



2528-9705

Örgütsel Davranış Araştırmaları Dergisi
Journal Of Organizational Behavior Research
Cilt / Vol.: 3, Sayı / Is.: S2, Yıl/Year: 2018, Kod/ID: 81S2134



REFLECTIONS ON THE FRAUDULENCE IN REGISTRATION

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ABSTRACT

There have been laws enacted for registering the properties in the “Office of Registration of Property and Real Estate”, however these laws have been adopted decades ago, and over time, many problems have emerged in interpretation of them. Some of the registration crimes are considered to be fraudulent and do not match with the laws adopted during the recent years. Therefore, the mentioned crimes are only punishable for fraudulence, and instead of the use of the terms ‘swindler’ or ‘constituted as swindler’ in the registration laws, the extent of punishment considered for them, can be used. The registration crimes are usurpation or constituted as usurpation which can be absolutely, and not constitutionally, accounted for as fraudulence in order to intensify the implementation guarantee, based on the expediency of protecting the property of individuals and the security of the community.

Keywords: *Fraudulence, Registration Crimes, Usurpation, Expediency, Trustee.*

INTRODUCTION

Since the true religion of Islam is a perfect religion and explains all the sentences in different subjects, the rights of individuals and the society are also protected by it, and like all other subjects, are not left without a sentence. Due to the dynamism of Imamah Jurisprudence, the sentences are adopted in accordance with the time and society advancement, and there is not a single subject left without a sentence. In the past, determination of properties ownership was so important for obtaining the taxes and tribute and several books such as “Al-Mamalik va Al-Masalik” were written in this regard. However, in the jurisprudence subjects of Zakat (alms) and Jihad (holy war), the sentences of properties are referred to, to some extent.

With the advancements of the societies, the individuals’ ownership was protected by the law, as the Article 47 of the constitutional law is enacted in this regard. With this advancement, most of the times, the properties ownership is needed to be registered in specific offices. For better establishment of the order and justice, specific laws including the ‘Law of Registration of the Documents and Properties’ were enacted in 1310 (1931CE). The problem that emerges meanwhile is the oldness of this law, since with the passage of time, the laws related to this law, such as Islamic Penal Code, were renewed, however this law has not been updated, yet. The very significant problem is that of registration crimes in the ‘registration law’ which are constituted as fraudulence. Fraudulence is an independent, public, and unforgivable crime, while some crimes in the registration law, are among the private and forgivable crimes. The fact that we only constitute some crimes as another independent crime while save for the execution of

punishment, none of the effects of the main crime are not intended, would lead to dispersion and to some extent, mistake in identification of the type of crimes.

The necessity felt for revision of some articles of the registration law requires updating this law for establishment of new fields in properties ownership, in addition to preventing from the mislead in identification of the type of crimes.

The main question of the current study is how the registration crimes committers, who are considered as swindlers by registration law, are punished; and the hypothesis is the expediency of not using the term 'fraudulence' for this kind of crimes in which only the punishment is intended. Also, instead of using the term 'crime', clear expression of the crime punishment would lead to the independency, and yet, stability of the registration law.

1. General Principles

Generally, the 'Law of Registration of the Documents and Properties' enacted in 1932/04/16, considers three registration crimes, and the 'Law on the Issuance of Property Ownership' enacted in 1991/05/07, considers one registration crime, as the fraudulence and each of these crimes has its own specific constituent elements.

2. Registration Crimes

The registration crime is doing or forbearance of an act that is identified by the laws related to registration of documents and properties as crime, and is punishable (Pirdade, 2001, p.13; Hajiani, 2005, p.17).

2.1. Legal Cases:

In this chapter, the related articles and constituent elements of the mentioned crime are explained and determined. Before doing so, it is required to make the concept of registration crime clear.

2.1.1 Request for Registration of Property Belonging to Others:

2.1.1.1. Explanation of the Articles:

The above title has five articles of the Law on Registration of Documents and Properties, which will be further elaborated, and the subject of each one will be explained.

2.1.1.1.1. Request for Registration of Property Belonging to Others and Demonstration of Ownership Without Having the Right to Do it:

The articles 105 and 106 of the Registration Law mention the above subject. The articles 105 has expressed 5 cases for which the fraudulence punishment is determined:

1. Request for registration of a property whose ownership has been formerly transferred by the applicant.
2. Request for registration of a property whose ownership has been formerly denied from the applicant and he/she has intentionally applied for registration of it.
3. Obtaining the ownership document by someone who, after application for registration, has transferred it to someone else and yet applied to obtain the document.
4. Obtaining the ownership document by someone who, after application for registration, is denied from ownership in a way or another, and he/she is intentionally obtaining the ownership document.
5. Absence in the registration office for approval of the party's right in the cases in which the registration applicant, after the application, transfers it to someone else and does not apply for obtaining the ownership document for himself, however after the noticing him/her by

the registration office, he/she is not present in the office for approval of the party's right (Shahri, 1989, p.246).

Seemingly, there is a problem and that is considering the registration applicant as a swindler, since resort to fraudulent means and the consent of the victim due to his deception, which is one of the cornerstones of the crime of fraud, do not exist in the crime of property registration. The mentioned crime is among the most important examples of crimes constituted as fraudulence, i.e. in terms of punishment, we consider the crime to be fraudulence. So, considering the mentioned crime as fraudulence by the article literally leads to the obscurity in identification of the fraudulence crime which, it seems, should be revised in future terms of registration law. Actually, considering the committer of the mentioned crime as a swindler may lead to the ambiguity in interpretation of the law.

Among the other examples of registering the property of others is the heir's claim for a devisor's property, which is constituted as fraudulence.

2.1.1.1.2. Request for Registration of Other's Property as the Ownership Despite Being Trustee of the Property

In this chapter, the cases of property registration by the trustee's application, either for himself/herself or someone else, are investigated.

Regarding the commitments of the trustee in different laws, various implementation guarantees have been considered. For example, in article 616 of the civil law, in case of denial of property transference on request, the fiducial responsibility of the trustee turns into a guaranteed responsibility. In the registration law also, a more severe implementation guarantee, which is the very fraudulent punishment, has been considered, compared to the trustee's treachery.

What should be noted for article 107 of the registration law is that there are two kinds of trustees: one is who has been trusted by the owner and the property is delivered to him; such as the tenant and the owner of the right to live in residence for life interest and a prescribed time. The other one is who has been legally chosen as trustee such as the wards and legal guardians of the minors and the legally incompetent individuals (Abazari Fumashi, 2007, p. 299), since it is clarified in the text of the law that (generally, anybody to a property ...), the article applies for both kinds of trustees. Also, from this article, we infer the universality and publicity; and since the article is in the form of a statement, if one of the two types of trustees is to be considered, the allocation of this generality should be mentioned.

Usurpation is the possessory treatment of the property, i.e. someone takes someone else's property under his possession and treat it in a way the owners usually treat their property (Mir Mohammad Sadeghi, 2013, p.177).

Regarding what's been mentioned so far, we'd find out that the trustee's crime is treachery; and the reason the fraudulence punishment is considered for the treachery committer, according to some lawyers, is that the legislator has considered a severe punishment, in order to protect the order of the registration law and avoid the chaos in this regard, so nobody would dare to play with the country's Registration Law by any means, and make the country chaotic and disrupt the order of society (ibid, p.300).

Since the Registration Law is an old one, and some of its articles need revision, the article 108 is also included in its articles. A part of the article has fallen into desuetude and its documentation articles have been replaced. For better understanding of the article concept, we deal with ambiguity resolution and expression of the problems of it from the viewpoint of an expert.



According to what was mentioned, the trustee, be him assigned by the owner or by the law, if fails to fulfil his commitment, would not be imprisoned. While the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud has replaced the article 238 of General Penal Code, since this law has fallen into desuetude, the punishment of the committer, according to the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud, would be 1 to 7 years of imprisonment and cash penalty payment equivalent to the usurped property. It seems the mentioned article and the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud are conflicting, since the former article does not consider the trustee, who has failed to fulfill his commitment, sizeable, while according to the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud, he can be sentenced to 1 to 7 years of imprisonment. Now, regarding two types of punishments for one crime, we act according to the principles of the conflicting laws, and based on the laws prior-latter principle, due to the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud being latter, would choose the punishment of 1 to 7 years of imprisonment for the trustee. Another issue deeply involving the mind is the lack of seizure of the trustee for compensation of the financial loss, while his imprisonment, due to the fraudulence, is legally permissible. Among the results of this discussion is that fraudulence is of unforgivable type, while the compensation of the losses is of private type and thus, forgivable, because we cannot forbear the consequences of the fraudulence crime on this crime. Therefore, if the term 'swindler' is omitted from this article, the dispersion of the opinions about this kind of crimes, can be avoided.

2.1.1.1.3. The Claim for Possession of the Property of Someone Else, Without Having the Right and Applying for Registration in this Regard

As it is obvious in the article 109 of Registration Law, the application for registration by someone who has not been the possessor of a property and now claims that possess that property, while someone else is in possession of it, is considered as a crime and is constituted as fraudulence. However, it should be noted that mere claim and application for registration are not enough for realization of the crime, and the property should be in possession of someone else in order for the elements of article 109 of Registration Law to be realized. Also, important of note is that the conflicts about the limits, which is the result of someone claim to be the possessor of a part of the range, are not included in article 109 of Registration Law (Abazari Fumashi, ibid, pp. 301-302).

2.1.1.2. The Elements of Crime

2.1.1.2.1. The Legal Element

In addition to the articles of the Registration Law, related to the crime of application for registering someone else's property, which was mentioned in the previous chapters, the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud is also important of note. Since the crimes being investigated in the current study are the ones constituted as fraudulence, only the part related to the punishments of the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud will be elaborated.

The article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud: (... in addition to replevin of the property to its owner, he is sentenced to 1 to 7 years of imprisonment and payment of cash penalty equal to the price of the property he has



seized...in case the committer, is unrightfully the representative of the state organizations and institutes, or the organizations related to the government, ... or generally a representative of the executive, legislature, or judiciary, or the employee of Armed Forces or a public service section, in addition to replevin of the original property to its owner, is sentenced to 2 to 10 years of imprisonment, in addition to life extrusion of public services and equivalent cash penalty).

2.1.1.2.2. Materialist Element

The materialist element of the mentioned crimes in articles 105, 106, and 109, and the articles 107, and 108, are almost the same, with some slight differences, and it is briefly that application for transference or registration of someone else's for his/her own interest (subject to the articles 105, 106, 107, and 109), or providing the grounds for registering the property for someone else's interest, or in other words, treachery or collusion for registering it for someone else's interest (subject to the article 108) (Salari, 2007, p. 209).

We compare the mentioned crime with fraudulence in two aspects namely being absolute and abiding, and also being forgivable or unforgivable. As was mentioned, the registration crimes are constituted as fraudulence, and this case is not a reason for similarity of this kind of crimes to the crime of fraudulence. For example, the crimes subject to the article 108 are abiding, and the crimes subject to the article 105, are absolute.

Also, it should be noted that contrary to the fraudulence in its general sense, which is a public and unforgivable crime, the crimes subject to the articles 105 to 109, on the conditions mentioned, despite being considered as fraudulent, based on the article 111 of Registration Law, and its revision in 1933/10/26, are considered as private crimes and prosecution will be initiated by a private plaintiff. Also, if the private plaintiff withdraws the prosecution before the issuance of the final sentence, the prosecution will be ceased, except for the cases subject to the articles 107 and 108, in which the properties are public endowment and the accused, has seized them as the trustee or curator, or ward of the court as the guardian. In this case, the prosecution is not subject to the submission of private litigation (Salari, *ibid*, p. 211). Therefore, it should be noted that when we mention the crimes as fraudulent, in terms of consequences also, we cannot consider the consequences of fraudulence to be subject to its sentence.

2.1.1.2.3. Spiritual Element:

The spiritual element of the mentioned crimes including the crimes subject to the articles 105, 106, 107, and 109, are all one-element and that is the very general misconduct committed by different possible incentives. The general misconduct in this regard is the intentional and learnedly application for registration of a property belonging to someone else (*ibid*, p. 2013). The branch of the Supreme Court asserts in one of its judgements: (in the crime of registration of someone else's property, the validation of the misconduct is the condition for realization of the criminality of the act) (the judgement number 400, 1941/05/19, 5th Branch of the Supreme Court).

2.1.2 Refusal of Replevin of Right to the Beneficiary and Failure in Validating his Right in Transaction with Stoppage in Transitu

2.1.2.1. Explanation of the Article:

The article 116 of the Registration Law has abided the mortgager and transferor to mention the rights of the mortgagee or transferee in the registration statement, about the properties that are mortgaged or there is stoppage in transitu for them. And if he does not abide to this requirement, the mortgagee or transferee has the right to demand in one year after the expiration of the



mortgage or stoppage in transitu period, by the official statement. If the registration applicant (mortgager or transferor) does not give the opposite party's right in 10 days from receiving the statement, he would be sentenced to fraudulence and punished based on this crime (Abazari Fumashi, ibid, p. 308).

The problem of the mentioned article is that it considers the one who refuses to return the right as the swindler, while the committer of the mentioned crime is only constituted as a swindler.

2.1.2.2. The Elements of Crime

2.1.2.2.1. Legal Element

The legal element of the crime is refusal of replevin and failure to validate the right, which is mentioned in article 116 of Registration Law, as well as the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud.

2.1.2.2.2. Materialist Element

The materialist element of the crime subject to the article 116 of Registration Law, is failure of mortgager and transferor in doing his task, based on the right of transferee mentioned in the statement, which is among the examples of omission of the act. In this regard, it is seen that contrary to the crime of fraudulence in its general sense, which is exclusively committed by a positive act, some crimes which are constituted as fraudulence may occur with either positive or negative act (Salari, ibid, pp. 209-10).

This crime is also included in forgivable crimes and cannot be prosecuted without the complain of the plaintiff, and with his amnesty, the prosecution, trial, and execution of the sentence will be stopped (Ababzari Fumashi, ibid, p.308).

2.1.2.2.3. Spiritual Element:

The psychological element of this crime is merely its general misconduct, which is the very facilitation of the conditions for registering the property for the interest of a third party. In other words, with this informed thought and intentional will, he paves the way for registering the property for the interest of someone else (Salari, ibid, p. 213).

2.1.3. Conflicting Transactions

2.1.3.1. Crime elements

2.1.3.1.1. Legal Element

In addition to the article 117 of Registration Law, the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud, is the legal element of conflicting transaction.

2.1.3.1.2. Materialist Element

For realization of this crime, dong two transactions in a row that emphasize the ownership of the transferor, is required; since though the legislator has not used the term 'transaction' for the first act, but by the expression 'affinity or interest from a movable or immovable right, given to a person or some persons', is the very transaction in its specific sense (and not particular) which includes contracts and auctions, and can take the form of different examples in the article 10 of Civil Law. Ultimately, it is not necessary for it to be done under the title of a contract, however it is required for both transactions to be done and be written, since the term 'document' is manifested in the reflection of the transaction in the written form and not orally. In addition, the second transaction should be done officially. However, the first transaction can be accepted as a movable one, either in normal or official form. But anyways, the occurrence of the two transactions in way that was mentioned, is required (Salari, ibid, p. 224).



Meanwhile, we need to note the most important difference between selling the property of someone else (subject to the punishment law on transferring the property of someone else, enacted in 1929) and conflicting transaction. According to some lawyers (Salari, *ibid*, p.222), in the crime of transferring the property of someone else, the person transfers a property belonging to someone else, while in the conflicting transaction crime, the individual makes several transactions of his own property.

2.1.3.1.3. Spiritual Element

The spiritual element of the mentioned crime is of one-element type and includes the general misconduct, i.e. for realization of this crime based on the spiritual element credit, the committer should know the fact and consider it that by the transactions and measured formerly taken, the new transaction is conflicting with the previous one, and it is against the law, but he is intentionally tries to do so (*ibid*, p.127). We will mark a unanimous vote to confirm this (article 117 of the Registration Law considers the two conflicting transactions to be an absolute crime and none of the cases as the conditionality of the transaction and expression of a specific sentence in the Registration Law for conditional transactions, as well as abandoning of the private plaintiff and lack of misconduct, does not exclude the act from the mentioned article (the Unanimous Vote Number 1805, enacted in 1939/10/25, Supreme Court of the Country).

2.1.4. Lack of Reflection of Natural and Legal Persons Rights to the Abolished Estates and Documents:

In addition to the articles of Registration Law, that consider specific crimes to be fraudulent, another registration law that belongs to the times of war and unexpected accidents, also considers the lack of reflection of individuals rights as fraudulent.

2.1.4.1. Elements of Crime

2.1.4.1.1. Legal Element:

In addition to the article 15 of the law on issuance of ownership documents which ..., the article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud, is also among the legal elements of the mentioned crime.

2.1.4.1.2. Materialist Element

The materialist element of this crime is not from the omission of the act type, since the person does not reflect the rights of the natural and legal persons in the document.

The request in the applicant's application in this omission of act occurs when the person submits his application to the competent authority and withholds the others' rights to whole or apart of the properties or documents (Mahmudi, 2013, p. 50).

2.1.4.1.3. Spiritual Element

Although the mentioned crime is among the intentional offenses and the committer should know that failure in reflecting the rights of beneficiary person, be it natural or legal, to the whole or a part of the properties or documents in his application, is against the law and this negative act would lead to the losses to the mentioned person. Also, the approval of the intentionality is upon the prosecutor authority (*ibid*).

2.2. Jurisprudence Cases:

Based on the investigations on jurisprudence subjects, we found out that protection of the people's properties and estates is highly regarded by Islam, however from the very old times, the documents were not used for ownership of the properties and by the passage of time, the properties adopted documents.



2.2.1. Jurisprudence Elements

2.2.1.1.

Fraudulence is among the most important crimes that are somehow included in (اكل مال بباطل) which means (obtaining the property by vicious ways), and regarding the holy verse (وَلَا تَأْكُلُوا) (أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ) (Baqara, 188) which means (do not take each other's properties by vicious ways), it is punishable by the general title canonical punishment enacted for forbidden acts. In the jurisprudence texts, the fraudulence has been noted as 'Ehtial' and the swindler has been named 'Mohtal', who can be punished by canonical punishment (Mir Mohammad Sadeghi, 2013, pp. 47-8).

2.2.1.2.

As it was mentioned before, the registration crimes are not fraudulent and they are similar only in terms of punishment. Therefore, the jurisprudence basis of fraudulence crime cannot be taken as the absolute basis of such crimes. After studying the jurisprudential debates, we found usurpation as the basis of registration crimes in fraudulent cases.

Usurpation is unrighteous seizure of something (Ghorashi, ١٩٩١), Vol.5, p.102). So, if someone prevent someone else from residing in his own house, but he cannot take the possession of others property, he is not usurper (Shahid Avval, 1990, Vol.2, p.147). Thus, usurpation has two main bases; firstly, preventing the person from access to his own rights, and secondly, the use of the property by the usurper. If any of these bases is not present, the usurpation will not be realized and it would be categorized as another criminal title. In some of the registration crimes, it is seen that the person who claims the registration is actually preventing the access of the beneficiary person in the first place, and then he is applying for the registration. For example, the article 116 of Registration Law sentence to returning the right to the beneficiary and denying the applicant right, or in the articles 107 and 108 of Registration Law, the trustee, without returning the trusted property to its owner, apply for registering it for interest of himself or someone else's. For validation of our claim, we cite Imam Khomeini: "if the deposit is given, and he refuses to return it upon request, it is usurpation" (Musavi Khomeini, ٢٠٠١), Vol.2, p.521).

The mischief of usurpation is so high that Imam Khomeini regards it as the cruelest injustice: "Reasoning and quoting from the book and tradition and consensus is consistent with the forbiddenness of usurpation, and it is among the clearest darknesses that the independent wisdom considers to be abominable" (Musavi Khomeini, ٢٠٠٤, Vol.3, p.303).

When we find the examples of expediency to be different, we should consider the best expediency and wisdom for registration crimes. As we see, constituting these committers as swindlers is not an especial expediency since we only know the fraudulence punishment applicable to them and in terms of consequences of the fraudulence, which is an unforgivable crime, we do not make any impact on registration crimes. Perhaps, in order to prevent the type of punishment and the consequences of registration crimes from getting more complicated, an independent punishment can be considered for them. It should be noted that it is nearly 90 years that the registration law has been passed, and at the time it was passed, the punishment of the fraudulence was not the same as what is now, in the Islamic Penal Code enacted in 2013, and it was lighter.

2.2.1.3. Forbidding the Unjust Seizure of Others Properties:

Another jurisprudence element that can be noted for registration crimes is the verse 29 of the Al-Nesa Surah in which God asserts: "O you who believe! Do not consume each other's wealth



illicitly, but trade by mutual consent. And do not kill yourselves, for God is Merciful towards you". From this verse, a general sentence can be inferred.

The mentioned verse notes the ban on consuming others properties viciously. This general rule applies to everything that has not been considered to be neutral or permissible by the lawgiver, whether it be usurpation, theft, betrayal, corrupted contracts, such as contracts involving lucre, or corruption or falsehood, as it is mentioned in the, and again whatever which is not revoked by the contract, such as gambling, the payment to the adulteress, and wine eater (Sivari Helli, Vol.2, pp.512-3).

2.2.1.4.

Based on the conditions mentioned on the conflicts in the Islamic Ideological Rules, it can be clearly stated that the existing conflict in article 117 of registration law is not an ideological one to be solved based on the ideological conflicts obviation principles. In the Islamic Ideological Rules, when two reasons conflict, both of them will be abolished (they are abolished when conflict). On the other hand, in the article 117 of registration law, the first transaction is approved, and the second one is cancelled and disqualified.

From the author's viewpoint, the relationship between the two transactions mentioned in article 117 of Registration Law, is of current type, since the first document is set correct and there are so many religious reasons that the unrighteous transactions are not valid. Therefore, the first transaction will enter the second one and abolishes its subject.

Suggestions

Correction of the Registration Law

- 1- Article 105 of Registration Law: (... anybody who applies for registration of an estate, which has been previously transferred to someone else, or someone who apply for registration of an estate which no longer belongs to him, by the order of law, and he is aware of it, is usurper or constituted as usurper, or he is considered to be swindler and all the punishments of fraudulence can be applied for him).
- 2- Article 108 of Registration Law: (... a) if someone whose property is registered in his name, is subject to the rules of one of the articles 105, 106, and 109, both trustee and himself will be sentenced to the fraudulence crime punishment (besides the fraudulence punishments, he will also be subject to the punishments of this crime), and in terms of consequences and the losses of private plaintiff, he will be jointly responsible. B) whenever someone whose property is registered in his name is not subject to any of the articles 105, 106, and 109, the mentioned person, be him natural or legal, cannot be prosecuted. However, the trustee, as the main convict, will be prosecuted and according to the article 238 of General Penal Code, will be sentenced (article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud) and in addition, he would remain captive for compensation of loses of the property owner.

Those who are subject to articles of the Registration Law, that only realize the fraudulence punishments, are considered to be usurper or actually, swindler.

CONCLUSION:

The Registration Laws are among the laws that have greatly helped people over time, and made the registration cases consistent. However, there are problems. Among these problems is that



passing of these laws dates back to decades ago and they have almost lost their consistency with the current laws such as the Penal laws.

The registration crimes such as the application for registration of an estate belonging to someone else, refusal to return the right to its owner, conflicting transactions in the Registration Laws passed in 1931, and lack of reflection of the natural and legal persons' rights to the whole or a part of estates or documents eliminated in war or by the unwanted accidents in the application of the applicant, in the law on issuance of the ownership documents of the properties eliminated in war or unwanted accidents such as earthquakes, flood, and fire, passed in 1991, are considered to be fraudulent, and only the punishments of the fraudulence as mentioned in article 1 of the Law on Intensifying the Punishment of Perpetrators of Bribery, Embezzlement and Fraud passed in 1986, can be applied for them, which is 1 to 7 years of imprisonment, and these convicts are not affected by the other impacts of the fraudulence crime.

The jurisprudence basis of the registration crimes seems to be usurpation, and these crimes can be considered as forceful or vicious seizure and constituted as usurpation. And since the Islamic state and the law are required to deal with people's properties, it seems that the reason behind intensification of punishments of such crimes, is that they are considered as fraudulence. However, still it is seen that the intended goal of the legislator, which is prevention of registration crimes, is not achieved, since the imprisonment is a punishment considered for the usurper by the jurisprudence, and it is a canonical punishment.

It seems that the new amendment of the Registration Laws will take the mentioned crimes as either usurpation or constituted as usurpation, or for the purpose of intensification of punishments, generally treat the committers of registration crimes as swindlers.

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