

# **The General Theory of Unenforceable Contract in Jurisprudence and Iranian Law**

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**Unenforceable contract is the border between invalidity and authenticity, not invalidity and authenticity itself. Therefore, I start the research with the effort to differentiate this word and by examining several examples, it was shown that in the unenforceable contract, regulations and unique effects are not followed. For example, in the absence of consent (which is one of the conditions for the validity of the contract), the contract is ineffective and only upon consent the condition will be fulfilled. Sometimes the consent is not absolute and it requires a complementary consent to make a contract. In some cases, the legislator also adds the consent of who has been allowed by himself to a correct contract and the contract is subjects to the consent. In all these cases, the permission is allowed for the contract. But in other cases, the conditions for the conclusion of the contract are in place, however; third-party affiliation will cause in unenforceable contract. Therefore, if the impediment is removed, the contract will be enforceable even if third-party's consent is not available or is rejected. Therefore, in this case, contrary to the previous conditions, the unenforceable decree will not be ruled out, but it will be treated according to the principle of accuracy and the warranty of intended performance is solely for the maintenance of third party's rights. In other words, unlike the suspended contract, sharecropping contract to be enforceable does not require the permission of someone who has a right in this matter, but the next provision of his rights provides authenticity. Therefore, in such contracts, that has been a matter of urgency for a third party or ignores his/her potential ownership, if the third party's impediment is removed and his/her right remain or return, his/her lack of consent will not impede the enforceable contract (his/her consent is not one of the conditions of the authenticity). In this case, even if the contract is rejected, the contract will be enforced on its own.**

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