

(1)

**References**

1. Aron, R. (1984). *The Essential Stages of Thought in Sociology*, translation by Bagher Parham, Tehran: Teaching the Islamic Revolution. (in Persian)
2. Atwell, M. (2012), "Capital punishment", in: Miller, W. R. *The Social History of Crime and Punishment in America: A-De* (Vol. 1). Sage.
3. Dieter, R. (2008), "Methods of execution and their effect on the use of the death penalty in the United States", *Fordham Urb. LJ*, 35, 789-816.
4. Durkheim, E. (2013). *Two Laws of Criminal Evolution*, Translated by Hossein Gholami and Seyed Behman Khodadai, in: *The Encyclopedia of Criminal Sciences, Criminal Sciences (Proceedings)*, Second Book, under the supervision of Ali Hossein Najafi Abandabadi, Tehran: Mizan, pp. 1104-1127. (in Persian)
5. Ebrahimi, Sh. (2003). "Comparing Foucault and Weber's Views on Political Fields: Power, Discipline, Ethics," *Discourse Journal*, Vol. 7, Spring, pp. 142-155. (in Persian)
6. Foucault, M. (1996). "The Intellectual and the Power; A Conversation Between Michel Foucault and Gilles Deleuze in the Seventies," Translated by Hamid Azadanloo, *Political-Economic Journal*, October-October, pp. 109 and 110, pp. 64-68. (in Persian)
7. Foucault, M. (2010). *Subject and Power*, Translated by Niko Sarkhosh and Afshin Jahandideh. In: *Theater of Philosophy; Excerpts from Lectures, Briefs, Talks, and ... Michel Foucault*. Tehran: Nay. (in Persian)
8. Freund, J. (2004). *Max Weber's Sociology*, Translated by Abdolhossein Nik Gohar, Tehran: Totia. (in Persian)
9. Fulkerson, A. and Michael Suttmoeller, (2008), "Current issues involving lethal injection", *Criminal Justice Studies*, 21(4), 271-282.
10. Garland, D. (2016). *Punishment and Modern Society*, Translated by Nabiyaleh Gholami, Tehran: Mizan. (in Persian)
11. Garland, D. (1990), *Punishment and Modern Society: A Study in Social Theory*, University of Chicago Press.
12. Garland, D. (1991), "Sociological perspectives on punishment", *Crime and Justice*, 14, 115-165.
13. Garland, D. (2011), "Modes of Capital Punishment: The Death Penalty in Historical Perspective", *America's Death Penalty: Between Past and Present*.
14. Garland, D. (2016), "Why the Death Penalty is disappearing", In *Capital Punishment* (pp. 101-114). Routledge.
15. Gorgi Azandriani, A. Ghahremanzadeh, F. (1395). "The Study of Bureaucratic Authority Control in the Bureaucratic Relations, Policy and Effectiveness", *Public Law Research Quarterly*, Spring, p 50. pp. 9-34. (in Persian)
16. Hood, R; Howell, C. (2012). *The Death Penalty*, Translated by Faraz Shahla'i, , Tehran: Bayenne. (in Persian)
17. Javan Jafari, A. (2013). *Evolution of Sociology of Punishment: From Durkheim to Garland*, In: *The Encyclopedia of Criminal Sciences, Criminal Sciences (Proceedings)*, Second Book, under the supervision of Ali Hossein Najafi Abrandabadi, Tehran: Mizan. (in Persian)

18. Javan Jafari, A, Sadati, S. (2015). "The Concept of Power in Sociology of punishment", *Journal of Criminal Law Research*, Vol 11, Summer, pp. 9-38. (in Persian)
19. Khazaei, Y. Khazaei, Sh. (2019). "The Transformation of Executions in the Transition from the Qajar Period to the Constitutional and Pahlavi (from the Death of the Millennium to the Zero Delay)", *Iranian Journal of Historical Research, Islam*, Vol. 23, Fall and Winter, pp. 83-104. (in Persian)
20. Manouchehri, A. (1996). "The Principles of Max Weber's Critical Thought," *Journal of Political-Economic Information*, April and May, vol. 103 and 104. pp. 24-32. (in Persian)
21. Manouchehri, A. (2019). Introduction to: Weber, Max, *Economics and Society*, Translated by Abbas Manouchehri, Mehrdad Torabi Nejad and Mostafa Emadzadeh, Tehran: Samt. (in Persian)
22. Miller, P. (2003). *Subject, domination and Power*, Translated by Niko Sarkhosh and Afshin Jahandideh, Tehran: Nay. (in Persian)
23. Morrison, V. (2002). *Modernity, Prison and Social Solidarity*, in Roger Matthews and Peter Francis (editors), *Prisoners in the Third Millennium*, Translated by Leila Akbari, Tehran: The Way of Education. (in Persian)
24. Nazari, A. (2011). "Turning in the Concept of Power: The Fukuoka and Post-Fukuoka Imagination of Power," *Politics Magazine*. Volume 41. No. pp: 341-358. (in Persian)
25. Parsania, H, Yousefi, Z. (2016). "A Critical Study of Resistance in Michel Foucault's Thought", *Journal of Social Cultural Knowledge*, Vol. 7, Summer, pp. 47-72. (in Persian)
26. Pratt, J. (2002). *Punishment and Civilization, Penal Tolerance and Intolerance in Modern Society*, SAGE Publications.
27. Rahami, M. (2003). "The Evolution and Modification of Penalties in the Criminal Law System of the Islamic Republic of Iran", *Journal of Legal Thoughts*, vol 4, Fall, pp. 5-24. (in Persian)
28. Rostami Ghazani, O. (2019). Punishment in the socio-political theory of David Garland, in: *The Encyclopedia of Criminal Sciences, Fourth Book, Experimental Criminal Sciences*, by Ali Hossein Najafi Abrandabadi. Tehran: Mizan. Pp. 419-447. (in Persian)
29. Sadati, S. (2020). *Punishment and social control*. Tehran: Mizan. (in Persian)
30. Salehi Farsani, A; Haji Naseri, S. (2014). "A Critique of the Cultural Components of Modernity in the Writings of Weber, Lyotard, and Foucault," *Journal of Fundamental Westernism*, Fall and Winter, vol 2, pp. 85-104. (in Persian)
31. Shah, S. (2008), "How lethal injection reform constitutes impermissible research on prisoners", *Am. Crim. L. Rev.*, 45, 1101-1147.
32. Shamlu, B; Paknit, M. (2015). " Differentiation of penal policy in the light of positive paradigm and its confronting challenges", *Comparative Law Studies*, Spring and Summer, Vol. 1, pp. 201-226. (in Persian)

(2)

**References**

1. Arizon, Felipe and Semark, David, (2014) Maritime Letter of Indemnity, Informa Law.
2. Bools, Michael D. (1997) The bill of lading: A Document of Title to Goods an Anglo-American Comparison.
3. Bonassies, Pierre et Scapel, Christian, (2007) *Traité de droit Maritime*, L.G.D.J, Paris.
4. Clarke, Malcolm, *International Carriage of Goods by road, CMR*, Informa, 2009.
5. Clarke, Malcolm, Yates, David, *Contract of carriage by land and air*, Informa Law, 2<sup>nd</sup> edition, 2014.
6. Fakhari, Amir Hosein and Mofidian, Sharare, (2008). the Comparative study of the Consignee's reserve in contracts of carriage, *Iranian Review of politics and Law*, vol. 10 (in Persian).
7. Gaskell, Nicholas, *Bill of Lading: Law and Contracts*, 2000.
8. Giermann, Heiko, the Evidentiary value of Bill of lading and estoppel, Transaction Publishers, 2004.
9. Goldhirsch, Lawrence, the Warsaw Convention annotated: A Legal Handbook, Kluwer Law International, The Netherlands, 2000.
10. Guillien, Raymond, et Vincent, Jean, *Lexique de termes Juridiques*, Dalloz, 5th edition, 1981
11. Hoseini, Heshmat, the legal System of Bill of Ladings under Iranian Law, *Zabankade Pardis Publication*, 2010, (in persian).
12. Loewe, Roland, commentary on the Contract for the International Carriage of Goods by Road (CMR) ETL, 1976.
13. Mc Nair, William Lennox and others, *Scrutton on charter parties and bills of lading*, Sweet & Maxwell, 1964.
14. Pejović, Časlav, (2015) Clean Bill of Lading in Contract of Carriage and Documentary Credit: When Clean May not be Clean, *Penn. State Journal of Law & International Affairs*, Vol.4.
15. Rodière, René, *Traité Général de Droit Maritime, Affrètement & Transports*, Tome II, Paris, 170.
16. Pineau, Jean, (1986) *le Contrat de Transport, Terrestre, Maritime, aérien*, Les Editions Thémis.
17. Schmitthoff, Clive M, *International trade law*, translated by Akhlaghi, Behrouz and others, 2<sup>nd</sup> Vol, Samt Publication, 1999 (in Persian).
18. Sornchai, Sirariyakul, Consequences of a Reservation in the Bill of Lading, Dissertation for Master of law in IMO Maritime law institute, Malta Republic, Academic year 2001-2002.
19. Treitel, Guenter and Reynolds F.M.B, *Carver on Bills of Lading*, Sweet & Maxwell, 2011.
20. UNCTAD, (1991) *The UNCTAD Report on the Economic and Commercial Implications of the Entry into Force of the Hamburg Rules and the Multimodal Transport Convention*.
21. Wilson, John F. (2010) *Carriage of Goods by Sea*, Pearson Education Limited.

(3)

**References**

1. Ahmadpour, A; Rasaaian, A (2007), "Effect of Information Asymmetry on Bid Price" Journal of Faculty of Humanities, Semnan University, No. 17, pp. 29 – 64, (in Persian)
2. Ahmadvand, M.R; Salari, A.(2015), Reviewing and Comparing the Experiences of Improving Credit Indicator in MENA and Iran ", Economic Journal, Fifteenth Year, October & November, Nos. 7 & 8, pp. 59 - 80 , (in Persian)
3. Azhar, S.A.(2017) Appropriate Legal Infrastructures for Empowering Small and Medium Businesses ", Studies in Political Science, Law and Jurisprudence, Volume 3, Number 1, Spring, pp. 248 - 261, (in Persian)
4. Amjadi, k, Shafei, a(2017) "The Impact of Information and Communication Technology on the Indicators of Business Environment of Countries (Mechanism for Improving Productivity)", Productivity Management, No. 41, Summer, pp. 203 - 224, (in Persian)
5. Asongu, Simplice A; Odhiambo, Nicholas M.(2018). "Information Asymmetry, Financialisation and Financial Access", African Governance and Development Institute ,January, available at :
6. [https://www.researchgate.net/publication/325216513\\_Information\\_Asymmetry\\_Financialisation\\_and\\_Financial\\_Access](https://www.researchgate.net/publication/325216513_Information_Asymmetry_Financialisation_and_Financial_Access), last visited:2020/2/3
7. Baker, Tom (2003). "Containing the Promise of Insurance: Adverse Selection and Risk Classification", University of Connecticut School of Law Articles and Working Papers. Paper 3.
8. Berrndt, antje and Gupta, anurag (2009) Moral Hazard and Adverse Selection in the Originate-to-Distribute Model of Bank Credit, Journal of Monetary Economics, Volume 56, Issue 5, July, pp 725-743
9. Berger, Andrea; Barrera, Marisa ; Klien, Joyce(2003). Credit Scoring and Microenterprise lenders, Washangton DC: Microenterprise Fund for Innovation, Effectiveness, Learning and Dissemination The Aspen Institute One Dupont Circle
10. Calomiris, Charles; Larrain, Mauricio; Liberti, José; Sturgess, Jason (2017). "How Collateral Laws Shape Lending and Sectoral Activity." Journal of Financial Economics 123 (1), pp. 163–188.
11. Clarkson, Gavin (2008). "Wall Street Indians: Information Asymmetry and Barriers to Tribal Capital Market Access", 12 Lewis & Clark L. Rew943
12. Eifert, Benjamin P. (2009), "Do Regulatory Reforms Stimulate Investment and Growth?," Center for Global Development Working Paper 159, January
13. Elkhoury, Marwan (2008), " Credit Rating Agencies And Their Political Impact on Developing Countries, January, UNCTAD/OSG/DP/2008/1
14. Ferretti, Federico(2008). The Law and Consumer Credit Information in the European Community, London: Cavendish
15. Fallahzadeh, Ali Mohammad; Ebrahimi, Mahmoud; Afshar, Sajjad (2016). "Economic Credit Rating from the Perspective of Public Law", Judicial Law Perspectives, Spring and Summer, Nos. 73 and 74, pp. 104-128

16. Ghadami, Maryam (2018). "The Role of Registration in Improving the Business Environment", *Studies in Political Science, Law and Jurisprudence*, Volume 4, Number 1/2, Spring, pp. 150 – 168, (in Persian)
17. Hashemi, Abbas; Sadeghi, Mohsen (2011). "The Relationship between Information Asymmetry and Investment in Capital Assets", *Financial Accounting and Auditing Research*, No. 9, Spring, pp. 49 – 68, (in Persian)
18. Hosseinzadeh Bahraini, M.; Falahi, M. A.; Erfani Jahanshahi, F (2012). "The Impact of Business Regulation on Economic Growth", *Journal of Regional Economics and Development*, Nineteenth Year, No. 3, Spring and Summer, pp. 101-121, (in Persian)
19. Heidari Sorshjani, M; Mohammadi, P (2015). "Information Asymmetry in Venture Capital: A Reflection on Corporate and Mudarabah", *Islamic Economics*, vol. 58, Summer, pp. 173- 158, (in Persian)
20. Hanusch, Marek (2012). "The Doing Business Indicators, Economic Growth and Regulatory Reform Policy ", *World Bank Research Paper* No. 6176
21. Hirofumi, UCHIDA; Iichiro, UESUGI; Hiromichi, IWAKI(2017). "Adverse Selection versus Moral Hazard in Financial Contracting: Evidence from collateralized and non-collateralized loans Institute of Economy", *Trade and Industry Discussion Paper Series 17-E-058* March, available at: <https://ideas.repec.org/p/eti/dpaper/17058.html>, last visited 2020/2/3
22. Jalali, M; sharif. M.A; Fasihzadeh,A.Jalali, M(2017) "Comparative Study of Human Mistakes or Technical Errors in Debt-Based Payments in Iranian and American Laws", *Comparative Law Studies*, Volume 8, Number 2, Fall and Winter, pp. 545- 568, (in Persian)
23. Jalili, Mohammad (2008), *Comprehensive Credit Rating System*, Ch 1, Tehran: Termeh Publications, (in Persian)
24. Jomezadeh Bahabadi,Kh.; Maleki, M. (2017). "Analyzing the Legal Aspects of Credit Reporting Institutions in Iran", *Free Legal Research*, No. 38, Winter, pp. 57 – 93, (in Persian)
25. Khazri, M (2010). "The Perspective of the Business Environment in the Fifth Development Plan Bill of the Country", *Strategic Studies*, Year 13, Issue 2, No. 48, Summer, pp. 89-112, (in Persian)
26. Karami, Sakineh (2016). "Bargaining Power Inequality as a Basis for Contract Control", *Comparative Law Studies*, Volume 7, Issue 2, Fall and Winter, pp693-723, (in Persian)
27. Kiomarsi, Massoud (2010). "Twenty-Step Improvement of Credit Indicators in the Doing Business Indicators ", *Economics News*, No. 129, pp. 147-150, (in Persian)
28. Li, Shuai; Yanga, Yang;Zongfanga, Zhou( 2014). "Research on Impact of Moral Hazard on Individual Credit Risk", *Procedia Computer Science*, Vol. 31, pp. 577 – 586
29. Lin, Devin S.(2018. *Regulating Information Asymmetry in Residential Real Estate Market*, New York: Routledge
30. Nakai, Fariba; Khoshnoodi Abdullah; Dashtian, Majid (2015). "Assessing the Impact of Improving the Quality of Labor, Credit and Business Regulations on Economic Growth (A Study of Some Developing and Developed Countries with

- Emphasis on Iran)", *Journal of Economic Progress Policy*, No. 9, Winter, (in Persian)
31. Nasiri Aghdam, Ali Hosseini, Mohammad Reza Ghudjani, Aslan (2013). *Economic and Legal Basis of Credit Rating*, Ch. I, Tehran: Parliament Research Center, (in Persian)
  32. Nasiri Aghdam, Ali; Mortazavi Far, Zeinab (1396). "The Implications of Institutional Economics for Improving the Business Environment", *Economic Journal*, No. 64, Spring, pp. 33 - 55, (in Persian)
  33. Olegario, Rowena (2006). *A Culture of Credit: embedding trust and transparency in American business*, London: Harvard University Press
  34. Olegario, Rowena(2001), "Credit reporting agency: Their Historical Roots, Current Status, and Role in Market Development", *University of Michigan, Business School*, no. 1
  35. Omidakhgar, m; Shanazari. N(2015), "Assesement of the relation between the quality of Credit rating and Information asymmetry in different Risk conditions and the instectors wishes, *Knowledge of financial accounting*, pp.129-147, (in Persian)
  36. Pei, Zhi, Yan, Ruiliang (2019). "Cooperative behavior and information sharing in the e-commerce age", *Industrial Marketing Management*, Volume 76, January, pp. 12-2
  37. Samuelson, Pamela(2000). "Privacy as Intellectual Property?" *Stanford Law Review*, 52(5)
  38. Shokouhi, Majid (2013). "A Look at the Status of Credit Rating Centers in Europe", *Journal of Electronic Banking*, Fifth Year, No. 41 , (in Persian)
  39. Shahbazi Ghiasi, Musa (2014). *Ways to Improve Iran's Ranking in the World Bank's Doing Business Report – Getting Credit*, Islamic Consultative Research Center, (in Persian)
  40. Tabatabaei Nejad, Seyed Mohammad Bagheri, Mahmoud; Farokhani, Hedayat (2017). "Information Asymmetry in Banking Law (Case Study: Trade Union Facilities)" *Journal of Private Law Studies*, Vol. 47, No. 1, Spring, pp. 49 – 64, (in Persian)
  41. Tayebnia, Ali; Ghorbani, Poria (2012). "Analyzing and Testing the Role of Law and Credit Information Sharing in Financial Development", *Economic Research and Policies*, No. 62, Summer, pp. 5-22, (in Persian)
  42. Tayebi, Seyyed Kamil; Abasloo, Yasser (2009). "Bank Credits and Other Economic Determinants of Business Environment in Iran", *Monetary and Banking Research*, No. 1, Summer and Autumn, pp. 57 – 78, (in Persian)
  43. Yaghoubi, Ali (2013). "The Information Economy and its Role in the Global Economy", *Media*, No. 91, Summer, pp. 71 – 86, (in Persian)
  44. Yousefi Sadeghlou, Ahmad; Student, Hamed (2016). "Challenges and Shortcomings of Fighting Money Laundering in Iranian Law", *Private and Criminal Law Research*, No. 29, Fall, pp. 53 - 72, (in Persian)
  45. Wen, Jian; Chen, K.C.; Wu, Lifan (2015). "Empirical Study of Adverse Selection and Moral Hazard in the Property and Liability Reinsurance Market", *Journal of Finance and Accountancy*, Vol. 19, March, pp.1-22

46. World Bank(2020). Doing Business 2020, Available at <https://www.doingbusiness.org/en/reports/global-reports/doing-business-2020> last visited: 2020/2/1
47. World Bank(2019). Doing Business 2019, Available at: <https://www.doingbusiness.org/en/reports/global-reports/doing-business-2019>, last visited:2020/2/1
48. World Bank(2020), Economy Profile Iran- Islamic Rep. Doing Business 2020, available at: <https://www.doingbusiness.org/content/dam/doingBusiness/country/i/iran/IRN.pdf>, last visited: 2020/1/25
49. World Bank (2011), Doing Business 2011, Available at: <https://www.doingbusiness.org/content/dam/doingBusiness/media/Annual-Reports/English/DB11-FullReport.pdf>, last visited: 2020/2/7
50. World Bank and International Finance Corporation (2007). Business Environment in 2006, Translated by Jafar Kheirkhahan, Ch 1, Tehran: Parliament Research Center, (in Persian)
51. Zarei, Jaleh (1396). "Assessing the Business Environment in the Country", Economics News, No. 151, September, pp. 147-137, (in Persian)

(4)

**References****A) Persian References****Books**

1. Ziyayi Bigdeli, Mohammad Reza (1394). Public International Law, 51th publication, Tehran: Ganj-e-Danesh Publication.
2. Cappelletti, Mauro, Garth, Bryant G (1389). Civil Procedure Law, Translated by Hasan Mohseni, first publication, Tehran: Sherkat-e- Sahami Enteshar.

**Articles**

3. Sadat Akhavi, Seyyed Ali, Hosseini Akbar Nejad, Hooriyeh (1388). "Extraterritorial application of the European Convention on Human Rights in procedure of the European Court of Human Rights", Quarterly of Law, Journal of Law & Political Science, 39th Term, No. 4, pp. 233-256.
4. Shariat Bagheri, Mohamamd Javad (1390). "Supremacy of International Treaties on ordinary regulations", Legal research review, 14th Term, No. 147, pp. 305 – 279.
5. Falsafi, Hedayatollah (1383). "Implementation of International regulations", Legal research, No. 13-14, pp. 29-98.
6. Vije, Mohamamdreza (1373). "The Concept of Positive Commitments in the procedure of European Court of Human Rights", Journal of Theology and Law, No. 13, pp. 130-109.

**B) Foreign References****Books**

7. Arghir, Andreea, Stănciulescu, Alina M., (2012). Romania in L. Hammer & F. Emmert (eds.), The European Convention on Human Rights and Fundamental Freedoms in Central and Eastern Europe, The Hague: Eleven International Publishing, pp.389-600.
8. Bradley, Anthony W., Ewing, Keith D., (2007). Constitutional and Administrative Law, London: Pearson Longman.
9. Buyse, Antoine, Hamilton, Michael, (2011). Transnational Jurisprudence and the ECHR: Justice, Politics and Rights, Cambridge: Cambridge University Press.
10. Christoffersen, Jonas, (2009). Fair Balance: Proportionality, Subsidiarity and Primarity in the European Convention on Human Rights, Leiden: Martinus Nijhoff.
11. Christoffersen, Jonas, Rask Madsen, Mikael, (2011). The European Court of Human Rights between Law and Politics, New York: Oxford University Press.
12. Ferreres Comella, Victor, (2006) El juez nacional ante los derechos fundamentales europeos. Algunas reflexiones en torno a la idea de dialogo, in A. Saiz Arnaiz and M. Zelaia Garagarza (eds.), Integracion Europea y Poder Judicial, Bilbao: Instituto Vasco de Administraciones Publicas.
13. Grewe, Wilhelm G., (1996). La question de l'effect direct de la Convention et les resistences nationales, in P. Tavernier (eds.), Qullu Europe pour les droits de l'homme?, Bruxelles: Établissements Emile Bruylant.



14. Hammer, Leonard, Emmert, Frank, (2012). *The European Convention on Human Rights and Fundamental Freedoms in Central and Eastern Europe*, The Hague: Eleven International Publishing.
15. Stone Sweet, Alec, (2009). *On the Constitutionalisation of the Convention: The European Court of Human Rights as a Constitutional Court*, Yale Law School, Faculty Scholarship Series, 71.
16. Stone Sweet, Alec, Keller, Helen, (2008). *Assessing the Impact of the ECHR on National Legal Systems*, Yale Law School, Faculty Scholarship Series, 88.

#### Articles

17. Cameron, Iain, (1999). "The Swedish Experience of the European Convention on Human Rights Since Incorporation", *The International and Comparative Law Quarterly*, Vol. 48, No.1, pp.20-56.
18. Candela Soriano, Mercedes, (2008). "The Reception Process in Spain and Italy", in: H. Keller and A. Stone Sweet (eds.), *A Europe of Rights: The Impact of the ECHR on National Legal System*, New York: Oxford University Press, pp. 393-450.
19. De Wet, Erika, (2008). "The Reception Process in Netherlands and Belgium", in H. Keller and A. Stone Sweet (eds.), *A Europe of Rights: The Impact of the ECHR on National Legal System*, New York: Oxford University Press, pp. 229-309.
20. Duffy, Patrick J., (1980). "English Law and the European Convention on Human Rights", *The International and Comparative Law Quarterly*, Vol. 29, No. 4, pp. 585-618.
21. Hartwig, Matthias, (2005). "Much Ado About Human Rights: The Federal Constitutional Court Confronts the European Court of Human Rights", *German Law Journal*, Vol. 06, No. 05, pp. 870-894.
22. Hoffmeister, Frank, (2006). "Germany: Status of European Convention on Human Rights in Domestic Law", *International Journal of Constitutional Law*, Vol. 4, No. 4, pp.722-731.
23. Jarukaitis, Irmantas, (2010). "Report on Estonia, Latvia and Lithuania", in G. Martinico and O. Pollicino (eds.), *The National Judicial Treatment of the ECHR and EU Law. A comparative Constitutional Perspective*, Groningen: Europa Law Publishing, pp. 167-204.
24. Mak, Elaine, (2011). "Why Dutch and UK Judges Cite Foreign Law?", *Cambridge Law Journal*, 70(2), pp. 420-450.
25. Martinico, Giuseppe, (2012). "Is the European Convention Going to be 'Supreme'? A Comparative-Constitutional Overview of ECHR and EU law before National Courts", *The European Journal of International Law*, Vol. 23, No. 2, pp.401-424.
26. Martinico, Giuseppe, Pollicino, Oreste, (2010). "Report on Italy", in G. Martinico and O. Pollicino (eds.), *The National Judicial Treatment of the ECHR and EU Laws: A Comparative Constitutional Perspective*, Groningen: Europa Law Publishing, pp.269-295.
27. Pavlovic, Dejan, (2011). "Serbia" in L. Hammer and F. Emmert (eds.), *The European Convention on Human Rights and Fundamental Freedoms in Central and Eastern Europe*, The Hague: Eleven International Publishing, page 496-497,

- 2012.; Buyse, Antoine, Hamilton, Michael, *Transnational Jurisprudence and the ECHR: Justice, Politics and Rights*.
28. Pollicino, Oreste, (2008). "Italy: Constitutional Court at the crossroads between constitutional parochialism and co-operative constitutionalism Judgments No. 348 and 349 of 22 and 24 October 2007", *European Law Review*, 4(2), pp.363-382.
29. Stone Sweet, Alec, (2012). "The European Convention on Human Rights and National Constitutional Reordering", *Yale Law School, Faculty Scholarship Series*, 4995, pp.1859-1868.
30. Stone Sweet, Alec, Keller, Helen, (2008). "The Reception of the ECHR in National Legal Orders", in H. Keller and A. Stone Sweet (eds.), *A Europe of Rights: The Impact of the ECHR on National Legal System*, New York: Oxford University Press, pp.3-28.
31. Thurnherr, Daniela, (2008). "The Reception Process in Austria and Switzerland", in H. Keller and A. Stone Sweet (eds.), *A Europe of Rights: The Impact of the ECHR on National Legal System*, New York: Oxford University Press, pp. 311-391.
32. Van Dijk, Pietter, (1989). 'Dutch Experience with European Convention in Domestic Law', in L.A. Rehof and C. Gulmann (eds.), *Human Right in 20*. Stone Sweet, Alec, (2009), "On the constitutionalisation of the convention: The European court of human rights as a constitutional court", *Yale Law School, Faculty Scholarship Series*, 71.
21. Stone Sweet, Alec, Keller, Helen, (2008). "Assessing the Impact of the ECHR on National Legal Systems", *Yale Law School, Faculty Scholarship Series*, 88.

### Reports

22. Council of Europe, (2020), Annual Report 2019 of the European Court of Human Rights. Retrieved from <https://echr.coe.int/pages/home.aspx?p=court/annualreports&c=>.

### Cases

23. Case of Doorson v. The Netherlands App. no. 20524/92 (1996).
24. Case of Gorgulu v. Germany App. no. 74969/01 (2004).
25. Case of Kostovski v. The Netherlands App. no. 11454/85 (1989).
26. Case of Von Hannover v. Germany App. no. 59320/00 (2004).
27. Constitutional Court of Latvia. Judgments of 29 Dec. 2004 (2004).
28. Constitutional Court of Latvia. Judgments of 11 Apr. 2006 (2006).
29. Constitutional Court of Latvia. Judgments of 28 May 2008 (2008).
30. Constitutional Court of Latvia. Judgments of 7 Jan. 2008 (2008).
31. Constitutional Court of Latvia. Judgments of 29 Oct. 2009 (2009).
32. Constitutional Court of Latvia. Judgments of 5 Nov. 2008 (2008).
33. Constitutional Court of Republic of Bulgaria. Case No. 6. (1998).
34. Constitutional Court of Spain. Pleno. Judgment 30/1991 (1991).
35. Corte Costituzionale, (Constitutional Court of Italy). JUDGMENT NO. 349 (2007).
36. Court of Appeal of Florence decision Nos. 570 (2005).
37. Court of Genoa 23 Nov. 2000 (2000).

38. Court of Pistoia 23 Mar. 2007 (2007).
39. Højesteret (The Supreme Court of Denmark). decisions U.1979.117/2H (1979).
40. Højesteret (The Supreme Court of Denmark). decisions U.1988.454H (1988).
41. Loizidou v. Turkey App. no. 15318/89 (1995).
42. REMEDIES AGAINST PUBLIC BODIES, A Scoping Report. (2006).  
Retrieved from  
[http://www.lawcom.gov.uk/app/uploads/2015/04/Remedies\\_Public\\_Bodies\\_Scoping.pdf](http://www.lawcom.gov.uk/app/uploads/2015/04/Remedies_Public_Bodies_Scoping.pdf).
43. Steve Thoburn v Sunderland City Council [2002] EWHC 195 (Admin) (September 2002).
44. Supreme Court of Estonia. JUDGMENT OF THE CONSTITUTIONAL REVIEW CHAMBER no. 3-4-1-2-01 (2001).
45. THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA. Judgment No. 2000-03-01 (200AD).
46. THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA. Judgment No. 2006-29-0103 (2003).
47. THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA. Judgment No. 2005 – 24 – 01 (2005).
48. The Högsta domstolen (Supreme Court of Sweden). NJA 1996 s. 668 (1996).

(5)

**References**

1. Amali, Zaid al-Din bin Ali (2006), *Al-Rawzah al-Bheyeh in explaining al-Ma'mah Damascus*, Qom: Quds Publication (in Arabic)
2. Ardebili, M.A.(2007), *General criminal Law, Vol.1, Seventeenth Edition*, Tehran: Mizan. (in Persian)
3. Ashworth, A. and Horder, J. (2013), *Principles of criminal law*, Oxford University Press
4. Bernsmann, K. (1996)." Private Self-Defence and Necessity in German Penal Law and in the Penal Law Proposal—Some Remarks", *Israel Law Review*, 30(1-2), 171-187
5. Borji, Y.A. (2006), *The Condition of Legitimate Self-Defense from Islamic Religions's Viewpoint*, *Journal of Islamic Philosophy and Philosophy Research*, No. 17, pp 3-20(in Persian)
6. Brown, R.M. (1991). *No duty to retreat: Violence and values in American History and society*, Oxford University Press on Demand
7. Chambiyati, H. (1995), *General criminal law*, first Edition, Tehran: Wistar
8. Chegni, M, Jalaluddin G., Meysam K. (2018), *A Comparative Study of the Possibility of Escape in Legitimate Defense in Iranian Criminal Law, France and Egypt*, *Journal of Social Sciences*, Volume 11, PP 645-631(in Persian)
9. Esfahani, F.H. (1995). *Discovering The ambiguities from rules of God's judgments*, Volume 11, first edition, Qom: Islamic Publication (in Arabic)
10. Fletcher, George P. (1998). *Basic concepts of criminal law*, Oxford University Press
11. Fletcher, George P (2000). *Rethinking criminal law*, Oxford University Press
12. Foster, M. (1767). *A Report of Some Proceedings on the Commission of Oyer and Terminer and Goal Delivery for the Trial of the Rebels in the Year 1746 in the County of Surry, and of Other Crown Cases. To which are added discourses upon a few branches of the Crown Law*, Sarah Cotter.
13. Hali, Hassan ibn Youssef Mazhar (Allameh) (1992), *The Rules of God's judgments in knowing of legitimate and non-legitimate orders*, First Edition, Qom: Institution of Islamic publishing (in Arabic)
14. Hawkins, W. (1824). *A Treatise of the Pleas of the Crown Or a System of the Principal Matters Relating to that Subject, Digested Under Proper Heads: In Two Volumes. Of courts of criminal jurisdiction and the modes of proceeding therein*, (Vol. 2), Sweet.
15. Ibn Qadama, Abdullah bin Ahmad (1995), *Al-Maqnaqa wit explanations*, Vol. 3, Third Edition, al-Salafiyah Publication(in Arabic)
16. Kadish, Sanford. H. (1976),"Respect for life and regard for rights in the criminal law" *Calif. L. Rev.*, 64, p871
17. Leverick, F. (2006). *Killing in Self-defence*, OUP Oxford
18. Mousavi Khomeini, S.R. (1998), *Tahrir al-Wasilah*, Qom: Institution of Islamic publishing (in Arabic)
19. Nazari Nejad, M.R. (2010), *duress and Necessity in Criminal Law, (comparative study)*", *Journal of Guilan University of Law*, Vol. 1, No. 1, pp137-156(in Persian)

20. Neyland, J.P. (2008). "A Man's Car Is His Castle: The Expansion of Texas Castle Doctrine Eliminating the Duty to Retreat in Areas outside the Home", *Baylor L. Rev.*, 60, p 719
21. Robinson, Paul. H (1975). "A theory of justification: societal harm as a prerequisite for criminal liability", *UCLA L. Rev.*, 23, 266
22. Robinson, Paul. H, Kussmaul, M. G., Stoddard, C. M., Rudyak, I., & Kuersten, A. (2015). "The American criminal code: General defenses", *Journal of Legal Analysis*, 7(1), pp37-150
23. Sabzevari, Seyyed Abd al-'Ali (1992), *Al-mohazab al-Ahkam in the explanation of legitimate and non-legitimate orders*, Volume 28, Qom: Al-Menar publication (in Arabic)
24. Sarikhani, A. (2016), *Emergency in Non-aggressive Legitimate Defense from the Perspective of Islamic and Western Jurisprudence*, *Comparative Journal of Islamic and Western Law*, vol.3, No.4, pp 99-124 (in Persian)
25. Shams Natri, Mohammad Ebrahim, Zare, Mohammad Kazem. (2018), *Recognizing the Concept of Legitimate Defense in the New Islamic Penal Code*, *Journal of Islamic Jurisprudence and Principles of Law*, No.1, pp125-145 (in Persian)
26. Wallace, L. (2014). "Castle Doctrine Legislation: Unintended Effects for Gun Ownership?" *Justice Policy Journal*, 11(2), pp1-17
27. Williams, G. (1982). "The theory of excuses", *Criminal Law Review*, (NOV), pp 732-742.

## (6)

**References**

1. Abdelmoumen, Nerda (2013). Hiérarchie et séparation des pouvoirs dans les sociétés anonymes de type classique, thèse de doctorat, Université Panthéon-Sorbonne Paris1.
2. Adeleye, Gabriel & Acquah-Dadzie, Kofi (1999). World Dictionary of Foreign Expressions: A Resource for Readers and Writers, Bolchazy-Carducci Publishers.
3. Allah Abadi, K. (1998), “The principle of independence of signatures and inopposability of exceptions in negotiable instrument”, *Judicial Law Views Quarterly*, No. 10&11, pp.7-26. (in Persian)
4. Amirmoezzi, A. (2009), *Representation in civil and commercial relations*, 1ed., Tehran: Dadgostar Publication. (in Persian)
5. Bastian, Daniel (1929). *Essai d'une théorie générale de l'inopposabilité*, Paris, Recueil Sirey.
6. Colin, Ambroise, Capitant, Henri et Julliot de La Morandière, Léon (1966). *Précis de droit civil*, T.2, 3<sup>ème</sup> éd., Paris, Dalloz.
7. Coquelet, Marie-Laure (2006). *Entreprises en difficulté, Instruments de paiement et de crédit*, Paris: Dalloz.
8. Cornu, Gérard (1992). *Vocabulaire juridique*, 3<sup>ème</sup> éd., Paris, Presses universitaires de France.
9. Dégni-Ségui, René (2003). *Droit administratif général*, V.2, 3<sup>ème</sup> éd., CEDA.
10. Delmas Saint-Hilaire, Philippe (2000). *Le tiers à l'acte juridique*, Paris, L.G.D.J.
11. Demogue, René (1933). *Traité des obligations en général*, T.7, Partie 2, Paris, Rousseau.
12. Duclos, José (1984). *L'opposabilité: essai d'une théorie générale*, Paris: Librairie générale de droit et de jurisprudence.
13. Falaise, Muriel (1997), *La sanction de l'acte irrégulier (distinction entre nullité et inopposabilité)*, *Petites affiches*, No103, pp.1-18. Govindjee, Avinash et al. (2007). *Fresh Perspectives: Commercial Law 2*, Pearson South Africa.
14. Flour, Jacques, Aubert, Jean-Luc et Savaux, Éric (2002). *Les obligations, l'acte juridique*, 2<sup>ème</sup> éd., Paris, Armand Colin et Delta.
15. Ghabouli Dorafshan, S.M.M. & Mohseni, S. (2012a). “Protecting creditors against contracts with the intention of escape from the payment of debts in Iranian and French law”, *Journal Encyclopedia of Economic Law*, Vol.19 No.1 pp. 119-147. (in Persian)
16. Ghabouli Dorafshan, S.M.M. & Mohseni, S. (2012b). *General theory of Nullity in contracts (comparative study in the legal system of Iran and France)*, Tehran: Jangal. (in Persian)
17. Izanloo, M. & Shariatinasab, S. (2012), “Comparative Study on “inopposability” in Iranian and French”, *Journal of Private Law*, Vol.9, No.2, pp.35-66. (in Persian)
18. Katouzian, N. (2000). *Civil Law, general rules of contracts*, vol. 2, 5ed, Tehran: Enteshar Co. (in Persian)
19. Kuprecht, Karolina (2013). *Indigenous Peoples' Cultural Property Claims: Repatriation and Beyond*, Springer Science & Business Media.

- 
20. Macleod, John (2009). *Consumer Sales Law: The Law Relating to Consumer Sales and Financing of Goods*, 2<sup>nd</sup> ed., Routledge.
  21. Madani, J. (1996). *Civil Procedure*, Vol. 2, 4<sup>th</sup> ed, Ganj Danesh Publications. (in Persian)
  22. Mafi, H. & Kadivar, M. (2014). "A Review of Apparent Authority of the Agent in Iranian Law and International Documents", *Journal of Private law*, Vol. 11, No. 1. pp. 23-50. (in Persian)
  23. Matin Daftari, A. (1999). *Civil and Commercial Procedure*, Vol. 1, Tehran: Majd Publications. (in Persian)
  24. Mazeaud, Henri, Mazeaud, Léon, Mazeaud, Jean et Chabas, François (1998). *Leçons de droit civil*, T.2, V.1, 9<sup>ème</sup> éd., Paris, Montchrestien.
  25. Merrill, Thomas W. & Smith, Henry E. (2009). *The Oxford Introductions to U.S. Law: Property*, Oxford University Press.
  26. Mohseni, H. (2012). *Translation of French Civil Procedure Code*, 2<sup>nd</sup> ed, Tehran: Enteshar Co. (in Persian)
  27. Mohseni, S. & Ghabouli Dorafshan, S.M.M. (2015). "Responsibility of making a negotiable instrument on behalf", *Journal of Private Law Studies*, Vol. 45, No.1, pp. 127-146. (in Persian)
  28. Mohseni, Saeed; Robati, Mahsa; Esfandiari, Tahmieh (1398). "Reflection of the cambial rights and obligations in the negotiable instruments itself in the process of issuance and circulation", *Journal of Private Law Studies*, Vol. 39, No. 1, pp. 87-105. (in Persian)
  29. Moloudi, M. and Safari, N. (2017). "Exceptions and Substantive Defense", *Law Journal of Justice*, Vol.81, No. 97, pp. 163-181. (in Persian)
  30. Mosler, Hermann (1980). *The International Society as a Legal Community*, Netherlands, Sijthoff & Noordhoff.
  31. Nguyen Xuan, Chanh (1977). *De l'application de la notion d'inopposabilité en droit commercial*, Sous la direction de Jean Stoufflet, thèse de Doctorat D'ETAT: Droit privé: Clermont Ferrand 1, France, S.l.: s.n.
  32. Nouri, Hassan (2004). "The principle of inopposability of exceptions in negotiable instrument", *Journal of Theology and Law*, No.13, pp. 157-176. (in Persian)
  33. Nze Ndong Dit Mbele, Jean-Richard (2008). *Le dirigeant de fait en droit privé français*, thèse de doctorat, Université Nancy2.
  34. Pourarshad, N., Skini, R., Almasi, N.A. & Shahbazinia, M. (2010). "Theory of Appearance (Study in Foreign and Iranian Law)", *Journal of Modarres Humanities -Comparative Law Research*. Vol. 14. No 4, pp. 21-23. (in Persian)
  35. *Recueil Penant* (2003), La Documentaion Africaine.
  36. Robati, M., Mohseni, S. & Ghabouli Dorafshan, S.M.M. (2017). "Inopposability of Nullity in Commercial Companies", *Journal of Legal Studies*, Shiraz University, Vol. 9, No. 4, pp.117-140. (in Persian)
  37. Roblot, René (1967). «Applications et fonctions de la notion d'inopposabilité en droit commercial». in *Mélanges offerts à Monsieur le Professeur Pierre Voirin*, Paris, Librairie générale de droit et de jurisprudence, pp.710-736.
  38. Sardueinasab, M., Moludi, M. & Aywazi, J. (2013). "The Scope of Substantial Defense in Civil Procedural Law", *Journal of Islamic Jurisprudence Research*, Vol. 9, No. 3, pp. 29-54. (in Persian)

- 
39. Shams, A. (2006). Civil Procedure, Vol.1,14ed., Derak Publications. (in Persian)
  40. Sokouti Nasimi, R. (2014). Analytical discussions of commercial document rights, Tehran: Majd. (in Persian)
  41. Straumann, Benjamin (2015). Roman Law in the State of Nature, Translated by Belinda Cooper, Cambridge University Press.
  42. Weill, Alex, Terré, François (1980). Droit civil, les obligations, 3<sup>ème</sup> éd., Paris, Dalloz.
  43. Weiss, André (sous la direction de) (1912). Pandectes françaises périodiques: Recueil mensuel de jurisprudence et de législation, Paris, librairie general de droit & de jurisprudence.



(7)

**References****Rules**

1. Article 156 of the Constitution of the Islamic Republic of Iran
2. Article 286 of the Islamic Penal Code
3. Convention of the Organization of the Islamic Conference
4. Security Council Resolution 2178

**Book**

5. Guanaratna Rohan, Jolene Jerard, Lawrence Rubin (February 4, 2011). "Terrorist Rehabilitation and Counter-Radicalisation: New Approaches to Counter-Terrorism", ; Routledge; 1 edition
6. Lawrence Rubin, Rohan Gunaratna, Jolene Anne R. Jerard (2011) "Terrorist Rehabilitation and Counter-radicalisation: New Approaches to counter-terrorism", by Routledge.
7. Momtaz, Jamshid; Ranjbar, Hossein; (2007). "International Humanitarian Law: Domestic Armed Conflict"; Magazine Publication, Second Edition. (In Persian )
8. Taheri, Samaneh (2013), "Strict Criminal Policy", Tehran: Publication of the Mizan. (In Persian )

**Article**

9. Aalipour, Hassan (2009). "National Security and the Rights of the Accused - A Comparative Study of the Procedure for Terrorist Acts", Strategic Studies Quarterly, Vol. 12, No. 1, pp. 44-5. (In Persian )
10. Abdullah Khani, Ali (2007). "Terrorism", Tehran: International Institute for Contemporary Studies and Research Abrar. (In Persian )
11. Albrecht, Hans Joerg (2006). "Terrorism: Risk and Legislation", Translated by Mahdi Moghimi and Majid Ghouri Beigi, Special Issues in Jurisprudence and Law, Third Year, No. 11. (In Persian )
12. Bin Hassan Muhammad Haniff & Kenneth George Pereire (2006). "An Ideological Response to Combating Terrorism – The Singapore Perspective, Small Wars and Insurgencies", Routledge Taylor and Francis Group, Vol. 17, No. 4, 458–477
13. Ebrahimi Qavam, Soghri (2008). "Investigating Psychological Theories and Processes in Explaining Offenses and Their Application in Formulating Crime Reduction Plans", Detective Journal, Volume 2, Year 2, Number 5, pp. 122-101. (In Persian )
14. Eftekhari, Asghar & Shabestani, Ali (2011). "The Islamic Republic of Iran's Strategy Against Terrorism", Afaq Security Quarterly, Vol. 4, No. 12, pp. 35-5. (In Persian )
15. Foroughi, Fazlullah and Moghaddasi, Mohammad Bagher and Ghani, Keyvan, (2017), "Comparative Study of Postponement of issuance sentence in criminal law in Iran, England and France", Journal of Comparative Law Studies, University of Tehran, Volume 2, Number 8, pp. 678-655. (In Persian )
16. Gavin Chua Hearn Yuit, "Singapore's Approach to Counterterrorism", December 2009, Volume 2, Issue 12.

17. Gunaratna, Rohan (2011). "Communities Defeat Terrorism: Post-9/11 Community Engagement Strategies", Article in UNISCI Discussion Papers · December 2011, DOI: 10.5209/rev\_UNIS.v27.38155
18. Gunaratna, Rohan (2013). "Global Terrorist Rehabilitation And Community Engagement Programs: The State Of The Art", Singapore, International Conference on Terrorist Rehabilitation and Community Resilience, Stamford Ballroom, Raffles City Convention Centre
19. Gunaratna, Rohan (2015). "Countering Violent Extremism: Revisiting Rehabilitation and Community Engagement", RSIS: Counter Terrorist Trends and Analysis, Volume 7, Issue 3 , ISSN: 2382-6444, No. 5-13
20. Hoffman, Bruce (1985). "The Prevention Of Terrorism And Rehabilitation Of Terrorists: Some Preliminary Thoughts", RAND/P 7059, No. 1-5
21. Hoffman, Paul; Translated by Alireza Ebrahim Gol (2006). 'Human Rights and Terrorism'; International Law Journal, No. 34, pp. 155-131. (In Persian )
22. <http://www.iran-newspaper.com/newspaper/BlockPrint/186650>. (access date: 2018/6/9)
23. <https://govinsider.asia/security/singapore-terrorist-rehabilitation-rohan-gunaratna/> (access date: 2019/8/12)
24. <https://storymaps.esri.com/stories/terrorist-attacks> (access date: 2019/7/20)
25. <https://www.mizanonline.com/fa/news/527048> (access date: 1398/4/2)
26. <https://www.ohchr.org/EN/AboutUs/ManagementPlan/Pages/preventing-violations.aspx> (access date: 2019/9/23)
27. International Studies Office on Combating Terrorism (2011). "The Islamic Republic of Iran's Commitments to the CTC", Tehran translation: Office of International Studies on Combating Terrorism, Islamic Azad University. (In Persian)
28. Interview with Mohamed Bin Ali (2005). "Secretary of the RRG", See also M. Nirmala, 'Taking care of family matters: Quietly and without fanfare, community groups have been providing assistance to families of Jemaah Islamiyah detainees', Straits Times, 18 Dec. 2004.
29. Kam, Stefanie (21 October 2014). Singapore, This article is an abstract of "Handbook of Terrorism in the Asia-Pacific" by Rohan Gunaratna and Stefanie Kam. <http://www.worldscientific.com/page/p1093>, (access date: 2018/6/17)
30. Liesbeth van der Heide, Jip Geenen, (2017) "Children of the Caliphate: Young IS Returnees and the Reintegration Challenge", ICCT Research Paper.
31. Liesbeth van der Heide, Jip Geenen, (August 2017). "Children of the Caliphate, Young IS Returnees and the Reintegration Challenge", International Center for Counter-Terrorism – The Hague (ICCT), DOI: 10.19165/2017.1.09, ISSN: 978-12345-99990
32. Mehra, Nasrin; Kargari, Nowruz (2014). "Terrorism and Criminal Law"; Teachings of Criminal Law, Razavi Islamic University of Science and Technology, No. 1, pp. 86-55. (In Persian )
33. Mohammadi, Mahdieh "Latest Case Status Related to ISIL Terrorist Group" Available at: <https://www.mehrnews.com/news/4114260> 2018/6/5
34. National Security Coordination Centre (NSCC), Singapore, (2004). "The Fight against Terror".

- 
35. National Security Coordination Secretariat, 1826 days: A Diary of Resolve: Securing Singapore since 9/11.
  36. Neo Chai Chin, "First Singaporean woman detained for radicalism tried to join IS, become 'martyr's widow'" (12 JUNE, 2017). <http://www.todayonline.com/singapore/first-singaporean-women-detained-radicalism-under-isa-0> (access date: 2018/6/9)
  37. Niyazpour, Amir Hassan (2012). "Criminal Justice Tasks in the light of the Fifth Economic, Social and Cultural Development Plan Act"; Law Journal of Justice, No. 80, pp. 222-193. (In Persian )
  38. Nordin, Rohaida & Rastegari, Behnam (2011). "Capability Of Applying Human Rights In Fighting Terrorism Process", 6th International Legal Conference.
  39. Nyamuya Macoto, Jackson (2003). "War on enemy: self-defence and state – Sponsored terrorism", Melbourne Journal of International law, vol.4.
  40. Rashidi, Ahmad and Barati, Maryam (2016). "Investigating the Status of Women Prisoners and Their Methods of Rehabilitation (Case Study of Arak Prisoners in 2015)", Research on Women's Prisoners, Volume 7, Number 17, pp. 93-67. (In Persian )
  41. Rastegari Behnam & Rohaida Nordin (2011). "Counter-Terrorism Legislation: Human Rights Vs. Peace And Security. Malaysia As A Case Study", International Seminar and Workshop on Terrorism, Terrorism Redefining, Preventing and Combating.
  42. Simon, Jonathan, (1997). "Governing Through Crime", in L.M. Friedman & G. Fisher (Eds.), The Crime Conundrum: Essays on Criminal Justice, New York, Westview.
  43. Tang, Stanley (2010). "Effective Rehabilitation And Reintegration Of Offenders", Resource Material Series No.82, Masaki Sasaki, Director United Nations, Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) 41-51.
  44. Vakilpour Zohreh and Rastegari Behnam, (2018), "The Need for Rehabilitation of Terrorists in Iran", Counter Terrorist Trends and Analyses, ISSN 2382-6444 | Volume 10, Issue 10.
  45. Webber David, Maxim Babush, Noa Schori-Eyal, Anna Vazeou-Nieuwenhuis, MalkanthiHettiarachchi, Jocelyn J. Bélanger, Manuel Moyano, Humberto M. Trujillo, Rohan Gunaratna, Arie W.Kruglanski, and Michele J. Gelfand (September 4, 2017). "The Road to Extremism: Field and Experimental Evidence That Significance Loss-Induced Need for Closure Fosters Radicalization" Journal of Personality and Social Psychology, Online First Publication, <http://dx.doi.org/10.1037/pspi0000111>, (access date: 2018/6/10)

(8)

**References****A) Books**

1. ----- (2006), Collection of Rules of the International Criminal Court, Translated by: Gholamreza Mohammad Nasl, Tehran: Dadgostar Publishing (In Persian).
2. Swanson, Charles; Chamlin, Neil C. Terry to, Leonard (2002), Criminal Investigation, Translated by: Mehdi Najabati, Reza Parvizi, and Asghar Shafiei Nik, Second Edition, Tehran: Jihad Danishgahi (In Persian).
3. Katouzian, Nasser (2004), Proof and Reason for Proof, Volume I, First Edition, Tehran: Jungle (In Persian).
4. Akhundi, Mahmood (1993), Criminal Procedure, Volume 2, Tehran: Ministry of Culture and Islamic Guidance Press and Publication Organization (In Persian).
5. Ashouri, Mohammad (2006), The Code of Criminal Procedure, Volume 2, Tehran: semat Publication (In Persian).
6. Baccaria, Cesar (2006), The Treatise of Crimes and Punishments, translation: Ardebili's, Mohammad Ali, Fifth Edition, Tehran: Mizan (In Persian).
7. Bagherinejad, Zeinab (2016), Protecting Intuition (in Iranian Law, Franchise and International Documents), Tehran: Khorsandi (In Persian).
8. Best, W. M. (1870), principles of the law of Evidence, 5<sup>th</sup> Edition, H Sweet, London.
9. Bigzadeh, Ibrahim (Beta), Investigating the Crime of Genocide and Crimes Against Humanity in the Statute of the International Criminal Court (In Persian).
10. Buergenthal, T and Shelton, D (1995), Protection Human Rights in the Americas- cases and materials, fourth Revised Edition, Kohl, Strasbourg, Arlington, Engel publisher.
11. Dekhoda, Ali Akbar (1993), Dictionary of Dekhoda, Volume 9, First Edition, Tehran: University of Tehran in collaboration with Roozane Publications (In Persian).
12. Jafari Langroodi, Mohammad Jafar (1998), Law Terminology, Ninth Edition, Tehran: Ganj Danesh Publications (In Persian).
13. Joseph, Sarah, Jenny Shultz and Melissa Castan (2000), The International covenant on civil and Political Rights: Cases, Material And Commentary, First Published, Oxford University Press.
14. Kean, A. (2000), the modern law of evidence, 5<sup>th</sup> edition, Butterworth, London.
15. Klamberg, mark (2017), commentary on the law of the international criminal court.
16. Kriangsak, Kittichaisaree (2004) International Criminal Law, Translated by: Behnam Yousefian, Mohammad Esmaili, First Edition, Tehran: Publishing and Publishing Organization, Ministry of Culture and Islamic Guidance (In Persian).
17. Lamp, Susan (2002), Nullum Crimen Nulla poena sine Lege in international Law, in: the Rome statute of the international criminal court; a commentary, ED: Antonio Cassese & Paola Gaeta & John R. W. D. Jones, vol 1. Oxford University.
18. Mir Mohammad Sadeghi, Hussein (2017), International Criminal Law, Sixth Edition, Tehran: Publication of the Mizan (In Persian).

19. Momeni, Mahdi (2014), *International Criminal Law*, Second Edition, Tehran: Publication of shar-e Danesh Legal Studies Institute (In Persian).
20. Najafi, Mohammad Hassan (1979), *Jawaher Alkalam fi sharhe sharaye al islam*, Volume 41, Sixth Edition, Tehran: Dar al-Kutb al-Islamiyah (In Persian).
21. Shams, Abdullah (2013), *Proof of Claim, Substantive and Formal Law*, Sixteenth Edition, Tehran: Drak Publications (In Persian).
22. Tabatabai, Sayyid Ali (1983), *Riyadh al-Mas'il in the Expression of Al-Aqam Bald al-A'al*, Vol. 2, Qom: Al-Albit Institute (AS) (In Persian).
23. Vollen, L. & Eggers, D. (2005), *Surviving justice: America's wrongfully convicted and exonerated*, San Francisco, CA, McSweeney's Books.

#### **B) Articles**

24. ---- (2005), "Rules of Procedure and Proceedings of the International Criminal Court", *Law Journal, Journal of the Center for International Legal Affairs, Vice-Presidential Affairs and Legal Affairs*, No. 33, pp. 303-450 (In Persian).
25. ----- (2006), "Proceedings of the International Criminal Court", Translated by: Gholamreza Mohammad Nassel, Justice Publishin (In Persian).
26. Amer, Moghaddam; Albohasar, Jamal (2017), "Protecting Intuition in Domestic Laws and International Conventions", *Journal of Political Science Studies, Law and Jurisprudence*, Volume 3, Number 4, pp. 262-280 (In Persian).
27. Bagherinejad, Zeinab (2008), "Supporting witnesses in the criminal process", *Journal of Crime Prevention Studies*, Third Year, No. 6, pp. 139- 111(In Persian).
28. Barzegarzadeh, Abdolhossein; Aminia, Atefeh and Shakerchizadeh, Mohsen (2016), "The Rights of Companions in the International Criminal Tribunal and Islam", *Jurisprudence and Principles of Islam*, No. 4, pp. 9-27(In Persian).
29. Cutler, B. L., & Penrod, S.D. (1988), *Improving the reliability of eyewitness identification: lineup construction and presentation*, *journal of Applied Psychology*, 73(2), p.281- 290.
30. Don Taylor, B. (2010), "Preparing witnesses in International Criminal Law: Is Increasing Formal Disputes in International Criminal Courts a Concern", Translated by: Mansour Farrokh Siari, *Special Issue of International Law Journal, Journal of the Center for International Legal Affairs Presidential*, Winter 2010, pp. 39-54 (In Persian).
31. Ebrahimgol, Alireza (2007), "The Dimensions of Testimony in International Criminal Proceedings", *Law Journal, Journal of the Center for International Legal Affairs Vice Presidential Affairs and Legal Affairs*, No. 37, pp. 213-293 (In Persian).
32. Gharajaloo, Alireza (2008), "Testimony on Testimony in Criminal Law of Iran and England", *Special Journal of Theology and Law*, No. 28, pp. 69-88(In Persian).
33. Gholampour, Mehdi; Tadion, Abbas (2013), "Witnessing from the Perspective of Iranian Law and International Documents", *From Nuclear to Shoulder, Journal of Criminal Law*, No. 2, Fall and Winter 2013, pp. 175- 199 (In Persian).
34. Habibi Mojandeh, Mohammad and Karimi, Siamak (2016), "International Criminal Courts and the Democratic Realization of Criminal Justice", *Journal of Criminal Law*, No. 2, Fall and Winter 2016, pp. 104-79 (In Persian).

35. Harhoff, Fredrek (2001), the Rol of the parties Before international criminal courts in Light of the hnternational criminal tribunal for Rwanda in: international and national prosecution of crimes under international law. H. Fischer, C. Krieb and S. R. Luder. Berlin, Berlin Verlag: p. 604 et seq.
36. Hassanzadeh, Mehdi (2012), "The Impact of Witness Presence for Testimony", Islamic Law Journal, No. 35, pp. 111-95 (In Persian).
37. Khalaji, Mansoureh (2007), "Protecting the Rights of Defendants of International Crimes at the Hearing", Journal of Jurisprudence and Family Law, Nos. 35 and 36, Spring and Summer 2007, pp. 86- 114 (In Persian).
38. Koushaki, Gholamhassan; Amini, Zahra (2017), "A Comparative Study of Testimony Support in Iranian Criminal Procedure Code and English Charter of Intent," Journal of Criminal Law Research, Volume 6, Number 21, pp. 153- 115 (In Persian).
39. List, J. A. (1986), Age and schematic differences in the reliability of eyewitness testimony. Developmental psychology, 22(1), p.50- 57.
40. Mahdipour, Azam (2012), "Ways to Protect Intuition Based on Communication Technologies", Journal of Jurisprudence and Communication Law, No. 3, pp. 158-135 (In Persian).
41. McGough, M. (2012), To err is human: Using science to reduce mistaken eyewitness identifications in police lineups, NIJ Journal, 270, p. 30- 34.
42. Memon, A., Mastroberardino, s., & Fraser, J. (2008), Munsterberg's legacy: what does eyewitness research tell us about the reliability of eyewitness testimony? Applied cognitive psychology, 22(6).41- 51.
43. Mojenzadegan, Hossein Ali; Raoufianaeni, Hamid (2010), "Protecting the Security of Intuition in the Criminal Proceedings Process", Legal Perspectives Quarterly, No. 25, pp. 203-222 (In Persian).
44. Powles, Steven (2003), To Testify or not to testify – privilege from testimony at the Ad Hoc tribunal: the Randal decision, leiden journa of international law, 16, p. 511- 524.
45. Prosecutor V. Sikirica et al, order of the president on the Early Release of Draga Kolundziga, December 5, 2001.
46. Prosecutor V. Tadic, Decision on prosecutor's motion requesting protective measures for victims and witnesses, August, 1995.
47. Prosecutor v. William Samoei Ruto and Joshua Arap Sang, December, 2013.
48. Raoufian, Hamid; Hassanzadeh Mohammadi, Abolfazl (2010), "Protecting witnesses in defiance of defendant's defense rights", Jurisprudence Legal, Volume 74, Number 71: pp. 93-109 (In Persian).
49. Roberts, A. (2012), Expert evidence on the reliability of eyewitness identification: Some observation on the justification for exclusion: Gag v. HM Advocate, international journal and proof, 16(1), p. 93- 105.
50. Sadat Meidani, Seyyed Hossein (2015), "Acceptance and Validation of Expert Testimony and Testimony in the Procedure of the International Court of Justice", Journal of Public Law Studies, Volume 45, Number 2, Summer 2015, pp. 237- 253 (In Persian).
51. Schabas. Willim A (2007), Criminal Justice. IDG books world wide.

52. Scheer, J.B. (2002), The reliability of eyewitness reports: The effect of accurate and inaccurate information on memory and bias, *Colgate University journal of the sciences*, 34(1),53- 119.
53. Shakeri, Abolhassan; Rezai, Reza (2015), "Iran's Criminal Justice Policy in Support of Witness", *Journal of Criminal Law Teachings*, Razavi Islamic University, No. 10, pp81-103(In Persian).
54. Taghipour, Alireza (2011), "Limitations of the Right to Question a Witness in the Rules of Procedure and Jurisprudence of the International Criminal Court", *Journal of Islamic Jurisprudence and Islamic Law*, Vol. 1, No. 2, Spring and Summer 2011, pp.19 - 43.
55. Valin, Luke (2006), "Victims and witnesses in international crimes: From the right to protection to the right to speak", Translated by: Tavakol Habibzadeh and Mojtaba Jafari, *Law Journal*, Journal of the Office of International Legal Affairs, Vice-President and Parliamentary Affairs Republic, No. 34, pp. 33-56(In Persian).

#### **C) Documents of the International Criminal Court**

56. ICC-BD/01- 01- 04/Rev. 01- 05. 26/5/2005.
57. A/CONF. 183/9. 17/7/1998.
58. ICC- ASP/1/3(Part II-A). 9/9/2002.

#### **D) Iranian law**

59. Implementing Regulations on the Protection of Witnesses and Informants, adopted 16/January/2016 by the Judiciary.
60. Criminal Procedure Code, adopted 23/february/2016.
61. Islamic Penal Code, adopted 21/April/2013.

(9)

**References****Books**

1. Kolb, Robert (2013). *The International Court of Justice*, UK, Hart Publishing.
2. Thirlway, Hugh (2013). *The Law and Procedure of the International Court of Justice: Fifty Years of Jurisprudence*, UK, Oxford University Press.

**Articles**

3. Benzing, Markus (2006). "Community Interests in the Procedure of International Courts and Tribunals", *The Law and Practice of International Courts and Tribunals*, Vol. 5(3), pp. 369-408.
4. Cogliati-Bantz, P. Vincent (2009). "International Tribunal for the Law of the Sea, Hoshinmaru (Japan v. Russian Federation) and Tomimaru (Japan v. Russian Federation) Prompt Release Judgments of 6 August 2007", *International and Comparative Law Quarterly*, Vol. 58(1), pp. 241-258.
5. Di Pepe, S. Lorenzo (2016). "International Tribunal for the Law of the Sea, Case 24, The "Enrica Lexie" Incident (Italy v. India): Provisional Measures", *Asia-Pacific Journal of Ocean Law and Policy*, Vol. 1, pp. 146-149.
6. Gao, Jianjun (2008). "Reasonableness of the Bond under Article 292 of the LOS Convention: Practice of the ITLOS", *Chinese Journal of International Law*, Vol. 7(1), pp. 115-142.
7. Guilfoyle, J. A. Douglas; Miles, A. Cameron (2014). "Provisional Measures and the M/V Arctic Sunrise", *American Journal of International Law*, Vol. 108(2), pp. 271-287.
8. Lando, Massimo (2015). "Establishing the Existence of a 'Dispute' Under UNCLOS at the Provisional Measures Stage: The Enrica Lexie Case", *Questions of International Law*, Vol. 22, pp. 3-24.
9. Salehi, Javad (2018). "Criminal Jurisdiction of the Coastal State, Based on Domestic Laws in Conflict with the Jurisdiction of the Flag State", *Criminal Law Doctorines*, No. 16, pp. 187-222 (in Persian).
10. Shamloo, Bagher; Sajjadi, Ahmad (2018). "The Challenges of the Contemporary International Law in an Effective Fight with Piracy", *Criminal Law Doctorines*, No. 15, pp. 93-126 (in Persian).
11. Thirlway, Hugh (2014). "Peace, Justice and Provisional Measures", in Giorgio Gaja and Jenny Grote Stoutenburg (eds.), *Enhancing the Rule of Law through the International Court of Justice*, Leiden: Brill.
12. Treves, Treves (2010). "Human Rights and Law of the Sea", *Berkeley Journal of International Law*, Vol. 28(1), pp. 1-14.
13. Trevisanut, Seline (2017). "Twenty Years of Prompt Release of Vessels: Admissibility, Jurisdiction, and Recent Trends", *Ocean Development & International Law*, Vol. 48(3-4), pp. 300-312.
14. Zamani, Ghasem; Bazzar, Vahid (2019). "The Role of the Injured to the Injury in Responsibility International Law", *Comparative Law Review*, Vol. 10(1), pp. 177-194 (in Persian).



---

**Cases**

15. International Court of Justice, Corfu Channel Case (United Kingdom v. Albania), Merits, Judgment, 9 April 1949, Separate Opinion of Judge Alvarez.
16. International Court of Justice, Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgment, 20 April 2010, Separate Opinion of Judge Cançado Trindade.
17. International Tribunal for the Law of the Sea, Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean (Ghana v. Côte d'Ivoire), Order, 25 April 2015.
18. International Tribunal for the Law of the Sea, The "M/V Louisa" Case (Saint Vincent and the Grenadines v Kingdom of Spain), Judgment, 28 May 2013.
19. International Tribunal for the Law of the Sea, The Southern Bluefin Tuna Case (Australia v Japan; New Zealand v Japan), Order, 27 August 1999.
20. International Tribunal for the Law of the Sea, The "ARA Libertad" Case (Argentina v. Ghana), Order, 15 December 2012.
21. International Tribunal for the Law of the Sea, The "Arctic Sunrise" Case (Netherlands v. Russia), Provisional Measures, Order, 22 November 2013.
22. International Tribunal for the Law of the Sea, The "Camouco" Case (Panama v. France), Prompt Release, Judgment, 7 February 2000, Dissenting Opinion of Judge Wolfrum.
23. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Verbatim Record of the Public Sitting, Doc ITLOS/PV.15/C24/2, 10 Aug 2015.
24. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015.
25. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Declaration of Judge ad hoc Francioni.
26. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Declaration of Judge Paik.
27. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Declaration of Judge Kelly.
28. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Declaration of Judge Kateka.
29. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Dissenting Opinion of Judge Chandrasekhara Rao.
30. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Dissenting Opinion of Judge Heider.
31. International Tribunal for the Law of the Sea, The "Enrica Lexie" Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Dissenting Opinion of Judge Bouguetaia.

- 
32. International Tribunal for the Law of the Sea, The “Enrica Lexie” Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Dissenting Opinion of Judge Ndiaye.
  33. International Tribunal for the Law of the Sea, The “Enrica Lexie” Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Dissenting Opinion of Judge Lucky.
  34. International Tribunal for the Law of the Sea, The “Enrica Lexie” Incident (Italy v. India), Provisional Measures, Order, 24 August 2015, Separate Opinion of Judge Jesus.
  35. International Tribunal for the Law of the Sea, The “Juno Trader” Case (Saint Vincent and the Grendadines v Guinea-Bissau), Prompt Release, Judgment, 18 December 2004.
  36. International Tribunal for the Law of the Sea, The “Monte Confurco” Case (Seychelles v France), Prompt Release, Judgment, 18 December 2000.
  37. International Tribunal for the Law of the Sea, The “Volga” Case (Russian Federation v. Australia), Prompt Release, Judgment, 23 December 2002, Separate Opinion of Judge Cot.

(10)

**References**

1. Bagheri, Mahmoud (2006), "Market-based economics and Private law deficiencies", *Public Law Research*, Vol. 8, No. 19, pp. 41-89
2. Carrol, Archie. B (1991), "*The Pyramid of corporate social responsibility: Toward the moral management of organizational stakeholders*", *Business Horizons*, Volume 34, Issue 4, pp. 39-48, available online: [https://www.researchgate.net/publication/4883660\\_The\\_Pyramid\\_of\\_Corporate\\_Social\\_Responsibility\\_Toward\\_the\\_Moral\\_Management\\_of\\_Organizational\\_Stakeholders](https://www.researchgate.net/publication/4883660_The_Pyramid_of_Corporate_Social_Responsibility_Toward_the_Moral_Management_of_Organizational_Stakeholders)
3. Chan, Ka Kei, Milne, Alistair (2013), "*The Global Legal Entity Identifier System: Will It Deliver?*", *SSRN Electronic Journal*, pp. 1-56, Available online: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2325889](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2325889)
4. Colombo, Ronald. J (2010), "*The Role of Trust in Financial Regulation*", *Villanova Law Review*, Volume 55, Issue 3, pp. 577-602, available online: <https://digitalcommons.law.villanova.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1046&context=vlr>
5. Cooter, Robert, Ulen, Thomas (2013), *Law and Economics*, Translated by Yadollah Dadgar and Hamedeh A. Hazaveh, single volume, 8<sup>th</sup> published, Tehran, Institute of Economics of Tarbiat modarres Uni. and Noore elm Pub.
6. Eskini, Rabia (2015), *Commercial Law (Trading Corporations)*, two volumes (Vol1), 22<sup>th</sup> published, Tehran, SAMT Pub.
7. Eskini, Rabia (2015), *Commercial Law (Trading Corporations)*, two volumes (Vol2), 20<sup>th</sup> published, Tehran, SAMT Pub.
8. Farhanian, S. M. Javad, "*Investigating Regulatory Systems in Financial Markets*", *Economic Journal*, Vol. 15, No 9, 10, pp. 119-136
9. Ghasemi, Mohsen (2009), *Formalism in civil law*, single volume, 1<sup>st</sup> published, Tehran, Mizan Pub.
10. Harris, Ron (2004), *Industrializing English law Entrepreneurship & Business Organization, 1720-1844*, 2<sup>nd</sup> published Cambridge, Cambridge University Press
11. Maltby, Josephine (1998), "*UK joint stock companies legislation 1844-1900: accounting publicity and mercantile caution*", *Accounting History*, Vol 3, No 1, pp. 9-32, available online: [https://www.researchgate.net/publication/247780793\\_UK\\_joint\\_stock\\_companies\\_legislation\\_1844-1900\\_accounting\\_publicity\\_and\\_mercantile\\_caution](https://www.researchgate.net/publication/247780793_UK_joint_stock_companies_legislation_1844-1900_accounting_publicity_and_mercantile_caution)
12. Hasanzade, Bahram (2018), *Analytical Law of Company's registration*, single volume, 2<sup>nd</sup> published, Tehran, Jungle (Javdaneh) Pub.
13. Isaei, T, Mohammad, Yahya pour, Jamshid (2013), "*Stakeholder Theory with Iranian Companies Regulations Approach*", *Jornal of Stock Exchange*, Vol. 6, No. 23, pp. 139-167
14. Kaviani, Koorosh (2016), *Company Law*, single volume, 5<sup>th</sup> published, Tehran, Mizan Pub.
15. Kessler, William. c. (1938), "*The German Corporate law of 1937*", *American Economic Association*, Vol. 28, No. 4, pp. 653-662 available online: [https://www.jstor.org/stable/1806301?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/1806301?seq=1#page_scan_tab_contents)

16. Kuntz, Thilo, (2017), "German ate law in 20th century" ,SSRN Electronic Journal, pp.1-42 available online:  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2930974](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2930974)
17. Nietsch, Michael (2005), Corporate Governance and Company Law Reform: A German Perspective, Corporate Governance: An International Review, Vol. 13, No. 3, pp. 368-376
18. McQueen, Rob (2009), *A social history of company law Great Britain & the Australian Colonies 1854-1920*, 1<sup>st</sup> published, Farnham and Burlington, Ashgate Publishing Limited and Ashgate publishing Company
19. Muchlinski, Peter (2013), "The development of German Corporate law until 1990", German Law Journal, Vol.14, No.02, pp.339-379 available online:  
<https://core.ac.uk/download/pdf/42549378.pdf>
20. Pasban, M. Reza (2005), "Reviewing the Inspection System in Iranian Companies: A Comparative Study of UK Law" , Journal of Law and Policy Research, Vol7, No16, pp. 83-115
21. Pasban, M. Reza (2014), *Company Law*, single volume, 9<sup>th</sup> published, Tehran, SAMT Pub
22. Raiser, Thomas (1988), "The theory of Enterprise law in the Federal Republic of Germany, American Society of Comparative law" , Vol. 36, No. 1, pp.111-129, available online: [https://www.jstor.org/stable/840186?seq=1#page\\_scan\\_tab\\_contents](https://www.jstor.org/stable/840186?seq=1#page_scan_tab_contents)
23. Rasekh, Mohammad, Hoseini Karrabi, S. Mojtaba (2016), "The Concept of Regulation in the Legal Field", Journal Encyclopedia of Economic Rights, Vol.22, No. 1, pp.23-39
24. Powell, Linda F., Montoya, Mark , Shuvalov, Elena (2011), "Legal Entity Identifier: What Else Do You Need to Know?" , Finance and Economics Discussion Series, No. 2011-31, pp.1-17, available online:  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1956664](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1956664)
25. Sealy, Len, Worthington, Sarah (2013), *Cases & Materials in Company law*, 10th edition, Oxford, Oxford University Press
26. Sotoudeh, T. Hassan, *Commercial law*, Four volumes (Vol2), 24<sup>th</sup> published, Tehran, Dadgostar Pub.
27. Saffar, M. Javad (2011), *Legal Personality*, single volume, 1<sup>st</sup> published, Tehran, Behnami Pub.
28. Tabatabai Hesari, Nasrin (2014), "Abstractive description" of land registration system based on the theory of "public confidence" , Journal of Comparative Law Studies, Vol.5, No.2, pp.483-508
29. Tabatabai Hesari, Nasrin (2017), *The Role and Function of "the Deeds and Real Estate Registry Organization" and its Authorities*, 1<sup>st</sup> published, Tehran, Jungle (Javdaneh) Pub.
30. Tabatabai Hesari, Nasrin, Zamani, Mahoud, (2018) "Functions of "Commercial Companies Registration" in the creation of trust and Transaction Security", Law Research Quarterly, Vol.21, No.82, pp.227-252
31. Toosi, Abbas (2014), *Economic Analysis of Corporate Law*, 1<sup>st</sup> published, Tehran, SD Institute of Law,
32. Vahidi, Farideh (2016), *Legal Regime of Rregistration of Commercial Companies* 1<sup>st</sup> published, Tehran, Mizan Pub.

33. Yahya pour, Jamshid (2011), *Corporate Governance System of Companies in Iran (A Comparative Study of UK and US Law)*, PhD thesis in private law, Supervisor: Mohammad I. Tafreshi, Faculty of Law and Political Science, University of Mazandaran, Babolsar

(11)

**References**

1. Act of judiciary, (1789) US congress.
2. Ahmadi pour, Z. and Hafez Nia, M. and Khojem Li, A., (2011), analysis of Golestan Provinces' electoral districts after the Islamic Revolution, *Journal of Geopolitics*, NO. 1, pp. 14-40. (in Persian)
3. Amjad, M. (2004), review the structure of the US Supreme Court, *Journal of law and politics*, NO. 2, pp. 75-94. (in Persian)
4. Constitution of the Arab Republic of Egypt, (2012).
5. Constitution of the Islamic Republic of Iran, (1990). (in Persian)
6. Cooper, Governor of North Carolina, et Al. v. Harris et Al. Supreme Court of the United States, (2017), No. 15–1262. Argued December 5, 2016—Decided May 22, 2017.
7. Cooper v. Harris. (n.d.). Oyez. Retrieved March 15, (2018), from <https://www.oyez.org/cases/2016/15-1262>.
8. David, R. and Spinosi, C., (2016), an introduction to comparative law and two grand contemporary legal systems, Mizan legal foundation. (in Persian)
9. Davis, et al. v. Bandemer, et al Supreme Court of the United States, (1986), Argued: October 7, 1985. Decided: June 30, 1986 No 478 US.
10. Easley v. Cromartie, 532 U.S. 234, Supreme Court of the United States, (2001), Argued November 27, 2000, Decided April 18, 2001.
11. Engstrom, Erik (2005) *Partisan Gerrymandering and the Construction of American Democracy*, University of Michigan Press
12. Fallon R. H. (2004) *The dynamic constitution: an introduction to American constitutional law*, Cambridge university press.
13. French constitution, (1958).
14. Ghamami, M. (2017), comparative public law of Lebanon, Imam Sadiq university. (in Persian)
15. Ghazi Shariat Panahi, A. (2016), constitutional law and political institutions, Mizan legal foundation. (in Persian)
16. Grofman, Bernard (2003) *Political Gerrymandering and the Courts*, Agora Publishing.
17. Habib Zadeh, T. (2014), judicial review and Approaches of the Federal Supreme Court of the United States in interpreting the constitution in the light of political and social developments, *Journal of public law knowledge*, NO. 10, pp. 113-137. (in Persian)
18. Hamoon, F. and Vanier, S., (2004), protecting the constitution in France and US, *Journal of constitutional law*, NO. 2, pp. 79-128. (in Persian)
19. Hashemi, M. (2006), constitutional law of the Islamic Republic of Iran, Mizan legal foundation. (in Persian)
20. Hazard, Gerald C., Jr., and Michele Taruffo,(1993) *American Civil Procedure: An Introduction*, Yale University Press.
21. Lebanese constitution, (1926).
22. Mackenzie, J. (2010) *Gerrymandering and Legislator Efficiency*.–[Электронный ресурс].–Режим доступа: [http://www. udel. edu/johnmack/research/gerrymandering](http://www.udel.edu/johnmack/research/gerrymandering). Pdf

- 
23. *Marbury v. Madison*, 5 U.S. Supreme Court of the United States, (1803), Argued February 11, 1803, Decided February 24, 1803.
  24. Mavcic Andre (2001) *The Constitutional Review*, Postojna Press.
  25. McGann, Anthony J. Charles Anthony Smith, Michael Latner, Alex Keena (2010) *Gerrymandering, the Supreme Court and the Constitutional Revolution*, Cambridge University Press.
  26. Mirshekari, A. (2011), study of the Supreme Court in the US judicial system, *Journal of judgement*, NO. 70, pp. 30-33. (in Persian)
  27. Parvin, K. (2015), an Inquiry on the thought of the constitutional review in the world, *Journal of comparative law studies*, NO. 1, pp. 61-83. (in Persian)
  28. Rafiei Qohsareh, A. (2011), criteria for determining the scope of electoral districts in different countries, political studies office of the Research Center of Iran's parliament. (in Persian)
  29. *Reynolds v. Sims*, 377 U.S. 533, Supreme Court of the United States, (1964), Argued November 13, 1963, Decided June 15, 1964.
  30. Rossiter, DJ; Johnston, RJ; Pattie, CJ. (1999) *The Boundary Commissions: Redrawing the UK's Map of Parliamentary Constituencies*. Manchester University Press.
  31. Shiravi, A. (2015), comparative law, organization for the study and compilation of human sciences books of universities. (in Persian)
  32. Skelton, Chris, (2017) Annotation on *Cooper v. Harris*, U.S., Justia, available at: <https://supreme.justia.com/cases/federal/us/581/15-1262/opinion3.html>. 30/05/2018
  33. The law of definitions and criteria for country divisions, (1984), Iran's parliament. (in Persian)
  34. The law of determining the scope of the electoral districts of Iran's parliament, (1988), Iran's parliament. (in Persian)
  35. United States Constitution, September 17, (1787), available at: <https://www.gpo.gov/fdsys/pkg/CDOC-110hdoc50/pdf/CDOC-110hdoc50.pdf>. 25/05/2018
  36. Vaezi, M. (2011), a comparative study of the basics and functioning of the constitutional review patterns, *Journal of comparative law researches*, NO. 2, pp. 155-177. (in Persian)
  37. Voting Rights Act (VRA), (1965) US congress.

(12)

**References**

1. Alfiroz Abadi, M. (1998), Qamous Almohit, Damascus, Alresale Institution.
2. Ancel, Jean-Pierre (1994), "L'actualité de l'autonomie de la clause compromissoire", Droit International Privé, 1991 – 1992, Paris: Éd. PEDONE.
3. Ansari, M. (1994), Ketab Al-Makasib, Vol. 6, Qom, World Congress of Commemoration of Sheykh Ansari.
4. Ansari, M. (2009), Ketab Al-Makasib, Vol. 7, 12<sup>th</sup> Ed., Qom, Majma Alfekr Islami.
5. Blanchin, C. (1997), "L'autonomie de la clause compromissoire: un modèle pour la clause attributive de juridiction?", Revue internationale de droit compare, Vol. 49 N°4.
6. Brisson, Jean-François (2017), "The Impact of Civil Code Reform on Administrative Contracts", Montesquieu law review, Special issue No. 6.
7. Cédric, Tahri (2007), Procédure civile, Paris: Editions Bréal.
8. Cour d'appel de Lyon, 23 novembre 2017, n° 16/05155.
9. Cour de cassation, Chambre civile 1, du 7 mai 1963, Publié au bulletin.
10. Cour de cassation, Chambre civile 1, 15 avril 2015, 14-11-572, Inédit.
11. Cour de cassation, Chambre civile 1, 14 mars 2018, 16-28302.
12. Cour de cassation, Chambre commerciale, 5 octobre 2010, 08-11-630, Inédit.
13. Cour de cassation, Chambre commerciale, 6 décembre 2017, 16-22.809, Inédit.
14. Cour de cassation, Chambre commerciale, 7 février 2018, 16-20.352, Publié au bulletin.
15. Coussirat-Coustère, Vincent, Michel Eisseman, Pierre (1991), Répertoire de la Jurisprudence Arbitrale Internationale: 1946-1988, T. III, V. III, Dordrecht, Martinus Nijhoff Publishers.
16. Davarzani, H., Razavi, S. M. (2010), Effect of Contract on Liability of Darak, Research of Islam Journal, No. 4, pp. 139 – 155.
17. Dalloz (2016), Réforme du droit des obligations – Un supplément au code civil 2016, Paris: Dalloz.
18. Ebne Manzour, A. (1993), Lesan Al-Arab, Vol. 7, 3<sup>rd</sup> Ed., Beirut, Dar Al-Fekr.
19. Eskini, R. (2004), Theoretical basis of the Principle of Independence of Arbitration Agreement in comparative law, Name Mofid Law Journal, 10<sup>th</sup> Year, No. 43, pp. 5 – 30.
20. Emami, S. H. (2014), Civil law, Vol. 1, Tehran, Islamiye Publication.
21. Esfahani, M. H. (2006), Hashiye Ketab Al-Makasib, Vol. 4 and 5, Qom, Zavelqorba Publication.
22. Golpayegani, S. M. R. (1988), Majma-al Masa'el, Vol. 2, 2<sup>nd</sup> Ed., Qom, Dar-al Qoran Alkarim.
23. Gras, Nicolas (2014), "Essai sur les clauses contractuelles, Thèse pour le doctorat en droit privé", Université d'Auvergne – Clermont Ferrand 1, École de droit.
24. Hakim, S. M. S. (1994), Minhadj Al-Salihin, Vol 2, Beirut, Dar Al-Sifvah.
25. Hosseini Maraqi, S. M. (1996), Al-Anawin Al-Feqiye, Vol. 2, Qom, Islamic Publication Chamber.



26. Izanloo, M. (2014), *Clauses Limitating or Excluding Liability in Contracts*, Tehran, Enteshar Publication Co.
27. Izanloo, M. (2007), *Condition of Performance of an Act to Third Party*, Law Journal, 37<sup>th</sup> Year, No. 1, pp. 1 – 38.
28. Izanloo, M., Mokarami, H. (2016), *Penalty Clause for Ability to Non-performance*, Qezavat Law Journal, No, 87, pp. 59 – 74.
29. Judgment No. 9209970221500181 Dated 13/05/2013 From 15 Chamber of Tehran Appeal Court.
30. Judgment No. 9209970221501738 Dated 15/03/2014 From 15 Chamber of Tehran Appeal Court.
31. Judgment No. 9209970223000729 Dated 27/07/2013 From 30 Chamber of Tehran Appeal Court.
32. Judgment No. 9209970908900489 Dated 30/10/2013 From 5 Chamber of Supreme Court.
33. Judgment No. 9309970221501402 Dated 09/02/2015 From 15 Chamber of Tehran Appeal Court.
34. Karaki, A. (1993), *Jame Al-Maqasid*, Vol. 7, 2<sup>nd</sup> Ed., Qom, Al Al-Bayt Institution.
35. Katouzian, N. (2011), *Specific Contracts*, Vol. 1, Tehran, Ganje Danesh.
36. Katouzian, N. (2009), *Civil Code in in the Current Legal Order*, 21<sup>st</sup> Ed., Tehran, Mizan Publication.
37. Katouzian, N. (2016), *General Principle of Contracts*, Vol. 3, Tehran, Enteshar Publication Co.
38. Khoie, S. A. (1948), *Misbah Al-Fiqaha*, Vol. 7, Qom, Vodjdani Publication.
39. Khoie, S. M. T. (1993), *Al-Shorout va Al-Iltizamat Al-Tabaiyya fi Al-Oqoud*, Vol. 1, Beirut, Dar Al-Movarikh Al-Arabi.
40. Kling, Didier (N. D.), "Vers un droit des contrats modernise et mieux adapté à la vie des affaires", Réaction de la CCIP à la consultation de la Chancellerie de juillet 2008, Chambre de commerce et d'industrie de Paris.
41. Makarem Shirazi, N. (N. D.), *Estefaat*, N. P.
42. Malaurie, Philippe, Aynès, Laurent, Stoffel-Munck, Philippe (2016), *Droit des obligations*, Éd. 8<sup>e</sup>, Paris: LGDJ.
43. Malouf, L. (1984), *AL-Monjad Al-Abjadi*, Tehran, Alfaqih Institution.
44. Mohaqeq Damad, S. M. (2009), *General Theory of Terms and Requirements in Islamic Law*, 4<sup>th</sup> Ed., Tehran, Islamic Sciences Publication Center.
45. Moravej Jazayeri, S. M. J. (1995), *Hoda Al-Talib*, Vol 3, Qom, Dar Al-Kitab Institution.
46. Naraqi, M. A. (1996), *Awaid Al-Ayam*, Qom, Islamic Publication Chamber.
47. Nayini, M. (2000), *Monyat Ol-Talib*, Vol 2, Qom, Al-Nashr Al-Islami Institution.
48. Rahpeyk, H. (2016), *Professional civil law*, 2<sup>nd</sup> Ed., Tehran, Khorsandi Publication.
49. Sabzevari, S. A. (1992), *Mohazab Al-Ahkam*, Vol. 17, 4<sup>th</sup> Ed., Qom, Al-Manar Institution.
50. Safai, S. H. (2010), *General Rules of Contacts*, 10<sup>th</sup> Ed., Tehran, Mizan Publication.

- 
51. Severine, Dhennin (2000 - 2001), "La nullité de contrat de travail, Mémoire *de maîtrise*, Université de Lille 2", Faculté des sciences politiques, juridiques et sociales.
  52. Shahidi, M. (2018), Contact Clauses, 6<sup>th</sup> Ed., Tehran, Mizan Publication.
  53. Simon Associés (2018), "La Lettre des Réseaux - L'actualité juridique et économique des réseaux de distribution", N. D.
  54. Sintez, Cyril (2014), "Mythe de la force obligatoire du contrat de travail - Réalité de la force normative de la relation de travail", Revue Juridique Pothier.
  55. Sobhani, J. (2016), Ahkam Al-Mozaribah fi Thowbiha Al-Jadid, Qom, Imam Sadiq Institution.
  56. Sobczynski, Joanna (N. D.), "La clause attributive de juridiction: Quelle prévisibilité pour le fabricant", Delormeau.
  57. Tabatabai Qomi, S. T. (1979), Dirasatina Men Al-Fiqh Al-Jafari, Vol. 4, Qom, Matbat Al-Khayam.
  58. Tabtabai Yazdi, S. M. K. (1994). Question and Response, Tehran, Islamic Sciences Publication Center.
  59. Tabtabai Yazdi, S. M. K. (1988). Al-Orwat al-Wothqa. Vol. 2. 2<sup>nd</sup> Ed., Qom, Esmailian Institution.
  60. Viney, Geneviève, Jourdain, Patrice (2001), Traité de droit civil, Éd. 2e, Paris: L.G.D.J.
  61. Wautelet, Patrick (N. D.). "Clauses d'élection de for et procédures concurrentes - Les innovations du Règlement 1215/2012", N. P.

(13)

**References****A) Persian References**

1. A'alayiFard, M.A. (1394) International Trade Law, Tehran: Javedaneh Publication (in Persian).
2. Alghosheiri, A. (1395) Applicable Law on the New Generation of Oil Contracts, Translated by: Mohebbi, M., 58 Legal Journal of Office of Legal International Services (in Persian).
3. Ebrahimi, S.N. & Jafari Chaleshtari, M. (1394) Legal Analysis of Monopoly and Competition in Energy Market with Focus on Gas and Electricity Industries; Challenges and Opportunities, 45 Journal of Private Law Studies 3 (in Persian).
4. Ebrahimi, S.N. & Javandel Jananlu, F. (1394) TEFSEL Risk Management in Concluding International Oil Contracts, Journal of Energy Law Studies 1 (in Persian).
5. Joneidi, L. & Karimi, S. (1394) Time and Place of Conclusion of Electronic Contracts, 4 Science of Private Law Journal 1 (in Persian).
6. Karimi, A. & Karimi S. (1396) Application of the Theory of Depecege in Choice of Law Analysis, 47 Journal of Private Law Studies 1 (in Persian).
7. Katouzian, N. (1383) Civil Law: General Rules for Contracts, Tehran: Publication Cooperation, 6<sup>th</sup> ed., 1<sup>st</sup> vol. (in Persian).
8. Nasiri, M. (1352) International Trade Law, Tehran: Visman Institution of Researches & Publications (in Persian).
9. Rastegar, A. & Babayi, D. (1396) Analyses of Freezing Clauses in Oil Contracts, 2 Journal of Nation Researches 20 (in Persian).
10. Sadeghi, M. (1384) Definition and Application of Public Policies in Judicial and Semi-Judicial Refences, 68 Journal of Faculty of Law and Political Sciences of University of Tehran (in Persian).
11. Shamsaei, M. (1396) Freezing Clauses in Governmental Contracts, 5 Journal of Private Law Studies 18 (in Persian).
12. Shiravi, A.H. (1393) Oil and Gas Law, Tehran: Mizan Publication, 2<sup>nd</sup> ed. (in Persian).

**B) English References**

13. Allen, William H & Erin A O'Hara (1999), "Generation Law and Economics of Conflicts of Laws, Baxter's Comparative Impairment and Beyond" 51 *Stan L Rev* 1011.
14. Antle, Stephen & Jennifer K Choi (2015), "Choice of Contractual Governing Law and Dispute Resolution Jurisdiction", *Rocky Mt L Fdn* 1.
15. Baniassadi, Mohammad Reza (1992), "Do Mandatory Rules of Public Law Limit Choice of Law in International Commercial Arbitration" 10 *Intl Tax & Bus L* 59.
16. Barraclough, Andrew & Jeff Waincymer (2005), "Mandatory Rules of Law in International Commercial Arbitration" 6(2) *Melbourne J Intl L* 205.
17. Branson, David J, & Richard E Wallace (1986), "Choosing the Substantive Law to Apply in International Commercial Arbitration" 27 *Va J Intl L* 39.
18. Collins, Robert (1995), French English Dictionary, 4<sup>th</sup> ed, United Kingdom: Harper Collins Publishers.

19. Delaume, Georges R (1988-1989), "Comparative Analysis as a Basis of Law in State Contracts: The Myth of the Lex Mercatoria" 63 *Tul L Rev* 575.
20. Farrow, Trevor C W (2014), *Civil Justice, Privatization, and Democracy*, Toronto: University of Toronto Press.
21. *Felipe Ruiz v Blentech Corp* (1996) 89 F (3d) 320, 1996 35 Fed R Serv 3d 1053, Prod Liab Rep (CCH).
22. Garner, Bryan A (1999), *Black's Law Dictionary*, 7th ed, United States: West Group.
23. Gaston, Eric H (1999), "Reassessing Connecticut's Eclectic Choice of Law Methodology: Time for (Another) New Direction" 73 *Conn Bar J* 462.
24. Gertz, Craig M (1991-1992), "The Selection of Choice-of-law Provisions in International Commercial Arbitration: A Case for Contractual Dépeçage" 12 *Nw J Intl L & Bus* 163.
25. *Hague Convention on the Law Applicable to Contracts for the International Sale of Goods*, 22 December 1986.
26. Inter-American Convention on the Law Applicable to International Contracts, 17 March 1994, Organization of American States, 33 *ILM* 732.
27. Kasimbazi, Emmanuel B (2012), "Environmental Regulation of Oil and Gas Exploration and Production in Uganda" 30 *J Energy & Nat Resources L* 185.
28. King & Spalding (2017), *Upstream Government Petroleum Contracts (A Practitioner's Guide to Concessions, Production Sharing Contracts, and Risk Service Agreements)*, New York: Juris Publishing Inc.
29. Mabadi, Amir Hosein (2008), "Legal Strategies in Upstream Oil and Gas Contracts to Attract Foreign Investment: Iran's Case" *LLM Dissertation* (Tehran: Faculty of law of Shahid Beheshti University), online: <http://ssrn.com/abstract=1745427>.
30. Mayer, Pierre (1986), "Mandatory Rules of Law in International Arbitration" 2 *Arb Intl* 274.
31. Moerbe, Charles (2000), "International Operations: Contracts with the Government and Basic Concepts of International Operating Agreements" *Lewis Mosburg's Oil & Gas Newsletter*.
32. *Nike Informatic System Ltd v Avac Systems Ltd*, [1979] BJC No 1277.
33. Ong, Allan Verman Yap (2009), "Issues in the Application of Dépeçage in Chinese Private International Law" 8 *Chinese J Intl L* 637.
34. Oshionebo, Evaristus (2010), "Stabilization Clauses in Natural Resource Extraction Contracts: Legal, Economic and Social Implications for Developing Countries" 10 *Asper Rev Int'l Bus & Trade L* 1.
35. Peterson, Courtland H (1998), "Private International Law at the End of the Twentieth Century: Progress or Regress?" 46 *Am J Comp L* 197.
36. Practical Law Glossary, "Stabilization Clause", Item 1-501-6477, online: [https://uk.practicallaw.thomsonreuters.com/1501477?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/1501477?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1), (Accessed 21 July 2019).
37. Reavley, Thomas M & Jerome W Wesevich (1992), "An Old Rule for New Reasons: Place of Injury as a Federal Solution to Choice-of-law in Single-Accident Mass-Tort Case" 71 *Tex L Rev* 1.
38. Reese, William L M (1973), "Dépeçage: A Common Phenomenon in Choice-of-law" 73 *Colum L Rev*.

39. *Rome Convention on the Law Applicable to the Contractual Obligations*, 19 June 1980, 80/934/EEC, 1605 UNTS 59.
40. Sedler, Robert A & Aaron D Twerski (1989), "The Case against All Encompassing Federal Mass Tort Litigation: Sacrifice Without Gain" 73 *Marq L Rev* 76.
41. Symeonides, Symeon C (2013), "Issue-by-issue Analysis and Dépeçage in Choice-of-law: Cause and Effect" 45 *University of Toledo L Rev* 45.
42. Travnickova, Simona (2009), "Limitation of Choice of Law; Mandatory Rules and Internationally Mandatory Rules", *Právnická fakulta Masarykovy university, Česká republika*.
43. UNIDROIT Principles of International Commercial Contracts 2010, International Institute for the Unification of Private Law (UNIDROIT), 2010.
44. *Vita Food Products Inc v Unus Shipping Co*, [1939] AC 277 (PC).
45. Wawryk, Alexandra S, "International Environmental Standards in the Oil Industry: Improving the Operations of Transnational Oil Companies in Emerging Economies", *University of Adelaide*.
46. Weintraub, Russell J (1974-1975), "Beyond Dépeçage: A "New Rule" Approach to Choice-of-law in Consumer Credit Transactions and a Critique of the Territorial Application of the Uniform Consumer Credit Code" 25 *Case W Res L Rev* 16.

(14)

**References****Persian and Arabic**

1. Ememi, H., (1390), Civil law, Vol.1, issue 32, Tehran: Eslamiyeh Press.
2. Broumand, N. (1396), Punitive damage, Tehran: Majd publication.
3. Jafari Tabar, H. (1375), the civil liability of producers and sellers of the goods, Tehran: Dadgostar publication.
4. Jagari Langroudi, M.J. (1372), Obligation law, vol.1, Tehran: University of Tehran Press.
5. Haeri Shah Bagh, A. (1387), Civil code description, Vol.1, issue3, Tehran: Ganj-e- Danesh Library.
6. Jordin, P. (1391), civil liability principles, translated by Adib, M., issue 3, Tehran: Mizan Publication.
7. Shahidi, M. (1389), the effects of the contracts and obligations, Vol.3, issue 4, Tehran, Majd publication.
8. Safa-e, H; Rahimi, H. (1389), civil liability, Tehran: SAMT Press.
9. Katouziyan, N. (1388), general principles of contracts, Vol.1, issue 8, Tehran: Sahami Enteshar publication.
10. Katouziyan, N. (1387), general principles of contracts, Vol.3, issue 5, Tehran: Sahami Enteshar publication.
11. Katouziyan, N. (1389), non-contractual liability, Vol.1, issue 9, Tehran: University of Tehran Press.
12. Karimi, A. (1397), 40 legal words, Tehran: Dadgostar publication.
13. Aghayi, K.; Boroumand Bardeh, N. (1396), legal and economic analysis of compensatory damage, economic law journal, No. 11, spring and autumn.
14. Eslami Panah, A. (1380), the contradiction between main and ancillary obligations, Private law studies Journal, no. 527, autumn.
15. Alsharif, M.M; Saeedi, S. (1392), the critics about decrease of damage according to the tortfeasor's financial situation in tort actions, private law, No. 22, Spring and autumn.
16. Eftekhar Jahromi, G.; Hoseyni Pouya, M. (1394), the analysis and critics about the Islamic opinions regarding the decrease of the value of money in case of delayed payment, legal studies, No. 71, Autumn.
17. Amin Far (1319), fault in French Civil code, Judicial power legal studies, No. 15.
18. Emami, A. (1354), the role of volition in the contracts, Hagh (legal studies), No. 4, Winter.
19. Bigdeli, S. (1396), the follow ship of contractual liability from parties' will in civil law, Feghh and Islamiv studies, No. 17, Autumn and Winter.
20. Taghi Zadeh, E., Khosravi Farsiyani, A., Mousi Pour, M. (1391), the nature and effect of the punitive damage in common law (comparative study), Civil law knowledge, No.1, Spring and Autumn.
21. Khosravi Farsiyani, A., piranvand, Shapour (1389), comparative study of penalty clause and punitive damage, Judicial power Journal, No. 2070, Summer.
22. Ranjbar, M. (1394), the responsibility of the victim in decreasing the contractual loss, the international conference of management, economy and humanities.

23. Simayi Saraf, H.; Abou Ata M.; Barmanzan, F. (1397), the methods of special performance in Feghh and Iran Law, Fegh and Islamic studies, No. 18., Spring and Autumn.
24. Abedian, M. (1385), the comparative study of the possibility of penalty clauses in contracts, reform of article 230 Iran Civil code, theology and law, No.9.
25. Ghasem Zadeh, R., ParsaPour, M., Alavi, M. (1390), penalty clauses in English law (comparative study with Iran) Comparative study Journal, No. 4, Winter.
26. Ghasemi Hamed, A.; Khosravi Farsiyani, A., Aghababae, F. (1392), punitive damage in Iranian law, Judicial power Journal, No. 81, Spring.
27. Karimi, A.; Sadeghi Rad, E.; Taghi Zadeh, E. (1397), the cost- benefit rule and its importance in noncontractual liability, legal studies, No.1, Spring.
28. Davoud Limoue, H. (1390), the freedom of will in limitation act, MSc Thesis, Faculty of Law, Beheshti University.
29. Rasouliyan, M. (1386), the whole compensation rules, MSc Thesis, Faculty of Law, Qom University.
30. Khansari, J (1364), Al-Roze al-Badihah, Vol.1, issue 2, Qom: Al-madreseh al-Razavieh publication.
31. Al-Alameh- Al-Heli (1423), Tazkereh al-foghaha, Vol.13, Qom: Al al-bayt publication.
32. Kashaf- Algheta, Anvar al-Feghaheh, Vol.1, Kashaf- Algheta publication.
33. Najafi Javaheri, M.H. (1362), Javaher al-Kalam, Vol 43, Issue 7, Beyrut, Ehya al[toras publication

#### **English and French**

34. Borghetti, Jean- Sebastien (2009), Punitive damages: common law and civil law perspective, Tort and insurance law, vol 25, Vienna: Springer.
35. Brogyova, Andras (1998), "The concept and nature of contractual obligation", Acta Juridica Hungarica, Vol.39, Issue 1-2, 1-24.
36. David, Rene (1935), "Measure of damage in the French law of contract", Journal of comparative legislation and international law, vol 17, 61-72.
37. Le Pautremat, Solene (2006), "mitigation of damage; a French perspective", International and comparative law quarterly, vol 55, No.1, 205- 218.
38. McMahan, Bryan M.E. (1973), "Delictual liability in France", Northern Ireland legal quarterly, Vol.24, 491- 514.
39. Mettarlin, Daniel M (1961), "Contractual and delictual responsibility in Quebec; The rediscovery of contract", McGill law journal, Vol 8, No1, 38- 56.
40. Starck, Boris (1973-1974), "the foundation of delictual liability in contemporary French law: an evaluation and a proposal", Tulane law review, vol 48, 1043-1074.
41. l'Association Henri Capitant des Amis de la Culture Juridique Française (2008), "Principes contractuels communs", Paris: Société de législation compare
42. Baudouin, Jean- Louis (1973), La responsabilité civile délictuelle, Montréal: les presses de l'Université de Montréal.
43. Demogue, René (1925), Traite des obligations en général, Tome5, Paris: Libraire Arthur Rousseau
44. Rouviere, Federic (2010), La remise en cause du contrat par le juge, l'efficacité du contrat, Aix-en-Provence: Dalloz.

- 
45. Calciu, Diana (2008), "les dommages et interest punitifs", *Studia Universitatis Babes-Bolyai Jurisprudentia*, Vol.2, 136-157.
  46. Chauveau, Paul (1979), "la faute inexcusable", *annals de droit Aérien et spatial*, Vol 4.
  47. Courte de Font michel, Alexandre (2005), "La sanction des fautes lucratives par des dommages- interets punitifs et le droit Francaise", *Unform law review*, vol10, issue 4, 737- 757.
  48. Cremades, Bernardo M., (2002), "Les dommages-intérêts conventionnelles prévus en cas de rupture de contrat, les clauses pénales et les dommages intérêts a caractère répressif dans les contrats internationaux", *International business law journal*.
  49. Couture, Marc- Antonie (2017), *Contrefaçon et recours civil: la quantification de dommages au Quebec et en France, pour obtenir le grade de master, droit prive, Université de Paris-sud et Université Laval Québec*.
  50. Freleteau, Barbara (2015), *devoir et incombance en matiere contractuelle, sous la direction de Laura Sautonie-Laguionie Thèse pour obtenir le grade de Docteur, Droit prive, Universite de Bordeaux*.
  51. Jean Marie, Emilie (2016), *La reparation de prejudice en droit du travail, sous la direction de Patrice Adam et Bernard Bossu thèse pour obtenir le grade Docteur, Droit prive, Université de Lorraine*.
  52. Marignol, Ludovic (2017), *La prévisibilité en droit des contrats, sous la direction de Jerome Julien, Thèse pour obtenir le grade de Docteur, Droit prive et Science criminelles, L'Université de Toulouse*.
  53. Mauclair, Stéphanie (2011), *Recherche sur l'articulation entre le droit commun et le droit spécial en droit de la responsabilité civile extracontractuelle, sous la direction de Tristan Azzi, Thèse pour obtenir le grade de Docteur, droit prive, l'Université d'Orléans*.
  54. Serageldin, Sami (2014), *Les clauses ayant effet a l'échelle des groupes de contrats, sous la direction de Nicolas Bouche. Thèse pour obtenir le grade de Docteur, Droit prive, Universite Jean Moulin (Lyon3)*.
  55. <http://j.ijri.ir/SubSystems/Jpri2/Showjudgement.aspx?id=WlhSTm43K0VIZIE9>.



(15)

**References**

1. Abujeyb, Saadi (1987), *Qamoos al-FiqheeLoqatanvaEstelahan*, Second Edition, Damascus: Dar-olFekr Publication. (in Arabic)
2. AhmadzadeBazaz, SayyedAbdulmotalleb and RezaeeDavani, Majid (2014), "Time Sharing and its Economic Applications", *Islamic Economics*, No. 55, pp. 33 - 60.(in Persian)
3. Allamah al-Hilli (1985), *Al-Johar al-Nazid fi Sharh-e Manteq al-Tajreed*, Qom: Bidar Publication. (in Arabic)
4. Alsharif, Mohammad Mahdi and KeyvaniHafshejani, Dariuosh (2019), "An Exploration into the Nature and Property of Information with Legal and Economic Viewpoint", *Private Law*, Vol. 15, No. 2, pp. 301 - 322. (in Persian)
5. Badini, Hassan (2003), "Philosophical Foundations of Economic Approach to the Law", *Magazine of Faculty of Law and Political Science*, No. 62, pp. 91 - 135. (in Persian)
6. Badini, Hassan (2006), "Is the Law the Independent Science?", *Magazine of Faculty of Law and Political Science*, No. 74. pp. 1 - 45. (in Persian)
7. Case, Carl, E; Fair, Ray, C. and Oster, Sharon, M. (2012), *Principles of Economics*, 10<sup>th</sup> Edition, Boston: Pearson.
8. Coase, Ronald (1978), "Economics and Contiguous Disciplines", *The Journal of Legal Studies*, Vol 7, No. 2, pp. 201 – 212.
9. Cooter, Robert and Ulen, Thomas (2013), *Law and Economics*, Translators: Dadgar, Yadollah and Akhavan-e Hazave, Eighth Edition, Hamadan: Institute of Economics of TarbiatModares University Publication; Noor-e Elm Pyblication. (in Persian)
10. Dadgar, Yadollah and Rahmani, Teymur (2012), *The Fundamentals and Principles of Economics*, Thirteen Edition, Bustan-e Ketab Publishers. (in Persian)
11. Daoud, Adel (2011), *Scarcity, Abundance and Sufficiency: Contributions to Social and Economic Theory*, Gothenburg: Gothenburg University Press.
12. Elliot, Catherine and Quinn, Frances (2011), *Contract Law*, Eighth Edition, England: Pearson.
13. Faraci, David (2014), "Erratum to: Do Property Rights Presuppose Scarcity?", *Journal of Business Ethics*, Vol 125, Springer.
14. Fetter, Frank, A. (1928), *Economic Principles*, New York: The Century Co.
15. Friedman, David (2018), "Law and Economics", In: *The New Palgrave Dictionary of Economics*, Third Edition, Palgrave Macmillan.
16. Fulcher, James (2014), *Capitalism: A Very Short Introduction*, Translator: Amiri, Mostafa, Second Edition, Tehran, Mahi Publication. (in Persian)
17. Griffin, Ronald C. (2006), *Water Resource Economics: The Analysis of Scarcity, Policies, and Projects*, USA: The MIT Press.
18. Hardin, Garrett (1968), "The Tragedy of the Commons", *Science*, Vol. 162. No. 3859, pp. 1243 – 1248.
19. Heilman, R. (1932), "The Correlation Between the Sciences of Law and Economics", *California Law Review*, (20), pp. 379 – 395.

20. Heyne, Pual (1993), "Efficiency", in: The Fortune Encyclopedia of Economics, Edited by: Henderson, David R., Warner Books.
21. Himayri, Nashvan (1999), Shams al-OloomvaDava-o Kalam al-Arab-e men al-Koloom, Volume 10, Damascus: Dar-olFekr. (in Arabic)
22. Hobbes, Thomas (2005), Leviathan, Translator: Bashiriyeh, Hossein, Third Edition, Tehran: Nashrene. (in Persian)
23. Hohenthal, Johanna and Minoia, Paola (2017), "Social Aspects of Water Scarcity and Drought", in: Handbook of Drought and Water Scarcity: Environmental Impacts and Analysis of Drought and Water, Edited by: Eslamian, Saeid and Eslamian, Faezeh A., New York: Taylor & Francis Group.
24. Holmes, Oliver Wendell Jr. (2009), The Path of the Law, The Floating Press.
25. Homer-Dixon, Thomas F. (1999), Environmental, Scarcity and Violence, Princeton: Princeton University Press.
26. Hoppe, Hans-Hermann (2010), A Theory of Socialism and Capitalism: Economics, Politics and Ethics, Auburn: Ludwig von Mises Institute.
27. Hume, David (2013), An Enquiry Concerning the Principles of Morals, Translator: Mardiha, Mortaza, First Edition, Tehran: Minooy-e Kherad Publication. (in Persian)
28. Hume, David (2018), A Treatise of Human Nature, Translator: Peykani, Jalal, Tehran: Qoqnoos Publication. (in Persian)
29. Isaac, Barry L. (2005), "Karl Polanyi", In: A Handbook of Economic Anthropology, Edited by: Carrier, James G., Bodmin: Edward Elgar Publishing.
30. K. N. Toosi (1977), Nasirean Ethics, Third Edition, Khwarizmi Publication. (in Persian)
31. Kahl, Colin H. (2006), States, Scarcity and Civil Strife in the Developing World, New Jersey: Princeton University Press.
32. Katebi, Ahmad (1998), An Introduction to the Ideas and Theories of Demography, fourth Edition, Tehran: Institute for Humanities and Cultural Studies. (in Persian)
33. Katouzian, Naser (2011), An Introduction to the Science of Law, 39<sup>th</sup> Edition, Tehran: Enteshar Publication co. (in Persian)
34. Katouzian, Naser (2012), Properties and Ownership, 36<sup>th</sup> Edition, Tehran: Mizan Publication. (in Persian)
35. Katouzian, Naser (2013), General Principles of Contract, Vol. 1, 11<sup>th</sup> Edition, Tehran: Enteshar Publication co. (in Persian)
36. Katouzian, Naser (2014), Philosophy of Law, Vol. 3, Fifth Edition, Tehran: Enteshar Publication co. (in Persian)
37. Lehman, J. & Phelps, S. (2005), West's Encyclopedia of American Law, Volume 8 & Volume 6, 2<sup>nd</sup> Ed, THOMSON GALE.
38. Lindblom, Charles Edward (2009), Market System, Translator: Maljou, Mohammad, First Edition, Tehran: Nashrene. (in Persian)
39. Lock, John (2012), ResaleheeDarbareyeHokumat (Persian Edition), Translator: Azadanlou, Ahmad, Tehran: Nashrene. (in Persian)
40. Lord Robbins, L. (1932), An Essay on the Nature and Significance of Economics, London: Macmillan.

41. MadaniKashani, Reza (1988), *Al-Taliqato al-SharifatoalaBahs al-Kheyarat-e va al-Shoroote men Kitab al-Matajer*, Qom: Maktabato Ayatollah MadaniKashani. (in Arabic)
42. Mahoney, Dan (2002), "Ownership, Scarcity and Economic Decision Making", *The Quarterly Journal of Austrian Economics*, Vol. 5, NO. 1, pp. 39 – 56.
43. Mankiw, Greg, (2013), *Principles of Economics*, Translator: Arbab, Hamid Reza, Second Edition, Tehran: Nashrene. (in Persian)
44. Martin, Raymond (1999), *Loi économique et règle de droit* », in: *Recueil Dalloz*.
45. Marx, Karl (2003), *Economic and Philosophic Manuscripts of 1844*, Translator: Mortazavi, Hassan, Third Edition, Tehran: Agah Publication. (in Persian)
46. Marx, Karl and Engels, Friedrich (2018), *The Communist Manifesto*, London: Vintage.
47. Mateer, Dirk and Coppock, Lee (2018), *Principles of Economics*, Second Edition, New York: W. W. Norton & Company, Inc.
48. Mathis, Klaus (2009), *Efficiency Instead Justice? Searching for the Philosophical Foundations of the Economic Analysis of Law*, Translated by: Shanonn, Deborah, Springer.
49. Mcconnell, Campbell R. and Brue, Stanley L. and Flynn, Sean M. (2018), *Economics: Principles, Problems and Policies*, Twenty – First Edition, New York: McGRAW – Hill Education.
50. Moravej, Sayyed Mohammad Jafar (1995), *Hoda al-taleb fi Sharh al-Makasib*, Volume 6, Qom: Dar al-Ketab Publication co. (in Arabic)
51. Noorahmadi, Mohammad Javad (2013), *Ownership, Justice & Growth*, First Edition, Tehran: Imam Sadiq University Press. (in Persian)
52. Ogus, Anthony (2006), *Costs and Cautionary Tales: Economic Insight for the Law*, Hart Publishing.
53. Piettre, Andre (1973), *Marx and Marxism*, Translator: Zeeyaeen, Shojodeen, University of Tehran Press. (in Persian)
54. Polanyi, Karl (1957), "The Economy as Instituted Process", In: *Trade and Market in the Early Empires*, Edited by: Polanyi, Karl; Arensberg, Conrad M. and Pearson, Harry W. USA: The Falcon`s Wing Press.
55. Polanyi, Karl (2012), *The Great Transition*, Translator: Maljou, Mohammad, First Edition, Tehran: PardisDanesh Publication. (in Persian)
56. Posner, Richard A. (1986), *Economic Analysis of Law*, Third Edition, Wolters Kluwer.
57. Posner, Richard, A. (1987 A), "The Decline of Law as an Autonomous Discipline: 1962 – 1987", *Harvard Law Review*, Vol. 100, No. 4, pp. 761 – 781.
58. Posner, Richard A. (1987 B), "The Law and Economics Movement", *The American Economic Review*, Vol 77, No 2, pp. 1 – 13.
59. Posner, Richard A. (1998 A), "Bentham`s Influence on The Law and Economics Movement", *Current Legal Problems*, (5) 1, pp. 425 – 439.
60. Posner, Richard A. (1998 B), *Values and Consequences: An Introduction to Economic Analysis of Law*, Coase – Sandor Institute for Law & Economics Working Paper, No. 53, University of Chicago Law School.
61. Rothbard, Murray N. (2013), *Power and Market*, Translators: Pedram, Mateen and Rahmani, Vahideh, First Edition, Tehran: Donya-e-Eqtasad Publication. (in Persian)

62. Richards, Paul (2009), Law of Contract, 9<sup>th</sup> edition, Pearson.
63. Salvatore, Dominick and Diulio, Eugene (2003), Principles of Economics, USA: McGraw-Hill.
64. Sanad, Mohammad (2007), Fiqh al-Masaref-e val-Noqood, Qom: Maktabat-olFadak. (in Arabic)
65. Singer, Peter (2014), Marx: A Very Short Introduction, Translator: Solgi, Leila, First Edition, Tehran, Saless Publication. (in Persian)
66. Shahabi, Mahdi (2017), Philosophy of Law, First Edition, Tehran: Research Institute of Islamic Culture and Thought. (in Persian)
67. Shahabi, Mahdi (2018), Economic Analysis of Law in the Conflict between Legal Modernity and Legal Postmodernity, Comparative Law, Vol. 9, No. 1, pp. 257 - 283. (in Persian)
68. Smith, Adam (1978), The Wealth of Nations, Translator: Ebrahimzade, Sirus, First Edition, Tehran: Payam Publication. (in Persian)
69. Stone, R. (2003), Contract Law, Fifth Edition, London: Cavendish Publishing.
70. Tabari, Mohammad-ibnJarir (1991), Jame al-Bayan fi Tafsie al-Quran, Volume 30, Beirut: Dar-olMarefat. (in Arabic)
71. TabatabaeiHesari, Nasrin (2016), "Economic Functions of Registration of Real Properties According to the Concept of Economic Efficiency", Legal Research Quarterly, Vol. 18, No. 72, pp. 311 - 336.(in Persian)
72. Taylor, Timothy (2014), Principles of Economics: Economics and the Economy, Third Edition, USA: Textbook Media.
73. Tebbit, Mark (2017), Philosophy of Law: An Introduction, Third Edition, New York: Routledge.
74. Treitel, G. H. (2015), The Law of Contract, Fourteenth Edition, UK: Sweet & Maxwell.
75. Waldron, Jeremy (1988), The Rights to Private Property, Oxford: Clarendon Press
76. Ward, Ian (1998), An Introduction to Critical Legal Theory, GB: Cavendish Publishing Limited.
77. Yadipour, Mahdi (2010), An Introduction to Law and Economics, Tehran: Imam Sadiq University Press.(in Persian)

(16)

**References**

1. Bagheri, mahmoud, sheikh, javad, (1389), "in search of desire: an analysis of kaus's theory in the interaction of law and economics in search of optimality: an analysis of coase's theorem on the interaction between law and economics", quarterly journal of private law studies, vol.101, pp20-40.
2. Bartholomew, Mark, (2018), The Political Economy of Celebrity Rights, Whittier Law Review, vol38. No2, pp2-24.
3. Bergmann, Susanne, (1999), Publicity Rights in The United States and Germany: A Comparative Analysis, Loyola of Los Angeles Entertainment Law Review, vol.19, PP470-500.
4. biene, Daniel, (2005), "celebrity culture, individuality, and right of publicity as a european legal", International Review of Intellectual Property and Competition Law, Volume 36, Number 5.
5. Brown, Jeffrey J., (2006), Defending The Right of Publicity: A Natural Rights Perspective, intell. Prop. L. Bull., vol10, pp131-142.
6. Cantero, I., et al. (2010), "Exploiting Publicity Rights in the EU". from:<http://e-collection.library.ethz.ch/view/eth:2389>.
7. Cashmore, Ellis, (2006), Celebrity Culture, London, UK: Routledge.
8. Choi, sejung marina, (2007), who is the celebrity in advertising? Understanding Dimensions of Celebrity Images, The Journal of Popular Culture, vol.40, no.2, pp304-325.
9. Clay, steven, (1994), Starstruck: The Overextension of Celebrity Publicity Rights in State and Federal Courts, Minnesota Law Review, vol79, pp485-502.
10. Coyle, Andrew T, (2012), Finding A Better Analogy fFor The Right of Publicity Brooklyn Law Review, vol77, p1133-1150.
11. Dionisio, Francisco & isabel gordo, (2006), The Tragedy of the Commons, The Public Goods Dilemma, And The Meaning of Rivalry And Excludability Inevolutionary Biology, evolutionary ecology research, vol8, pp321–332.
12. Dogan, stacey l. & mark a. Lemley, (2006), What The Right of Publicity Can Learn from Trademark Law, stan. L. Rev., vol58, pp1161-1198.
13. Dogan, stacey l., (2003), An Exclusive Right to Evoke, b.c. L. Rev., vol44, pp291- 303.
14. Dreyman, Noa, (2017), John Doe's Right of Publicity, berkeley technology law journal, vol32, p680-700.
15. Emami, Seyyed Hassan, (1377), Civil law, Islamiye, vol.1
16. Faber, jonathan l., (2000), Indiana: A Celebrity-Friendly Jurisdiction, Res Gestae, vol43, p24-30.
17. Feiz, Davood, Amin Arefi and Amin Kahari Haghighat, (1395), "The Influence of Famous People and the Effectiveness of Advertising", Quarterly Journal of Business Management Research, no16, pp185-209.
18. Felcher, peter & edward l rubin, (1980), The Descendibility of The Right of Publicity: Is There Commercial Life After Death?, yale law journal, vol89, pp1125-1150.
19. Felcher, peter & edward l. Rubin, (1979), "Privacy, Publicity, And The Portrayal of Real People By The Media", yale l.j., no.88, pp1570-1590.

20. Ferris, Kerry O., (2007), The Sociology of Celebrity, *Sociology Compass*, VOL 1/1, PP371–384.
21. Franke, Gloria, (2006), The Right of publicity vs. The first amendment: Will One Test Ever Capture tThe Starring Role? *Southern California Law Review*, vol.79, pp945-987.
22. Gaillard, v.e, (1984), la double nature du droit a` l`image et ses conse`quences en droit positif franc, préc.
23. Gervais, Daniel & martin l. Holmes, (2014), fame, property, and identity: the scope and purpose of the right of publicity, *fordham intell. Prop. Media & ent. L.j.*, vol81, pp180-200.
24. Ghabooli dorafshan, seyed mohammad hadi,, bakhtiarvand, mostafa, khansari, samaneh (1397), "publicity right study of the american law and an attempt to recognize it in imamia jurisprudence and regulate it in iranian law", *journal of private law studies*, volume 48, no1, pp.113-151.
25. Gordon, h. Scott, (1954), The Economic Theory of A Common-Property Resource: The Fishery, *Journal Of Political Economy*, vol62, pp124–142.
26. Gordon, wendy j, (1993), A Property Right in Self-Expression: Equality and Individualism In The Natural Law Of Intellectual Property, *yale law journal*, vol102, pp1533- 1547.
27. Gorgi, Abolghasem, (1369), Legal articles, Vol.2, University of Tehran.
28. Grady, mark f., (1994), A Positive Economic Theory of The Right Of Publicity, *ucla ent. L. Rev.*, vol1, pp97-109.
29. Grandpre, Vincent, (2001), Understanding The Market For Celebrity: An Economic Analysis Of The Right Of Publicity, *Fordham Intellectual Property Media And Entertainment Law Journal*, vol12, pp73-103.
30. Gross, Robin, (2006), *Intellectual Property Rights aAnd The Information Commons*, Human Rights in The Global Information Society, Mit Press.
31. Haemmerli, Alice, (1999), Whose Who? The Case for A Kantian Right Of Publicity, *duke L.j.*, vol49, pp383-406.
32. Halpern, s.w., (1986), The Right of Publicity: Commercial Exploitation Of The Associative Value Of Personality, *vand. L. Rev.*, no.39, p23-45.
33. Halpern, Sheldon w, (1995), The Right of Publicity: maturation of an Independent right protecting The Associative Value Of Personality, *hastings Law journal*, vol46, pp853-869.
34. Hardin, garrett, (1968), The Tragedy of The Commons, *Science*, vol162, pp.1243-1289.
35. Helling, Anna e., (2004), Protection of Persona In The Eu And In The Us: A Comparative Analysis, stockholm university, sweden, a thesis submitted to the graduate faculty of the university of georgia in partial fulfilment of the requirements for the degree.
36. Henderson, L., Protecting a Celebrity's Legacy: Living in California or New York Becomes the Deciding Factor, *The Journal of Business, Entrepreneurship & the Law*, Vol3, Issue 1, 2009, pp59-79.
37. Jacoby, Melissa b. & Diane Leenheer Zimmerman, (2002), Foreclosing On Fame: Exploring The Uncharted Boundaries of The Right Of Publicity, *N.Y.U. L. REV.*, vol77, pp1322- 1345.
38. Jafari Langroodi, Mohammad Jafar, (2009), Property Rights, ganje danesh.

39. Jafari Tabar, Hassan, (1386), " THE PHILOSOPHY OF INTELLECTUAL PROPERTY RIGHTS", *Law Quarterly*, Vol. 37, no.2, pp41-82.
40. Jafari, Feyzollah and Mehrnaz Mokhtari, (1395), "A Comparative Study of the Nature of the Image Rights of Stars in Commercial Advertising", *Journal of Comparative Law Studies*, Volume 7, no. 2, pp. 511-532.
41. Jung, Andrew M., (2011), *Twittering Away the Right Of Publicity: Personality Rights And Celebrity Impersonation On Social Networking Websites*, *chicago-kentla wreview*, vol 86, PP380-410.
42. Katoozian, Nasser, (1386), *Property law*, mizan.
43. Katouzian, Nasser (1387: A), *tort law*, University of Tehran, vol1, 8 ed.
44. Katouzian, Nasser, (1387: b), *tort law*, University of Tehran, Vol.2, 8 ed.
45. Konsky, Sarah m., (2004), *Publicity Dilution: A Proposal for Protecting Publicity Rights*, *Santa Clara Computer & High Tech L.J.*, vol21, pp347-380.
46. Kwall, Roberta Rosenthal, (1994), *The Right of Publicity Vs the First Amendment: A Property and Liability Rule Analysis*, *Indiana Law Journal*, vol70, pp47-54.
47. Kwall, Roberta Rosenthal, (1997), *Fame*, *Ind. L.J.*, vol73, pp1-43.
48. Kwall, Roberta Rosenthal, (2001), *preserving personality and reputational interests of L.j.*, vol49, pp383-406.
49. Landes, william m. & Richard a. Posner, (2003), *Indefinitely Renewable Copyright*, *u.chi. L. Rev.*, Vol70, pp471-485.
50. Landes, william m. & Richard a. Posner, (2003), *The Economic Structure of Intellectual Property Law*, belknap press.
51. Lapter, Alain J., (2007), *How The Other Half Lives (Revisited): Twenty Years Since Midler v. ford*, a *Global Perspective On the Right of Publicity*, *tex. Intell. Prop. L.j.*, vol15, pp239-246.
52. lauterbach, Thorsten, (2005), "us-style 'personality' right in the uk – en route from strasbourg? 20th biletta conference: over-commoditised; over-centralised; over-observed: the new digital legal world?" *queen's university of Belfast*.
53. Leaffer, Marshall, (2007), *The Right of Publicity: A Comparative Perspective*, *alb. L. Rev.*, vol70, pp1357-1374.
54. Lee, mark s., (2003), *Agents of Chaos: Judicial Confusion in Defining The Right Of Publicity-Free Speech Interface*, *loy. L.a. Ent. L. Rev.*, vol23, pp471-498.
55. Lemley, mark a., (1999), *the modern lanham act and the death of common sense*, *yale l.j.*, vol68, pp1687-1706.
56. Lemley, mark a., (2004), *Ex Ante Versus Ex Post Justifications for Intellectual Property*, *u. Chi. L. Rev.*, vol71, pp129-147.
57. Madow, Michael, (1993), *Private Ownership of Public Image: popular culture and publicity rights*, *cal. L. Rev.*, vol81, pp125-150.
58. Majlesi, Mohammad Bagher, (1419), *Bahar al-Anwar*, vol68, Beirut, Dar al-ehya.
59. Makarem Shirazi, Nasser, (1379), *Al-qavaed al- feghhiye*, vol. 2, Imam Ali ibn Abi Taleb School, 5 ed.
60. Markesinis, B.S., and Hannes Unberath (2002), *The German Law of Torts A Comparative Treatise*, Hart Publishing.
61. Marks, kevin s., (1982), *Comment, An Assessment of the Copyright Model In Right Of Publicity Cases*, *cal. L. Rev.*, vo70, pp786-800.

62. McCarthy, j. Thomas, (1994), The Human Persona As Commercial Property: The Right Of Publicity, *colum.-vla j.l. & arts*, vol19, pp.129-148.
63. McCarthy, j. Thomas, (2006), The Rights of Publicity and Privacy, *west law*, p4-24.
64. Mckenna, mark p., (2005), The Right Of Publicity And Autonomous Self-Definition, *u.pitt. L. Rev.*, vol67, pp225–279.
65. Mirshakari, Abbas, (1398: A), "The Commercial Exploitation of the Dead", *Legal Research*, Volume 22, no85, pp97-120.
66. Mirshakari, Abbas, (1398: b), The publicity Right, *Journal of Private Law Studies*, Vol. 49, no.3, pp523-542.
67. Mohammadi, Amid, Salehi Mazandarani, Mohammad, Zahedi, Mehdi, (1396), "Protection of Publicity Right in the Light of Intellectual Property Rights (Comparative Analysis)", *Comparative Law Research*, Volume21, no3, pp.185-214.
68. Moskalenko, Kateryna, (2015), The Right of Publicity In The Usa, The Eu, And Ukraine, *international comparative jurisprudence*, no.1, P100-130.
69. Nahon, Karine, (2011), Fifteen Minutes of Fame: The Power of Blogs in the Lifecycle of Viral Political Information, *Policy & Internet*, Vol. 3, Iss. 1, pp2-28.
70. Nimmer, melville b., (1954), The Right of Publicity, *law & contemp. Probs.*, vol19, pp203-243.
71. Ostrom, elinor & hess, charlotte, (2007), Private and Common Property Rights, *Indiana university, bloomington: school of public & environmental affairs research paper no. 2008-11-01*. Available at [ssrn: https://ssrn.com/abstract=1936062](https://ssrn.com/abstract=1936062)
72. Pearl, m.alexander, (2015), The Tragedy Of The Vital Commons, *environmental law*, vol.45, p1-24.
73. Pilvar, Rahim, (۱۳۹۰), "Theory of Work as a Basis of Ownership in Islamic Law and John Locke's Philosophy", *Studies in Jurisprudence and Islamic Law*, vol.5, pp63-88.
74. Pinckaers, julius c.s., (1996), From Privacy Toward a New Intellectual Property right in persona, *kluwer law int'l*, p11-43.
75. Posner, richard a, (1986), *Economic Analysis of Law*, brown.
76. Posner, Richard, (1978), The Right of Privacy, *ga. L. Rev.*, vol12, pp393-411
77. Posner, Richard, (1979), Utilitarianism, Economics, And Legal Theory, *j. Legal stud.*, vol8, pp103-132.
78. Posner, Richard, (2003), Misappropriation: A Dirge, *hous. L. Rev.*, vol40, pp621-634
79. Ranjbarian, Bahram et al., (1391), "Factors Affecting the Attractiveness of Television Advertising from the Perspective of Children", *Journal of Communication Research*, vol19, no4, pp.131-149.
80. Redish, Martin H., kelsey b. Shust, (2015)., "The Right of Publicity And The First Amendment In The Modern Age Of Commercial Speech", *William & Mary Law Review*, volume 56, issue 4, pp50-70.
81. Reiter, Eric H., (2002), "Personality and patrimony: Comparative perspectives on the right to one's image", *Tul. L. Rev.*, vol76, p673-690.
82. Rojek, Chris, (2001), *Celebrity*, London, UK: Reaktion Books.



- 
83. Rose, carol m., (2003), Romans, Roads and Romantic Creators: Traditions of Public Property In The Information Age, law & contemp. Probs., vol66, pp.89-110.
  84. Safaei, Seyyed Hossein and Ghasemzadeh, Seyyed Morteza, (1382), Civil Rights: Persons, samt.
  85. Safai, Seyyed Hossein, Rahimi, Habibullah, (1394), Civil Liability, samt.
  86. Sanaei, Mahmoud, (1379), Freedom of the Person and Power of the State: A Discussion on the Political and Social Theories of Hobbes, Locke, and Stuart Mill, with a selected translation of their writings, Tehran, Hermes.
  87. Schimmelpfennig, Christian and Hollensen, Svend, (2016), Significant Decline in Celebrity Usage in Advertising: A Review, The IUP Journal of Marketing Management, Vol. XV, No. 1, February 2016, pp.7-19.
  88. Schlegelmilch, Jonathon, (2016), publicity rights in the u.k. And the u.s.a.: it is time for the United Kingdom to follow america's lead, Gonzaga Law Review Online, vol 1, pp103-143.
  89. Schwartz, Paul M. (2010), "Prosser's Privacy and the German Right of Personality: Are Four Privacy Torts Better than One Unitary Concept", California Law Review, Vol.98, pp.24-84.
  90. Semeraro, Steven, (2011), property's end: why competition policy should Limit the right of publicity, connecticut law review, vol43, pp753-790.
  91. Sen, Sudakshina, (1995), Fluency of The Flesh: Perils Of An Expanding Right Of Publicity, alb. L. Rev., vol59, pp.739-751.
  92. Shipley, David e., (1981), Publicity Never Dies; It Just Fades Away: The Right of Publicity And Federal Preemption, cornell l. Rev., vol66, pp673- 686.
  93. Smith, George p., (2002), The Extent of Protection Of The Individual's Personality Against Commercial Use: Toward A New Property Right, s. C. L. Rev. 1, vol54, pp46-98.
  94. Smith, huw beverley, (2002), the commercial appropriation of personality, Cambridge Univ. Press.
  95. Stallberg, Christian g., (2008), Towards A New Paradigm in Justifying Copyright: An Universalistic-Transcendental Approach, fordham intell. Prop. Media & ent. L.j., vol18, pp333- 353 .
  96. Taleghani, Seyyed Mahmoud, (1344), Islam and Property, enteshar.
  97. Tan, d., (2017), The Right of Publicity in The United States. In the commercial appropriation of fame: a cultural analysis of the right of publicity and passing off, cambridge university press.
  98. Thompson, III, Robert T., (2009), Image as Personal Property: How Privacy Law Has Influenced the Right of Publicity, UCLA Entertainment Law Review, vol16, no1, pp156-178.
  99. Treece, james m., (1973), Commercial Exploitation of Names, Likenesses, And Personal Histories, tex. L. Rev., vol51, pp637-647
  100. Troutt, david dante, (2005), A Portrait of the Trademark As A Black Man: Intellectual Property, commodification, and redescription, u.c. Davis l.rev., vol38, pp1141-1150.
  101. Turner, Graeme, Understanding Celebrity, SAGE Publications Ltd, 2014.

- 
- 
102. van de Rijt, A.; Shor, E.; Ward, C.; Skiema, S. (2013), *Only 15 Minutes? The Social Stratification of Fame in Printed Media*, *American Sociological Review*, vol 78, pp266–289.
  103. Van Gerven, W. et al., (2000), *Tort Law, Common Law of Europe Casebooks*, Oxford and Portland, Hart Publishing
  104. Weber, Olaf (2004), “Human Dignity and the Commercial Appropriation of Personality: Towards a Cosmopolitan Consensus in Publicity Rights?”, *SCRIPT-ed*, Volume 1, Issue 1, pp12-25.
  105. Welser, M. (2014), “Germany, Right of Publicity in 21 jurisdictions”, worldwide.  
[http://www.vossiusandpartner.com/fileadmin/Redakteure/Archiv/2013\\_Right\\_of\\_Publicity.pdf](http://www.vossiusandpartner.com/fileadmin/Redakteure/Archiv/2013_Right_of_Publicity.pdf)
  106. Whaley, Sean d., (2009), *I'm A Highway Star: An Outline for A Federal Right of Publicity*, *hastings comm. & ent. L.j.*, vol31, pp257-280.
  107. William m. Landes & richard a. Posner, (2003), *Indefinitely Renewable Copyright*, *u. Chi. L. Rev.*, vol70, pp471-485.
  108. Wyman, a., (2014), *Defining The Modern Right of Publicity*, *tex. Rev. Ent. & sports l.*, no.15, p167-200.
  109. Zimmerman, Diane Leenheer, (2000), *Fitting Publicity Rights Into Intellectual Property And Free Speech Theory: Sam, You Made The Pants Too Long!*, *depaul-lca j. Art. & ent. L. & pol'y*, vol10, pp283-307.

(17)

**References****A) Persian**

1. Habibi Mojandeh, M; Kamyar rad, S,(2018),Law-Making in ICJ by Active Interpretation, International law Journal, No58, Spring & Summer, PP.65-88. (In Persian)
2. Heydarnejad, V; Ghomami, S, (2019), "Comparative Study of Condition & Process of Selection of Judges in Legal Systems of USA and France", Comparative Study Journal of Tehran University, No.1, PP.111-140. (In Persian)
3. Mirmohammadi, SM, (2017), "The Platform of the Islamic Legal System in Jurisprudence of the ICJ", Comparative Law Journal of Mofid-Qoum, No.1, PP.125-152. (In Persian)
4. Piran, H, (2014), The Legal Issues of Foreign Investment, Second Edition, Ganjdanesh Publication, Tehran (In Persian)
5. Shamloo, S; Habibi, H, (2013), "The Role of ICJ in Development of International Law", Public Law Journal of Tehran University, No.41, PP.71-114. (In Persian)
6. Soltanzadeh, S, (2016), Structure and Jurisprudence in International Center for State- Investment Dispute(ICSID), First Edition, Khorsandi Publication, Tehran. (In Persian)

**B) English**

7. Barcelona Traction, Light and Power Company, Limited, ICJ Report:1970,
8. Jan Van Der Berg, Albert,(2010 ), "Dissenting Opinions by Party- Appointed Arbitrators in Investment Arbitration", Essays on International Law in Honor of W. Michael Reisman, Editors: Mahnoush H. Arsanjani, Jacob Cogan, Robert Sloane and Siegfried Wiessner, Publisher: Brill | Nijhoff, 15 Oct 2010, Printed in Netherland, ISBN:9789004173613, PP:821-843.
9. Jenings, Robert, (1988), "The Internal Judicial Practice of the International Court of Justice", British Yearbook of International Law, Volume 59, Issue 1, 1988, <https://doi.org/10.1093/bybil/59.1.31>.
10. Helen International Hotel A/S v. Arab Republic of Egypt, ICSID Case No.5/19, 2008.
11. International Rompetrol Group N.V v. Romania, ICSID Case No.ARB/06/3, April 18, 2008.
12. Iran and United State Case No.A/18, Decision No.DEC 32-A18-FT, 10 September, 1984
13. Klaockner v. Cameroon, ICSID Case No.ARB/81/2 (2) October 1988
14. Lheureux- Dube, Claire, (2000), "The Dissenting Opinion: Voice of the Future?" Osgoode Hall Law Journal, Volume 38, Number 3. PP:496-517, <http://digitalcommons.osgoode.ca/ohlj/vol38/iss3/4>
15. Loewen v. United States of America, ICSID Case No. ARB (AF)/98/3. 2010
16. Mohanty, Gautam, (2017), Dissenting Opinions in International Commercial Arbitrations, LLM Short Thesis in International Business Law (IBL), Central Europe University, 105/ Budapest/Nador Utca9, Hungary

- 
17. Mosk, Richard M ; Ginsburg, Tom, (1999), "Dissenting Opinions in International Arbitration", International Law Association, Finland Branch, ISBN:951-97892-2-7, PP:259-284.
  18. Redfern, Alan, (2004), "Dissenting Opinions in International Commercial Arbitration: The Good, the Bad and the Ugly", 20(3) Arbitration International Law, pp:223-242.
  19. Shahabuddeen, Mohamed, (2007), Precedent in the World Court, Cambridge University Press, University of Cambridge, Research Center for International Law. ISBN:0 521 56310 0
  20. Strezhnev Anton, (2015), "You Only Dissent Once: Re- Appointment and Legal Practices in Investment Arbitration", Harvard University, Department of Government, PP:1-20.
  21. Zarbiyev, Fuad, (2012), "Judicial Activism in International Law-A Conceptual Framework for Analysis", Journal of International Dispute Settlement, Oxford University Press, doi:10.1093/jnlids/ids005, PP:1-32.

(18)

**References****A) Persian references**

1. Al-Hakim, Abdul Majid, (1963), Al-Mojizi's Commentary on Induction of Non-Al-Madani, Vol. 1, Al-Ahliyah
2. Allameh Haley, Hassan ibn Youssef, (1413), Al-Qufa's Note, Volume II, First Edition, Qom
3. Al-Sunnouri, Abdul Razzaq (1952), al-Wasit fi el-Nawd al-Madani al-Jadid, Cairo, al-Thirath al-Arabi
4. Emami, Seyyed Hassan, (1996), Civil Rights, Volume I, Seventeenth Edition, Tehran, Islamic Publications
5. Katouzian, Nasser (1997), General Rules of Contracts, Volume II, Fourth Edition, Tehran, Publication Shareholder
6. Mohagheq Hali, Ja'farban Hassan, (1373), The Brief of the Covenant, Fourth Edition, Qom, Publication of the Institute of Religious Press
7. Najafi Khansari, Abu Adnan, (1373) Mani'at al-Talib at the Margin of Al-Maqsab, Volume 1, Tehran, Al-Maktaba Al-Muhammadiyah
8. Safai, Hossein (1351), "Theory of Directions in Contracts: A Comparative Study of Islamic Law, Iran and France", Journal of Faculty of Law and Political Science, Tehran, No. 9, pp. 75-88
9. Shahidi, Mehdi (2014) Forming Contracts and Commitments, Tenth Edition, Tehran, Majd Publishing
10. Shahabi, Mehdi, (2015), "Contract as a Natural Law (Intellectual); Reflection on the Validity of Contract Terms in the Contract Law System of Iran and France", Comparative Law Studies, University of Tehran, Volume 6, Number 2, pages 601 to 625
11. Shahidi, Mehdi (2014) Forming Contracts and Commitments, Tenth Edition, Tehran, Majd Publishing
12. Sorkhi, Shams al-Din (1406), The Book of Al-Mutsut, Al-Majeld (8), Al-Jazeera (15,16), Dar al-Mara'if, Beirut

**Foreign Language References****Ouvrages (Livres)**

13. Aubert. Jean-Luc, Flour. Jacques et Savaux Eric, (2014), Droit civil: les obligations, L'acte juridique, Tome 1, 16e édition, Paris, Sirey
14. Comair-obeid Nayla, (1995), Le contrat en droit musulman des affaires, Paris, Economica
15. Capitant Henri, (1927), De la cause des obligations, Paris, Librairie Dalloz
16. De Page. Henri, (1957), Obligation abstraite en droit interne et en droit comparé, Bruxelles, Bruylant
17. Domat Jean, (1722), Les Lois Civiles dans Leur Ordre Naturel, 1. 1, ti. I, sect. 1; ii. 1, ti. X, sect 1, XIII
18. Douville Thibault, Alleaume Christophe, Choné-Grimaldi Anne-Sophie et Epstein Aude-Solveig, (2016), La réforme du Droit des contrats - Commentaire article par article de l'ordonnance du 10 février 2016 portant réforme du droit des contrats, du régime général et de la preuve des obligations, Gualino

19. Carbonnier Jean, (2004), Droit civil. Les biens. Les obligations, t. 2, Paris, PUF
20. Ghestin Jacques, (2006), Cause de l'engagement et validité du contrat, Paris, LGDJ
21. Mazeaud Jean, et François CHABAS, (1998), Leçons de droit civil, t. II, Obligations: théorie générale, vol. I, 9e éd. par CHABAS, Paris, Montchrestien
22. Marty Gabriel et Raynaud Pierre, (1988), Droit civil, t. II, vol. I, Les obligations, 2 e éd., Paris, Sirey
23. Pellé Sébastien, (2007), La notion d'interdépendance contractuelle, Paris, Nouvelle Bibliothèque de Thèses, Dalloz
24. Planiol Marcel, (1905), Traité élémentaire de droit civil, t. II, 2e éd., Paris, LGDJ
25. Terré François, Simler Philippe et Lequette Yves, (2009), Droit civil, Les obligations, 10e éd., Paris, Précis Dalloz
26. Terré François, Simler Philippe, Lequette Yves, Chénéde François, (2018), Droit civil, Les obligations, 12e éd., Paris, Précis Dalloz ( nouvelle version reformée)
27. Weill Alex et Terré François, (2001), Droit civil, les obligations, Paris, Précis Dalloz

#### Thèses

28. Reigné Philippe, (1993), La notion de cause efficiente du contrat en droit privé français, thèse, sous la direction de Bernard Audit, université de Paris II, Paris
29. Yan Thomas, (1976), Causa: sens et fonction d'un concept dans le langage du droit romain, thèse, Paris II

#### Articles

30. Aynès. Laurent, (2014), « La cause, inutile et dangereuse », Droit et patrimoine, n 240, pp. 35-45
31. Chénéde, François, (2016), «La cause est morte... vive la cause», Revue contrats concurrence consommation, N 5, pp 21-33
32. Delpech, Xavier (2017), «Retour sur une notion mystérieuse : la cause de l'engagement de la caution», Dalloz actualité, pp. 370-381
33. Denizot. Aude, (2018), «législation française», RTDciv, N 02, Dalloz, pp. 496-498
34. Dissaux Nicolas, (2017), «Contrat : formation», Répertoire de droit civil, Dalloz, pp. 1-77
35. Houtcieff, Dimitri (2017), «La cause de l'obligation de la caution entre persistance et rémanence», Revue des contrats, n° 114k8, pp. 457-463
36. Mazeaud. Denis, (2008), «Réforme du droit des contrats: haro, en Hérault, sur le projet!», Recueil Dalloz, pp. 2675-2681
37. Tournafond. Olivier, (2008), «Pourquoi il faut conserver la théorie de la cause en droit français», Dalloz Actualité, pp. 2603-2611

#### Jurisprudences

38. Cass. soc., 10 April 2013, No. 11-25.841: Bull. Civ. V, n° 97
39. Cass.Com. 23 oct. 2012, n° 11-23.376,,Bull. Civ. IV, n 190, D 2013
40. Cass. com., 22 oct. 1996, n° 93-18.632, Bull. 1996 IV N° 261 p. 223
41. Cass. com., 27 juin. 1995, n° 92-21041, Bulletin 1995 I N° 287 p. 200
42. Cass. com., 17 mai 2017, no 15-15746
43. Cass. Civ., 16 déc. 1986, no 85-11.396, Bull. civ. I, n o 301