
A Comparative Study of Abandonment in Fiqh, the Iranian Law and the French Law

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Received: 2015/08/30 - Accepted: 2016/04/03

Abstract

Abandonment is one of the most important causes which terminates the ownership and turns the abandoned property into a publicly-owned property. This makes the abandoned property available for a new ownership in accordance with the prevailing legal rules. The present study aims at undertaking a comparative examination of this legal institution in Fiqh, the Iranian law, and the French law. For this purpose, this paper will examine different dimensions of abandonment. This study will conclude that there are many similarities among the aforementioned legal systems in relation to abandonment. The most important aspect of abandonment is the termination of the ownership and if abandonment is not performed in a proper manner and in accordance to law, this may produce legal liability.

Keywords: Abandonment, Ownership, Property, Extinction of ownership , Public properties.

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