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**CIVIL LIABILITY OF OWNERSHIP AND POSSESSION; IMMOVABLE
PROPERTIES**

SARA ARIAN^{1*}, KHEIROLAH PARVIN^{2,3}

1: Department Of Private Law, Khozestan Science And Research Branch, Islamic Azad University, Ahvaz, Iran

2: Department Of Private Law, Ahvaz Branch, Islamic Azad University, Ahvaz, Iran

3: Assistant Professor, Department Of public Law, Tehran Branch, Tehran University, Tehran, Iran

ABSTRACT

The main issue of this article is justifying of the civil liability effects on possession and ownership of the immovable ownership. There are three essential elements to fulfill this civil liability in the ownership and possession of the immovable properties which are as follow: The loss, the harmful acts and the causality relationship. Civil liability among all the other liabilities concerning the harmful acts is investigated under the other liability acts. According to the permission given to the civil law by the people, it can prefer the society interests over individuals ones whenever it is incompatible with its interests and plan and perform according to two people's social rights. Although this type of thinking is not applicable nowadays, it is believed that every loss should be recompensed and the decision to recompense according to the law of "without loss" should be perused in its best way. The purpose here is not to exempt the government from all the civil liability and the importance of its loss compensation. The aim of this article to some extent is to clarify the bases and principles of the civil liability. Of course talking about the civil liability requires its own different dimensions. Issues such as contractual and non-contractual responsibilities, the denying or limiting responsibilities, disintegration of responsibility requirements or intervention causes or the other causes of loss and other forms of

possessions and ownerships of immovable properties whether worldly or spiritually are essential issues which require separate studies.

Keywords: Civil Liability; Ownership and Possession; Immovable Properties

INTRODUCTION

Accepting fields that people can easily access without any reason and rationality are their wishes and public demands in communities in the past, present and future. A glimpse into the human's history suggests that there has been always a territory which people expect no to enter without the owner's permission both by either individuals or the governments. Breaking into other houses, private residences, eavesdropping, bodily inspection with various tools, fingerprinting when you enter other countries are subjects which show themselves in these patterns. It is essential to identify the individual's privacy and their property rights as human rights and their civil and political rights. This important issue has encountered some problems and difficulties. The acceptance of other's privacy that even the government is not allowed to break into and the defining and recognition of this right by the government and punishing those who violate these privacy without any reasons are some of the factors that are relevant to these issues and problems concerning the ownership, its territory and nature.

First chapter: The concept and the theoretical bases of ownership and civil liability

1. Concept and definition of civil liability

The domain of civil liability issue has recently been developed so much that has gone beyond the individual rights and has devoted itself to the public and international rights. And in the past the principle of freedom was the center of all relations. If the civil liability is not considered as the center for social relations today but it is at least a staunch competitor to the principle of freedom contracts so, maybe the current right center can be recognized as the civil liability.

2. The definition of civil liability

The responsible means "a must do work that must be done and if not it should be responsible for that", responsible is derived from year to year and means question, request and query and it is a fake infinitive and the word 'Madani' is a relative adjective which means civil.

The civil liability has not been defined in law and only the article number one says: "whoever without legal permission, carelessly and deliberately puts in danger the lives, health, properties, freedom or dignity of others who have bestowed to them by the government is responsible to compensate."

3. The territory of civil liability

The territory of civil liability has gone under various changes since now. The civil liability was too much extended in the past and was consisted of numerous criminal responsibilities. And also much of what today is considered as civil liability was punishable in the past. With the development of communities and central governments and the necessity of maintaining the rights and freedom of the individuals against one another, it was vital to formulate regulations in order to avoid any individual revenge. And many of these acts will lose its individual credibility and because of bringing chaos to the social order it is considered as criminal offence and criminal prosecution will go the government's responsibilities and the government will prosecute the case. Members of the government have the right of applying penalties and the losers have the right to prosecute to achieve their rights and so the territory of civil liability is limited to compensation not punishment. The progress of industry and making diverse risks arising from industrial products are added to the responsibilities themselves therefore it should not be thought that such liability arising from faults should be criticized. Today, the territory of civil liability including compulsory and contractual supervision is not

limited to compensate the loss and it includes the return of the same things and the benefits and privileges of the exchanged things and other things. And whatever that has not a place in law and contractual responsibilities to guarantee its responsibility can be discussed out of this contract or its supervision.

4. The concept of ownership

The word ownership means to be the owner of the property and the right that the human being have on something and have the authority of managing it in any way except what is law exception.

One of the lawyers of our country regarding the ownership says: "ownership is the most important objective right that human beings have and it is consisted of the relationship between the person and the object he possesses, and ownership is the absolute and exclusive right of owner."

According to what he is saying ownership is an absolute right of the owner that allows him to manage it in whatever way he likes unless what is not the exception to the rule of law and it is called Taslit law in Islamic jurisprudence and this has been proved in Qodsi Hadith that all people have the right of ownership. To be the ownership of something has been restricted according to various laws including the Article forty of the Constitution which does not allow exercising the right of

ownership of properties that are detrimental to others or public interests. In fact, this rule is referring to the loss law that is limiting the Tallit law.

Article forty seven of the Constitution requires that “the personal property that is owned legally is respectful and its conditions are specified by the law.” On this Article the respect for legitimate laws about common ownership has been entrusted. So, it must be said that the right of being the ownership of something is legal when it is not opposed to the Constitution. The purpose of being the exclusive ownership of something means that you have the right to benefit from your property and prevent it from others even though it had no changes to your property in case of using it.

In Iran’s civil law, according to the jurisprudence of Islam and based on the Taslit law the effect of the property on the one hand is positive and on the other hand is negative. The owner has the right of his property and no one can take his property away from him. Thirty and thirty one materials of the civil law are related to this issue. It is worth noting that his ownership of the individual property will be restricted if he has a conflict with other’s right or social rights and according to the so-called jurisdiction if the Tallit law has conflict with loss law, its territory will be restricted.

For example, if someone wants to use his property and that cause annoyance for his neighbors that ownership is forbidden. Obviously, this ownership in case of having no emergency is in the domain of the personal property but according to the conflict of its right with others this right will be restricted and also if the public plans is in conflict with the reign of individual rights, the social rights supersede the individual right, too. For instance, if the government wants to provide water supply or electricity supply for an area, it will to obtain their owners of that area’s consent first of all and if not the government has no choice but to interfere and take that area for the sake of social welfare.

So, according to the aforementioned content, ownership is the most essential objective right and he has the right to manage it as far as the law gives him such a right. There is no doubt that if he has such a right he must also take care of some responsibilities in case of having conflict with other’s rights. In this article we will clarify the proper principles and foundations of such responsibilities but now we are much aware about the concept of ownership. Let’s explore the ownership and its bases and types.

5. Components of civil liability

Civil liability usually is as a result of recklessness and precautions of others but

even if there is no recklessness and precautions, the loss responsibility still exists. There are three essential elements to realize this responsibility:

- A. The existence of loss
- B. The harmful act
- C. The causality relationship

We will express each of these pillars in this article but it is necessary to say that for a responsibility there's should be all of these three aforementioned pillars and no responsibility if we lack one of them.

Section one: The existence of losses

In the domain of civil liability, it is not required to compensate any losses. Persons as the members of human community are exposed to various deeds and people's behaviors and consequently may suffer from some losses but not all of these losses bring about responsibility. Most of the damage is a prerequisite for social life and they close the eyes on them. So, when someone's deeds do not violate others rights the government will not sue him and in this situation the compensation will remain unchanged. As the result, the civil liability will sue any loss or damage that is illegitimate and non-standard. In addition to the illegitimacy, the other feature like being sure of and not being compensated should be taken into account. So we cannot sue others because of a possible

damage or loss in future and make profit out of that.

Other feature of losses is that it should be repairable. If the losers (those legitimate ones) have the all the proper features, the seizure of immovable property must compensate all the damages no matter it is a financial loss or physical one.

Not only the lives and physical losses are respected but also the wealth and financial losses are worthy and respected and any damage to each of them can be sued and compensation can be sought. That is to say the loser can sue for any physical losses and ignore the financial ones or vice versa. This comment is not only compatible with the principle of the necessity of compensating for losses and but also with the seizure's responsibility and duty against those who break into a place legitimately according to the materials of 342 and 360 because compensation and blood money is also considered in this case.

The loser can demand compensation for the loss whether it is financial or spiritual but it has some conditions which we will provide some explanation for each of them.

- A. The certainty of harm

The Article 728 of old civil procedure law says: "the court rules orders paying damage when the loser rightly claims that he suffered

damage. In other words, the court will not convict someone unless some actions hurt him. The reason of establishing such conditions is that the rules of the civil liability seek not to issue punishment on the possible and uncertain damage". Since issuing of possible compensation may have two unfair results: firstly, the condemned person must compensate losses for whatever he has never harmed others. Secondly, he must also pay some assets. It is not right to conclude that the possible damage is not repairable but if the possibility of damage is too high the court has no way just to issue for compensation. If the immanent chance of damage is too high, the court will take it into account. For this reason, according to new developed concept of "the certainty of harm", we can accept that the imminent damage is the same as the undisputed compensation indeed.

B. Being a direct loss

The second requirement of claiming damage is the directedness of damage without any interference. The directedness means that nothing should be occurred between the doer and the loser in a way the people directly say that harm is as the result of that action.

The article 728 of the old civil procedure law clearly expresses that the damage must necessarily be dealt without any intervention. Although this Article in its responsibility and

obligation is contractual but the damage considered in contractual responsibility is not too much different from the features of damage in civil liability. This Article expresses: for the above Article, the court issues compensation if someone claims that he suffered damages and it was done directly as the result of failure to perform the obligation, delay or surrender of wrong doer.

The French lawyers have exemplified to illustrate the situation and since it is well-known it is brought in here: if a cow seller sells an infected cow to a farmer or a cattleman and as a result other cows become infected with the disease and die and thus the purchaser fails to meet his commitment to deliver milk to the factories and plow the his field and this causes him lots of losses, these losses cannot be compensated from the infected cow seller.

The simplest and shortest answer for dying of all cows is the infected cow seller on the one hand, and on the other hand we can see causality between the infected cow and hidden disease. Therefore, the infected cow seller has no obligation to the field plowing or the lack of cattleman or farmer's commitment against recklessness and carelessness of the purchaser and the quality of the contracts between the seller and purchaser.

c. The losses should not be compensated before

The general rule is that no one's deeds should be detrimental to others and if there is he should compensate for that. On the other hand, the loser should not impose more than his right. Because of this, in civil liability it is essential to compensate in case it has not been compensated before. And the main goal here is to restore the status of losses to its earlier condition.

In any case, when a loss is compensated it cannot be demanded for compensation again. In confirmation of the same principle, the loser is not allowed to ask for more demands rather than what is law has assigned for it. For this reason, if the loss is compensated by one of two or three persons who are supposed to pay for that loss, the loser cannot ask for compensation from other two or three persons.

Civil law article 319 says: "If the owner takes back all of or part of his properties from one of the usurpers, he is not allowed to demand the same things from other usurper's partners. Although this has been clearly mentioned in this article and there is not any doubt about it and it is logical and intellectual principle, it is not always easy to implement such law and it is too difficult to find out the nature of the

money which has been lost or the compensation has been done or not."

Section two: The harmful act

In civil liability, every loss does not necessarily bring about responsibility unless it is caused by illegitimate act or done against law. In fact, in civil liability the focus is more on the harmful act than to the losses which is caused by the harmful acts. As the result, if the doer of some harmful act does it legally and according to the social benefits, there is no need to compensate those harmful acts. In this case, giving legal authority is essential to eliminate the doer's responsibility. Some of the factors that cause elimination of the doer's responsibilities are as follow: a legitimate defense, the law's authority, the implementation of the right, the consent of the loser and so on.

Section three: The causality relationship

The third requirement of civil liability is the causality relationship between the act, doer of the act and the loss. The loser cannot claim any loss or harmful act unless he proves the relation between the harmful act and what is called the act.

In cases where the fault conditions do not bring about responsibility the causality will be more important and to prove it is more difficult because the fault is considered one of the pillars of responsibility when it is done

carelessly by the person but when this element is not effective in limiting to bring about the losses, the magistrate should find the main reason among other conditions and causes. Since some of the researchers could not find any solution, this investigation has been considered a difficult work to do. When the loss is caused just by only one factor, finding a causality relationship is not too difficult. For example, if a careless driver hits a passerby and kills him afterwards, there for no doubt will be a causality relationship between the accident and the driver's fault. But it is difficult if there are other factors, for example, when a passerby is hit by a car but die in the hospital because of using non-antiseptic surgical instruments. So, if the factors of the accident are many, who or what are the possible responsible are difficult to find out. The lawyers have expressed some opinions in this field which are as follow: the theory of cause of immediacy or non-intruder, the theory of equality of causes, the theory of the leading cause in an act, the theory of cause of standard or original and the theory of cause of motion.

Here none of these theories are explained and as the result it must be expressed that the theory of cause of leading an act is accepted by Imamiyeh leaders. This theory expresses that if a loss is caused by few factors

happening at different times, a factor is responsible which affects sooner. For example (Article 364 of Islamic Penal Laws), if someone digs a well in a public street and then someone else puts a stone in front of it and because of that stone a passerby fell into the well, the responsible for falling the man into the well is whom who had put the stone unless the well digger had dug the well in order to harm others. It is worth noting that the judicial procedures in Iran is not crystal clear and in order to find out the earlier cause, all the matters should be taken into consideration and according to total number of records and circumstances it would be better for the judge to decide which factor was more involved in the accident.

Chapter 2: The items of civil liability of the owner and proprietor and the scope of their exemption

The items of civil liability of the owner and the proprietor

The owner or proprietor may suffer harm in various forms and he is responsible for any harm. This person is the one whose property has been occupied by others (in chapter one, these people are called comers). This harm may be as the result of a building's defects or the dangers of a ruined old house or a repairing house when he is walking around.

This chapter deals with the exemption of any compensation to the owner and proprietor.

In this topic, we have decided to explain the owner and proprietor's civil liabilities and for this reason we provided you some explanation about civil liability of the owner and proprietor to the comers and now in this topic we have decided to explain about owner and proprietor's responsibility to the people out of their properties.

1. The owner and proprietor's responsibility to the enterers

People's deeds and acts are divided into two: the positive deeds and the negative deeds. Whenever a person does an act unlawfully or not normally, he can be easily responsible for that even though he has not done something against the law.

As we know, the possessor (whether he is the real owner or not) is a person who can let others enter in his properties under his possession or ban them from entering it. Maybe it is said the enterers (authorized or unauthorized ones) have accepted the immovable property and entered it and imposing the tasks on the possessor only is against the individual rights. Since the authorized enterers have not a thorough knowledge about the property which they have entered, the possessor has some

responsibility in order to prevent any possible damage or harm to them.

And about the unauthorized enterers, the possessor also has some responsibility and in positive deeds and acts he does not have unlimited freedom. The possessor who is responsible for the immovable property should try not to shoulder this responsibility. And if it is so, he should know all the about the rules and conditions of this responsibility.

Therefore, it is essential that the possessor knows all about the general duties and the possible dangers or damages of the immovable property might have and then we will explain the possessor's responsibilities for the authorized enterers respectively such as the building's defects, the harmful things on the ground and the possible dangers of things or animals on the place.

Section one: The general duties

The incidence of cases of damage within the scope of immovable property is predictable and the possessor's responsibility to avoid all damages. And also the responsibilities of the authorized and unauthorized enterers are not the same and each of them will be explained separately here.

2. Have a duty to the authorized enterers

The legal right to enter a property or according to the contract others have made earlier or the possessor who invites others or

lets them entering a place, all should be treated with caution. The general duties of the possessor against the authorized enterers are discussed in three sections here:

A. The duty to take care of the immovable property's condition

B. The duty to observe caution with positive deeds

C. The necessity of warning and providing appropriate knowledge to enterers

Section one: The duty to take care of the immovable property's condition

The authorized enterers enter the possessor's property based on the possessor's ordinary and reasonable behavior. They also are not aware of the conditions of the immovable property or if they know about it their information is insufficient. For this reason, the possessor should not deny any responsibility for the enterers' damages or harm in the property. The possessors' duties whether they are the owner or not are assigned according to the general principles and in this regard, there is a general task that the possessors have responsibility for the authorized enterers. Therefore, according to the Article 952 and 953 of civil law, the possessors have this responsibility and they must not reject this responsibility.

Section two: The duty to observe caution with positive deeds

In accordance with the governing of the general principles in civil liability, the possessor should take care about the dangerous conditions of the immovable properties and also they should take care of all the positive deeds and acts taken place in their properties. In the case of positive deeds of the possessors it is seemed to be that the dispute is about "their duties about the possession" or "personal duties" because in any case the responsibility here is on the causality relationship and the general principles of the civil liability. But much thought should be given to the good deeds done by others who have entered in one's property and brought about harms and damages to that property and finding out the possessor's duties are difficult to realize.

Section three: The necessity of warning and providing appropriate knowledge to enterers

The question here is that if the possessors have given enough warning to the enterers, will the possessors' responsibility for any possible harm to the enterers be avoided? In this discussion (the general responsibility of the possessor), whenever the possessor cannot modify a dangerous financial condition of the immovable property, it is the possessor's responsibility to adequately warn the authorized enterers and therefore, he does so, there will be no responsibility upon his

shoulder anymore. In addition to what has been said earlier, in various rules the necessity of taking into account the dangerous condition in immovable properties has been mentioned, for instance, it has come in Material 18 concerning protective regulation of well digging manually adopted by the Supreme Council of technical protection in 21/6/64 and also Material 342 of the Islamic Penal Code in 1370. It expresses that the responsibility is on the possessor's shoulder to inform the authorized enterer of any possible harm and by doing so he will not have any responsibility anymore.

The question after reviewing the necessary warning giving by the possessor to the enterer is this: if the possessors warn the enterers of any possible harm, will it suffice for the possessor to take no further action in providing more warning to the enterers or the possessors should also provide some other conditions? In our law, the definition of a specific warning has not appropriately stated. Some of the legal writers believe that these warnings and announcements are not sufficient and to have a better impact, it must have some other conditions like: 1. the effectiveness of the warning 2. The warning should be given the loser 3. the loser should have necessary possible conditions to escape any harms. Therefore, it is not sufficient to

warn the enterers that for example this property has got some dangers in it or take care of yourselves or you might fall in this fall and so on and the possessors should immediately provide any information of any possible dangers to the enterers to avoid any harm to them.

3. The responsibility to the unauthorized enterers

Generally, any person who enters someone's property without any right or invitation, he has violated the law and in this circumstances, he is responsible for any possible harm and the possessor is not responsible anymore. This has clearly expressed in our country's laws in Material 9 of the Law of safety of roads and railways in 7/4/1349.

It expresses that the people are banned crossing the railway lines, entering the railway station's yard, buildings and technical facilities except the railway platforms, and if there any possible harms, the Iranian Railway Stations will not have any responsibility in this regard.

Section one: The possessors have no duty if they are not aware of any enterers (right now or in future)

In accordance with the general principles of law, the possessors whether they are the owners or not have the right of the property and any restrictions here need to be

announced by the legal authorities. So, if the enterers come in the possessors' property without any permission or invitation, or when the possessors even do not think of it, there will be no burden of responsibility on the possessors shoulders to the enterers and unauthorized enterers are responsible for any possible harms are dangers to them and they should protect themselves from any harms in immovable properties.

From what we can understand from legal principles and lawyers, there is not any significant difference between the awareness and unawareness of the possessors and they can also avoid even a simple warning to the enterers. So, if there is not an appropriate judicial procedure, we can refer to this part of Islamic Penal Code Article 342 which expresses that if the house owner is not aware, he will not be responsible for any possible harm. This example was given in order to maintain the social interest and to express that if the possessors do not have any responsibility, it is just when they are unaware of unauthorized enterers who may enter properties illegally right now or in future. Therefore, there is no difference for the possessors to shoulder the responsibility of given harm to the sane or insane people, the very young children or adult if they enter the possessors' properties illegally.

Section two: the possessors have duty if they have been informed of enterers (right now or in future)

In accordance with the principle of freedom and the private ownership of the owner or possessor, it is not right to say that the owner or the possessor is responsible for any possible harm to the unauthorized enterers and they themselves should be careful and try not enter a property forcibly. If the possessors are not aware of fact that the enterers have entered in their property illegally, they will not have any responsibility but they are aware of that, they cannot be indifferent to such an issue and they will be responsible to the social interests and human principles. In this recent case, the possessors can help the unauthorized enterers to have the least chance of harm if they use reasonable measures like warning, execution and any other reasonable measures and let them not enter in their property. To integrate the aforementioned principles of freedom and the ownership on the one hand and the social benefits and human principles on the other hand, it can be said that in cases like the property which is used by the unauthorized enterers, the possessors have duty to inform them of any possible harm and this responsibility is in accordance with the custom duty and the wise procedure of the society. Accordingly, the Article 342 of

Islamic Penal Code expresses that the possessors can deny any responsibility in case of not being aware of any harms to the enterers but if they are aware of them, they should do any reasonable measures in the wake of any possible dangers.

4. The responsibility of owners and possessors to the people outside of their premises

People outside of the premises are those who are in public or highway passages or adjacent property whether they are authorized to be there or not. The term "people outside of the premises" is the true counterpoint of the inside of the property.

This case is like the aforementioned responsibility that the possessors or owners had in some conditions, for this reason other unauthorized people, the owners of the adjacent premises and the possessor himself are responsible for the dangerous acts they do to the people of outside of their properties. The legal system of our country has also considered some conditions for the people to observe the civil liability like the Material 333 of the Civil Code and the Material 350 of the Islamic Penal Code. So, rather than the harassment and other cases of that invoke the existing rights, there are other cases which can be sued like given harms to others because of the building demolition and

whatever is in it and also the other harms caused by the other immovable properties like felling of trees. In our general rules, there is not any specific and independent regulation to clarify the responsibility of the immovable properties. The Material 323 is providing an example of harms to others and talks about a building which is ruined or some part of it is falling down. Therefore, the harms caused by other immovable property like the felling of trees outside of the premises not only have not been mentioned here but also the legislators have not paid attention to that too, for this reason these cases should in accordance with the provisions of the law.

Here we will discuss the issue of possessor's responsibility to people outside of the premises.

Section one: Obligation arising from a demolishing building

The responsibility of falling of a ruined building is considered a civil liability and it will be discussed here. Also, the issues like the building and its responsible and the conditions of realization of the liability and how to avoid any possible harm will be discussed here.

1. The responsibility for a demolished building according to the judicial theories

In the survey taken by Islamic judicial, they have named the term 'AlhaetAlmaeil' to

discuss the obligation arising from a demolished building. Of course there are different views concerning the responsibility for a demolishing building which they will be discussed here.

A. A juridical analysis on different scenarios of a building destruction

There are different scenarios regarding the fall of a building which they will be examined accordingly.

1. The first theory is the building which is built upright in one's own lawful property or in his possessions and incidentally it falls or tilted to the public places. In this case, the Imamiyeh jurists say the owner has not any responsibility because he has not done anything wrong. The Sunni jurists have the same belief in this case and believe the building owner has done his utmost in building construction without any negligence; so, he has not any responsibility for the building collapse.

2. The second theory is when someone constructs a building in other property without permission or in public places or in his property but tilted to others' property or public places and then this building falls and brings about some harms to others. All the Islamic jurists believe that this falling down is the constructor's responsibility because he was not allowed to construct a building in

other's property and this was a clear violation of law and there is no need to prove the holding and maintenance of a building.

3. The third theory is the building's wall which might have been built in owner's property and later by passing time it tilted and collapse and made some harms to others. There are many different viewpoints in this regard:

A. A group of scholars believe that in this case the owner is not responsible for any possible harm and he is free to rebuild or leave his building and nobody can force him to leave or rebuild his building

B. Some of the Islamic jurists believe that the owner is responsible but they say the owner not only should have the financial strength but also he should have some other conditions like informing the owner of his falling building and warning him in advance. This point of view has been attributed to the scholars of Maliki and Hanafi religion and many other Hanbali and Shafi'i scholars. In a survey which was done in this regard we see only Sheikh Tusi among Imamiyeh scholars has realized the responsibility and liability of this condition.

C. The majority of Imamiyeh scholars have reached a consensus on this idea that if the owner is quite aware of his risky and faulty construction and refuses to rebuild it so that it

might not harm others, he will be responsible for any possible damage or harm.

Now we will express the Islamic scholars' point of views and the responsibility arising from the destruction of a building in an important legal system.

2. Analysis of responsibility resulting from a building destruction in some important legal systems

In Rome, the owners were required to compensate just two types of objects and the ancient France laws followed the Roman's law and tried to identify the cause of destruction and then made it responsible for that. And in the recent France civil law by making the Material 1386, it has been tried to help the injured people have a good status and forced the owners to compensate if they had done the problem. But nowadays, the French are not in a good condition to ask for any compensation though according to the first paragraph of Material 1384, they can ask for compensation from other immovable properties like a slippery path, the falling cliffs and the falling trees and so on.

In previous civil law of Egypt, there were not any precise laws to recognize who were responsible for the building destruction but the Egyptian judges have put pressure on the building's guardian on the one hand and have eased the laws in favor of the injured people

on the other hand and by doing so their laws are much closer to the France's laws and right now in their new civil law, the guardian will be someone to blame if there is any possible damage or harm because of a building destruction.

In Lebanese law, there is a general rule called the responsibility arising from the movable and immovable properties which the building destruction will be included in this category. And if the owner can prove the harm was because of fault of the injured or so, he can reject any responsibility if not he will be responsible for any harm.

Although the laws concerning entering a property in UK have got a good discipline, the responsibility of outside of the premises is under the domination of Kaman laws. Lack of care of the building and building collapse on outside of its property will be considered as a disturbance. In our country Iran, the responsibility resulting from objects whether movable or immovable ones has not stated in laws but the legislators have taken notice of the responsibility of a building destruction.

In Article 333 of civil code, some of the legislators state the obligation arising from demolition of a building and of course, they emulate the French law and that was because of the silence of our Islamic resources. But as it seems it is not because of the silence of our

Islamic resources, since this has been significantly illustrated by Imamiyeh scholars. Anyhow, the obligation of the responsibility of a building destruction has been accepted in Article 333 of the civil code but the aforementioned Article does not have an exceptional sentence and tries to express the general rules in specific cases. The Article 350 of Islamic Penal Code has tried to be much closer to the concept of fault by adding 'the owner's wealth and strength' in fulfilling his responsibility.

CONCLUSION

Responsibility has always been full of adventures throughout the history. From the earlier time of society genesis, the foundation of the responsibility has developed. According to some lawyers, the thought of everyone's responsibility in contrast with his acts is as old as an ancient human life time. And with the formation of the regimes, the civil liability gradually separated from the criminal liability and then contractual liability form responsibility and special rules and regulations were given to each of them. In this process, the changes in civil liability have always attracted the scholars and thinkers.

The civil liability means commitment to compensate whether its origin is a juristic act or a juristic or law act. A juristic act will be a source of a responsibility, when someone

make a contract with another person and make a commitment to do something, and this is a contract duty which bring about responsibility if it is broken. Sometimes a law event will be the source of a responsibility and the person does not have any will or determination in doing so. All of the requirements which are out of this contract are the same as this. Sometimes the law put the responsibility or duty on the shoulder a person and this duty seem to be imposed on certain class in society. For this reason, the civil liability in general means to a commitment to compensate any harms to others whether its source is crime or semi-crime or contract or semi-contract or non-performance of the law or contract. As it mentioned earlier, the civil liability has got two branches: one contract and the other non-contract. To some people in the UK, the civil liability has got a general meaning.

The civil liability law is different from the contract laws and rules, laws to restore the former conditions, the rules of justice and criminal laws. The laws and rules of contracts support the contract's expectations, the laws to restore the former condition tries to inhibit other to be rich unfairly, the rules of fairness and justice are to guarantee that people behave and act properly in some circumstances and punish severely like the

death penalty and the government has got a central role in preventing others in doing so. It should also be noted that the government can consider many of the violations as a crime or civil liability if they bring about some harm to others. And the law of civil liability is to support people's interests in various forms like physical security, their properties, finances and reputations.

Civil liability of the property means any interference or intentional act in right of other's property. The common example of civil liability here is to break into someone else's property and to usurp other's movable property. The purpose to write this article is to review and analyze the responsibility arising from the usurpation of other's immovable property. In some countries, the event responsibility (or the pure one) is used for risky acts and they make contracts to act meticulously in order to avoid any negligence or wrongdoing because the harms might be irreparable in some cases like keeping wild animals, using the explosives, storing the radioactive materials. In some countries, the events liability (the pure one) is the same as the liability of exact rule and law's production and that is because of the fact that this will force the manufacturers to follow the safest plan. Also, it seems essential that all parties in this chain of trade carry out the highest level

of care in order to guarantee the products against any imperfections or shortcomings. And according to some relevant laws, in some jurisdictions the copyright infringement is considered a violation and is referred to event responsibility.

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