

عنوان مقاله:

تأمیلی بر انگاره فقیهان و قانون مدنی پیرامون ماهیت «تقسیم» در شرکت حقوقی

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خلاصه مقاله:

Division that is one the ways of dissolution of legal partnership is separation of shares of each party in the joint property by compromise or court order. Among the ways of dissolution of legal partnership, division of the company's property is very important, since there are many issues about it left unsaid in the civil code. One of these issues is the nature of division which is left vague and has led to different jurisprudential and legal ideas about it. Certainly offering a coherent theory and determining the legal nature of division has many results including entailing the consequences of the accepted nature and refusal of the consequences of other similar legal institutions. The present paper tries to clear the ambiguities and answer these questions that what is the nature of division of the properties of company? Whether it is a bilateral or unilateral contract? Whether rescission or defect option is possible if a defect occurs in division? To achieve the above mentioned aims, at first the jurisprudential and legal ideas are discussed and eventually the idea that conforms to the legal system is offered.

کلمات کلیدی:

شرکت حقوقی، مال مشاع، تقسیم، افراز، تمییز حق

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