

## **Investigation of Fireman's Rule in Imami Jurisprudence and Feasibility of its Application in Law of Iran**

The principle is that everyone is equal before the law; of course, there are some exceptions to this. On the other hand, moral and human principles require that human life is above all else and no one is allowed to violate it; therefore, all humans have a duty to provide any necessary assistance when observing a danger to the life of any other human being. Suppose that in this way, the personal rights of individuals are damaged or an act is committed against the law. In common law, especially American law, although fault is the main basis of civil liability, rules such as: "Good faith" and the "Good Samaritan" rule and the "Fireman Rule" have been considered in the collapse of the guarantee. For example, in the rule: the same benevolent motive of "good faith", the motive of the harm agent in incurring the damage is considered to be effective in forcing him to compensate for the damage. The Good Samaritan rule also addresses the issue that if someone, while helping another, accidentally causes damage due to negligence that can be ignored, given the circumstances of the case, he is exempt from compensation for the damage. It should be noted that this rule is very similar to the rule of benevolence in jurisprudence and law. According to the fireman rule, if a firefighter accidentally and not intentionally causes damage while extinguishing a fire, performing his duty, and helping injured and endangered people, he will not be required to compensate for this damage. Of course, just as a charitable and benevolent motive is effective in the collapse of a guarantee, a malicious motive will be effective in proving a guarantee or multiplying it; For example, in American law, in cases where the motive of the harm-doer is very malicious, such as terrorist acts, in addition to reparative damages, punitive damages are also considered for the harmful element, which is different from his criminal liability. Extensive research has been conducted in the field of civil liability; but so far, the feasibility of the fireman's rule in the Iranian legal system has not been considered, and most of the discussions in this area have been analyzed in criminal law, and even at the international level, despite brief references to the fireman's rule, its application in written legal systems has not been discussed. The issue of the fireman's rule is also considered in the course of executing civil judgments, and the execution of the most important law takes precedence over other issues. In this research, the existence of good faith in the process of causing damage and committing illegal acts has been examined from the perspective of Imami jurisprudence and statutory law. First, the jurisprudential debates in this regard are discussed, then the current position in the law is referred to, and finally, while enumerating the legal gaps, suggestions for its reform are presented. The research question is, what is the status of the firefighter rule in Iranian legal sources? If this rule is implemented, what are the requirements for its legislative reform?

It was concluded that the firefighter rule is not explicit in current legal sources and this rule can only be applied by virtue of the rules of: benevolence, harmlessness, loss and causation, as well as by citing Article 167 of the Constitution. The civil law is not very explicit about compensation for damage; of course, according to some rules of this legal source, exceptions to the three pillars can be found. In a broad interpretation, it can be stated that the averting of a possible danger is obligatory and the rule of civil liability and the three pillars of its attribution are not absolute. Regarding the beneficiary of damage, only the joint damage mentioned in the maritime law is explicit and the damage incurred is calculated and divided among the beneficiaries in proportion to the share. An establishment called: beneficiary of the damage should be mentioned in the civil law, so that the responsibility for compensating for the damage that was done with the aim of protecting the life and property of another person is transferred to the beneficiary; If there is a similar issue in maritime law. One legal policy could be to increase the incentive to help fellow human beings. Apart from legislative issues, the legal procedure and procedural requirements for these matters may be very time-consuming and cumbersome. Regarding helping others, a moderate legal procedure should be chosen with the aim that individuals have the necessary discretion in performing this act and do not refrain from this action for fear of complicated legal proceedings.