

Liability Convention in Favor of a Third Party

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Abstract One of the important legal principles of today's world principle which is based on governance of will is the relativity principle of contracts which is accepted both in civil law and Shia Islamic jurisprudence. The stated, has exceptions and one of the most important one of them is settlement commitment in favor of third party which is validated both in civil law and Shia Islamic jurisprudence. Several theories are expressed about nature of settlement commitment in favor of third party which best of them is the theory of direct commitment due to the contract. Under this theory, commitment in favor of third party is created by main contract parties and no need to intervene a third party; on the other hand, the parties can rescind the contract whenever they want. Studying the Shia Islamic jurisprudence and Iranian civil law indicates that the stated contract is not exclusively for settlement contract and can be extended to specified and non-specified contracts. By studying Iranian civil law and jurisprudence, this research aims to investigate in principles, effects, rules of settlement commitment in favor of third party and the scope of this legal entity.

Keywords: Relativity of Contracts, Commitment In Favor of Third Party, Settlement Commitment

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