil law. Article 307 BC. M. poems is $_{((cause under the liability is enforced))}$. Waste, cause.

Waste

Bob waste Arabic infinitive verbs, and considering that the Chapter for transitive verbs to intransitive verb is used, meaning ofloss is meaning for lost or wasted property. When you realize that the person accepts waste, current commit the immediate loss of other property in whole or in part is Article 328 BC. M. requires ((everyone not to waste money to sponsor it and be like, whether intentionally or price it will be wasted or not, whether deliberately or same time the benefits incomplete or faulty, it can guarantee that the price of failure is mine). In the face of such circumstances may include loss: a - given that the necessary die, do that immediately leads to wasted current and immediately brought this action is wasted, however, may be detrimental in some cases the act and scene apparently distance. B - no need to blame, according to the legislation in an absolute manner, the material loss caused as a responsibility, therefore, contain any harmful act is both intentional and unintentional. Hazardous waste, although the subject of the verb is not the culprit, another event will be detrimental to his customary assignment. C - Assign necessary action subject, however, to blame the loss is not necessary, but harmful to the subject of the assignment operation is necessary, and that the action must be caused by the will of the subject.

Cause

The Arabic word is cause Tefeil weight, and given the fact that Bob Tefeil a transitive verb, it used to be, it's meant to provide accident caused by harmful act is the agent. Cause part in the event of material harmful act done by the agent. In another sense, because money is wasted, that act or omission done with the creation of the event provides. Article 331 BC. M. lyrics are: ((everyone should cause financial loss or cost as it can, and if it is a defect thedefects must cope up shortcoming price).) including conditions noted cause can return items: a - positive actions, sometimes resulting in loss of property or life of another person with the current offense. B -negative verb, leaving the current law or contract depending on the person's duties and responsibilities of the job. C -If at fault, but the fault cause jurists need not mention, but it is customary to have an assignment. However, the lawyers have to take the blame. Assign the necessary action subject, harmful act that is grounds for damages if an assignment is due to the accident is under cause ur responsibility. 9 Material 331 to 335 BC. M. cause is unique. For cause is a necessary condition. In addition to the fault, the other two conditions are necessary: First, property loss occurs, the second possibility does not shock loss is so powerful that the norms of the cause of action the habit may lead to damage.

Liability arising from the act of someone

Beginning to wonder if someone else is responsible for the damage it has arrived, but legislators in various countries including France, Britain and Iran liability issues arising from the other verbs have set it to achieve two objectives. First called when the main subject of damages, no cash for cause damages, damages for cause provide valid and if the agent is damaged, such as a child or day laborers. Others have called it the threat of liability, a person who has authority, the power to be used in the field to prevent possible accidents.

When it comes to talking about responsibility arising from any action would have to be very careful with what this term could be implied assumption that a legal opinion differ. The first assumption relates to cases where the person responsible for the deleterious effect it has committed another, but in reality he is doing. The medium is the assumption of responsibility for personal action and responsibility arising from any action arising out of legal liability arising out of an act of the first category belong to the person is in accordance with the responsibility of the public's right liability arising out finds no fault of more than one charge. Assumptions other liability arising from any act of responsibility that are independent of the cause of action, liability is another. Steward claims are legally responsible for all elements in the collection, either by his fault caused the damage. But the other person who is responsible for the second phase of the consequences of damage to repair. Is another. For example, if the child would otherwise damage, or is it that her parents are not trained well or they are not as good as his caregiver. Or split the second one assumes that the other party has had damage repaired even if you have to prove what they are used to prevent damage from occurring. Liability resulting from other verb here is true. Liability resulting from other verb must first see what the difference is due to a fault with this responsibility. The first responsibility of proving the defendant's fault, but the responsibility, statistic fault, the claim must prove fault defendant exempts itself on the evidence of two types: a statistic circumstantial evidencepresumption of rejected. A simple statistic is a statistic or reject the evidence against him is the one who can prove otherwise, but non-significant statistic rule of law so as somebody cannot prove otherwise.

Liability arising out of any act involving two people to blame for this statistic (parents and children, masters) due to another operation (namelychildren who are entrusted to their care) assumes the blame for this action are the responsibility of leaves.

It's the responsibility of parents and children act children: It is the responsibility of the well-savvy. If the child would otherwise cause damage to it or have not trained him well in his care is negligence. Injured must prove fault or the fault of the parents. This error is presumed legally the child act itself is the reason for this error.

Who is responsible for responsibility from parents to children is the right and duty confronting. Parents have the right to educate their children and not neglect to exercise this right, bear the liability resulting from negligence. Responsibility for the situation: the parents of the child only during the minor child's legal obligation and responsibility to nurture and care for him during the minor cannot be passed. Underage minor point that the forces developed intellectual powers partly good and evil that can profit the loss of the beautiful and the ugly will recognize.10 minors, meaning growth or not yet of legal age Akbar, but the court found him in point is tantamount to parental responsibility over his actions are legal. Obviously if the child's parents are not at home parent is still responsible for his actions unless care is possible. It is clear that both the minor's father's house to the point that filial not win, if the court finds that the work has been done to escape from responsibility, then the parents are responsible to know Craftsman responsible for the actions of his disciples: It is the responsibility of the responsible authority and the children are very close in terms of the criteria that are similar. Here statistic is a measure of blame for the craftsman to teach children who have given him his fault and that the fault can be attributed only in care. Strong presumption of guilt here, just like the power of a parent, the presumption simple statistic is that it can be rejected because of opposition.

Persons responsible: Craftsmanship is responsible for the damage caused by his discipline, the one who teaches the student the professional side (same workman makes detection of the employer who is liable for damages caused by self-appointed) and the other students are forced to work (and this difference suggests that parents or teachers with a master craftsman's responsibility when he is proven guilty, which could be attributed to him). (Hosseini Nejad, 1383, 55)

Responsibility condition: minor conditions not here, it is not necessary that the student is a minor. Great for the student workman can easily prove that the implication of a failure, he did not care. While it can be mastered only fault statistic suppose there's been a careful student of this period varies depending on the clinical situation. Purpose other permanent or temporary employee is one who is hired to perform work. The client itself is somehow responsible for the actions of its officials directly or harmful. The agency must comply with the employer's actual criteria employed to search. Since this expression means different things to see which of these meanings should be selected. Intention here is certainly an economic subordination. Employers are legally responsible for the relatively poor place work known fault that financially wealthy have been complied with if the relationship is established and now they see rich people who are responsible for another minor fault are known. The overall purpose of complying with the

employer in relation and place legal compliance, according to this view, the employer has the right to put anyone on the purpose of the work that needs to be done on both devices, process of doing this order to in the contemporary jurisprudence of power hypothesis practical The command criterion considers reasonable and appropriate for the agency relationship. The employer is the one who actually legal or illegal, regardless of whether the power he gives orders to others.

Liability of responsibility here that two conditions complement of each other: assigned to commit crime arises. Your employer is responsible for both the degree of responsibility assigned to be relevant. This means that an employer is only liable for actions arising from its place fault. Lost for damages, must prove fault but the fault of any kind is sufficient, such as recklessness or negligence.

Assigned to duty when the crime is committed. This constraint is due to employer is well known that the consequences ulcers restored workflow place he or during a family quarrel or other vehicle has arrived. **Responsibilities range**

A presumption of the employer has noticed, it is the responsibility of the employer to prove that statistic by any means capable of preventing the occurrence of detrimental action has been proven again and sole responsibility for the exemption from the responsibility to prove that the act of harmful does due in which is external to the plant or enterprise is no communicated. Responsibilities assigned to the employee or the employer's liability in terms of does not transfer the employee to the employer lost can directly take action against the agent or employee. Which in this case is exceptional right to enter lost not prevent him from responsibility under the rules of public law cited litigious action against the person assigned to the project. However, such cases are rare in practice, whether the employer has appointed live stock of their compensation from the employer if the employer wishes to employ or consult its employees. In French law, if the employer is insured assigned and act is purely unintentional reference to his employer does.

Material nature of the object is irrelevant. Object may be solid, liquid, gas, smoke, waves or radiation. Legal nature of the object is trivial. Liability arising from the act of objects on real objects can come true and the immovable object. Liability arising from the real object of the law is not the cause of any discrepancies. No matter the nature of the object is not hazardous or non-hazardous. Researchers have long believe that it was the responsibility of the object when the object is inherently dangerous, defective appliances such as boilers or used without knowledge of the defect. Aside from being the separation problem What is required to provide a list of dangerous objects.

Object Verb: the act of perception is not an easy thing. Public opinion is well accepted that animals commit an act, but a form of the verb can be assumed that in terms of defining the object is inanimate. The verb babies perceive only that its origin is the human interaction with the verb, the object is on the move, but the way it happened, gives the man is out and all difficulty is that human actions are subject to the liability from a verb and verb, object, subject to proof of guilt and responsibility statistic, we separated.

Causal relationship between the object of the verb and damage: liability arising from the act of objects when the statistic is true if the object interface. This last condition is that no ordinance is another object of evaluation is difficult to measure.

4. Discussions

This paper attempts to civil liability arising from the non-verbal assessment of human rights in Iran and Egypt apply. The effect of which was to provide a definition of civil liability, the various theories of liability other than expressed by the verb. Fault theory was chosen as a basis for discussion and the other in the civil rights act of civil liability arising from the comparison of the two countries udder's The rights of Iran and Egypt, the general rule should be to compensate for damage to anyone else other, do anything when it general whose to unless Except as provided by law or the infliction of harm has come to someone, it does not seem unfair and unreasonable basis for civil liability. Fault and its meaning as a basis for civil liability law in Iran and Egypt first raised in this review and understanding of various aspects of the concept of guilt and losses are important to the extent that most lawyers do in the recognition of these agents to hesitated to The two legal systems, a large part of the blame for the rights to the material facts relating to the manner in which the civil liability legislation enacted in 1339Median baseline period, a fault that puts.

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