

An Analysis of Iran's Legislative Criminal Policy in Preventing Land-Related Offenses in the Field of Roads and Urban Development

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Abstract

Land grabbing, as one of the most significant crimes related to property and the illegal use of land, has created widespread problems in Iran's road and urban development sector. This offense leads to disorder in land allocation, increased administrative corruption, environmental degradation, and disruption of urban and construction planning. Therefore, legislative criminal policy, as the main instrument for combating land grabbing, holds particular importance. Legislative criminal policy in this field encompasses the formulation of comprehensive laws, determination of deterrent punishments, establishment of supervisory mechanisms, and reform of judicial procedures. In Iran, although legal provisions exist to confront land grabbing, multiple challenges—including legal ambiguities, insufficient penalties, weaknesses in the implementation of justice, and deficiencies in property registration—have impeded the full realization of the policy's goals. For effective prevention of land grabbing, in addition to legal reforms, the utilization of modern technologies such as digital cadastral systems and satellite imagery, enhanced coordination among responsible institutions, and strengthened public participation are essential. Moreover, addressing the social and cultural dimensions of this crime and raising public awareness play a key role in the success of criminal policies.

Keywords: Land grabbing, Economic corruption, Legislative criminal policy, Iranian criminal law

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1. Introduction

One of the serious legal, social, and economic problems in Iran is the phenomenon commonly referred to as “land grabbing.” This phenomenon has endangered forest lands, rangelands, natural groves, barren lands, and other natural resources, turning it into an environmental crisis as well. Land grabbing can result from various legal, economic, cultural, and social factors. Therefore, any attempt to counter this phenomenon requires an interdisciplinary approach and comprehensive information from

these domains. In particular, legal analysis—especially from the perspective of criminal law—is of significant importance, both from a reactive (punitive) and proactive (preventive) standpoint.

From a criminal law perspective, land grabbing, due to its harmful societal consequences, is now equated with the crime of smuggling, which is considered one of the most severe economic corruptions in Iran. Similar to smuggling, land grabbers seize wealth they have neither produced nor contributed to its creation, obtaining it solely through unethical and often criminal methods. To achieve their goals, land grabbers employ various strategies, most of which either lack clear criminal classification under the law or are even permitted by legal loopholes, making prosecution and punishment impossible.

Despite the frequent use of the term “land grabbing” in the discourse of officials overseeing national and public lands, as well as judicial authorities—and the emergence of analogous terms like “mountain grabbing” and “sea grabbing”—a precise legal definition of “land grabbing” has yet to be articulated, and its legal boundaries remain undefined.

More importantly, from the viewpoint of criminal law, it is still unclear which specific legal criminal categories encompass land grabbing under the current Iranian legal framework. Naturally, determining such a matter requires a clear specification of the types of lands subject to land grabbing. Only then can the phenomenon be appropriately matched with relevant criminal categories defined in the Islamic Penal Code and related laws.

This article first defines the concept of criminal policy and elaborates on the notion, dimensions, and common methods of land grabbing. It then discusses preventive measures and strategic responses within criminal policy concerning land grabbing.

2. The Concept of Legislative Criminal Policy

Legislative criminal policy must not only be considered the first layer of criminal policy (Mohammadi, 2020a), but rather, it should be seen as the core element of criminal policy, determining the nature of the state’s response to criminal phenomena. Given the foundational principles of criminal law—such as the principle of legality of crimes and punishments—and the absolute necessity of adherence to them, the nature of the criminal policy embedded in legislation reflects the importance of this foundational layer established by the legislature.

Accordingly, legislative criminal policy can be defined as “the legislature’s deliberation and strategic planning regarding crime and the legal response to it,” which, due to the inherent link between criminal policy and a country’s political system, can take various forms. Legislative criminal policy is a reflection of lawmakers’ preferences in defining crimes, punishments, and, in general, approaches to criminal behavior and judicial procedures (Habibi-Dargah, 2020).

This type of criminal policy is what distinguishes countries in terms of their attitudes and approaches toward criminal phenomena. Indeed, the very site of criminalization and the definition and determination of types of responses to norm-deviant behaviors—those deemed criminal—must be sought within a nation’s legislative criminal policy. Historically, legislative criminal policies have not been uniform. Rather, they have often followed inconsistent patterns, marked by disarray, disorder, and fragmentation. At times, the focus has been on the criminal act itself; at other times, on the criminal’s personality or on political, social, or economic factors as the key determinants.

For example, at one point, the cultivation of narcotics was not only legal but was exported from Afghanistan to neighboring countries as a commodity. Today, every stage of its production and trade has been criminalized (Bakhtar, 2013). Avoiding such inconsistencies begins with adherence to both the formal and substantive principles of legislation. For instance, contradictions can be found in the first three articles of the Penal Code. Article 1 of the Islamic Penal Code states: “This law regulates discretionary crimes and punishments. The perpetrators of hadd, qisas, and diya crimes shall be punished in accordance with the Hanafi jurisprudence of Islamic Sharia.” Meanwhile, the Code allocates an entire chapter—Chapter 25—to animal protection (Dadban, 2004).

Article 2 provides: “No act shall be deemed a crime unless so stipulated by law.” Article 3 follows: “No one shall be punished unless in accordance with a law that had entered into force prior to the commission of the alleged act.” Yet, the very first article of the Penal Code contradicts this by limiting its scope to ta’ziri offenses and referring other major categories of crime and punishment to Islamic jurisprudence.

In the chapter on animal protection, the legislature only mentions a few animals and, according to Article 495, paragraph 1, limits legal protection solely to riding animals. The article states: “1—Anyone who intentionally or without necessity kills or

severely injures or otherwise harms another person's riding animal..." Consequently, if someone kills another person's cow, the injured party would not be legally protected under this provision.

From the perspectives of legality and equality, a desirable criminal policy is one that prescribes a clear maximum penalty for a criminal act in the law, so that courts may not impose harsher sentences than those stipulated. If the legal punishment is implemented with certainty and severity, and if the legislative criminal policy is grounded in the principle of "individualization of penal sanctions," it can pave the way for the reintegration of offenders and deviants into society. In such cases, the core concern becomes the rehabilitation of the offender, which may even occur without the need for punishment (Rezapanah, 2013).

3. The Concept of Land Grabbing

In the existing statutes and legal literature, no formal definition has been provided for the term "land grabbing." Only a few incomplete definitions are found on websites and news platforms, most of which focus on the methods used in land grabbing. The common element in these definitions is the notion that land grabbing consists of illegal actions concerning public and state-owned lands. These definitions do not include private properties—whether owned by natural or legal persons—since the illegal seizure and encroachment upon private lands are subject to general criminal offenses such as unlawful possession, forgery, use of forged documents, and fraudulent transfer of property. These are typically disputes among private parties and are addressed by the judiciary without being categorized as land grabbing. Furthermore, cases handled by the special prosecutor's office for land grabbing exclusively concern public and governmental lands, and disputes between private individuals are beyond the scope of this office (Shahri, 2014).

Accordingly, land grabbing can be defined as a set of illegal actions against national and state-owned lands that ultimately result in unlawful appropriation and unauthorized change of land use. In this definition, the phrase "illegal actions" is used instead of "criminal acts" because many of the methods employed by land grabbers to unlawfully appropriate public lands do not possess explicit criminal classification. Furthermore, the definition uses the terms "national" and "state-owned" lands together, as these categories are legally distinct. For instance, barren lands (*arazi-ye mowat*), according to civil law, are not considered national lands and may be lawfully appropriated and developed by individuals. However, relevant statutes place such lands under government control and require that any acquisition or development be carried out according to governmental regulations. Unauthorized appropriation of such lands may, therefore, qualify as land grabbing. Additionally, the term "unlawful appropriation" is used instead of "unlawful possession" (*tasarrof-e 'odvani*) because, in some cases, land grabbers may not meet all legal elements required for a claim of unlawful possession, such as proof of prior lawful possession by the state. Thus, the use of "unlawful appropriation" allows broader application (Qasemi, 2009).

The definition also includes the phrase "unauthorized change of land use" to acknowledge instances where individuals may lawfully obtain land under existing laws but subsequently alter its designated use contrary to legal limitations, thereby undermining public and environmental interests.

4. Common Methods of Land Grabbing

Land grabbers employ numerous methods to achieve their objective of amassing unearned and exorbitant wealth without effort. The most significant methods are discussed below (Mashhadi & Firoozi, 2008).

4.1. *Illegal Change of Land Use in National and State-Owned Lands*

According to the Law on Preservation of Agricultural Lands and Orchards (enacted in 1995) and its amendment guidelines, if a change of use occurs in agricultural or orchard lands, it falls under the purview of this law. However, national and state-owned lands such as rangelands, forests, mountains, and natural groves are not considered agricultural or orchard lands and are not covered under this law. That said, in some cases, these lands may be subject to the amended law of 2006 on preservation of agricultural land use (Mousavi-Moghadam, 2013).

Articles 31 and 32 of the Executive Bylaw of the Legal Bill on the Allocation and Development of Lands in the Islamic Government (approved in 1980 by the Islamic Revolution Council) allow for the transfer of most national and state-owned lands—excluding some exceptions like forests and natural groves—to individuals or legal entities for purposes such as agriculture and animal husbandry. According to Note 54 of the Budget Acts for the years 1994, 1995, and 1996, and Article 84 of the Law on the Collection of Certain Government Revenues (1994), such lands may be permanently transferred with a 50% discount.

If a person subsequently changes the use of the land, they become subject to the aforementioned preservation law. Once national lands are allocated for agricultural use, including cultivation and horticulture, they are classified as agricultural/orchard lands under Clause 4 of the 1996 Directive, and any change in use constitutes a legal offense under the law.

This method enables individuals to acquire land at 50% of its assessed value—based on agricultural classification—and then illegally convert it to residential or commercial use or divide and sell it, profiting many times over their initial investment (Shahri, 2014).

Under Article 13 of the Urban Land Law (1987), any construction on barren urban lands is considered a change of land use and constitutes a crime. Exploitative actors purchase or seize such lands, change their designation, and with the payment of penalties and legal fees, proceed to formalize their illicit gain (Habibi-Dargah, 2020).

In another tactic, individuals challenge the classification of certain lands as “national” by arguing that they were historically used for cultivation. Through legal manipulation and due to issues such as insufficient government resources, lack of proper aerial mapping, and absence of a centralized land registry, these individuals often succeed in securing favorable court rulings, thereby appropriating vast areas of public property.

Another variant involves altering the classification of agricultural and orchard lands to “barren” and subsequently forcing legal authorities to authorize development within urban boundaries by obtaining approval from municipalities and the Article 5 Commission of the Supreme Council of Urban Planning. These lands are then sold at significantly higher market prices (Rahmanian, 2022).

4.2. *Collusion with Government Agencies and Land Administration Officials*

This method is often intertwined with other land grabbing tactics. It typically involves collusion and coordination with governmental institutions or staff involved in managing national and public lands. Through such cooperation, land grabbers obtain unlawful land use changes, falsify documents, and secure transfers illegally, leading to the growth of land grabbing across the country.

However, such collusion does not always involve public officials. In some instances, private individuals conspire to seize public lands. For example, conspirators locate lands without clear ownership or those deemed “ownerless,” file fabricated lawsuits against each other, and proceed through the judicial system so seamlessly that judges remain unaware of the deception. Ultimately, one party obtains a court order granting possession, thereby legalizing the land grabbing through fraudulent legal processes.

Relevant laws addressing this method of land grabbing include the Single Article Act on Collusion in Government Contracts (1969) and Article 603 of the Islamic Penal Code – Discretionary Punishments (1996), both of which criminalize collusion in public sector dealings.

Thus, collusion may occur at multiple levels: during identification and classification of public lands, in reporting of land violations, in decision-making by Article 5 Commissions of the Supreme Council of Urban Planning, or in the allocation of lands and issuance of unlawful development permits—all of which fall within the scope of public transactions and are subject to the aforementioned legal provisions (Rostami Boukani, 2008).

4.3. *Forgery of Ownership and Identity Documents*

This method of land grabbing has led to the loss of large areas of national and state-owned lands. In this approach, individuals or groups of land grabbers forge documents for the ownership of vast hectares of government-owned land. Compared to other methods, this technique is more destructive due to the absence of legal restrictions that limit the extent of the fraud. In such

cases, perpetrators either forge title deeds and related documents or fabricate identity documents to impersonate legitimate landowners (Rafi-ul-Rahman, 2005). For example, regarding ownerless lands and endowments (both public and private), individuals forge identity documents to present themselves as rightful owners of such lands, including those covered under Article 49 of the Constitution—i.e., lands abandoned due to revolution or other events by owners who fled the country and never returned—and attempt to obtain formal title deeds in their name.

5. Dimensions of Land Grabbing

a) Legal and Criminal Dimension:

Land grabbing is criminalized in various laws, including Article 690 of the Islamic Penal Code, the Law on Preservation of Agricultural and Orchard Land Use, and natural resource regulations. However, the scattered nature of these laws and the lack of a unified legal framework significantly hinder effective enforcement and response (Rafi-ul-Rahman, 2005).

b) Economic Dimension:

Land grabbing artificially inflates land prices, disrupts the housing market, and causes inequitable resource distribution. It also leads to the loss of national capital and diminishes the productivity of agricultural lands and natural resources.

c) Social Dimension:

Land grabbing erodes public trust in the rule of law, spreads perceptions of injustice, strengthens informal power networks, and in some cases, leads to the formation of illegal slum settlements around urban areas.

d) Environmental Dimension:

Destruction of forests, rangelands, coastal zones, and natural resources caused by land grabbing has serious ecological consequences. Unsustainable exploitation of fragile lands threatens biodiversity and challenges environmental sustainability.

e) Managerial and Governance Dimension:

Land grabbing reflects inefficiencies in territorial governance, institutional fragmentation, and the absence of transparency in land registration and ownership. Lack of public access to accurate information about land ownership, allocation, and usage creates fertile ground for this crime.

6. The Concept and Instances of Land Grabbing in Roads and Urban Development

In the context of roads and urban development, land grabbing typically manifests in the following forms:

- **Illegal change of land use:** Conversion of agricultural, natural resource, or public lands into residential or commercial use without proper permits.
- **Usurpation of public lands:** Unauthorized occupation of national or state-owned lands.
- **Illegal registration and construction:** Fraudulent land registration or construction on lands belonging to the state or municipalities.
- **Illegal allocation by officials:** Unlawful transfers of public land by government authorities.
- **Collusion between officials and individuals:** Cooperation between staff of the Ministry of Roads and Urban Development and individuals or entities for land misappropriation.
- **Sale of lands without official deeds:** Use of informal documents to sell non-transferable lands (Zar'aat, 2018).

The legal foundations for combating land grabbing in Iran include:

- **Article 690 of the Islamic Penal Code:** Criminalizes any unauthorized occupation, trespass, construction, or alteration on state-owned, national, or public lands. **Punishment:** One month to one year of imprisonment and restitution of the property.
- **Law on Preservation of Agricultural and Orchard Land Use (1995, amended in 2006):** Unauthorized changes in land use without approval from the Article 1 Commission are considered violations and criminal acts. **Penalties:** Demolition of unauthorized structures, fines, and restoration to original status.
- **Civil Service Management Law (articles on employee misconduct):** A key cause of land grabbing is the abuse and violations committed by employees and managers in agencies responsible for roads and urban development.

Given that these entities are responsible for issuing permits, monitoring land use, registering public properties, and preventing illegal construction, their misconduct can directly or indirectly enable land grabbing (Tabatabai Hisari, 2014).

7. The Role of Legislation in Preventing Economic Crimes and Land Grabbing

Economic crimes and land grabbing represent major threats to economic stability, social security, and distributive justice in any country. These crimes not only endanger public assets but also fuel public distrust in government and the legal system. In this context, effective and strategic legislation serves as the front line of defense against such offenses. Enacting clear, comprehensive, and enforceable laws backed by robust judicial and oversight mechanisms plays a crucial role in prevention, detection, enforcement, and deterrence.

One of the main issues in combating economic crimes and land grabbing is the ambiguity surrounding legal definitions and classifications. For example, the distinctions between unlawful possession, land grabbing, illegal allocation, and unauthorized land use changes are often unclear. Effective legislation must:

- Precisely and comprehensively define the concepts and instances of economic crimes and land grabbing;
- Identify and codify modern techniques of committing these crimes (e.g., fraud via technology or digital document forgery);
- Address legal loopholes that offenders exploit (Mohammadi, 2020b).

Laws must establish punishments that are effective, fair, and deterrent. Currently, one major problem is that the penalties are disproportionately light compared to the immense profits derived from these crimes. Deterrent measures may include:

- Heavy financial fines proportional to the illicit gains;
- Full confiscation of illegal assets;
- Permanent or temporary bans from economic or public sector activities;
- Complementary sanctions, such as the mandatory restitution of seized lands or demolition of unauthorized buildings.

One essential tool in preventing economic crimes and land grabbing is the establishment of transparent and traceable data systems (Tabatabai Hisari, 2014).

Legislators must mandate the following:

- Development and implementation of a national cadastre system for precise land ownership registration;
- Mandatory registration of land transactions, transfers, and usage changes in national databases;
- Use of modern technologies such as satellite imagery, GIS, and blockchain for monitoring land changes;
- Enactment of laws that facilitate effective communication and data sharing among regulatory, judicial, and executive institutions.

Public oversight, media, journalists, and even ordinary citizens play a key role in detecting and exposing economic crimes. However, without legal protection, these actors may face threats, prosecution, or harm. Thus, lawmakers must:

- Ensure secure, anonymous, and effective whistleblowing channels through anti-corruption legislation;
- Guarantee freedom and legal immunity for investigative journalists exposing corruption;
- Legitimize the participation of NGOs in identifying and reporting violations.

Land grabbing is often the result of weak governance, rent-seeking, and lack of transparency in public resource management.

Legislative policy should:

- Align with overarching environmental, social justice, and spatial planning objectives;
- Regulate land allocation, usage changes, and resource distribution with transparency, fairness, and competitiveness;
- Remove discretionary and rent-based decision-making in land allocation by entrusting authority to accountable and specialized institutions.

8. Regulations Governing Land Grabbing

Land grabbing is one of the most significant crimes related to the illegal occupation of state-owned lands, natural resources, and public properties in Iran (Mohammadi, 2020a).

Numerous laws and regulations have been enacted to combat this phenomenon. The following are the most important legal frameworks and supervisory bodies addressing land grabbing:

1. **Islamic Penal Code (enacted 2013):** Under this code, land grabbing is categorized as *unlawful possession*, *disturbance of rights*, and *obstruction of rights*.
 - **Article 690:** This is one of the primary criminal tools for confronting land grabbing: “Anyone who, without authorization, occupies, constructs on, encroaches upon, or prevents the use of national lands, natural resources, state-owned or private properties, shall be sentenced to one month to one year of imprisonment.”
2. **Law on the Preservation of Agricultural and Orchard Land Use (enacted 1995, amended 2006):** Any land use change without permission from the relevant commission is prohibited. Land grabbers often change land use through unauthorized construction, which under this law constitutes a crime.
 - **Penalties:** Demolition of structures, fines, and restoration to the original condition.
3. **Law on Prevention of Unlawful Possession (enacted 1973):** This law allows landowners to petition civil courts for the removal of unlawful occupants. Absolute ownership need not be proven; it suffices to show prior possession and the unlawful nature of the encroachment.
4. **Law on Registration of Deeds and Properties:** Certain provisions emphasize formal land ownership registration. The absence of official ownership documents facilitates land grabbing (Mousavi-Zad, 2019).
5. **Law Amending the Anti-Corruption Act (regulating organized land grabbing):** When land grabbing is carried out in an organized manner, involving collusion between individuals and state officials, it may be classified as economic corruption.
6. **Natural Resources and National Land Regulations:** Lands classified as national resources, rangelands, and forests fall under the supervision of the Natural Resources Organization. The Forests, Rangelands, and Watershed Management Organization is responsible for combating land grabbing in these territories.

9. Strategies for Preventing Land Grabbing in Roads and Urban Development

Land grabbing, as one of the most critical offenses against national and public resources, inflicts severe economic, social, and environmental damage. In the field of roads and urban development—where management and protection of public lands are particularly vital—prevention requires comprehensive, multidimensional strategies and effective oversight mechanisms. Many land grabbing challenges stem from legal gaps, ambiguous laws, or overly complex permit procedures. The first essential step is to reform relevant laws and regulations (Mostafapour, 2016).

- **Legal and Regulatory Reforms:**
 - Drafting and revising laws related to land and land use: Laws should be clear, precise, and aligned with current developments to prevent abuse of legal loopholes.
 - Stricter procedures for land use change approvals: Apply more rigorous standards in Article 5 and Article 1 Commissions to prevent unauthorized permits.
 - Mandatory formal registration of land ownership: Require the registration of all land transactions in official systems to prevent forgery and illegal sales of public land.
- **Development of Electronic Systems and Modern Technologies:**
 - Establishment of a national cadastral system for precise land ownership mapping: Digitally register land and ownership data in an immutable format to minimize forgery.
 - Use of GIS systems and satellite monitoring: Enable real-time detection of unauthorized land use changes and construction (Mehrasa, 2020).
 - Integrated permit and verification platforms: Allow all relevant agencies to conduct real-time, digital permit reviews to prevent contradictory approvals.
- **Strengthening Oversight and Effective Inspection:**
 - Routine and unannounced inspections of lands managed by road and urban development authorities to detect early violations.
 - Formation of special anti-land grabbing task forces in provincial offices to oversee national and public lands.

- Public participation in reporting violations through hotlines and digital platforms for confidential and rapid whistleblowing.
- **Education and Promotion of Legal and Administrative Culture:**
 - Conduct training for road and urban development staff on laws, professional ethics, and the consequences of land grabbing to prevent internal violations (Yazdani, 2020).
 - Public awareness campaigns on property rights and land grabbing consequences to encourage citizen oversight and reporting.
 - Incentivize integrity and anti-corruption whistleblowing among public employees.
- **Enhancing Transparency and Accountability:**
 - Regular publication of oversight reports and agency performance to inform the public about land status and identified violations (Bakhtar, 2013).
 - Creation of transparent databases for land allocations and construction permits to enable public access to land transaction data.
 - Application of blockchain technology for document security and protection against unauthorized alterations.
- **Interagency Coordination and Collaboration:**
 - Formation of joint committees between the Ministry of Roads and Urban Development, Natural Resources Organization, Deeds Registry, Law Enforcement, and Judiciary to facilitate data exchange and unified action against land grabbing (Zar'aat, 2018).
 - Development of cooperation protocols from reporting violations to final sentencing and enforcement.
 - Strong judicial support for land grabbing cases, including deployment of specialized judges and fast-tracked litigation.
- **Implementation of Strong and Deterrent Sanctions:**
 - Increased criminal and administrative penalties for corrupt public employees and primary land grabbers.
 - Swift enforcement of judicial orders, including demolition of illegal structures, eviction from seized land, and confiscation of illicitly acquired assets (Mohammadi, 2020b).
 - Recovery of state losses through fines and restitution.

Thus, preventing land grabbing in the road and urban development sector requires a multi-pronged strategy combining legal reforms, technology, oversight, and cultural change. Enhancing digital infrastructure, continuous monitoring, training and education, transparency, and interagency collaboration—alongside strong deterrent penalties—can significantly reduce this destructive crime and ensure protection of national resources (Mohammadi, 2020b).

10. The Relationship Between Criminal Policy and Land Grabbing

Criminal policy refers to the overall strategies, programs, and legal frameworks that governments develop to combat crime. It not only addresses punishment but also includes crime prevention, offender rehabilitation, social reintegration, and the maintenance of public order. It defines how society responds to crime, aiming to deter criminal behavior through threats of punishment, protect victims' rights, uphold due process for the accused, and promote public peace and order.

In the case of land grabbing, criminal policy determines which behaviors are criminalized, what punishments apply, and how to prevent such offenses. Drawing from criminological data, criminal policy prescribes proportionate penalties based on the severity and nature of the offense. For instance, heavy financial fines target the economic motives of land grabbers, while long prison terms serve as psychological deterrents. Penalizing corrupt public officials and administrative abusers reduces systemic corruption. Criminal policy also includes accessory punishments such as asset confiscation, public sector employment bans, and compensation for damage (Rahmanian, 2022).

Land grabbing, as a form of economic crime and corruption, has wide-ranging consequences:

- **Economic dimension:** Unauthorized occupation and sale of national or state lands result in major losses to the state and public. It discourages lawful investments, distorts the land market, and facilitates administrative and economic corruption through bribery and collusion.

- **Social dimension:** Inequitable land distribution fosters public dissatisfaction and erodes trust in governance. It exacerbates poverty and informal settlements due to unequal access to land and housing, increasing social insecurity and local conflicts over land ownership.
- **Environmental dimension:** Destruction of natural resources and unauthorized land use changes degrade the environment and reduce quality of life. Illegal activities contribute to increased natural disasters such as flooding and soil erosion.

Crime prevention in criminal policy is categorized into two levels: primary prevention (social, cultural, and legal education) and secondary prevention (monitoring and controlling potential offenders). Criminal policy enhances public education, legal literacy, and transparency to inform citizens of property rights and reduce crime incentives. Modern technologies (e.g., digital cadastre, GIS systems, satellite imagery) support policy by enabling rapid detection of unauthorized changes. Effective permit supervision and public complaint systems prevent numerous cases of land grabbing.

Criminal policy emphasizes reform of legal procedures to ensure fast, transparent, and fair adjudication (Raoufi-Rad, 2018). This includes establishing specialized land grabbing courts, appointing expert prosecutors, expanding judicial and law enforcement capacity, reducing bureaucracy, and using electronic systems for filing complaints, submitting documents, and tracking cases. Legal protection for whistleblowers and public cooperation with the judiciary are also essential.

Poverty and economic inequality are key drivers of land grabbing; criminal policy must address these root causes alongside punitive measures (Rafi-ul-Rahman, 2005). Administrative dysfunction and corruption provide fertile ground for land grabbing; therefore, criminal policy must be implemented in tandem with structural reforms in government institutions. Enhancing public awareness of property rights and the consequences of land grabbing—via media, schools, and civil society—can aid prevention. Criminal policy should be integrated with broader developmental and economic strategies to ensure legal land access and reduce criminal incentives.

Combating land grabbing cannot be achieved through criminal policy alone. It must be coordinated with urban development planning, land management reforms, economic restructuring, and anti-corruption policies. Such alignment avoids duplication of effort and institutional conflict, allowing for more efficient and targeted use of resources. For example, social housing policies can alleviate pressure on informal land markets, thereby curbing land grabbing incentives. Alignment with environmental policies ensures that protecting natural resources is prioritized within criminal justice efforts (Qasemi, 2009).

11. Preventive Measures Regarding Land Grabbing

With the identification of various methods of land grabbing and the current criminal policy labels used in Iran's legal system to confront this phenomenon, legislative deficiencies and weaknesses have become apparent. Therefore, the following proposals are made to address these gaps and prevent land grabbing.

11.1. *Reforming the Criminalization Approach*

Given the diversity of land grabbing methods, only certain practices—such as unlawful possession and unauthorized land use change—are directly accompanied by criminal sanctions. Many other methods, such as exploitation of insider information, unlawful allocations, abuse of legal transfers, and collusion with state officials managing public lands, lack criminal definitions and penalties. As a result, land grabbers exploit these legal gaps with impunity, and judicial authorities are often powerless to act in the absence of explicit criminal provisions. The legislature must therefore revise the criminal framework and provide appropriate criminal sanctions to enable reactive criminal prevention of land grabbing (Bakhtar, 2013).

11.2. *Reforming the Executive System*

One of the major shortcomings in the executive system's response to land grabbing is the protracted adjudication of related cases. Although several circulars have been issued by successive heads of the judiciary calling for expedited and prioritized handling of such cases, in practice this has not been realized. Another weakness is the limited establishment of special judicial branches for land grabbing cases; while such branches exist in Tehran and a few provincial centers, their number is insufficient. These specialized branches should be created in all provinces and major cities. Further, lack of coordination among various

agencies responsible for national and state lands—due to overlapping jurisdictions—has hindered unified enforcement efforts. Therefore, improved inter-agency coordination is essential (Mashhadi & Firoozi, 2008).

11.3. Proactive Preventive Measures

Beyond reactive (criminal) prevention, proactive measures are also necessary to combat land grabbing. The most important of these is the full implementation of the cadastre plan and the integrated registration system. The law mandating the cadastre plan has recently been enacted and communicated, and the State Registration Organization, along with the government, must take its implementation seriously. Other measures include reforming land protection practices, where relevant authorities demarcate national lands and enhance monitoring to prevent unlawful occupations and illegal constructions. Additionally, the prohibition of final (permanent) transfers of national and public lands to individuals and legal entities should be reinforced. Fortunately, such prohibition has been addressed in the Law on Enhancing Agricultural Productivity and reaffirmed in the draft Comprehensive Law on Natural Resources currently under legislative review (Shahri, 2014).

12. Strategic Measures in Iran's Legislative Criminal Policy for Preventing Land Grabbing

- **Updating and Revising Relevant Legislation:** Many land-related laws in Iran are outdated and incomplete. They must be updated to include more precise definitions of offenses, clearer legal examples, deterrent penalties, and streamlined legal procedures. This includes adding definitions for ownership document forgery, unauthorized land use change, and occupation of state and national lands (Rezapanah, 2013). Criminal and collateral sanctions—such as asset confiscation and economic activity bans—must be increased for primary offenders.
- **Clarifying and Reforming Administrative and Registration Processes:** Expanding the national digital cadastre and online land registration systems can prevent forgery and illegal occupation. Public access to land ownership data should be facilitated to promote civic and media oversight. Reducing excessive bureaucracy and strengthening permit oversight are also necessary.
- **Strengthening Legal Sanctions and Deterrence:** New laws should impose long-term imprisonment, heavy financial penalties, and collateral sanctions on land grabbers. Special penalties should be enacted for public employees and officials involved in land grabbing, including dismissal from public service and criminal liability. Confiscation of assets obtained through land grabbing must be legalized (Dadban, 2004).
- **Establishing Specialized Institutions and Facilitating Legal Processes:** Create specialized courts for expeditious and expert review of land grabbing cases. Judges, prosecutors, and legal experts should be trained in land-related crimes. Whistleblower protection laws should be enacted to increase citizen participation.
- **Enhancing Non-Judicial Preventive Mechanisms:** Launch public education programs in schools, universities, and media on property rights and the consequences of land grabbing. Develop accessible reporting platforms for citizens and media to report land-related violations. Utilize satellite technologies, GIS systems, and early warning tools to monitor unauthorized land changes.
- **Improving Inter-Agency Coordination:** Establish joint committees comprising the Ministry of Roads and Urban Development, the Judiciary, the Environmental Protection Agency, Law Enforcement, and the Registration Organization (Bakhtar, 2013). Ensure timely and transparent data exchange for identifying and confronting land grabbers. Periodically evaluate the effectiveness of implemented laws and policies and revise them accordingly.
- **Restoring Public Rights and Compensating Damages:** Enact laws requiring land grabbers to return lands and pay environmental and social damages. Guarantee the legal rights of legitimate landowners and provide judicial protection against illegal possession. Establish a public compensation fund sourced from fines and confiscated assets.
- **Supporting Sustainable Development and Social Justice in Land Policy:** Pass protective laws for low-income groups to prevent exploitation of legal gaps by land grabbers (Bashiri, 2013, 2014). Ensure land use complies with urban development plans and prevent illegal modifications. Enforce legal and regulatory measures to combat corruption in land management institutions.

13. Conclusion

Land grabbers employ diverse and complex methods to achieve their objectives. In the criminal legal framework governing land grabbing, in addition to the lack of a precise legal definition and demarcation of this phenomenon, a fundamental deficiency in criminalization contributes to its emergence. Furthermore, lawmakers have, at times, unintentionally facilitated land grabbing by enacting laws contrary to constitutional principles and other specific legal norms. For instance, budget laws from 1994 to 1996, along with the Law on the Collection of Certain Government Revenues, authorized the final transfer of national and state-owned lands to individuals—contradicting Article 45 of the Constitution, which recognizes such lands as public property. These laws even allowed for up to 50% discounts on these transfers. Consequently, land grabbers exploit these legal channels by submitting fraudulent development proposals and, through collusion with complicit officials, acquire land without executing the proposed projects—ultimately selling the lands at inflated prices after changing their use.

In common land grabbing methods—such as direct occupation of state lands or unauthorized land use change—judges may issue indictments under existing criminal categories. However, even these recognized offenses often carry light penalties lacking sufficient deterrent effect. Worse still, in many other prevalent land grabbing techniques, offenders' actions do not fall under any direct criminal classification, revealing a legislative gap. While some behaviors may indirectly align with crimes such as forgery, bribery, or fraudulent property sales, the core act of land grabbing itself often lacks a distinct legal label. Therefore, unless the offender is also guilty of these ancillary crimes—or if another party committed them—the main actor behind the plundering of public assets may face no criminal charge.

This situation is highly dangerous. It enables offenders to exploit legal loopholes, facilitating the proliferation of this harmful phenomenon. Iran's legislative criminal policy in the domain of land grabbing prevention, especially in the area of road and urban development, suffers from significant gaps that undermine its overall effectiveness.

From a legal standpoint, the most pressing issues are the lack of precise definitions for land grabbing offenses and the absence of unified judicial interpretation and application of related laws. These ambiguities, along with weak enforcement and inadequate penalties, reduce the deterrent effect of the law and encourage further violations. Moreover, inefficiencies in the judicial process—including prolonged proceedings, insufficient judicial expertise in land law, and issues of corruption and collusion—pose serious challenges to criminal justice.

Additionally, the absence of a transparent and integrated system for land ownership registration and the insufficient coordination among responsible agencies have created structural and legal gaps that embolden land grabbers.

Considering the critical importance of maintaining land ownership order and ensuring legal security in support of sustainable development and urban regulation, the reinforcement of legislative criminal policy demands a fundamental revision of existing laws to clarify offense definitions, impose deterrent penalties, and ensure effective enforcement. This also requires specialized judicial training, advanced land registration and monitoring systems, and enhanced inter-agency cooperation.

Ultimately, an effective legislative criminal policy must adopt an integrated and comprehensive approach that balances the protection of private and public property rights. It should enhance the efficacy of criminal regulation while creating robust mechanisms for prevention, detection, and prosecution of land grabbing crimes. Achieving this legal goal depends on the committed involvement of the legislative, executive, and judicial branches, as well as continuous public support.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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