A COMPARATIVE STUDY OF CIVIL LIABILITY ARISING FROM THE ACTIVITIES OF IRAN AND THE UK MEDIA LAW

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Abstract
Mass media are Accurate and sensitive tool for leading public opinion toward targeted different topics, in Iran media have not obtained its high dignity and due to political games in the society, penal encounter instead of imposing civil liability was a focal issue. Civil liability enters where the act or omission that caused harm to a person and it has its own documentation in different media. Different people interact in the community with the environment which can benefit from the various media tools and the use of these tools is different. The media are communication tools in general. Relationship between one or various people in the media occur when the media transfer its purpose as a verbal symbol (word or words) or non-verbal (pictures ...) to the audience. In this way, definitely a must-related laws and how to compensate for damages caused by the activities of the media should be considered. Therefore, the specific legislation for imposing and bearing civil liability for social media in contemporary Iran and Britain can reduce the cultural arena of criminal behavior and contribute to the survival of the Media.

Keywords: Media, Civil Liability, Compensation, Fault, Harm, Causation Relationship

1- Introduction
The media are the main factor to disseminate information in contemporary societies. And roles, including supervisors of community, public opinion makers and encourage people to participate in politics are of their roles. But the media, in practice, due to the different political regimes, are faced with the limitations sometimes censorship, sometimes affecting the financial pressures and sometimes due to the audience requests (Rush, 1998). Media means any device that can transmit cultures and ideas. What are the true example of this definition are items such as newspapers, magazines, radio, TV, satellite, Internet, CD, video, etc. In other words, the public and the mass media or mass communication is Persian word for the Latin word «Medium» the plural «Media» (Sarokhani, 1988, p 103). Humans and animals by some of their organs can transmit the changes of their environment to the brain to make the necessary decisions these organs include the eyes, ears, nose, tongue and skin. Each of these organs are called media (in English: Medium) the plural of the word Media (Stuart, 1997: 9). The mass media has a special face civil liability and special effects, with respect to the role of mass media in contemporary societies to impose a role to them should consider
their responsibilities and the roles concordance which should be unique. The term civil liability or legal commitment is to recoup losses as a result of a deed or action assigned to him.

Therefore necessity to compensate for the loss is called the civil liability of a person (Barigu, 1999). Civil liability of media communication in the current era is one of the most important legal issues which a new study is done by investigating the media stuff civil liabilities and their functions losses. Responsibility in Persian means a guarantee, commitment, and reprimanded (Dehkhoda, 1981) it comes when the media exercise their rights and functions in the illicit use, For example, by financial or other moral abuse and abusing their liberty or use the situation, the facility or facilities personally. But their main purpose is to harm the rights and interests of others. Civil liability requires an understanding of the basics and review various sources of media in conjunction with media sources, civil liability, the common law (constitution, civil law, the law of civil liability) and certain laws, including the Law on the Press and ..... (Katoozian, 1999:63). In this area there are several issues freedom of expression and freedom of information are limited in contradiction with privacy and confidentiality. Ethical violations are Evidence of the media's fault. The media are not only allowed to spread false information but also have limitations in broadcasting correct newscasts. Broadcast unrealistic ads and programs that involve defamation, slander, lies, even in the absence of bad faith are subjects of liability for media. It must be said that news and misrepresentation, breach of an implied contract based on the fact that is considered realistic, and bring liability to the manufacturer.

But in the media, the press, due to extensive communication with people who have a lot of features and spaces that may be used for damage to others, (Hashemi, 1978: 69). In Iran laws, like French laws, we can assume levels for civil liability according to the eighth material of social liability law1339 in media civil liability. Law experts believe that the degree of fault, in assessment of damage and loss (physical and spiritual) and liability is effective. Media in the UK is in various forms now and exhibits an inescapable part of life in every corner of the world (Cohen and Elliott, 1998). In Great Britain, the Liberal Democrats with the development of media history is deeply entwined with the emergence of the private capital market in the economy, For example, a basic tenet of Great Britain's policy of competitive media release states without government's restrictions for the development of democracy. Freedom of the press as a powerful weapon in the United Kingdom is for the protection of rights and interests of national security, public order. Provisions relating to civil liability arising from the UK and Iran media law should answer the media activities and from these answers we can distinguish the difference of this liability from the other ones so in this research a comparative survey of civil liability resulting from the media activities in Iran and the UK laws is in the focus.

2- Experience Thread

Despite the media history in Iran, apart from some researches about civil liability of the media, and attempts of some authors in presidential assistance in compiling books, there is no authentic research or book referring to the subject. Elhami has paid to jurisprudential and legal crimes of the media. It is one of the most significant crimes media ethics media. The media crimes are of the most important issues in media ethics; this study is an attempt to reconcile issues related to crimes with jurisprudence titles that include an introduction, four chapters and a conclusion. The key issues such as the importance of media law and ethics, security, media, types of crime and the role of mass media in crime division, the principle of freedom and its manifestations, as well as misleading messages as exceptions to the principle of freedom that have a close relationship with Media are crimes, political freedom, these issues are discussed in detail. The media crimes are divided into three categories: crimes
against religious and sacred values, crime, and Offenses against public order and individual rights. And Jurisprudence titles associated with each category of crime, law analysis, privacy and the rule of jurisprudence, "Deputy Baraeem" and "Daar rule" is checked. Explaining the general topics related to each chapter before it is discussed in the concluding chapter entitled "final discussion" at the end of conclusion chapter, some remarks and suggestions resulting from the discussions are presented (Elhami, 2006).

Heidari in a research that reviews media correction in the Iranian law and international human rights documents and he believes media is no more an unfamiliar term. Journalists and all those who are professionally engaged in other forms of media activities, which must move within the rules that legislators have drawn. But still, "Media Ethics" is an unknown term for some and even a surprise. He further stressed to the study of media ethics (Heidari, 2012).

Ne'mati Aghdam in research that examines the Iranian press law (with an emphasis on legal grounds in the press), he pays to the difference between the Iranian press laws also refers to the press in other countries (Ne'mati Aghdam, 2002: 18).

Asadi pays more to Comparative Analysis of the Press Council on the protection of freedom, independence and professional ethics of journalism ethics put more emphasis in the media and the role of the press release (Asadi, 2002: 10).

3- The importance of research

Due to extensive media relationships with the law have the ability to ignore people's rights. supposing the responsibility in the media as well as media law has in current rules indicate the absolute offset losses incurred as a result of the activities of the media. Disadvantage is common and relative sense. Jouhari says, "The loss is opposite to the benefit and losses result of a loss," and Ibn Athir in Alnehayeh says: the meaning of loss is that one does not harm to his brother and the meaning of Zerar is the punishment assigned to the loss (Hosseini Nejad, 1991: 125). Some others assume loss as a deficit which occurs in property and human himself. In other word, loss is damage to economic and non-economic benefits (Amid Zanjani, 2003: 121). The loss is defined as: "When what is missing can be assessed in money loss occur to financial rights (Katoozian, 1997). Civil and criminal liability of the directors of the media and the legal issue is the important and strong justification to evaluate. Because of the breadth and diversity of the media and media actions, media accountability and commitment to accountability and compensation for damages resulting from the efforts of the mass media, is investigated under different legal theories.

Research Methods: The research method in this paper is a technique that utilizes a library of books available written articles

4- Research objectives

The goal of writing this essay is to express legal and judicial procedures in civil liability imposed on the media and trying to prove that it can be used to develop a comprehensive approach to civil liability or special laws on civil liability and compiling and using effective laws in this regard, and preventing from eliminating the media from the country cultural atmosphere. In other words, it must not allowed to penal pursuit the media except in limited cases and by using civil liability help the media survival in the society, so the objectives of this set are as follows:

1. The necessity of using subtle strategies of civil compensation arising from the activities of the media
2. The need for proper utilization of existing legal capacities in order to recoup losses from media activities
3. Check the status of civil liability law in the Anglo-Iranian Media
4. Create a coherent legal theory and legal solutions for legislation to benefit from civil liability in the field of media activities

5- Discussion and conclusion
1- How is the support of those who have suffered losses due to the media work in the legal systems of Iran and UK?
Due to the high position of informing in society, to impose civil liability instead of criminal responsibility or using both for damaged public rights, helps to the stability of the media in society so that The damage caused Azrar be compensated according to the media civil liability, and loss doesn’t remained response less. In this regard, the use of legal resources and legal procedures and specific laws regarding compensation for the damage suffered by the media in England and Iran's laws is supported. Other than financial compensation, in cases of moral damages will be supported like Apologies, apology of the offender in a manner that compensates the sufferer's minimal damage.

2 - What should be done if media tasks and missions caused harm to a person, group or institution?
In Iran legal procedure referring to the civil liability laws and jurisprudential rules and in UK procedure if unintentionally someone be suffered, both Iran and UK courts using expert's judgments and deductions, invert the loss to the money to compensate the loss of the suffered person or institution. In cases where damages such as moral damages and not being able to invert it to the money, non-financial mechanisms are used such as the closure of media outlets continue preventing or obligation to apologize sufferer from the suffered person or conviction record.in some cases applying all the three methods is useful and effective and at the meantime we should consider to the procedures for surviving the media in the society.

3- How it can be possible compensate the losses to the suffered applying civil liability and also help the media to survive in the society as a fourth tenet of the democracy?
Unintentional loss caused by a media should not prevent media from being survived in the society and penal liabilities should be imposed on it only when the losses are not compensated.
Aim of the research: the way for compensation of the losses caused by the media through civil liability and reduction of criminal responsibility, except in special cases (having bad faith and lack of compensation possibility) for continuing the media activities.
Research methods: The research method in this paper is a technique that utilizes a library method, books, papers and information and is done through taking notes. By choosing a topic to write notes and coding the associated notes and started by general topic which is related to the laws, then subordinate subjects like media laws were written and criticized and the author and the title of the book also was written in the notes.
Place of the study; modern societies of UK and Iran, and about the procedures and laws and other tools which are applied for the media violations and their liability.
The best solution to compensate for losses incurred is discovery of mental element causing commitment of acts of civil penalties (civil liability), by applying compiled laws or existing procedures and creating a new chance for media survival in case of their unintentional deeds, and finally penal punishment as a last weapon for preventing media bad faith and intention and preventing from their activities.

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