

## عنوان مقاله:

A comparative study regarding the frustration of commercial contracts in Iranian and French laws

## محل انتشار:

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## نویسنده:

Mohsen Fazli Rooz Bahani

## خلاصه مقاله:

The principle of contracts necessity is one of the significant principles in contracts accepted in all the world's legal systems. Due to it, both parties to the contract are obligated to fulfill their contractual obligations. However, sometimes situations appear that make the fulfilling of the contract impossible or produce fundamental changes in the contract; in such a way, there are great difficulties in realizing the contractual obligations. These events are studied as legal excuses to execute the contract. One of the main theories of legal excuses is the doctrine of contract frustration. Hence, a comparative study of commercial contracts' frustration in Iranian and French laws has been investigated in this article. In Iranian laws, there is no issue of frustration or force majeure independently in legal texts; but it has been explained in a scattered state in codified laws such as Articles 227, 229, and 240 of the Civil Code; that it seems, considering the exceptions to force majeure, this rule has been accepted in Iranian law, provided having special conditions. In French law, the implicit condition is achieved through a legal interpretation of the contract, and .frustration is the most significant example of contractual excuses

## کلمات کلیدی:

contract, frustration, force majeure, difficulty, commitments, trade

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