

## Compensate for the loss of non-profit

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**Abstract:** Non-profit group of jurists and lawyers who know the loss compensation benefits lost as a researcher, and it is not and does not guarantee it count. But another set up for it by treating it as a loss to know. At this point it should be noted that the law on non-profit ideas clearly expressed opposition or not. It is derived from the common law in certain instances, strengthen benefits are realized. For example, stunting his imprisonment artisans who make the daily business of living, Examples of deprivation of educational benefits realized that there are different opinions about the liability of its binding. In this section we evaluate the need to compensate for the loss of non-profit focused on jurisprudence and law various theories have been proposed in this field, we have analyzed and appropriate responses to the questions on that. (1) Foundations and documentation necessary to compensate for the loss of non-profit in Islamic jurisprudence is? (2) Principles and legal documentation necessary to compensate for the loss of rights is non-profit. (3) The terms of compensation for loss of Islamic law and the rights of non-profit in Iran? (4) The non-profit status or benefits may be obtained on Islamic law and the rights of Iran?

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### Introduction:

The compensation of non-profit group of jurists disagrees and thinks it irreversible. Others consider it necessary to compensate for the loss shall have the disadvantage of this type. First, consider the opponents and proponents expressed vote. Jvahraklam has no liability for loss strong proponent of non-profit and can be topped their opponents need to compensate for the loss of the great jurists said. In his valuable book *Javaher-al-kalam* quoted scholar says: "If a person is barred from working craftsmen. If the sentence does not belong to the artisan pay from his last job, he will be entitled to compensation." (Najafi, 1981, vol. 37, p. 15)

Thus, in view of the great jurist not used in the case of lost benefits liability is not surprising, but if the interest held by the person who used the term he used to be, in this case, the guarantee fee will be entitled mood and arrested. This is in the interest of law and non-Exchequer Exchequer interpreted. After subjection to the interests of the Exchequer benefits that a person is entitled to the property other than the property. As though someone had taken the other car is used. But other benefits may be obtained Exchequer benefits that the person occupying the property of their domination, exploitation of stripping it and will not use it. Like the other person's car, but it does not capture. Shiite scholars to consider the benefits of Exchequer, is certainly one proprietor guarantee. (Mohaghegh Damad, 1994, p. 83)

But doubts about the benefits of non-Exchequer. However, the owner of the jewelry that her opponent is not necessary for compensation of non-profit we've seen in some rare cases, the liability will be accepted. These measures are likely to be the owner of profit before losing it to denounce the actions of the

partnership; an example would be entitled to compensation. "(Najafi, *ibid.*, Vol 37, p. 17)

Opponents of Mullah Ahmad which states that: "if the owner is prohibited from selling their wares has considered. This is not injurious. It is forbidden to benefit from education ... and not harm." (Naraghi, 1968, p. 241)

While accepting that some of the non-profit contemporary jurists' damage claim has not authorized it is vital.

For instance, in response to the President of the General Court in Ahvaz Branch twentieth who have asked: In a non fault accident car driving taxis have suffered and according to expert opinion, the time period of one month is required for taxi service and during normal taxi driver of the car had a monthly income of eight hundred thousand dollars. In this month, according to the accident was the taxi driver was deprived of education. Does the taxi driver could not profit amounted to eight hundred thousand dollars in addition to the costs of repairing the damage to the taxi driver is at fault claim?

Responded: "The taxi driver could not assume the damage (non-profit) the demand." (Safi Golpayegani, 1993) will be considered non-profit accepting that the claim for damages is not allowed for it.

In the case of certain non-profit research and some of it is based on common law jurists viewed as a general rule on compensation for the losses they, but another set without explicit mention of the need to compensate for the lack of profit or take, and it will suffice to mention have definite meanings.

However, Moghdas Ardabili and Bahrololoom and deprivation, lack of profit from the work of artisans who have been imprisoned in theme and said:

"Whenever an industrialist in prison, although he did not, guarantee. Because they may die of hunger itself addition, transitive and the punishment of bad practice, act like it is the innocent who pay the license. "Similarly, a number of other jurists and commentators is considered.

Among contemporary jurists of the loss and the compensation terms are non-profit. (Text of the question: "Is the taxi driver could not profit from the price ... rials, as well as damages for the cost of repairing the vehicle cab driver guilty of the charge?" Answer: "For some time, it is necessary to repair the car must pay for the damage that is not the functional equivalent of leasehold machine to give him his own". That observed in the absence of the profit and loss statement should have been dealt damage. But not on the performance of the machine, but on leasehold machine, however, compensation and unemployment compensation benefits strengthen their machine has been accepted. Finally, as the benefits are obvious and scholar died machine, the price is considered to have no function of the machine. Because the machines would be busy at this time to do something else and certainly not withdrawn his undoubted ability to work is vital.

Here are some great views of jurists whose interests may be obtained (non-profit) loss to know and therefore it is legitimate and necessary compensation from encounter to assess lawyers in this field are presented.

## 2. The Lawyers theory

Although the vast majority of non-profit loss to the detriment of contemporary jurists has considered it a great liability, but some of the jurists who followed no difference between the benefits obtained and the possible loss of their research, in general it is considered unlawful. The opinions expressed here are Lawyers for and against.

### 2-1 - Theory opponents

Some lawyers think that unlawful damage was not consistent with the holy law, it is not surprising to guarantee compatibility with the Constitution have (Khalilian) "about negating lack ... Prime profit of the domestic law can be discussed. For example, say the termination of some legal action, including civil procedure according to Article 4 of the Constitution of the Islamic Republic of Iran. Article 728 must be in harmony with the laws of Islam that says:

"It may be due to the loss of financial loss due to death or strongly benefit from the commitment has been achieved." Obviously, this is due to religious and non-profit research necessary to offset the Shiite jurists, according to well-defined is not correct.

1- Rule that it is a waste of money to me guarantee interpret and rule is crushed between two sects agree on. Of course this does not include text

tradition. "Whoever you are violated. So what rape is like you, he raped you "(194) and the many traditions of religious books mentioned, it is rule say. This rule is meant to destroy anyone else's property, guarantee. But argued that the "liability" in question is not true. Because regardless of some form into the case, certainly not the rule to include the issue of non-profit. Not achieved. It does not in any way related to the subject matter. (Mahdavi, 1342, p. 23)

2- As the saying and al-Islam is meant to deny the loss, loss provisioning is not necessary, as some have hallucinations. In this case the provisions of Islamic Sharia law in ruling that the approach is safe. Assuming that meant the loss sustained by the rule need not be provided, if the purpose of a loss of words in books and uses the judgment in good faith and in the interests of that failure on the object of, property, respectively. In this case, the purpose of the rule is that if someone actually enter upon the property of another defect guarantee,

3- If they do not act in the interests of someone he does not expect, is the guarantor. Thus, in Islam there is no reason that the person who made the guarantee is non-profit. "

This is in the third paragraph of this topic is discussed. (Mahdavi, *ibid.*, P. 23)

### 2.2 proponents Theory

The vast majority of contemporary jurists strengthen the interests of the researcher know (Shahidi, 1368, pp. 41 to 45) and believe that Article 728 of the Civil Procedure Code for remedial law enacted which are non-profit in silence, and beside it indifference to the past. Also, as mentioned earlier legislation enacted in 1339 in which civil liability for damages to compensate for any damage nasty, whether or not the property is required to determine the profit vacuum text and civil law explicitly considered.

The legal theories advanced by the current legal systems of other developed countries in the world matches. For example, in kind is made against the plaintiff litigious including the possible benefits obtained against your desire to read the description of the project and that, while they might want to store it in certain barber purchase of another person under the influence of false reports he was called to deal with, which leads to harm him. He was able to recoup losses through the courts, but the benefits may be obtained difference. Read therefore bound to compensate for lost benefits that can be obtained by buying the store in the same vicinity.

Thus, in English law as well as the interests of Islam may be obtained if the gain certain benefits accepted, but the English law of certain veterans benefits is much simpler and easier to simply accept certain of obtaining benefits. (Drkshsh, *ibid.*, P. 189)

The contemporary legal opinions mentioned this word in order to avoid prolonged refuse to refer to these resources.

### 2.3 Review Comments of opponents

The survey has been said about the non-profit is not compensated

It turns out that some of the non-profit expressly rejected the opposition and some notable examples of typical non-profit event and researchers have rejected it.

Base and support the views of the following:

First, this argument of "non-profit licking disadvantage" which was attributed to the jurists is vital. And justify opinions opponents with the responsibility of non-profit is key. But this argument cannot be strong support for them, because if they say no profit loss is not known, but they do not say is certain profit research should be compensated le plus

grand jurists unanimously considered customary rules and criteria for the diagnosis of a loss, and the need to compensate for the effects of other words there is no difference.

Second, some researchers because the rules governing waste and simply wasted or incomplete nature of the property is available rules, waste and no tax profit in nature, and is only applicable interest that may not be achieved, it would have not been compensated. (Georgian, 1362, p. 125).

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