

Priority of Preferential Claims in Iranian and Iraqi Law

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1. Round 1

1.1. Reviewer 1

Reviewer:

The manuscript repeatedly uses the terms “preferential claim,” “privilege,” and “priority right” interchangeably. The sentence “These exceptions... grant certain creditors priority in payment” requires terminological clarification. A short conceptual subsection distinguishing statutory privilege, security right, and priority ranking is necessary.

The authors state that “comprehensive comparative studies... remain limited.” This claim requires stronger substantiation. Please add at least two comparative studies and explicitly demonstrate how the present article advances beyond them (methodologically or doctrinally).

The paragraph identifying research questions would benefit from reformulation. The current formulation—“whether the existing priority systems possess sufficient legal coherence”—is overly broad. Consider operationalizing coherence through measurable indicators such as hierarchical consistency, conflict-resolution rules, or predictability of judicial outcomes.

The sentence “The structure of the article is organized as follows...” reads like a thesis outline rather than a journal article transition. Consider shortening or integrating this into a smoother narrative transition.

In discussing Article 869, the authors contrast “literal interpretation” and “teleological interpretation.” However, no justification is provided for preferring the teleological approach. Please explain why Iranian jurisprudence would favor purposive interpretation here.

The statement that funeral expenses take precedence “due to their religious necessity and social importance” requires doctrinal support. The argument should reference either Islamic legal doctrine or judicial precedent to avoid appearing purely descriptive.

The discussion of temporal limits notes conflict between three-month and six-month wage protection periods. The article should explicitly explain how courts resolve this conflict in practice rather than leaving it as a purely theoretical inconsistency.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the paragraph referencing Norway and Canada, the article states these jurisdictions guarantee protection via “specific legislation and governmental insurance schemes.” Please cite specific statutory instruments or institutional frameworks (e.g., GIEK in Norway). The comparative claim currently lacks specificity.

In the “Theoretical and Conceptual Foundations” section, the definition of “risk” and “security risk” could be condensed. The distinction between commercial and non-commercial risks is introduced but not analytically developed. Consider integrating a risk-allocation matrix relevant to oil contracts.

The paragraph defining multinational companies states they are “subject to the legal system of their home State.” This is legally imprecise. Clarify whether the reference concerns nationality for treaty protection, corporate governance, or jurisdictional standing in arbitration.

The section on Buy-Back contracts identifies limitations but does not analyze how risk allocation differs between Buy-Back and IPC models. A comparative contractual risk-allocation table would significantly enhance analytical rigor.

The article correctly notes that FPS includes legal stability, but jurisprudence on whether FPS extends beyond physical security remains contested. Please address divergent arbitral interpretations to avoid doctrinal oversimplification.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.