

THE ROLE AND PLACE OF THE RIGHTS OF THE LAW IN THE JURISPRUDENCE AND LAW OF IRAN

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Abstract- *the Acquisitive rights are concessions and benefits that each country grants individuals, in order to preserve abusing these rights. It's a fundamental issue that what is the position of this kind of rights in Iran law and if Iran law recognize this kinds of rights or not? Simultaneously, acquisitive rights are declared in three terms; General, Special, and specific. The foundation of this is also available in the sources of jurisprudence, custom and the judiciary and administrative procedures of Iran. Also the acquisitive rights are significant elements in the way of Guardians council and the court of justice in order to surveillance approaches. Our documentations in this section are containing resolution of Islamic consultative assembly and the votes of Irans general commission. Bases on this research, the acquisitive rights have been recognized by jurisprudence and rights of Iran.*

Keywords- *The Acquisitive Rights, General Acquisitive Rights, Special Acquisitive Rights, Special Acquisitive Rights, the Principle of Innocence.*

I INTRODUCTION

One of the most common words in our country's law is the word "legal rights". The basic premise of the theory of rights is the ineffectiveness of the laws of the past in protecting the rights of those who acquired these rights under the rule of old law. What is the status of these rights? Have these rights been recognized and accepted by Iranian jurisprudence and law? What are the mechanisms of jurisprudence and the law in respect of the writers' rights? Our hypothesis in this study is that the foundations of such rights can be identified in the sources of jurisprudence (book, tradition, consensus, reason) of custom, law, judicial procedure and the jurisprudence of our country's jurists. For example, the phrase Imam Ali (AS) said: "Nothing can erase the formerly created right" One can be one of the religious principles of copyright, or the nullity principle under Article 37 of the Constitution is a legal basis in this regard. In addition, our documentation indicates that copyright has been identified and accepted in Iranian jurisprudence and law and procedures have been envisaged. The "Balabian Rule" is the principle of the lawfulness of the crime and the two examples of this hypothesis. In addition, studies show that the meaning of the concept of acquired rights in Iranian jurisprudence and law is not limited to the ineffectiveness of laws over the past. Rather, its meaning is broader than the common sense, and the terms of the three general, specific, and distinctly defined rights are defined.

Our approach in this research is library based and based on description and analysis. In the present study all the views of the Guardian Council regarding attention to the constitutional rights of the first Majlis so far as well as the opinions of the General Council of Justice in its three decades of activity and the Court Excellent country has

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been studied. But due to limitations, only one or two specimens have been cited. In addition, many instances of jurisprudence can be reported. There are also significant cases in the constitution, especially in the third chapter, entitled "The Rights of the Nation," which affirm the right to citizenship, two of which refer to the principle of the lawfulness of the crime and the acquittal. In the ordinary law section, two major civil laws have been the major sources of referral, along with criminal and civil procedure. In other fields of law such as business, labor, administration, private international, etc, very limited examples have been cited.

The most important feature of this research is that it distinguishes it from previous research

From: 1. Simultaneous attention to legal and jurisprudential principles and extraction of abstract rights in concept General, specific and specific to jurisprudence 2- Compliance with the laws of the country with jurisprudential principles and rules 3- Organizing research based on the most important laws in terms of important branches of public and private law 4- Paying attention to the role of the oversight bodies with their referrals.

- The meaning and concept of rights

Corporate Law The term 'law' and 'corporation' consist of the word 'law' which has different meanings. But the intended meaning is "the privilege that every person in the community has over the other. They call this privilege and ability "right", which is the sum of "rights" (Katouzian, 12013: 13). The essence and essence of the right that most jurists consider "is the sovereignty that the rights of each state give to the protection of the interests of individuals." (Ibid, 251) The origin of the right may be from non-credit affairs such as the rights of men and women, or it may be from the rights of educated persons who, if the law or the law does not validate it, can not benefit the right holder, The right holder will be obliged to perform duties as such are the basis of the law.

The word "Maktsebeh" is also an Arabic word derived from the root of "acquisition" and in the sense of "acquisition" means "to seek profit and to strive" in the dictionary of Dehkhoda meaning "acquired". In English, "legal rights" means indivisible, inalienable rights. In the terminology of law, the so-called fixed rights are referred to as "fixed rights" "If a right is created by law then that law is changed and abrogated that right does not disappear and remains constant" (Jafari Langroodi, 2012: 1724)

In view of the above meanings and the points of view in this regard, it can be said that the rights of the corporation are "a privilege and a privilege of the person who upholds the rights of each state in the exercise of justice and is entitled to seize on the subject of the right and prevent others from violating it." (Katoozian, 2006: 442)

II TYPES OF RIGHTS ACQUIRED

- General acquired Rights

Corporate law in the literal sense is not far removed from its literal meaning of "acquired rights". In fact, this meaning is related to the salient characteristic of all those instances of being acquired. It can be said that all the rights that the legislator enshrines in his constitutions, ordinary laws, and other laws and regulations for citizens are "general rights". These kinds of rights are available in both the law and the law. For example, according to Article 41 of the Constitution, "Citizenship of Iran is the right of every Iranian to be deprived of citizenship by any state ..." In jurisprudence, too, denying a surplus to one-third of the will of the heir is in this sense.

- **Special acquired Rights**

Special rights are rights acquired under certain legal conditions and those legal terms have been changed and those rights are recognized as valid at the time of its occurrence. In a specific sense, abstract rights are in the temporal conflict of laws. Legal doctrine calls for the "rule of not turning back" as a solution to resolving conflict of laws in time.

- *Specific acquired rights*

Specific rights are the "acquired legal priority right" in the system of analogy between the two rights. And that means, first: that the right must be fully educated legally in the time of its rule. Secondly, the right to education, in accordance with the relevant conditions, may in some way include a right of priority and priority over other rights in the conflicting system, preferring that right to the former. These rights can be closely observed in domestic and foreign intellectual property laws, international documents, and the judiciary in Venice. The right of priority referred to in paragraph 4 (c) of Article 15 of the Patent and Trademark Law of 2007 and the 20th of the Register of Trademarks and Trademarks of 1931 and the right to boast in jurisprudence can be considered examples of this right.

III JURISPRUDENTIAL PRINCIPLES

The jurists have divided the religious orders into two categories: one is the ordinance and the other is the signature. The major part of the law is the signature. The rights that individuals have acquired in their social relationships through law and order are such as the right to acquire and trade property, private property contracts, rentals, and many other signature-based legal rulings. The right of copyright arising out of the said legal relations has been affirmed as long as it is not contrary to the principles of law and the law of silence can also be reasoned for its endorsement. On the other hand, the most important reason for the legitimacy of copyright is a rational, sometimes called rational or rational. For this reason, the rights of the corporation can be regarded as a decree approved by the law and as a signatory law. The pre-Islamic right of writing also existed in the tradition of legal relations between the people and at the beginning of Islam. This can be seen in Imam Ali (AS). He considers al-Uthman's possession of Muslim property among his relatives and relatives to be a public right and states in sermon 15: "By God, if I find property, I will return to the Muslims, whether women dowry or slaves with it." It has been purchased because it is the opening of community affairs to justice." (Jafari, 2004: 85) In his famous letter to Malik Ashtar, Veniz writes: "Never break the good tradition that the vanguard of this nation has practiced and become a supreme human and community organization. On this basis, they have attained the righteous life and never set up a tradition that would harm any of those past traditions. It will result in a reward for the good of those who are good traders and will take away from you the tragedy." (Ibid, 949) What appears in their speech is: First, respect for traditions and community practice is the exercise of their copyright. Second, copyright must be created from the right of justice, otherwise it can be restored to the true copyright owners.

IV THE PRINCIPLES AND RULES OF JURISPRUDENCE

- The principle of an appointment

The late Akhund Khorasani says: "The presumption of survival or the subject has a warrant to be doubted." (Bojnourdi, 2008: 19) By this definition, whenever a sentence or subject or description has been in the past, then it will be doubted if the validity of the previous sentence is maintained, saying that the existence of the sentence or subject or description is warranted with the description if true To be legally constituted, the right is considered to be a copyright, and is in accordance with the jurisprudential principle of the warrant for its survival and continuation. Article 198 ADM is an example of an assignment based on this article "if the right or religion. It has been proven by anyone that the principle of survival is proven unless proven otherwise. "

- The rule of law does not invalidate anyone

The documentary goes back to the actions of Uthman during his caliphate, which divided Muslim public property among his relatives and relatives. When Imam Ali (as) came to the caliphate, so he allowed the property to be returned to Treasury. But the Imam said: No one's right is invalidated. They then uttered the famous sentence in sermon 15 that appeared. This rule means that the right previously created for a person is copyright. Article 97 BC states: "Where a person has traditionally used a water passage in his home or other property in his property or right, the owner or owner of the house may not prevent the water from passing or passing over his property, as well as other rights such as the right. Having doors, lattice, drainage, drainage, etc."

Rule of Sebgh

The word Sebgh means to come first and foremost the scholar of the bridegroom considers the overriding provisions of the rule "the right of priority for profit" (scholar of the bridegroom, 1391, 283) and considers it rational. Langroudi also refers to the three types of right of priority, while the right of priority is the right of debate over the most important document. Anyone who has taken a position that has not been overtaken by another Muslim should be given priority over which Imam Khomeini (RH) rightly puts it: "Putting the rut which is the prelude to sitting for prayer seems to be like sitting and giving priority." (Mousavi Bojnourdi, 2012: 333) The rule of law is considered as a source of legal order for the exploitation of commonalities. According to the provisions of the aforementioned rule, it can be assumed that the corresponding person is in fact a copyright that gives him priority over others. (Copyright in a specific sense) Article 20 of the Trademark and Copyright Act cites 1931/12/ 4. "If the protester proves that the mark was preceded by a record of continued use prior to the application for registration of the right, the court shall order that the mark be registered in the name of the objector ..." Having such rights gives rise to a favorable right to others.

The Balabian rule

The rule of thumb is that unless a person is forbidden by law and that is forbidden by law, if the person commits it, his punishment is ruthlessly ugly, and as long as it is not obligatory by the shari'ah, the lawmaker is not obliged to do so if a person leaves. To leave this verb is rationally ugly. Sheikh al-Tusi comments in the commentary on the following verse of the Sharif verse, "We are excommunicated even by the Prophet (pbuh)." Unless he is informed

by the authority of the reasons and the dispatch of the Apostle. ”(Mohagheed Damad, formerly, 15) This rule is rational under the heading“ The principle of the lawfulness of offenses ”. A person commits a crime at a time when it is not a crime and is subsequently recognized as a criminal law, given that the former law created a written right for him, so a new law that conflicts with copyright cannot prevent this right from being exercised. As a result, any action, including prosecution and unlawful prosecution of a person, is prohibited.

V TYPES OF JURISPRUDENCE

The most common division of jurisprudence among the Shiite jurists is the classification of the Prophet Mohammad (PBUH) into the Shari'ah which has compiled his book on the four sections of worship, contract, and Iqqam. Here are a few examples of exemplary rights in the above paragraphs, with the exception of worship.

- Usurpation

Imam Khomeini (usher) in the definition of usurpation says: “Usurpation is the conquest of everything that belongs to another. Whether it's property or right. The usurpation is one of the sins that both the intellect, the book, the tradition, the consensus emphasize, and the most ugly kind of cruelty ... ”(Mousavi Bojnourdi, 2013: 293). They also add:" It is to slow down another to usurp it. In this case it has usurped the first right and this is one of a kind of usurpation. " Ayatollah Sistani also says in the definition and explanation of usurpation: "Usufruct is that one's domination over one's property or right, and that is forbidden by the intellect and the Qur'an and the traditions ..." (Hosseini Sistani ([https / www Sistani.org](https://www.Sistani.org)) The usurper, in his usurpation, violates the right to legalize a person with legal and legal means and deprives him of the respect for fixed rights. Shiite jurists find it prohibitive and prohibit the confiscation of property. Article 308 of the Civil Code prohibits the usurpation of the right by guaranteeing that if the usurper directly loses without financial intermediation and the damage is caused, then the usurper shall invalidate the usurpation. 311 female knows the law also says: "usurper captured person must belong to the same owner reject it if it is lost or prices must like it.

- Shofeh

Shofeh is one of the rights by which the partner can own the sold share of his partner. If one of the two civil partners sells his share to a third party, the other partner has the right to make the share sold on his own terms. The right holder is called Shafi'ah. The Shafi'a right shall be exercised by the Shafi'ah of any occupation the Buyer has made in respect of the Shafi'ah, such as dedicating it or placing it in a void. The right to preach is inherently illusory. It can be said, therefore, that the acquisition of the right of jurisprudence is that the jurists have assigned to each of the two partners who wish to sell their share to a third party in order to purchase it. On the other hand, customer seizure is enforceable by Shafi'ah prior to the application of the Shafi'ah right, except as a misconduct of the Customer, and consequently the Customer's seizure does not result in the loss of Shafi'ah right, and Shafi'ah's rights are reserved.

The heir's will

Sheikh al-Tusi (RA) writes in al-Nahih: "The testament to khums was more virtuous than the attribution to the quaternary and the quarter to the most virtuous than to the third and the validity of not committing to more than one third if one were to give more than two dunks what was more than two dong. That the heirs should consent ..."(Sabzevari, 1334, 276) Imam Khomeini also says about the inheritance of the wife of the deceased husband with the child: Hereditary women are dead husbands whose husbands have had children and say: "These women are one-eighth of what you leave behind." (Mousavi Bojnourdi, 2012, 97) With the following description:

First: A will over more than a third of the property is inaccurate because it is subject to the inherited rights of the heir unless permitted.

Secondly, determining one eighth of the inheritance for women who have a child with a deceased husband is one of the most prominent rights for women with the conditions outlined. We have previously referred to it as general rights.

VI LEGAL BASICS

- Constitution

The principle of the legality of offenses is one of the two most important constitutional principles regarding the rights of citizens to be protected. Other rights include the right to petition for a right to a fair trial and to have a lawyer (Articles 34 and 35). There is a right to Iranian citizenship (Article 41) and so on, which only refers to the following: The principle of the legality of the crime One of the most important principles of the Constitution is Article 169, whereby the principle of actual act or omission of a crime is considered to be the act or omission of the act in accordance with the criminal law. Therefore, no authority has the right to impose penalties on Viet Nam acts that are not known to the legislator when they occur. Although this principle applies to criminal matters, it is also necessary for the legislator to observe the provisions of the law when making new laws. Article 36 of the Constitution also recognizes any punishment and its enforcement only by a competent court as provided by law, but these two are the legal issues known as the "principle of the lawfulness of crimes and penalties". Or the current abandonment of a crime that was not a crime, considering them to be the new crime law and determining the punishment. This principle is the most important document in the defense of the rights of individuals during the rule of the previous law and has been discussed in the jurisprudence as "the rule of the unreliable eagle".

The principle of absurdity

Article 37 of the Constitution states: "The principle is unjustified and no one shall be held guilty of law unless his or her guilt is proved in a competent court." This principle is also one of the relatively coincidental principles of Islamic jurisprudence and the result of accepting the rule of the unseen eagle. In such a case, persons shall not be punished unjustly for their act or omission of the act which has been committed or lawfully committed. This principle is also related to the Abuja principle. Because one of the consequences of the principle of justification is that whenever we suspect that there is a crime or no action, we turn the principle of non-action into a crime by referring to the principle of innocence. The principle of innocence is expressed in the principle of the lawfulness of crimes and offenses in Articles 169 and 36. In view of the foregoing explanations and their relevance to the Balabian

Eagle Rule, the Abuja Principle, as well as Articles 169 and 36 of the Constitution, they are identifiable and defensible, especially in the event of conflict of laws with respect to the principle of justification of the rights of their persons. This principle is also one of the brightest principles of the Constitution and is emphasized in Article 11 of the Universal Declaration of Human Rights.

VII CONSTITUTIONAL MECHANISMS TO MONITOR THE RIGHTS OF INDIVIDUALS

The Guardian Council of the Constitution and the Judiciary, with the three most important apparatuses of the Supreme Court, the Office of Administrative Justice and the Inspectorate General of the country, are the most important legal and regulatory mechanisms for citizen rights that are outlined below.

- Council of Guardians

In view of what is enshrined in the constitution as the rights of the nation and as examples of its brevity, it is necessary to consider what position the Council has taken in dealing with these principles of other rights relating to the rights of individuals and how and to protect the rights of citizens. She has acted lightly and politically. To this end, the House of Representatives was examined at various times from the first period until now. Individuals and their rights have been abused. With this description, the Guardian Council has identified the rights of the corporation. Below is just a sample of these votes.

The Guardian Council has issued a draft urgent amendment to Note (1), Article 16 of the Islamic Penal Code on Arms Trafficking and Unauthorized Owners of Weapons and Weapons, adopted on 2011/12/10 by the Islamic Consultative Assembly, contrary to Articles 169 and 22 of the Constitution. "The unified text was found to be in violation of the Constitution, including Article 169, as it was practically impossible for the public to sign and publish it, requiring the infringement of public rights and losing the right to obtain a license." Comprehensive Guardian Council Opinion System". (www.shora.gc.ir).

- Judiciary

According to Article One hundred and Fifth and Sixth of the Constitution, the restoration of public rights and the promotion of justice and the free exercise of the power of law have been entrusted to the independent judiciary. The Supreme Court, the Office of Administrative Justice, and the Inspection Authority are the pillars of this body of citizens.

- Supreme Court

In accordance with the one hundred and sixty-sixth constitution, the Supreme Court is formed to monitor the proper implementation of laws in the courts and to unite the judicial process and to fulfill the responsibilities assigned to it by law in accordance with the rules set by the head of the judiciary. The following is an example of the opinions of the General Court concerning the application of the law respecting the rights of individuals who, by virtue of Article 34 of the Constitution, consider petition and referral to a competent court to be the right of every individual and of all Iranian people, in addition to sentences. That is, it is issued daily in the lower courts and in appeals of

citizens for disputes between them or with state apparatuses in the field of fixed rights. The Court affirmed in vote 669 dated 2004/10/28. "In the common practice of the integrated banking system, the holder of a check has been given credit, which, in addition to the account opening branch, has been required to pay for it from other branches. Therefore, if the check holder comes to another branch within the deadline and issues a certificate of non-payment from the Referral Bank, the investigating offender and the location of Saleh's crime will be investigated promptly and, in the opinion of the majority of the Supreme Court, the Branch thirty-five. A country that conforms to this view is recognized as being in compliance with legal requirements. This vote shall enter into force in accordance with Article 270 of the Rules of Procedure of the Public Courts and Revolutionary Courts in all branches of the Supreme Court and in similar cases." (Supreme Court Information Website ([https // divanealee.ir](https://divanealee.ir)))

The Court of Justice

It is based on Article One hundred and seventy-three of the Constitution to deal with complaints, appeals, and public protests against officials or units or government by-laws that exercise their rights under the head of the Judiciary. Essentially, it can be of great help as a back-up approach to the "post-control" exercise of sovereignty and the annulment of government approvals contrary to laws and regulations, to the restoration of deprived persons' rights and the establishment of a sound administrative system that promotes public confidence and human rights development. "(Norouzi, 2010 , 176) Given the political nature of the Council of Guardians and the scope of its oversight, it appears that in practice a substantial part of the judicial duty and the safeguarding of constitutional principles and the citizens' rights have been entrusted to the Court of Justice and the Court has exercised this role in the public administration. As it has been for three decades, it has brought about judicial practice in this field. "In this regard, the Court, through the "constitutionalization of administrative rights", is in the process of protecting the constitution and fulfilling its central role. And on the other hand, through the "administration of constitutional rights," it plays a subordinate role in this direction. "(Jalali, 2016: 120)

In the absence of a constitutional court, the Administrative Justice Court plays the role of the Constitutional Court. The Court now invokes two important constitutional laws in its annulment of laws and regulations. Because in the absence of ordinary law and without reference to the constitution, it may deprive citizens of their constitutional rights. Below is an example of these votes: The General Board of Court of Appeals No. 2004-2008 dated 19/11/2018 concerning the Complaint of a number of Education Workers Demanding the Revocation of Circulars 202 Page 250180 dated 4/4/1996 Management of Cooperative, Labor and Social Welfare Qom and No. 5 / 710 Date: 03/3/1996 Deputy Director of Management Development and Support of the Ministry of Education has announced: "First: extending the Law of Accession to Education to the Employment Forces of 2016 by extending it to those who have already been employed in education. And breeding that were not subject to the 2009 law. Secondly, the Accession Act of 1395 has only mandated the inclusion of part-time law enforcement personnel. Therefore, the provisions in question have been extended to the extent that the Ministry of Education's full-time teaching experience has been extended by the Ministry of Education on the basis of the salary or salary required by the law for two years (2017) as documented in Article 12 (1) and Article 88 of the Court of Justice. Administrative Office Approved 2013 Will Be Revoked." (Court System Voting System (<https://laivan-edalat.ir>)).

Inspectorate General of the country

It is constituted in accordance with the one hundred and seventy-four principle of the Constitution in order to monitor the proper functioning of the affairs and the proper administration of law in the administrative apparatus. According to the amended law of the Inspectorate General of the State of 15/7/1914, in carrying out its assigned duties, the Agency may, in accordance with paragraphs (c) and (e), of clauses 1 and 2 of article 2 of the said law, to the relevant apparatus, the prosecution and the administrative office of justice and others. Report presidential administrative violations. A review of the cases before the Administrative Justice Court shows that the organization has reported many cases of abuse of law enforcement agencies due to non-compliance with the law that has undermined citizens' rights, and the court has cited its revocation, citing the agency's role. Inspection is unnecessarily significant in protecting citizens' rights, especially public interest. An example of the opinion following a complaint filed by the State Attorney General's Office revoking part of Article 2128 of the Code of Conduct for Academic Staff and Associates of Higher Education and Research Associations and Bulletin No. 1244 / 100-29 / 8/2012 Medical education. The committee is responsible for responding to ambiguities and allegations of procedural questions. The court has also revoked the aforementioned directive because it was out of law. Legalism is one of the foundations of legal security and protection of citizens' rights. The Inspectorate seems to have the potential to strengthen the foundations of the rule of law and legalism.

VIII NORMAL RULES AND REGULATIONS

- Civil Law

One of the most central rules that advocates of copyright theory emphasize is the rule of "not turning to the law". This rule is not explicitly referred to in the constitution, but as was already the case with Article 169 of the constitution. The result of this constitution is the article "Turning Laws Off" into Article 4 of the Civil Code. In spite of the above mentioned article, the rule of non-compliance with the law, despite exceptions such as interpretive laws, related laws or the elimination or reduction of penalties ... has been accepted in Iranian law and has been able to greatly contribute to the protection of fixed rights of individuals. However, the openness of the legislator's hand in turning the laws into a constitution adds to the uncertainty of the rule.

Civil Procedure

ADM law is a perfect example of how litigation, jurisdiction, rights of the plaintiff and defendant, the duties of a judge, the status of a lawyer, the rights of third parties, and citizens can defend themselves from the beginning of the litigation to the end of any anticipated steps. His corporate rights during the Transition Agenda have made it possible for everyone. Given that the rules of procedure are mainly formative, it may seem that contrary to the substantive provisions (civil law, commercial law, etc.) they should be reverted to the former, but at the same time it applies this exceptional principle in dealing with corporate rights. There are people who would not be turned to the former One of our country's lawyers says: "The rules of civil procedure in particular have an immediate effect and are effective. Unless turning them back on the former will undermine the intellectual property rights of individuals. For example, if a new law removes the ability to appeal a judgment, it does not apply to the case, and therefore does not include sentences issued when the old law comes into force. And, in fact, by issuing a sentence,

it has obtained the right to sue against the sentence and, in due course, it cannot be executed in a quality that would deny it "(Shams, 2017: 24, 25).

- Islamic punishment law

The first clause related to copyright in Islamic Penal Code is Article 2: "Any conduct, whether act or omission of the act for which punishment is prescribed by law, is a crime." This article is one of the basic principles underlying criminal law. It refers to the "principle of the law of crime." Accordingly, if a person commits a crime at a specific time and is subsequently found to be a criminal since the former law created copyright for him, then a new law that conflicts with copyright may not preclude the exercise of this right. One can call it a kind of constitutionalism in ordinary law. The second article is related to Article 8 of the Criminal Code of the Republic of Iran. Provided that the accused has not been tried, convicted, or acquitted at the crime scene, or has not been fully or partially executed in the case of conviction. 2. The conduct of the offenses shall be punishable by sanctions under the law of the Islamic Republic of Iran and the place where the crime took place. " He shall not be prohibited by law and shall have no legal status.

Perhaps the most important provision of Islamic Penal Code is Article 10. According to this article: "In the laws and regulations of the state, punitive and protective measures shall be in accordance with the law prescribed before the offense occurs, and any conduct, whether act or omission, may not be punished by law or punitive or punitive. Sentenced, however, if after the offense, the sentence is reduced or not enforced or punitive, or in a manner that is more favorable to the former, than it would have been effective to enforce that law until a final verdict was issued, and must be issued. The following shall be done: a) If the conduct that was past the crime is not recognized by the law as a crime, the final judgment shall not be enforced unless it is executed in the course of enforcement. In these cases and also in the case where the sentence has already been executed, there is no criminal effect to it. B - If the punishment for a crime is reduced by the law, the enforcement judge is obliged to give a definitive judgment before the commencement or enforcement of the judgment. , To amend it in accordance with the new law. The sentenced person may also apply to the issuing court for a reduced sentence. The court issuing the sentence shall, in accordance with applicable law, reduce the previous penalty ... ". As can be seen, this substance has a mutual! First: Criminal law cannot be reversed, and this is a principle. Secondly, it is an exception to the former to apply this article and when the law is in favor of a moderation and in favor of the accused. In other words, this article does not in any way contravene the defendant's legal rights, of course, but Dr. Glodozian argues: "The unanimity vote of the Supreme Court - No. 450 dated 1978/ 1/15 is exceptionally punishable by retribution and by law." It has taken attention away from the realm of the principle of turning to the former. "(Guldouzian, 2007, 57) Third: The Penal Code, the executive guarantee of constitutional rights in constitutional, civil, commercial, administrative, fundamental, etc. is the crime of robbery and unlawfulness. Thieves guarantee the enforcement of property rights.

- Criminal Procedure

As stated in the Code of Civil Procedure, these laws have immediate effect and are retroactive, but in the specific sense that violates the rights of individuals, retroactivity is not a retroactive one, says one of our jurists. Has provided for the defendant to have sufficient guarantees from the beginning to the end of the proceedings, for example, at the same time the legislator has forbidden the interrogation of deception or reluctance or coercion of

the accused (Article 129 of the Criminal Procedure Code). (Ardebili, 2014: 133, 54 and 55) Like the civil procedure, criminal law also focuses on the rights of individuals in two respects: 1- They can provide the accused and the victim with access to legal rights as a standard. Fair hearing.

- Business Law

One of the most important principles in the business world is the trust of businessmen in each other. Early changes to the laws can undermine their economic security and legal relationships, while the constitution assigns many principles to citizens' business and economic affairs such as: The principle of freedom to choose a legitimate occupation. Providing equal employment opportunities (Article 28 and Article 4, Article 34) Respect for the right to legitimate ownership. (Articles 44 and 46) In the law of commerce these rights have also been well taken into account. The law of commerce, as the special law, is the most important charter of the merchants, and it addresses the general, specific concepts, and the business rights of third parties and third parties. has it. That is to say, it cannot be foreseen in the Articles of Incorporation and has the right to purchase new shares as to the shares owned by the company. The pre-emptive right of old shareholders to issue new shares can not be disputed unless the deadlines in which the notice of invitation to shareholders has been incorporated for the purpose of subscription are entered. "(Skini, 2012, 255) Another example of business rights in trade law over time is Article 318 of the Trade Law: "There are no lawsuits brought against you by businessmen or for business ... after five years have elapsed since the issuance of the petition or the last prosecution in the court ..." Disputes lose commercial color and become subject to the rules of procedure. In this case, the rights of individuals are not lost over time but can be pursued by common law.

- Labor Law

One of the laws that comprises almost a large part of society is the labor law. "In modern times labor relations are more subject to the laws of the law... Worker privileges are invalid ... (Iraqi, 2013: 17 and 18). Embracing Labor Law is one of the important ways to secure workers' legal rights. Revocation of decisions contrary to labor law in the Administrative Justice Court can confirm that there are many articles in labor law that deal with workers' rights but only one example of this. Items are noted. According to Article 12 of the Labor Law of 1989/10/29 "any legal change in the status of the workshops such as the sale or transfer in any form, the change of production, the merger with any other nationalization of the workshop, the death of the owner and so on." "The workers whose contract has been finalized will not be effective and the new employer will replace the former employer's obligations and entitlements." By this description, labor laws are adapted, but they do not conflict with workers' rights because the philosophy of labor laws is to protect their rights.

Administrative Law

"Public authorities can change the decisions and administrative decisions that have been taken correctly, that is, decisions that are partially or totally inconsistent with previous decisions, but they cannot adapt their new decisions accordingly," says one of our country's lawyers. That is, the effects of their decisions spread to the past. Because judicial security requires that administrative decisions, such as the laws of the former, not be reversed. " Individuals are not possible, for example, the cancellation and revocation of certificates whereby an official certifies the

existence of a given event or situation, unless that event or situation has changed, in which case their certificate will in fact be a new decision. (Taba Tabaei, 2016: 311) Dr. Tabatabai, while separating the cancellation and cancellation of administrative decisions and also the difference between public and individual extradition, writes: "Extradition of public decisions is not restricted like administrative bylaws but the extradition of individual decisions and its effects on the past, the present and its effects. And the future, provided that such decisions are not in principle contrary to law, can be made with due regard for the rights of individuals, and individuals can appeal to the competent court for damages." (Ibid)

With this description of administrative law, the rights of corporation are recognized in the laws of the former, but the most important condition is non-interference with the law of corporal rights, otherwise any beneficiary can appeal to the Court of Administrative Justice.

IX INTERNATIONAL LAW OF ATTRACTION

Foreigners in the host country have rights, including rights to study in their own country or in a third country, or to enjoy their work in the host country, which is referred to as copyright. It is recognized as one of the principles of international law by States and international judicial authorities. "For a right to be internationally constituted or to be recognized as valid and to be recognized in Iran, there are two conditions that must first be established in accordance with a law that the Iranian rule considers conflict resolution competent," he said. Secondly, the right must be fully and in full compliance with all the conditions necessary for its formation" (Almasi, 2010, 143). By describing the Iranian legislator's interference with the acceptance of constitutional rights, there are two assumptions, the first being that there was no right in Iran contrary to that right, and the second being that the exercise of the right established by the Iranian public order would not be opposed. It will lose all or part of its work. Articles 169 of the Enforcement Act and 972 of the Civil Code are two important laws in this regard. It can be argued that the rights of individuals in other countries to transfer their work to other countries have been recognized by the Iranian legislator, and the most important of these is the eighth paragraphs of Article 169 of the Implementation Law and Article 972 of the Civil law.

X CONCLUSION

In light of what has happened, it looks like: Firstly, abstract rights are the rights and privileges given by the Shari'ah and the law, and by virtue of which they can prevent the occupation and others from violating it. Secondly, the institution of abstract law has been recognized and accepted by Iranian jurisprudence and law and the most important reason is the rationality and current in the custom of the society and therefore it has been signed and approved by the sacred law. Third: Iranian jurisprudence and law to protect the rights of individuals based on this theory (conflict of laws in time) have good mechanisms such as the rule of the unrepresented eagle, the principle of legality of crime and punishment, the principle of absurdity and the rule of law not to overtake us. However, our studies show that abstract law in Iranian jurisprudence and law has a broader meaning than the common sense and is concerned with three general, specific and specific concepts. It is considered one of the eighth inheritance for the wife of the deceased husband, the right to reject a third of the will testified by the inheritance mentioned in the jurisprudence and also our right. Kit, pre-emption, easement, including the passage of time and the rights of

examples of legal and judicial mechanisms are considered in this context. Fourth: The Iranian legal system is expected to oversee the implementation of laws and regulations related to the statutory rights of citizens of institutions such as the Guardian Council, the Supreme Court, the Inspectorate General, and the Administrative Justice Court. There is a long way to go to reach desirable boundaries and create lasting legal security, notwithstanding the principles of safeguarding the legal status of citizens of practical application, such as the principle of the legality of crime and punishment, the principle of absurdity, the rule of law, etc. It's good. But our observations in the House and Government's approval of the opinion of the Guardian Council and the Bureau of Administrative Justice show that there are inadequacies in the principles of quality of law and the legal system such as: principle of consistency of law, principle of ease of access, principle of transparency and principle of legitimate trust. On the other hand, given the increasing number of objections by the Guardian Council to parliamentary approvals as well as citizens' claims for revocation of certain government regulations contrary to the rights of individuals in administrative justice, it seems that paying attention to the principles of quality assurance of laws and the legal system can help. The rule of law and the rule of law and respect for the rights of the unaccompanied minors Close the camel.

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