OPEN PEER REVIEW

Practical Position and Its Status in Iranian Law

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Received: 2025-05-07 **Revised:** 2025-10-15 **Accepted:** 2025-10-22 **Published:** 2026-03-01

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1. Round 1

1.1. Reviewer 1

Reviewer:

The introduction ends with “this study aims to define the concept, identify its instances, and analyze the stance of the Iranian legal system.” This reads more as a descriptive goal. Strengthen it by adding evaluative or comparative dimensions (e.g., assessing coherence with international civil-law systems).

The question “Does the mere absence of a legal duty to preserve… suffice to categorize it as a practical position?” is excellent but unanswered. The subsequent discussion merges normative reasoning with doctrinal examples; reorganize it to distinguish between conceptual criteria and empirical illustrations.

The statement “Hence, if an individual blocks a public street…” blends public-law torts with private civil liability. Clarify which domain (administrative vs. civil) governs compensation in such cases under Iranian law.

The conclusion “because such positions lack a legal origin, they fall outside the domain of law” should engage with modern debates on “soft law” or “legitimate expectations.” Suggest including at least one counter-argument or emerging perspective.

The example of Ms. A is effective pedagogically but lacks legal realism. Suggest replacing or supplementing it with an Iranian-context case (e.g., charitable volunteer work leading to profit impact).

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The definition “a non-legal status wherein a person continuously and legitimately benefits…” would benefit from differentiating “non-legal” versus “extra-legal.” Discuss whether “non-legal” implies absence or exclusion from law—this affects the theoretical foundation.

The sentence “Accordingly, relationships derived from moral norms, religious precepts, customary practices…” conflates normative and sociological sources. Clarify whether these origins have de facto or de jure effects under Iranian jurisprudence.

You refer to Amīd Zanjānī (2010) and Yazdāniān (2000) but omit any comparative civil-law or common-law discussion. Consider integrating brief comparative remarks (e.g., legitimate expectation in English administrative law) to show broader relevance.

The example of tribal agreements is sociologically rich but outdated for contemporary Iranian society. Either justify its inclusion as a historical precedent or replace it with a modern instance (e.g., local cooperative associations).

The assertion “so long as they are not instances of maintenance (nafaqa)” requires citation to a specific article in the Civil Code. Readers unfamiliar with Islamic family law will need textual grounding.

The paragraph beginning “Sometimes, persons conclude contracts…” would be clearer if supported by an actual Iranian court ruling or judicial precedent demonstrating non-compensability of such benefits.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.