

# **The new law success of how to enforce financial conviction approved 1393/07/15 in execution of Civil code and analytical comparison between Former law and the new one**

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**Abstract:** Undoubtedly one of the most important rules of the law, since the Constitutional Revolution so far, is the law on enforcement of financial or monetary conviction, being at the center of attention by the legislator, Judiciary system, disputing parties and the lawyers. By the passage of the time and based on the current needs and the development of social relations in communities, the need for reinforcements and basic review of the law on enforcement of financial convictions have been urged. And finally on 1393 the attempts for the review of the mentioned law become successful. Looking at the present law on the enforcement of financial convictions and also referring to the legal texts we can find that while the recent law tries to lift the detention, it has also considered new duties on Jurisdiction and administrative authorities to identify guilty party's properties and to find new ways to fulfill the demands made by the incurred party. In addition one may observe the realistic and executive approach taken by the legislator to enforce competent authorities such as municipality, offices of the notary public for deeds and documents as well as banks, to submit related information like bank accounts, moveable and immovable properties, even without registered plaque. Such enforcements have removed previous concerns of the incurred party to recover his rights as there had been many verdicts that had been issued but could not be executed due to the unavailability of these information. Although it has some problems and ambiguity, the fact that the recent law has considered a criminal responsibility for the person against his statements and determined 7th degree of Ta'zir imprisonment seems a positive and appreciable step. The most serious shortcomings of the recent

aforementioned legislature are failure to specify the correct punishment and failure to assert punishment by the competent authorities, considering motivation as an element of criminal intention without illuminating its nature, and ambiguities concerning deals and transactions that lead to subjective and contradictory interpretations, since it is not so easy to detect people's intention as it is mental in nature. Given all the advantages and disadvantages of the newly enacted law, we should consider it as more developed and elaborated than monetary punishment act enacted on 1377. Key words: Monetary Convictions, exception of the right Insolvency, Imprisonment, Removing of imprisonment

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