

Statute of Limitations in Commercial Documents in Iranian, Iraqi, and International Law

Asaad. Atiyah Fenjan-Al-Kinani¹, Mohammad Javad. Abdollahi^{2*}, Zeid. Helal Mahdi Hanun³, Hassan. Paktinat⁴

¹ PhD student, Department of Private Law, Isfahan (Khorasgan) Branch, Islamic Azad University, Isfahan, Iran.

² Assistant Professor, Department of Law, Isfahan Branch (Khomeinshahr), Islamic Azad University, Isfahan, Iran.

³ Assistant Professor, Department of Law, Al-Amin University, Iraq.

⁴ Assistant Professor, Department of Law, Isfahan (Khorasgan) Branch, Islamic Azad University, Isfahan, Iran.

* Corresponding author email address: e_m_abdollahi@yahoo.com

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EDITOR: Ghasem Eftekhari ^{id} Associate Professor, Department of Political Science, University of Tehran, Tehran, Iran. Email: eftekhari@ut.ac.ir				
REVIEWER 1: Sandeep Kotwal ^{id} Knowledge Management Division, National Health Systems Resource Centre, Ministry of Health and Family Welfare, New Delhi, India. Email: sandkotwal@gmail.com				
REVIEWER 2: Pinar Reisoğlu ^{id} Faculty of Social Sciences, Recep Tayyip Erdogan University, Rize, Turkey. Email: pinarreisoglu@erdogan.edu.tr				

1. Round 1

1.1. Reviewer 1

Reviewer:

This opening definition is clear but lacks theoretical anchoring. Consider connecting to broader jurisprudential theories (e.g., certainty vs. justice, legal security, or economic efficiency) to contextualize why limitation periods exist.

The section is descriptive but not analytical. You mention the Council's rejection of Articles 731 onwards but do not critically examine its constitutional basis or judicial impact. Add a deeper discussion of whether Iranian courts continue applying commercial limitation periods despite this opinion.

The paper alternates between terms such as "extinctive prescription," "negative prescription," and "liberative prescription." For clarity, select one as the primary term and explain synonyms early.

The discussion of PECL, PICC, and UN Limitation Convention is thorough but remains abstract. Suggest adding one or two scenarios illustrating how an Iranian or Iraqi merchant might be affected by these instruments.

While international sources are discussed, there is no direct comparative analysis aligning them with Iranian and Iraqi rules (e.g., 3-year vs 5-year vs 4-year limitation). A comparative table summarizing periods and starting points would improve readability.

You mention differing interpretations of Article 529 but do not show which view prevails in judicial practice. Including citations to actual Iranian case law or Supreme Court rulings would strengthen the argument.

The introduction briefly notes economic cost of long retention but does not elaborate on commercial impact (e.g., banking risk, transactional efficiency). Expanding on economic policy rationale would add interdisciplinary value.

This section reads as explanatory but feels detached from the central research question. Suggest explicitly linking these reforms to the main thesis — how do they interact with or affect limitation periods?

Although the article compares three systems, the conclusion doesn't synthesize them. Suggest explicitly stating similarities/differences among Iran, Iraq, and international instruments and what lessons Iran or Iraq can draw from international models.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The research question is stated but could be sharpened. Consider breaking it into sub-questions (e.g., legislative status in Iran; comparative position in Iraq; harmonization with international norms) for better focus.

Although the article is "descriptive-analytical," no dedicated methodology section exists. Adding a short paragraph describing comparative method (functional analysis, doctrinal review, or normative comparison) would increase transparency and rigor.

Several scholarly opinions on the repeal of the commercial statute of limitations are quoted (Eskini, Saghari, Kaviani), but there is no synthesis. A summary table or clear evaluative paragraph could help the reader see which position is most persuasive.

While Iraqi provisions are cited, the practical impact (e.g., how Iraqi courts enforce or interpret these rules) is missing. Consider adding real or reported case examples or doctrinal commentary to give depth.

The article sometimes shifts between civil and commercial claims without clear demarcation (e.g., "Unlike civil claims..."). Strengthen the distinction early by defining what "commercial claim" includes and how it differs in each jurisdiction.

Several passages say "some scholars" or "others argue" without full citation context. For instance, when presenting opposing views about Guardian Council power, provide direct page references or complete argument summaries to avoid vagueness.

The conclusion is descriptive rather than prescriptive. Consider adding clear recommendations for legislators, such as harmonizing Iran's Commercial Code with UN instruments or clarifying the Guardian Council's scope regarding commercial matters.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.