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The nature of banking pay late penalties and the possibility of its adjustment in the banking system in Iran

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Introduction:

The parties agree in advance to estimate the possible losses arising from breach of contract called penal provisions.

This (full implementation of the penal provisions) in the legal system because of the history of the world as well as adherence to the principles of free will and freedom of contract and the contracts have different approaches are necessary.

Three procedures for dealing with penal provisions of the contract and runs all over the world. 1-Absolute implementation of penal provisions. 2-The implementation of the provisions of penal law with the possibility of adjustment. 3- The distinction between real conditions and terms of penal damage.

Description:

Iran and the judicial system and the Iranian banking (based on the Civil Code "Article 230" and the Banking without interest) of the execution of penal penalties for late payments is an absolute requirement.

The need to protect the rights of consumers, and modify the unfair conditions, the imbalance in bargaining power and trading, and those that need containment and mitigation of the rule will apply constant reminder.

Article 230 of the Civil Code, Article 1152 of the French law (the 1975 amendments) is adapted.

He mentioned the reasons in support of consumer rights and protect the rights of the poor and dampen the conditions unfair contract changed and know. So that the possibility of an adjustment in terms of unfair penal justice penal provisions, he predicted.

With regard to the adoption of the Law and Article 230 of the Civil Code (which permits the unconditional implementation of the penal provisions of the law), Article 1152 of the
French Civil Code and Article modification described by the French judicial system, the need to modify Article 230 of the Civil Code perceptible is.

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