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THE INCULCATION OF CUSTOM IN THE LEASE CONTRACT: A COMPARATIVE STUDY

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ABSTRACT. The convergence of two wills forms the contract to achieve a specific legal impact on the contracting parties and the contracted party, which occurs in the lease contract between the lessor and lessee. As a lease contract is one of the contracts that the Iraqi legislature has identified and controlled, the contents and forms of this contract are specified. If we follow those rules and photographs, we will see that the legislator reversed many of them due to dealer conventions and practices. Nevertheless, it has aided in crystallizing several solutions to problems between the lessor and lessee during their contract term. It can be accomplished by examining comparative legal documents regulating this transaction and eliciting the role of common custom. Then, favorably reflected on the judiciary. He assumes responsibility for finding practical solutions to pending issues, regardless of whether the judge relies on the legal text, custom, or standards of justice, as long as his primary objective is to make a just verdict and do what is right.

JEL Classification: K12,
K13, K20

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