

The Financial Value of Financial Position in Range the Technical Concept for Civil Right

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Abstract

BACKGROUND AND OBJECTIVES : The obligation in civil law is of a financial nature, whether it is linked to the subject matter on which the real rights are based or the personal right, which is debt, and the idea of the exchange value of the financial position is an idea that addresses the actual situations in which financial values (compensations) are realized or cases of use that have, in actual practical terms, a financial value and thus Researching their forms is important from a practical point of view, as it requires studying those forms and their relationship to the technical concept of the financial right, distinguishing things from their subjects and from the rights subject to financial evaluation, and explaining the elements of considering valuable assets in the civil concept. The study aims to achieve the following: Develop a theory of financial positions within the actual scope of use and the actual holdings of the business and the funds. Determine the course of compensation for things and the transfer of the financial position from one description to another according to the patterns of actual purposes and needs. Providing a legal framework that distinguishes between describing a crime related to money and achieving a financial position as a result of the possession of that money.

Keywords: *Financial Position, Exchange Value, Right, Actual Status, Legal Status, Things, Money.*

Introduction

The exchange value of the financial position takes place within the scope of financial compensation or the actual use of a place. The research statement requires examining the form of use and its relationship to possession as a material fact.

In addition to giving an accurate description of the legal aspect of activities, experiences, and any skills that are of interest to the public or individual in their desire to give them exchange value according to the economic concept or compensation according to the legal concept (Alsinhowrii, 1984).

The idea of compensation in exchange value is considered an independent right.

The financial position is defined as every actual situation based on the use of a place or the achievement of possession of money, capacity, or service that can be evaluated financially.

The financial position in the advanced sense includes the possession of abandoned and lost funds and illegal possessions such as money laundering, as well as the use of real estate and funds transferred to others without a valid reason (Andrei P and fellegara A.M, 2020).

The source of a right is embodied in its valid cause, such as a legal act such as a sales contract, a legal event such as the arranged death of an inheritance, or a material event such as attachment to the rule of nature, such as the adhesion of river silt or tree seeds to the ground.

These three forms represent that they are valid and legitimate reasons for obtaining or seizing financial compensation, or as it is called in the language of economics, exchange value (Contabilita e bilancio di esercizio, 2006).

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So, when the correct reason is achieved from a legal standpoint, the compensation becomes a self-contained right that gives its owner all the advantages that can be obtained from him.

The intrinsic characteristic of exchange value or compensation is considered an existing financial center, whether it results from an action or pure possession, such as taking possession of lost or abandoned money. The possession of construction materials, such as bricks, by a farmer after leaving them from a property owner who demolished it is considered a financial center through the farmer's benefit. By constructing a seed store, for example, it is a useful financial center for the farmer, even if it is an abandoned or non-existent financial center for the property owner (Contabilita e bilancio, 2019).

So the financial center is either a place from which the possessor can benefit directly, such as taking shelter in an abandoned wall or agricultural machinery, or the possessor puts it back into circulation again, such as selling abandoned materials or using lower-ranking consumable materials in reciprocal financial compensation, such as selling empty cans to a visual artist to repaint. On it or shaping it into an artistic model and re-exchanging it for financial compensation by selling it to others, so we are faced with a financial center for the store that has ceased to be used or disposed of by one party and returns to a financial center or a legal relationship and reciprocal disposition by another person or entity (Basic Financial accounting, 2022).

Classification of the financial position between the maximum and minimum according to the purpose.

The financial position depends on the specific purpose of using the store, such that (this use) may increase the financial position of the store to achieve a more beneficial purpose or enter into a strategic sectoral business from an economic standpoint.

An example of this is the use of waste to generate electrical energy, useful industrial gases, or oils of various types and purposes.

Thus, the exchange value of waste (as compensation) and its financial position are higher than if it remained in the current situation as waste (garbage).

We call this financial center the highest financial position resulting from the value of the purpose from an economic or strategic point of view.

As for the second classification of the financial position, it is (pure compensation), even if it is at a lower level. For example, collecting large quantities of naphthalates for a metal factory to recycle them, but the financial compensation paid to the person who collected them is small compared to the assumption that they will be used to generate electrical energy in the previous assumption (Frattoni G, 2006).

This position is called the lowest financial position according to the fact that the consideration is low in calculating the economic evaluation of the financial consideration as an exchange value compared to the high quantities and amounts of the store subject to sale.

The same concept applies to bartering in goods and services. The purpose in the form of a need for the money being bartered is clearer and clearer in the subject of the purpose between the two litigating parties. Each party seeks to satisfy a desire and need available to the other party (the barter) (Frattoni G, 2011).

All of this description is consistent with the technical definition of the right in Article (65) of the Iraqi Civil Code, which states that (money is every right that has a material value), so money is the right as a legal concept, and this right has a material value, and there is no situation that shows that material value. From the exchange value in the economic language and from the consideration in the language of the law, which takes the description of the price in the sales contract or the consideration in the lease contract or the subject of exchange in barter in commodity financial exchanges.

The scope of money, as defined as a right, applies to rights that can be evaluated financially, as well as services and capabilities that meet required needs at the individual or social level, whether they are natural or legal persons.

Comprehensiveness of the financial position to the images of the subject of the obligation.

Defining money as a right according to the Iraqi Civil Law is very practical, as it makes money subordinate to the concept, which is the right, and this formulation as a single word (the right) achieves the following (Lombardi Stocchetti G, 2013):

Firstly - Do not make the law, in its concepts, subordinate to the economic subjects or the transfer of things, because they are multiple. The law, in contrast, is relatively fixed in its formulations and concepts, and the concept under study is the right by which money is known and acquires the same description.

The definition of money by right took the concept of money out for expansion and standardization and distinguished it from things on the first hand and made it money with all its characteristics in terms of the movable and immovable nature and in terms of consideration between valuable things and fungible things as well as exchanging it for its intrinsic quality in the barter system and between evaluation in absolute sale by exchanging it. With money.

The definition of money as a right automatically included within its scope (consideration) topics of expertise, such as medical and legal consultations, and skills and skills, such as sports and artistic works. This group of topics was included in the scope of money in order to achieve its exchange value, which is called (compensation) (Marchi L, 2002).

The idea of the financial position includes achieving possession in commercial offers for goods and services at the (offer) stage or the offer directed to the public, even if that offer does not reach trading by concluding sales or service contracts.

An example of this is opening shops, offering medical services in private hospitals, and consulting work in various sectors. Taken together, these are considered a financial center with a financial value based on the holdings of things or rights that are financially viable from a legal standpoint, even if they remain at a stage in which no type of contractual obligations have occurred (Palma A, 1999).

The financial position at this stage is called the fixed or rigid financial position because it is outside the concept of obligations within the technical scope of the obligation.

(Table 1) Counting the Number of Actual Possessions of Real Estate Without Legal Reason and The Number of Cases of Correcting Those Actual Conditions of Possession for Eight Years.

no of correction for real property tenancy	no of real property tenancy	year
3	400	2003
0	550	2004
4	723	2005
1	801	2006
3	914	2007
0	816	2008
6	950	2009
12	1112	2010

Source: Real state directory, 2021.

Fig (1) No. Of Real Property Tenancy 2003-2010.

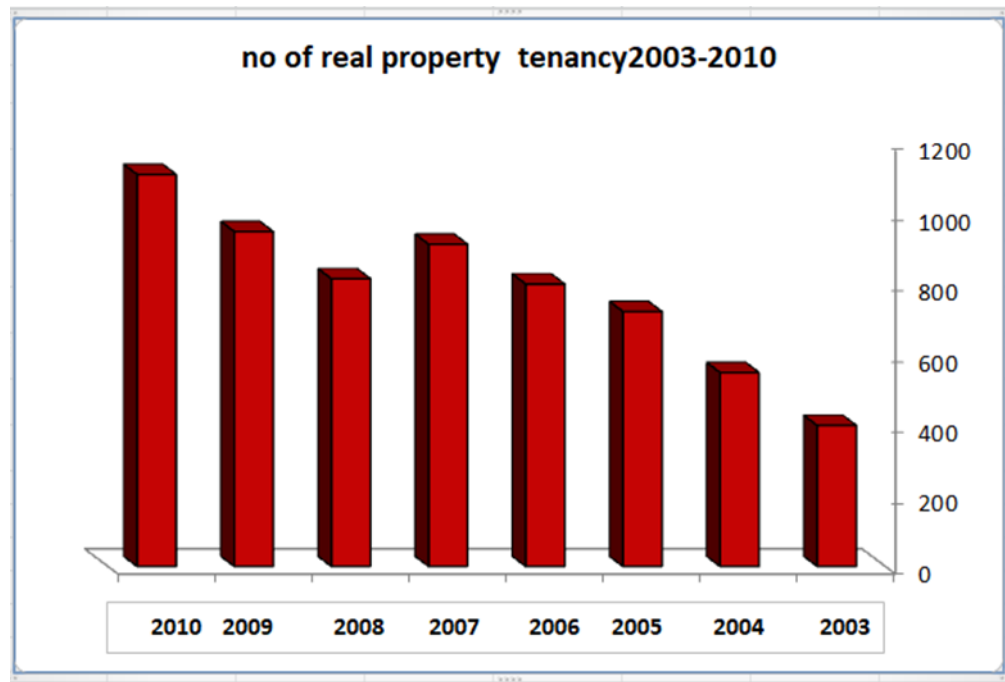


Table (2) Schedule Of Activities For Grazing Sheep, Goats And Livestock For Five Years[11].

no of correction of the actual situation		no of individual and entities	year
0		516	2018
0		617	2019
0		652	2020
0		732	2021
0		851	2022

Source: Real state directory, 2021

Fig (2) No of Individual and Entities

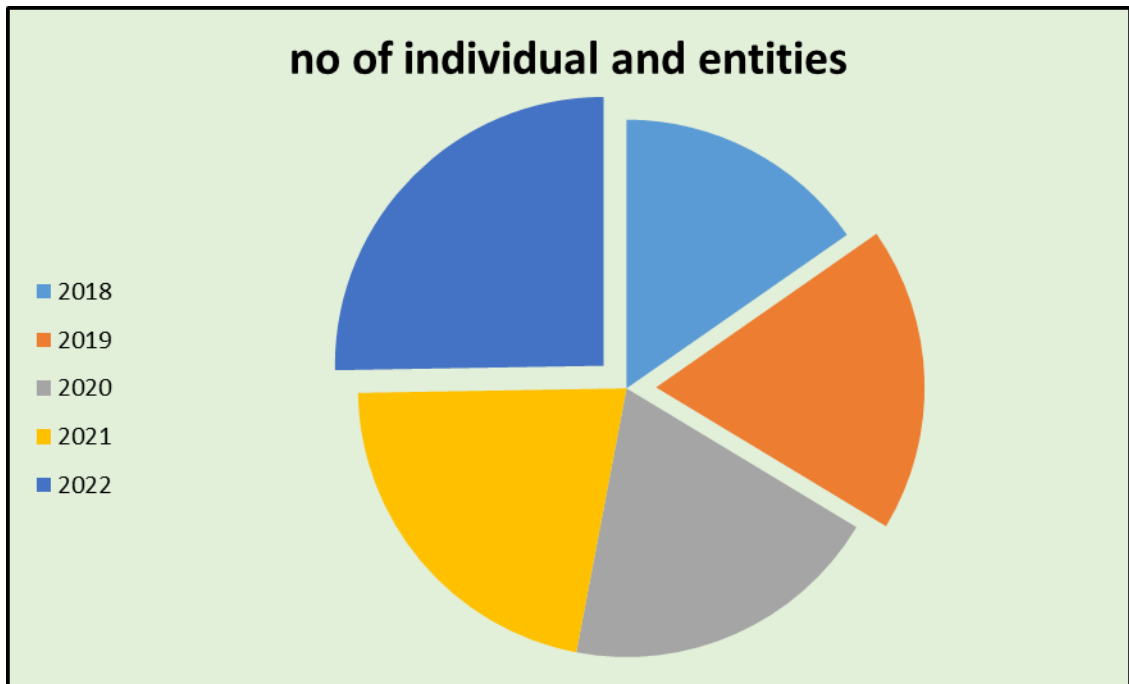
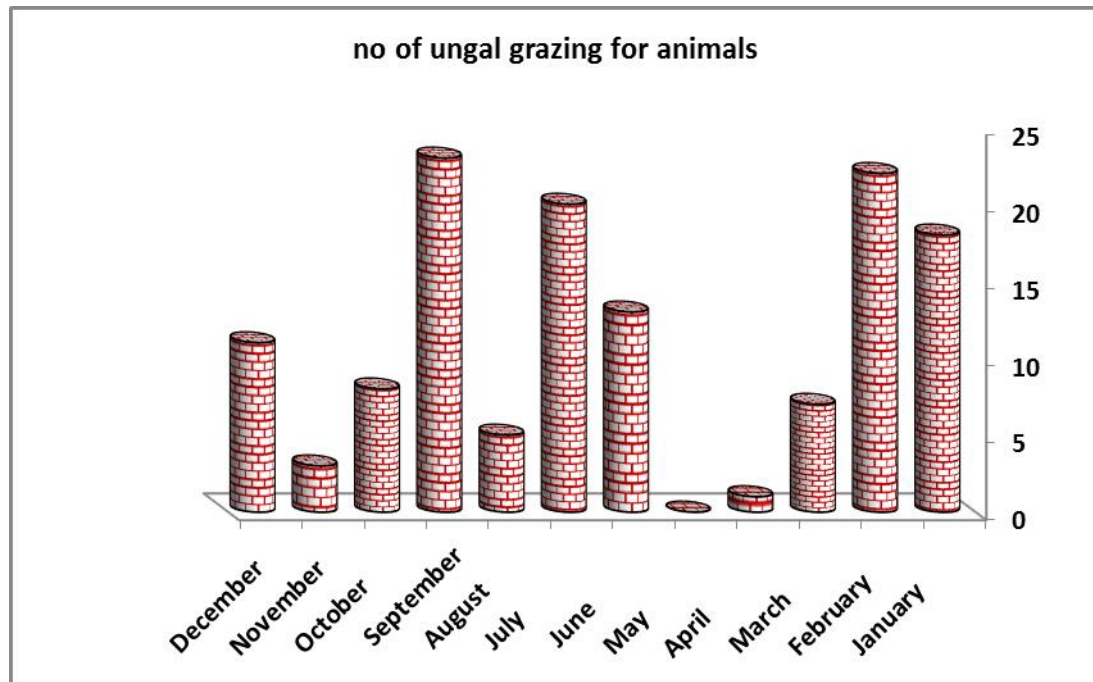


Table (3) Center Statistics Table for the 12 Months Of 2022[11]

	no of ungal grazing for animals	no of correction of the actual situation
January	18	1
February	22	3
March	7	1
April	1	1
May	0	0
June	13	7
July	20	8
August	5	0
September	23	10
October	8	1
November	3	0
December	11	2

Source: Real state directory, 2021

Fig (3) No. Of Ungal Grazing for Animals



The impact of the financial position on the level of utilization.

Realizing the actual benefit represents an actual financial position that does not differ in the actual practical assumption from the case of the benefit based on a valid legal reason.

An example of the advanced idea is the use of abandoned funds and cultivation of lands under effective control, such as state lands in open desert and non-desert areas, which are used for grazing animals or plants. These and similar actions raise the financial position, due to the benefit achieved in the actual situation (Giuffrè. Provasoli A, (2004).

This includes the use of abilities and skills belonging to other people. Once benefited, a positive financial position is available to the person who benefits from those abilities and features.

In general, even if these conditions bring benefits to individuals or entities, there are facts that diagnose the existence of damages that give rise to tort liability, for example the damage caused by grazing operations to the vegetation of the desert and grazing areas, or the threat to the biological component and species of birds in the marsh areas (Lombardi Stocchetti G. (2013).

As a result, the subject of actual use is linked to conditions that require the obligation to pay damages, taking into account the reserve and preventive position related to a general legal obligation not to harm others or infringe, intentionally or unintentionally, on legal and actual positions of freedom of protection within a scope that goes beyond the technical form of this obligation to other modes of protection, in general. From regulatory laws such as a set of environmental laws to international laws such as the World Heritage Convention and its guidelines (Quagli A. (2021).

The impact of the financial position on direct financial holdings.

The direct financial possession of money in the form of currencies is the subject of money laundering, as the possession of money in the banking sphere in bank accounts in which the cash funds formed for money laundering are placed is considered a financial center in the actual situation.

Relying on the concept of the financial position arranges the status of the use of these funds and addresses the issue of loss of benefit of the money in possession by its real owner. Therefore, we have a specific cover entitled (the financial position) that enables us to follow up on the deposited money, loss of benefit from it, and the loss that befalls the country, government agencies, or citizens due to deprivation of the money. Which was deposited under the concept of (money laundering), and therefore we are faced with the possibility of organizing it to be able to demand the return of the money in addition to demanding compensation (Cerbioni F. et al, 2006)

Within the same scope of the possibility of recovering the money and obtaining compensation after depositing it, the issue of foreign parties transferring the money can be addressed through the concept of conflict at a minimum and according to the concept of attribution and the nature of the money.

In addition, the conflict is based on a fixed and specific meaning, which is the exchange value of the financial position and all the concepts of the advanced types of financial position distributed in terms of source between the physical place and the consideration of experience in any sector (Pearson. Marchi I, 2002)

Between direct benefit or financial compensation in terms of the form of use.

The effect of the financial position in characterizing crimes related to the established position.

Valuable money is every money capable of financial evaluation within the market or between individuals (Giappichelli, 2020).

The value of money may be derived from its actual situation, such as possession. Real estate.

Money is defined in Islamic law as everything that can be used in a state of capacity and choice.

So, if you are forced to eat fruit that there is no other fruit in a state of extreme hunger, it is not considered money due to the lack of options.

Likewise, in the event of severe hunger, there is no choice in taking that money because its owner is forced to pay the consequences of hunger and the possibility of death.

Therefore, the value of money is every benefit that is collected, or a financial or trade value in exchange for it, or a donation that enables it to be used or that can be offered for exchange in a relationship with a second party, including sales or donation contracts.

This concept within the penal scope places possessions of money resulting from theft included in the meaning and definition of the financial position (Palma A, 1999)

Subjects that are outside the scope of dealing by law, such as antiquities, as they are public funds and not subject to the concept of trading for sale, as they are national heritage described as public property that cannot be disposed of.

National funds from movable antiquities and archaeological sites are considered to be included in the concept of the financial center and the exchange value resulting from dealing with it in the form of financial possession for a center based on an incorrect reason or, let us say, on a reason not permitted by law or a reason that is contrary to public order and public morals (Riva P, 2020)

In general, the idea of using the appearance of being generous and willing or exchanging it for financial compensation creates a trading center for goods and services, the subject and place of dealing or benefit between the parties to financial transactions.

Results and Conclusion

- The concept of money is subordinate to the organization with the idea of right, so the multiple in its place of things and services, which is the subject of money, was defined with the fixed determinant, which is the concept of right.
- Unifying the distinction, difference, and distinction between money as a right and concept and between things, which are multiple goods and different services.
- Pictures of the financial center that trace the use of the store, whose description I move from the center of ownership to the description of the abandoned money or the lost money.
- 4-The financial position includes transferring the concept in the idea of money from being not based on a current status (such as waste) to a higher or lower status, such as using it in (the production of electricity), gases, and industrial fats, so the financial position is transferred to a higher level of value in some cases.
- The financial position and exchange value include offers of services and goods in their status that is not linked to a contract or financial relationship, so holdings of commercial offers and offered services are included within the scope of the financial position.
- The financial center includes any business or activity that can be carried out financially, such as medical and legal services, tourist attractions, works of art, trademarks, and commercial and industrial models.
- The idea of direct possession of money through money deposits in the crime of money laundering includes the subject and idea of the financial position and its exchange values.
- The idea of the financial center and the technical meaning of the right associated with the property includes funds of a public and national nature, such as antiquities and archaeological sites, by proving their financial value, even if they are not tradable by law, because trading them is contrary to public order, considering that they are among the things that are outside the scope of dealing by law.
- Proving the subject of the financial position in the form of benefit or exchanging the property without relying on the possession or exchange for a valid reason establishes the possibility of establishing proof of the material fact of possession of the same property or the exchange value of transferring it to a second party in a way that enables the subject of the money to be returned from a movable or real estate property to the real owner or owner. The correct reason for the legal possession incident.
- The financial position includes giving a picture of the physical possession of the store that is not based on a valid reason or relationship that permits possession.
- The financial position in the concept of possession without benefit or possession with benefit from the civil or natural fruits of the property subject to possession balances between the possibility of relying on the apparent situation in the rule of possession in the movable property deed of ownership by one party and claiming something that contradicts the apparent situation represented by (possession) to prove that the fact of possession Materiality is one thing, but the concept of real ownership belonging to someone other than the possessor is another thing. Possession ends by returning the place (the subject of possession) to its owner or agreeing after proving (the opposite of the apparent situation) that the possession fulfills a new contractual description within the scope of a description that satisfies possession to the possessor after agreement with the owner (Egea. Riva P.(2007).
- The financial position related to a specific place of money, expertise, or commercial offers balances those situations with the idea of disputed rights by stating that the sale by a third person should not prove the right to him against the other party, the subject of the dispute or judicial or actual dispute, in a way that makes the recovery center Or (the recovery relationship) is based on a specific description that states that the financial position and the exchange value (as compensation) were

paid in the sale of the subject of the disputed right, subject to the idea of the exchange value in the financial position related to the subject of the dispute.

- The financial center places the increase in money within the idea of attachment as a reason for gaining ownership in the form of planting or building, as well as the idea of usurping seeds and planting them on someone else's land contained in Article 194/2 of the Iraqi Civil Code, defined in the concept of the exchange value of the place connected to the financial center. So that all forms of compensation and possession, in consideration of the status of usurped seeds or attachment by human action, are limited within the scope of exchange value and financial position, in a way that establishes the theory of financial centers of exchange value in a specific way.

Acknowledgement

This study wasnt supported by any institution.

Conflict Of Interest

The authors declare no potential conflict of interest regarding the publication of this work. In

addition, the ethical issues, including plagiarism, informed consent, misconduct, data fabrication, falsification, double publication, submission, and redundancy, have been entirely witnessed by the authors.

Finding

The researchers relied on dividing the work between collecting data from government and private agencies to find data relevant to the study.He explained that the analysis of this data depends on personal financing of expenses.

Conflict Of Interest

“Authors state no conflict of interest”.

References

- Alsinhowrri abdul rizak, 1984 ,The right sources, Cairo , Egypt,part 8, p 123.
- Andrei P., Fellegara A.M. (2020). *Contabilità generale e bilancio d'impresa*, Torino: Giappichelli. Brunetti G. (2000). Cerbioni F., Cinquini L., Sostero U. (2006). *Contabilità e bilancio di esercizio*, Milano: Etas.
- McGraw-Hill. D'Alessio I., Lombardi Stocchetti G., Colombo S. (2019).*Contabilità e bilancio*, Milano: Fondazione OIBR (2022). *Basic financial accounting*, Milano: Guerini Next.
- Frattini G. (2006), *Informazioni non finanziarie per gli adeguati assetti e per la previsione delle crisi nelle PMI*. Giuffrè. Frattini G. (2011), *Contabilità e bilancio. Le rilevazioni*, Milano
- Lombardi Stocchetti G. (2013), *Contabilità e bilancio. Vol. 2: Il bilancio pubblico*, Milano: Giuffrè. 226 Patrizia Riva . Marchi L. (a cura di) (2002). *Valutazioni e analisi di bilancio*, Milano-Torino: Pearson
- Palma A. (a cura di) (1999). *Contabilità d'impresa e valori di bilancio*, Giappichelli: Torino.
- Real state directory, thiqar, South of iraq ,leagal cases,formal date for government cases,2017- 2021,p 33- 85.
- Giuffrè. Provasoli A. (2004). *Il bilancio di esercizio e il bilancio consolidato*, Milano.
- Egea. Quagli A. (2021). *Bilancio d'esercizio. Letture e casi*, Milano.
- Giappichelli. Quagli A. (2020). *Bilancio di esercizio e principi contabili*, Torino.
- Wolters Kluwer. Riva P. (a cura di) (2020). *Bilancio e principi contabili*, Milano.
- Egea. Riva P. (2007). *Ruoli di Corporate Governance. Assetti organizzativi e DNF*, Milano.
- Report of “Adoption of IAS/IFRS in Italy: format of financial statements. A trend analysis”, in *Improving business reporting: new rules, new opportunities, new trends* a cura di Frattini G., Milano: Giuffrè.