Elucidating the Foundations of the Principle of the Relativity of Judgments in Iranian Law and the Common Law System

1. Saman Motaghi Shahri: Ph.D. Student, Department of Private Law, ToH.C., Islamic Azad University, Torbat-e Heydarieh, Iran
2. Saeed Mohseni*: Department of Private Law, ToH.C., Islamic Azad University, Torbat-e Heydarieh, Iran
3. Mehdi Firoozabadian: Department of Private Law, ToH.C., Islamic Azad University, Torbat-e Heydarieh, Iran

*Correspondence: e-mohseni@um.ac.ir

Abstract

The principle of the relativity of judgments in Iranian law and the common law system is one of the fundamental legal principles that has a significant impact on the administration of justice and judicial decision-making. This principle is based on the premise that judicial decisions are effective only with respect to the parties to the dispute and cannot be extended to third parties. The purpose of this study is to conduct a comparative examination of this principle in the two legal systems of Iran and common law, to identify similarities and differences, and to analyze its effects on individual rights and society. This research has been conducted using a descriptive–analytical method and through the study of library-based sources. The laws related to the principle of the relativity of judgments in Iranian law and the common law system have been examined, and through comparative analysis, the strengths and weaknesses of each legal system in this regard have been evaluated. The findings indicate that the principle of the relativity of judgments is of great importance in both legal systems; however, the manner of its implementation differs. In Iranian law, this principle is primarily grounded in codified statutes, whereas in the common law system, judicial interpretation and court precedents play a prominent role. Furthermore, in certain cases, exceptions to this principle are applied, which vary depending on the specific circumstances of each case. The principle of the relativity of judgments is an important instrument for safeguarding the rights of litigating parties and preventing the imposition of additional burdens on third parties. Nevertheless, the existing differences between Iranian law and the common law system highlight the importance of paying due attention to the distinct legal contexts of each country in the implementation of this principle. It is recommended that, in order to improve the application of this principle in the Iranian legal system, successful experiences of the common law system be utilized, and that, in specific cases, legal exceptions be defined more clearly.

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1. Introduction

The principle of the relativity of judgments is one of the important concepts in legal systems, particularly significant in judicial and legal relations. This principle means that judicial rulings and decisions are valid only for the parties to the dispute and the persons directly connected with it, and they do not have general effect. In this regard, examining the foundations of this principle in two different legal systems—namely Iranian law and the common law system—can lead to a deeper understanding of how judicial systems operate and how they affect individual rights. The issue of the relativity of court judgments has consistently been subject to both criticism and endorsement by legal theorists, and this debate also exists within the Iranian legal system. In certain instances, the Iranian legislator has adopted the principle of the absolute effect of judgments. For example, Articles 44 and 146 of the Law on the Enforcement of Civil Judgments explicitly emphasize that court judgments must be enforced in an absolute manner and without limitation with respect to third parties. This approach can contribute to certainty within the judicial system; however, at the same time, it may affect the rights of persons unrelated to the dispute and lead to a violation of justice. In contrast, paragraph two of Article 439 of the Commercial Code emphasizes the principle of the relativity of judgments. This provision explicitly states that issued judgments are valid only with respect to the parties to the dispute and cannot automatically affect the rights of others. This approach ensures that each case is examined independently and based on its specific circumstances, thereby preventing the violation of third-party rights. Consequently, this tension between accepting the absolute effect of judgments and the principle of the relativity of judgments in Iranian law reflects the complexities and challenges within the country's judicial system and raises the need for reconsideration of certain laws and practices. In this respect, in Iranian law, the principle of the relativity of judgments is formed on the basis of civil laws and specific legal principles. This principle is explicitly stated in the Civil Code and emphasizes the limitation of the effects of judicial judgments. The primary objective of this principle in Iranian law is the protection of third-party rights and the prevention of legal conflicts arising from judicial decisions. In other words, this principle, as a fundamental rule in the Iranian legal system, contributes to balance and justice in legal relations (Katouzian, 2021, 2022; Shams, 2026).

On the other hand, the common law system similarly pays attention to the principle of the relativity of judgments, albeit in light of its own distinctive characteristics. In this system, judicial precedent is recognized as the primary source of law, and judicial decisions serve as guidance for future cases. Nevertheless, these judgments are also valid only for the parties to the dispute and cannot affect third parties. This feature reflects the importance of safeguarding individual rights in the common law system. The differences between these two systems in the formation and implementation of the principle of the relativity of judgments—particularly with regard to legal sources and judicial practices—are noteworthy. In Iranian law, civil legislation and statutory principles receive greater emphasis, whereas in the common law system, judicial precedent plays a central role. These differences can lead to a more precise analysis of the challenges and opportunities present in each of these systems (Allen, 2008; Dworkin, 1986; Hart, 1994).

Ultimately, examining the foundations of the principle of the relativity of judgments in Iranian law and the common law system can be considered an important subject in legal studies. Such an examination not only leads to a better understanding of how judicial systems function, but can also contribute to the development and reform of laws and legal practices aimed at protecting individual rights and preventing legal conflicts.

2. Foundations of the Principle of the Relativity of Judgments in Iranian Law

2.1. Validity and Conformity of Judgments

Some jurists have justified the relativity of issued judgments by assuming the presumption of validity for such judgments. Reconsideration of a dispute that has previously been examined and has resulted in a judgment is generally regarded as unnecessary, because it is presumed that the issued judgment is correct and in conformity with legal regulations. With regard to the basis of this theory, some scholars believe that the origin of this view lies in errors expressed by a theorist named Pothier in his works. In Roman law, there existed a rule according to which the relativity of judgments was regarded as a reality (res judicata pro veritate habetur), meaning that a judgment issued by a judge was treated as a desired truth. Pothier made an incorrect interpretation of this notion and believed that Roman law recognized a presumption of validity for judgments. This mistaken interpretation later influenced the French Civil Code (Mohseni, 2000).

The main criticism of this theory is that, according to this view, the relativity and authority of issued judgments are based on a legal and legitimate presumption and constitute nothing more than a legal presumption, the contrary of which may be proven. Generally, a presumption serves as an indicator of truth, such as the presumption of legitimacy of lineage mentioned in Article 1158 of the Civil Code, or the presumption of possession provided in Article 35 of the Civil Code, the contrary of which is provable pursuant to Article 1323 of the Civil Code. However, since proving the contrary of an issued judgment is not acceptable, and the relativity of judgments means that the contrary cannot be proven—aimed at preventing and precluding the issuance of conflicting judgments—the re-litigation of such a claim is also prohibited (Mohseni, 2000).

As a result, the presumption of validity of judgments constitutes one of the important foundations of the principle of the relativity of judgments in Iranian law and directly affects the authority and effectiveness of judicial decisions. This presumption means that any judgment issued by judicial authorities is, by default, regarded as correct and valid unless proven otherwise. This principle contributes to public trust in the judicial system and its decisions, leading litigating parties and society to respect issued judgments. In fact, the presumption of validity of judgments, as a fundamental rule in the Iranian legal system, assists in maintaining public order and reducing distrust toward judicial institutions (Khamseh, 2015).

On the other hand, this presumption also operates as a mechanism for limiting the effects of judicial judgments. Given that judicial decisions are valid only for the parties to the dispute, the presumption of validity of a judgment implies that third parties cannot be directly affected by such judgments unless they have participated in the judicial process. This characteristic is particularly important in cases where judgments may affect the rights and interests of third parties. Accordingly, the presumption of validity of judgments contributes to the protection of third-party rights and the prevention of legal conflicts, while simultaneously strengthening the authority and legitimacy of the judicial system.

2.2. The Theory of Judicial Contract and Quasi-Contract

The theory of judicial contract and quasi-contract, as one of the foundations of the principle of the relativity of judgments in Iranian law, explains how judicial rulings affect the legal relations of individuals. According to this theory, judgments issued by judicial authorities are, in a sense, analogous to contracts, such that they are valid only for the parties to the dispute and the persons connected thereto (Almasi & Afzali-Mehr, 2008). In other words, every judgment that is rendered is regarded as a form of agreement or contract between the parties, and its effects are applicable only within the scope of the litigating parties. This characteristic ensures that individuals who are not connected with the case are not directly affected by such judgments and that their rights remain protected.

On the other hand, the concept of a judicial quasi-contract implies that some judgments may indirectly affect the rights of others, but such effects are valid only where a specific and lawful relationship with the parties to the dispute exists. In other words, although certain judicial rulings may, in practice, influence the legal status of third parties, such influence is not permissible in a direct manner or without regard to the principle of the relativity of judgments. Accordingly, the theory of judicial contract and quasi-contract, as a legal foundation, contributes to the protection of third-party rights and the prevention of legal conflicts, while at the same time strengthening the authority of the Iranian judicial system.

Among the proponents of the theory of judicial contract and quasi-contract with respect to the relativity of judgments, reference may be made to Nikolaus Valticos. Supporters of this view believe that the authority of court judgments is derived from the implicit agreement and consent of the litigating parties, by which they have agreed to comply with the judge's ruling in whatever manner it may be issued. According to this theory, however, numerous objections can be raised, which are addressed below.

First, whether judgments should have relative or absolute effect, and the conferral of authority upon judgments issued by public legal institutions, is a matter of public law, in which no role can be attributed to private agreements.

Second, the question arises as to where such an alleged contract is manifested, and whether it is to be considered written or oral, and, more generally, whether the will of the parties is truly directed toward the relativity of judgments.

Third, if the relativity of a judgment is derived from a contract, would it then be necessary for the parties to agree contrary to their contractual will.

Fourth, if such a relationship is contractual, why does the claimant, in order to enforce an obligation and vindicate a right, resort to judicial authorities, while the defendant, contrary to his request or inner will, is required to appear before the court,

and in some cases is even compelled to attend the proceedings. In private contracts, the necessity of free and sound will is evident, since a will tainted by coercion, compulsion, or mistake is not acceptable.

Fifth, it is possible that judgments may be issued without the presence or even the knowledge of the defendant before the judicial authority. In such cases, the question arises as to what type of contract this could be when the defendant is unaware of it, let alone having given consent.

Finally, obligations arising from contracts are based on the consent and agreement of the parties, whereas obligations resulting from court judgments are rooted in statutory rules and social necessities. In view of these numerous objections, this theory cannot be endorsed, and merely changing the designation from contract to quasi-contract does not provide a solution (Mohseni, 2000).

In cases where the concept of an obligation is divisible by its nature or by the intention of the creditor and debtor in establishing it, but the contracting parties explicitly or implicitly agree to render it indivisible, such indivisibility of the obligation is referred to as contractual indivisibility. For example, an obligation whose subject matter is money is, by its nature, divisible and can be separated into several independent debts in proportion to the number of creditors. Thus, if, due to the death of a creditor, the obligation is transferred to his heirs, each heir may claim a portion corresponding to his share of the inheritance. However, the creditor may stipulate in a loan contract that the obligation shall be indivisible in his favor. In such a case, the creditor may refer to any heir who accepts the estate for the recovery of the entire debt, an advantage from which even joint and several obligations do not benefit, since solidarity among debtors does not prevent the division of each debtor's obligation among his heirs (Katouzian, 2022).

Accordingly, contractual indivisibility is a relative and legal construct that is added to joint obligations in order to benefit from its advantages. In essence, in this assumption, the debt is divisible while the obligation to perform it is indivisible, and for this reason some authors have referred to it as "shared performance." The implied condition of indivisibility is often derived from the common objective and purpose of the parties. For instance, if the owners of a farm undertake to grant a loan of ten million rials to a farmer for the purchase of a house, the phrase "for the purchase of a house" may indicate an intention not to divide the loan, since dividing it would be incompatible with the purpose of the loan and would render part of it ineffective. Nevertheless, it must be acknowledged that the absence of explicit stipulation for such an uncommon arrangement can hardly serve as evidence of implied consent, unless the circumstances, conditions, and surrounding facts are so strong as to make the indivisibility of the obligation reasonable (Katouzian, 2022).

2.3. Savigny's Theory (Legal and Formal Truth)

Savigny, a prominent legal theorist, in order to address criticisms raised against his earlier views and, in certain cases, on the assumption that court judgments conform to reality, proposed a theory according to which truth is expressed in a non-real or formal manner in judicial judgments. According to this approach, even judgments that do not correspond to reality are treated as if they were real. However, one of the most significant criticisms directed at this theory is that not all judgments are contrary to reality. Many judgments are consistent with objective truth and external correctness, and therefore cannot be regarded as valid merely on the basis of probabilities or assumptions. This is because the concept of fiction refers to something contrary to truth that is nevertheless treated as truth by legislative policy, and this notion cannot be applied to judgments that are issued in accordance with reality and factual correctness. Since the primary purpose of adjudication is the resolution of disputes, it does not focus exclusively on the pure factual reality of the subject matter of the case (Mohseni, 2000).

In general, the theory of legal and formal truth, as one of the foundations of the principle of the relativity of judgments in Iranian law, seeks to distinguish between legal realities and the legal effects of judicial rulings. In this theory, "legal truth" refers to the legal effects and consequences created by a judicial judgment, whereas "formal truth" refers to objective realities and existing external conditions. In other words, judicial judgments, as legal realities, are valid only within a defined framework and solely for the parties to the dispute, and they cannot automatically affect the legal status of third parties. This distinction is particularly important in cases where judgments may affect the rights of others, and it ensures that the principle of the relativity of judgments is properly preserved.

On the other hand, this theory functions as a mechanism for managing legal relations and preventing legal conflicts. Given that legal truth is valid only within the scope of the parties to the dispute, third parties cannot be directly affected by such

judgments unless they lawfully participate in the judicial process. This feature contributes to the protection of third-party rights and the prevention of legal conflicts, while simultaneously strengthening the authority and legitimacy of the judicial system. Accordingly, the theory of legal and formal truth, as a fundamental basis in the Iranian legal system, clarifies the importance of the principle of the relativity of judgments and its impact on judicial justice and the protection of individual rights.

2.4. Shivanda's Theory (The Will of the State)

According to the theory of the will of the state, proposed by the prominent theorist Shivanda and analyzed in the works of Glaser and Tissier, judicial decisions and judgments, including their relative effect, belong to the sphere of public law and derive from the powers vested in judges and judicial authorities (Jabbari, 2024). The court, as a judicial authority and representative of the state, is responsible for decision-making and must therefore enjoy sufficient respect and authority. The principal objection raised against this theory, however, is that other administrative actions of governmental bodies are also performed on behalf of the state and in its name; accordingly, such authority would have to extend to administrative acts as well. Even if this objection is disregarded, this view may be effective in restricting the parties from re-bringing claims, but it still cannot justify preventing renewed adjudication by judges and the judicial process itself. In light of these objections, this theory does not appear to be convincing (Katouzian, 2021).

In general, the theory of the will of the state, as one of the foundations of the principle of the relativity of judgments in Iranian law, emphasizes the role and authority of the state and judicial institutions in determining and enforcing judicial rulings. According to this theory, judgments issued by judicial authorities represent, in a sense, the will of the state, and for this reason they are valid only for the parties to the dispute and those who directly participate in the judicial process. This principle causes judicial judgments to function as instruments for realizing the public will and ensuring justice in society, thereby strengthening public trust in the judicial and governmental system.

Moreover, the theory of the will of the state also operates as a mechanism for limiting the effects of judicial judgments. This means that every judgment must be issued within the framework of existing laws and regulations and with due regard for the rights of third parties. Since the will of the state, as the representative of society and law, plays a role in the issuance of judgments, such rulings cannot automatically affect the legal status of others unless they are lawfully considered within the judicial process. Therefore, the theory of the will of the state contributes to the protection of third-party rights and the prevention of legal conflicts, while at the same time reinforcing the authority and credibility of the Iranian judicial system.

2.5. The Principled or Fundamental Theory

This group, following Merkel, believes that the judge essentially articulates the legislature's true will, and, in the same vein, in order to remove ambiguity from legal principles, the judge also formulates principles and rules that become part of the body of law. This view is not without problems. First, the task of judges is to apply general rules to particular cases, and they are prohibited from issuing opinions in a general and abstract form. Second, this theory conflicts with the principle of separation of powers: a judge, as a member of the judiciary, has no right to interfere with the legislature's functions and cannot create new principles and rules and add them to the legal system, even if the aim is to clarify legal principles (Mohseni, 2000).

The principled or fundamental theory, as one of the foundations of the principle of the relativity of judgments in Iranian law, addresses major and fundamental legal principles that directly affect the authority and consequences of judicial rulings (Tadayon & Bagheri-Nejad, 2020). This theory maintains that every judicial decision must be issued on the basis of essential legal and ethical principles, and that these principles provide a framework for the authority and effects of such judgments. In other words, judicial rulings cannot automatically affect the legal status of third parties unless they are issued in line with fundamental legal principles and with due regard for third parties' rights and interests. This approach contributes to the protection of individual and social rights and helps prevent legal conflicts.

At the same time, the principled theory functions as a tool for explaining and strengthening judicial justice. Since the principle of the relativity of judgments means that the effects of judicial rulings are limited to the litigating parties, this theory specifically emphasizes that each judgment must be rendered consistently with legal principles and justice. This feature enables the judiciary, as an independent and credible institution, to resolve disputes effectively while also taking into account third-

party rights. Accordingly, the principled or fundamental theory, as a basic foundation in Iranian law, clarifies the importance of the relativity of judgments and its impact on justice and individual rights.

2.6. The Theory of Interpretability of Statutes

The theory of statutory interpretation is explained on the basis that judicial rulings are, in fact, interpretations extracted from the law. It is noteworthy that government employees, too, interpret statutes when performing their legal duties. Nevertheless, judicial interpretation is considered to be of a higher level because of its professional and specialized nature. Constitutional principles also assign a special role and importance to this kind of interpretation. However, in some circumstances, a non-judicial employee's interpretation may be better or more appropriate than a judge's interpretation, although this depends on context and conditions. The difference between a judge's statement and a non-judicial employee's statement, as argued by a well-known theorist such as Duguit, should be examined in terms of the concept of the "legal purpose." In his view, an interpretation becomes judicial and acquires the legal authority of adjudication only when it is undertaken with the purpose of finally resolving a legal issue. Conversely, if an interpretation is merely part of the justification for administrative action and the primary aim is the performance of other duties, such a statement will not have authoritative legal value (Katouzian, 2021).

As a result, statutory interpretation, as one of the foundations of the principle of the relativity of judgments in Iranian law, refers to the process of understanding and explaining legal meanings and concepts through which judges and judicial authorities can issue rulings. In this process, accurate and correct interpretation of statutes—so as to align them with existing realities and the specific circumstances of each case—is important. The principle of the relativity of judgments means that issued rulings are valid only for the parties to the dispute and within the framework of their particular circumstances, and they cannot automatically affect the rights and legal position of third parties. Therefore, statutory interpretation operates as a tool for limiting the effects of judicial rulings and contributes to protecting third-party rights.

In addition, statutory interpretation functions as an important element for securing justice and fairness in the judicial system. Because every judge is required to interpret statutes in light of legal principles and justice, judgments are more likely to align rationally and reasonably with the realities at issue. Consequently, statutory interpretation not only helps preserve the relativity of judgments, but also strengthens public trust in the judiciary and helps secure individual rights. These features make statutory interpretation a foundational element in Iranian law and a significant factor in realizing justice and protecting individual rights.

2.7. The Adversarial Authority of the Judgment

The adversarial authority of judgments, as one of the foundations of the principle of the relativity of judgments in Iranian law, refers to limiting the effects of judicial rulings to the parties to the dispute and their particular circumstances. This principle provides that any judgment issued by judicial authorities is authoritative only for those who participated in the proceedings, and it cannot automatically affect the legal status of third parties. In other words, only the litigating parties and those directly present in the case can benefit from the judgment's effects or be bound by it. This feature specifically helps protect third-party rights and prevents legal conflicts.

Moreover, the adversarial authority of judgments operates as a mechanism to strengthen justice and fairness in the judicial system. Since each judgment must be issued within the framework of the case's particular conditions and the available evidence, judicial rulings are shaped by the specific realities of each dispute, thereby promoting greater justice in adjudication. In general, the adversarial authority of judgments not only supports the principle of the relativity of judgments, but also enhances the authority and public confidence in the judiciary and contributes to respecting individual rights. This feature characterizes adversarial authority as a fundamental basis in Iranian law.

Proponents of this view distinguish between the concepts of "claim" and the "right in dispute." They argue that individuals have the right to request that a court adjudicate the disputed right between them (the right of action), and that this right is extinguished once exercised. This idea echoes the ancient maxim that "for one matter, there cannot be two actions" (bis de eadem re ne sit actio).

Nevertheless, under this approach, the authority of judgments relates to the right of action and does not affect the substantive right in dispute. If the issued judgment corresponds to reality, so be it; but if it does not correspond to the truth, the underlying right remains and is not extinguished. What matters, however, is that no further action may be brought regarding that right.

This view can perhaps be compared to limitation periods that bar an action (extinctive prescription of the claim). In limitation periods as well, the right of action is barred without necessarily affecting the underlying right; for this reason, if the debtor voluntarily pays the creditor, the debtor cannot later demand restitution by invoking the passage of time. This view is mainly concerned with the negative aspect of judgments—namely, the prohibition on re-filing and re-examining the same claim (Mohseni, 2000).

2.8. The Formal and Substantive Authority of the Judgment

The formal and substantive authority of a judgment, as one of the foundations of the principle of the relativity of judgments in Iranian law, refers to two essential dimensions of judicial rulings. Formal authority concerns compliance with legal rules and procedures in issuing the judgment. In other words, every judgment must, in formal terms, satisfy procedural requirements such as the parties' participation, the right to defense, and the observance of fair trial principles. This formal validity ensures that judgments conform to legal principles and procedural standards, thereby preserving their legitimacy and authority. Failure to observe these requirements may result in the judgment's invalidity and its inability to serve as a basis for reliance in the future.

Substantive authority, by contrast, relates to the actual content and merits of the decision. This means the judgment must be based on the available evidence and documentation and must reasonably and logically correspond with the case's factual realities. Substantive authority ensures that judicial rulings have value not only for the litigating parties but also for the legal and social system more broadly. Accordingly, the principle of the relativity of judgments is clearly manifested here: only judgments that are valid both formally and substantively can produce effects for the parties, and they do not automatically affect third-party rights. These features generally contribute to preserving justice and individual rights in Iran's judicial system.

The purpose of a judgment's formal finality is that it should no longer be open to challenge: either the stages of review and appeal have been exhausted, or no objection was filed within the prescribed time. Once a judgment becomes formally final, it also possesses substantive authority. Substantive authority concerns its content and meaning and essentially corresponds to res judicata. In Iranian law, however, a judgment acquires res judicata only when it is also formally final; in other words, formal finality is prior to substantive authority. These are among the theories concerning res judicata, each of which is partly correct and noteworthy, yet also problematic and open to criticism (Mohseni, 2000).

Some Iranian jurists have raised fundamental criticisms of this foundation, while others—following what French jurists have stated—have accepted it and even consider it the basis of the rule in Iranian law. Another analysis distinguishes between the rule's placement in legislation (formal versus substantive) and argues that, since it is based on a presumption that judgments conform to reality, it aligns with the French legal foundation. In Iranian law as well, the rule is expressed in the Civil Procedure Code (Shams, 2026).

A person cannot maintain contradictory civil status vis-à-vis different individuals. Although it is conceivable that, in litigation concerning lineage, a child might be declared related to a man in one proceeding, yet be treated as having a different lineage vis-à-vis that man's other children, the consequences and status arising from lineage are indivisible. If a person is recognized as an heir against one of the deceased's heirs but denied standing against others, the result would be that the claimant could obtain inheritance from one child and be defeated against the others, leaving it unclear how the estate should be divided. A person's civil status must either be enforceable against everyone or be denied altogether. If res judicata in matters of personal status were treated as merely relative, a child could end up having multiple fathers in the eyes of the courts. This abnormal situation would completely disrupt guardianship arrangements and the distribution of inheritance, because it would be unclear who bears responsibility for guardianship and to which "father" the child's inheritance would pass. Thus, a judgment concerning personal status must be opposable to all and have authority against everyone. Whomever the claimant chooses as the defendant, the claimant must, in any event, respect the judgment in relation to others as well (Katouzian, 2021).

For example, a person who has previously claimed lineage should not first sue one heir and, after losing, summon other heirs to court to establish lineage anew. Conversely, those who consider the judgment detrimental to them must object to it. The court, after examining the objection, issues a comprehensive judgment that is enforceable and authoritative against all parties to the dispute. If a third party's objection is upheld, the initial judgment is annulled and a new judgment is issued on the

basis of fresh evidence; but if the objection is not found legally justified, the court obliges that person—like the other parties—to accept and comply with the prior judgment. In this way, contradictory judgments are prevented.

However, the principal criticism directed at this view is that the indivisibility of personal status is not the same as the non-relativity of judgments, because adjudication is largely based on arguments and evidence. At the proof stage, it may be possible for a claimant to establish lineage against one person but fail against another. In such cases, the relativity of the judgment does not necessarily imply a fragmented personal status, because differences in outcomes depend on whom the claimant has been able to prove the claim against. If the opposability of a judgment against a third party—and the corresponding obligation to challenge it—can be reconciled with the principle of the relativity of judgments, compelling litigating parties to adhere absolutely to a judgment rendered in their relationship with others would clearly conflict with this principle and, ultimately, with modern rights (Katouzian, 2021).

2.9. The Principle of Judicial Impartiality

The substance of the principle of impartiality in civil and criminal proceedings is one of the most essential and significant components of a fair trial, and some scholars have identified it as a foundation for the relativity of judgments. This principle is so important that Ali ibn Abi Talib, during his period of governance, reproached judges who failed to observe it (Mohammadi, 2006). Among the safeguards that ensure impartiality in judicial work is the necessity of a two-tier review process, through which the decisions of the trial judge are supervised and controlled by a higher court; this, in turn, serves as a reason for judges to exercise greater care and to refrain— to a significant extent— from departing from impartiality.

Judicial impartiality is a principle born of the public dimension of adjudication, because it generates procedural rules that are, in principle, mandatory and non-derogable, and deviation from them is deemed a violation of due process. The general nature of judicial impartiality relates to the fact that its observance in litigation is regarded as a guarantee of justice in adjudication. On this basis, impartial conduct by the judge is required in all proceedings; otherwise, justice— as an intrinsic element of adjudication— is removed, and the resulting process no longer deserves to be called "litigation" (Haji-Mohammadi et al., 2018).

Accordingly, judicial impartiality concerns only the judge's conduct during the hearing and does not focus on the judge's status before or after proceedings. During adjudication, the judge, as a specific individual selected to administer justice, must remain neutral and must not favor a particular person or persons who have an interest in the litigation. Put differently, the judge must not incline toward either side of the dispute. By contrast, the principle of judicial independence concerns the conditions and position of the judge vis-à-vis the parties and the institution of adjudication, and it chiefly supports the preservation of the appearance of non-bias before, during, and after the proceedings (Ghamami & Mohseni, 2011).

In general, judicial impartiality, as one of the foundations of the principle of the relativity of judgments in Iranian law, refers to the necessity that the judge avoid prejudice and partisanship in the adjudicative process. This principle requires that the judge examine and evaluate the available evidence and documentation without any preconceptions or undue influence from the parties. Impartiality not only helps preserve fairness and justice in adjudication, but also strengthens public trust in the judicial system. When litigants feel that the judge handles the case fairly and neutrally, they are more likely to respect and accept the outcome. Moreover, impartiality is particularly important for the principle of relativity of judgments, because rulings must be issued on the basis of facts and evidence, rather than personal inclinations or bias. This helps ensure that judgments are authoritative only within the specific circumstances of each case and prevents legal conflicts and inequality in relation to third-party rights. Thus, judicial impartiality not only contributes to justice in each case, but also supports the protection of individual and social rights and strengthens the principle of the relativity of judgments in Iranian law.

2.10. The Authoritativeness of Res Judicata

With respect to the binding effect of final judgments on civil claims, legal scholars differ. In general, the moment a judgment is transmitted/served is regarded as the point at which it attains finality. In criminal matters, however, there is agreement that criminal judgments affect civil claims only after becoming final. The main rationale for this limitation is that a judgment relied upon in civil proceedings should not remain susceptible to annulment. In this regard, the Iranian legislator, in Article 390 of

the Civil Procedure Code, has considered only final criminal judgments as binding on civil courts. Nevertheless, differing views have been expressed. For example, Lacoste, a French jurist, recognized the value and authority of non-final criminal judgments in civil litigation. He maintained that, although enforcement depends on finality, the authority of a criminal judgment—similar to civil judgments—arises from the moment of issuance. This view, however, has little support today, because public order—as the main foundation of the rule of criminal res judicata— does not require compliance with a judgment whose annulment has been contemplated by the legislator.

From a theoretical perspective, finality requires the closure of all ordinary and extraordinary avenues of review. Yet, if the mere lapse of a limited period for ordinary review suffices, extraordinary remedies typically have no fixed timeline. This makes conditioning the authority of judgments on the completion of all review stages impractical and pointless. Therefore, it is not necessary, for a judgment to be final, to consider the possibility of using every review mechanism; rather, it is sufficient that ordinary remedies are no longer available. However, this definition of finality faces difficulties regarding judgments rendered in absentia, because such judgments may be set aside due to the possibility of objection. Since objection, in procedural practice, is treated as an ordinary remedy, it should—according to the rule—also suspend the authority of a criminal judgment. While waiting for the expiration of a defined ordinary review period may be reasonable, the time during which in absentia judgments remain open to objection is uncertain. The law considers actual service as the starting point and mentions a ten-day period, which cannot be treated as a fixed and certain timeframe in practice. In this respect, the possibility of objecting to in absentia judgments resembles extraordinary review. Accordingly, if the irrelevance of extraordinary remedies to the authority of judgments is justified by their lack of limited timing, then in absentia judgments should also be recognized as authoritative in civil claims.

In addition, in circumstances where the service of an in absentia judgment may occur, such judgments can suspend civil claims and create enforcement effects. Thus, why should we differentiate among the various effects of a single judgment—making enforcement dependent on service, while conditioning its authority in civil claims on a finality whose timing is uncertain? Such a distinction lacks a clear logical foundation. Nonetheless, judicial practice and legal doctrine—at least in French law—have accepted this approach and maintain that public order does not require compliance with a judgment that may cease to exist, and that the protection of social interests does not justify such an obligation (Kousha & Kazemi, 2020).

As a result, the authoritativeness of res judicata, as one of the foundations of the principle of the relativity of judgments in Iranian law, refers to the legal validity and effect of judgments issued by judicial authorities that have finally and definitively addressed a particular matter. This principle provides that any judgment issued in a case is authoritative only with respect to the parties and the subject matter adjudicated, and it cannot automatically affect the legal position of third parties. In effect, res judicata ensures that judicial decisions produce their effects only within the specific circumstances and evidentiary context of the case, thereby protecting third-party rights and preventing legal conflicts. This is particularly significant in Iranian law, because it ensures that each judgment is treated as an independent and relative legal fact. In other words, res judicata means that individuals cannot rely on judgments rendered in other cases as a legal basis to alter their own legal status. Overall, this principle strengthens justice and fairness by ensuring that judgments remain case-specific and authoritative only within their relevant framework.

2.11. Protecting the Interests of Persons Outside the Proceedings

With the issuance (and becoming enforceable) of a court judgment in the judicial relationship between two parties, a transformation occurs that did not exist before. The principle of the relativity of a court decision—whose meaning entails departure from a "natural" condition—signals entry into a civil condition and the realm of judicial governance of law, and it appears to have an ethical foundation as well. This principle is not expressly stated in statutory text, but it is undoubtedly the basis for many existing rules, particularly in private procedural law. To justify this foundation, some have analogized it to contracts; others have invoked the necessity of protecting the interests of persons outside the proceedings; and still others have relied on the principle of judicial impartiality (Katouzian, 2025).

The necessity of protecting the interests of persons outside the proceedings, as one of the foundations of the principle of the relativity of judgments in Iranian law, underscores the importance of paying attention to the rights and interests of individuals who are not present in litigation. This principle indicates that judicial judgments should be issued in a manner that does not

adversely affect third-party rights. In other words, judgments should affect only the parties and should prevent the creation of conflict or inequality in the rights of others. This feature becomes particularly important where judicial decisions might indirectly influence the lives and rights of third parties. For this reason, every judgment must be grounded in the specific circumstances and evidence of the case, and its consequences should be directly limited to the litigating parties. As a result, this feature contributes to strengthening justice and fairness in the judicial system, as well as maintaining public order and social rights (Jafari et al., 2022).

Accordingly, protecting the interests of persons outside the proceedings is recognized not only as a legal principle, but also as an ethical necessity within the adjudicative process.

2.12. Protecting the Rights of Third Parties

The principle of the relativity of judgments in Iranian law, as a fundamental rule, is designed to prevent legal conflicts and to protect the rights of third parties. This principle emphasizes that judicial rulings are authoritative only with respect to the parties to the dispute and the specific subject matter adjudicated, and they cannot automatically affect the legal position of other persons. This feature becomes particularly important in situations where judicial decisions may indirectly influence the lives and rights of third parties. Protecting third-party rights, as one of the principal foundations of the relativity of judgments, helps prevent inequalities and legal conflicts. In other words, if judicial rulings directly or indirectly affect the rights of non-involved persons, they may generate conflict and inequality in those persons' rights. Accordingly, this principle specifically seeks to preserve the rights and interests of individuals who are not present in the proceedings, thereby contributing to a fair and stable judicial system. In addition, the principle of the relativity of judgments, as a legal rule, enables each individual to pursue their rights independently in litigation without being constrained by the effects of prior judgments. This supports the protection of individual rights and helps prevent violations of third-party rights, strengthening legal certainty in society. In other words, the principle functions as a legal shield that protects third parties against the unintended effects of judicial decisions. Ultimately, safeguarding third-party rights is recognized not only as a legal principle, but also as an ethical necessity in the adjudicative process. This encourages the Iranian legal system to pursue fairness and justice in adjudication and to prevent unjust conflicts. In this way, the principle of the relativity of judgments, as a foundational doctrine, strengthens the rights and interests of third parties and contributes to a fair and stable judicial order in society.

2.13. The Principle of Legality

In the Iranian legal system, the principle of legality is regarded as one of the important foundations of the principle of the relativity of judgments. In general terms, it provides that judicial decisions must be issued on the basis of existing and valid laws. In other words, a judge may not issue rulings arbitrarily or outside legal frameworks. This approach is particularly important for protecting the rights of litigating parties and third parties, because it limits the effects of judicial rulings to the parties and prevents expansive interpretations that go beyond statutory boundaries; at the international level, this principle is also considered important alongside other core principles. (Hamidian & Heydari, 2021)

In practice, the principle of legality functions as a legal shield that protects individuals against incorrect and unjust interpretations of judicial rulings. When judgments are issued on the basis of existing laws, their effects naturally remain confined to the parties to the dispute, and unrelated persons are not impacted by those rulings. This feature is especially important where judicial decisions might indirectly affect third-party rights. Moreover, the principle of legality is associated with stability and legal certainty in society: when individuals know that judgments are rendered under clear and specific laws, they gain assurance that their rights are protected and that legal conflicts will be avoided. As a result, this principle strengthens public confidence in the judiciary and the country's legal order. It also assists judges in adjudicating fairly and prevents the issuance of discretionary and unjust rulings. Thus, as a fundamental foundation, the principle of legality reinforces justice and fairness in Iran's judicial system and prevents unjust conflicts. Ultimately, as one of the foundations of the relativity of judgments, the principle of legality not only protects the litigating parties, but also contributes generally to a stable and just judicial system in Iran by ensuring that judgments are issued within legal frameworks and with due regard for the rights of all persons, thereby preventing legal conflicts and inequalities.

2.14. The Principle of Fairness and Justice

The principle of fairness and justice, as one of the fundamental foundations of the principle of the relativity of judgments in Iranian law, plays an important role in maintaining balance and justice in legal relations. In particular, within adjudication and the issuance of judicial rulings, it seeks to protect the rights and interests of the parties and to prevent unjust conflicts. (Motiee & Alborzi-Varki, 2018)

In light of this principle, judicial rulings affect only the parties to the dispute, and their effects will not automatically extend to the rights of others. In other words, when a judge observes the principle of the relativity of judgments, the decision is shaped by the particular circumstances of the case rather than broad and unfair interpretations. This approach is especially important where judgments may affect the lives and rights of third parties. In addition, the principle of fairness and justice, as a foundational element of Iranian law, contributes to balance in legal relations. It aims to guarantee the rights and interests of all members of society and to prevent unjust conflicts. In this way, the principle of the relativity of judgments, as a legal rule, seeks to establish a stable and fair judicial system in which the rights of all individuals are protected. (Caron & Caplan, 2015)

Ultimately, attention to fairness and justice in the Iranian legal system ensures that adjudication and the issuance of judicial rulings are conducted in a fair and just manner. This not only protects the parties' rights, but also strengthens public trust in the judiciary and in the country's laws.

3. Foundations of the Principle of the Relativity of Judgments in the Common Law System

The principle of the relativity of judgments in the common law system means that judgments issued by courts are authoritative only for the parties to the dispute and the specific subject matter adjudicated, and they cannot automatically affect the legal status of other persons. This principle rests on several basic rules and concepts, which are explained below:

3.1. Res Judicata

Res judicata in the common law system, as one of the fundamental principles, leads to the principle of the relativity of judgments. This principle provides that judicial decisions are binding only on the parties to the litigation and the specific matter adjudicated in that case. Accordingly, persons who were not parties to the dispute cannot benefit from the effects of that judgment or be bound by it. (Dworkin, 1986)

This feature is particularly important for preventing legal conflicts and inequalities in the judicial system, because it allows individuals to pursue their rights independently and without unintended effects from prior judgments. Moreover, res judicata strengthens legal certainty and helps preserve justice in society. When individuals know that judicial decisions are binding only on the parties, they gain confidence that their rights are protected and that unintended spillover effects will be avoided. Implementing this principle also contributes to a stable and fair judicial system and helps ensure that adjudication proceeds fairly and in accordance with existing law. Ultimately, res judicata serves as an important tool for protecting individuals' rights and interests and for strengthening public confidence in the judicial system.

3.2. Non-Extension of Judgments to Third Parties

In the common law system, the non-extension of judgments to third parties, as an important principle, reflects the relativity of judgments. This principle provides that judicial decisions are generally binding only on the parties to the dispute and cannot affect the rights and interests of third parties. In other words, persons who were not present in the proceedings or were not directly involved cannot take advantage of the effects of issued judgments. (Allen, 2008)

This rule is particularly significant for preventing legal conflicts and inequalities and for safeguarding the rights of persons unrelated to the dispute. It supports the protection of those outside the proceedings and contributes to a fair and stable judicial system. (Hart, 1994)

By emphasizing the non-extension of judgments to third parties, the common law system assures individuals that their rights are protected against judicial decisions in which they did not participate, thereby strengthening public confidence in the judicial system and the legal order.

3.3. The Principle of Fairness and Justice (Equity)

In the common law system, the principle of fairness and justice is recognized as one of the primary foundations of the relativity of judgments. It requires that judicial decisions be issued in a manner that takes justice into account and prevents unjust conflicts. For this reason, judges must carefully examine the particular circumstances of each case and consider the possible effects of their rulings on the rights of others. This approach supports a fair and equitable adjudicative process and helps ensure that the rights of all individuals—both the parties and third parties—are respected. (Raz, 1979)

In addition, attention to fairness and justice helps prevent judgments that unduly benefit one party at the expense of another. This principle is especially important in cases where judicial decisions may have broader social consequences. As a result, by observing this principle, the common law system not only protects individual rights, but also strengthens public trust in the judiciary and helps guarantee the administration of justice in society.

3.4. Protection of Individual Rights

One of the main foundations of the relativity of judgments in the common law system is its emphasis on the protection of individual rights. This means that every person should be able to pursue their rights independently in legal proceedings without being constrained by prior judgments. This supports individual rights and ensures that persons can defend themselves fairly and independently from the negative effects of earlier decisions. This approach also helps prevent violations of third-party rights and avoids unjust conflicts. (MacCormick, 2005)

By emphasizing the relativity of judgments, the common law system strengthens justice and fairness in adjudication. Judgments are authoritative only within the specific circumstances of each case, which contributes to a fair and transparent judicial system. Consequently, this principle strengthens public trust in the judiciary and helps create a stable and fair legal environment for all individuals.

4. Conclusion

The principle of the relativity of judgments is one of the fundamental principles in various legal systems and has received particular attention in both Iranian law and the common law system. This principle generally emphasizes that judicial rulings are authoritative only with respect to the parties to the dispute and the specific subject matter adjudicated, and they cannot automatically affect the legal status of other persons. This characteristic not only plays an important role in protecting individual rights, but also prevents legal conflicts. In Iranian law, the foundations of the principle of the relativity of judgments include the authority of res judicata and the necessity of safeguarding the interests of persons outside the proceedings. These foundations are especially significant in situations where judicial decisions may indirectly affect the lives and rights of third parties. By observing these foundations, the Iranian legal system seeks to ensure fairness and justice in adjudication and to protect the rights of all members of society.

On the other hand, in the common law system, the foundations of the principle of the relativity of judgments include res judicata, the non-extension of judgments to third parties, the principles of fairness and justice, and the protection of individual rights. These foundations generally contribute to strengthening legal certainty and preventing unjust conflicts. In this system, attention to the rights and interests of persons outside the proceedings is also recognized as a fundamental principle that helps prevent inequalities and legal conflicts.

The differences between Iranian law and the common law system regarding the principle of the relativity of judgments reflect the diversity of approaches and perspectives on law and justice. Although both systems emphasize the protection of individual rights and the prevention of legal conflicts, the manner in which these principles and rules are implemented may differ. These differences can serve as valuable sources for comparative legal studies.

Ultimately, the principle of the relativity of judgments, as a basic rule in both legal systems, contributes to strengthening fairness and justice in adjudication and ensures that judicial rulings are authoritative only within the specific circumstances of each case.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

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